



THE ASSOCIATION OF ELECTORAL ADMINISTRATORS

Formal response to the Local Government Association – Election results data specification consultation

1. INTRODUCTION

1.1. The Association of Electoral Administrators (AEA) was founded in 1987 and is the professional body representing the interests of electoral administrators in the United Kingdom. It is a non-governmental and non-partisan body and has some 1,888 members, the majority of whom are employed by local authorities to provide electoral registration and election services.

1.2. This paper sets out the AEA's views in relation to the questions raised in the consultation document dated 15 March 2016.

1.3. The AEA's primary concern is about the effect of any proposed changes to the law which would impact on electoral registration and the administration of elections and which might arise as a result of the issues identified in the consultation paper. Any such changes would need to be carefully considered in terms of the practical implications and the way in which the changes would be introduced and administered.

2. COMMENTARY

Before providing answers to the specific questions raised in the paper, there are inaccuracies in the first paragraph of the consultation document. The statement "Local authority returning officers currently have a statutory duty to publish local and national elections on local authority web sites" is not the case. Similarly, although the Electoral Commission may advise, it is not guidance they are issuing but clarification of the legal position.

As an example, rule 50 of the Local Elections (Principal Areas) Rules 2006 states:

"50.—(1) In a contested election, when the result of the poll has been ascertained, the returning officer must forthwith—

(a) declare to be elected the candidate or candidates to whom more votes have been given than to the other candidates, up to the number of councillors to be elected;

(b) give notice of the name of each candidate to whom sub-paragraph (a) applies to the proper officer of the council for which the election is held; and

(c) give public notice of the name of each candidate elected and of the total number of votes given for each candidate (whether elected or not) together with the number of rejected ballot papers under each head shown in the statement of rejected ballot papers.

(2) In an uncontested election, the returning officer must as soon as practicable after the latest time for the delivery of notices of withdrawals of candidature—

(a) declare to be elected the person or persons remaining validly nominated;

(b) give notice of the name of each person to whom sub-paragraph (a) applies to the proper officer of the council for which the election is held; and

(c) give public notice of the name of each such person.”

The Electoral Commission’s performance standards require that “the results are communicated to voters in a clear and timely way”, but there is no statutory requirement to publish the results on web sites.

It is fair to say that every local authority probably does publish the results provided by the Returning Officer on their web sites and the Association fully supports this initiative, but for accuracy, we recommend that the first paragraph is amended to something like the following:

“Although there is no statutory requirement to do so, local authorities generally publish local and national election results on their web sites once those results have been provided to them by the relevant returning officer. There is no guidance or common practice to publish such data in any particular style, format or web location other than the statutory requirement placed on the returning officer to give public notice of the name(s) of the elected candidate(s) (and the fact that they were duly elected), the total number of votes given to each candidate in a contested election and details of the rejected ballot papers as shown in the statement of rejected ballot papers.”

3. ANSWERS TO SPECIFIC QUESTIONS

A. Is the process of publishing data to a common process and data specification reasonable? If not, why please?

Yes, the proposal is reasonable and supported by the Association of Electoral Administrators. It will enable easier access to election results in a standard data format across the country for the public and other interested parties and stakeholders. The proposal will also make election results more open and transparent. Although it is noted that the initial trials are intended to be constrained to local authorities in England, the AEA recommends that consideration be given to all types of elections throughout the United Kingdom.

B. Does the data specification meet the requirements for publishing election results?

Yes, the data specification does meet the requirements for publishing election results. However, consideration needs to be given to the following areas which are currently included in the notice of election result:

- **Candidate name** - page 11 gives the format example SURNAME Given Names, e.g. HARMAN Lionel Roger. Provision needs to be included for commonly used names. The Electoral Commission Guidance Part E for local elections states: *It is a requirement to provide public notice of the name of the candidate(s) elected, the total number of votes given to each candidate and the number of rejected ballot papers under each heading. When a candidate has used their commonly used name to stand in an election, you should use both their full name and their commonly used name when declaring the result.*
- **Political party code and label** - page 12 outlines details of the official name for each registered political party. However, candidates can choose which registered political party description they wish to use as part of their nomination. However, this must be authorised by the political party nominating officer. At present, notice of election results show the candidates' chosen registered description (if any) and not necessarily the registered political party name, or independent or to leave the description blank. Whilst there is a benefit for the use of data nationally to use the registered political party code, there should also be an additional data field that captures the relevant registered description or independent for each candidate and not just the registered political party name.
- **Elected** - page 12 lists the logical values as follows for consideration during the consultation:
 - Yes or TRUE
 - No or FALSE
 - Elected or Not Elected

Notice of election results currently have the word "Elected" against the candidate that has been elected. As a result to allow for consistency of approach "Elected or Not Elected" should be the only option permitted.

- **Total votes cast and size of the electorate** - page 12 refers to the consultation needing to determine if we are also able and required to publish percentage turnout. Returning Officers often include the percentage turnout on a notice of election result although there is no statutory requirement to do so. Whilst data will be gathered for the total

number of votes cast for all candidates and the total size of the electorate, it would be beneficial if the percentage turnout could also be included so that all the data is in one place. Footnote 14 in the consultation paper details various methods in which the percentage turnout can be calculated. Generally, a Returning Officer will calculate the percentage turnout using the following figures: total votes verified at the count against total eligible electorate at the election.

- **Rejected votes** - page 13 details four reasons for the rejection of votes. At a multi vacancy election (for example, a local authority multi vacancy ward election) there is also the additional reason "rejected in part".

C. Where do you suggest that changes should be made?

Please see the answers to questions B above and D below.

D. Do you foresee any barriers for publishing the election results in the format suggested?

The potential barriers identified after reviewing the consultation paper are as follows:

- **Software functionality** being able to export the election results in a standard national data format, and the costs associated in developing the electoral management software to meet this requirement. Data codes will also have to be maintained as new political parties are registered, party descriptions, area names/codes and boundaries change. It is important that all Electoral Management Software suppliers are consulted at an early stage.
- **Funding** will be required to develop the electoral management software.
- **Organisation code and organisation label** page 10 and 11 details national codes for the local authority, individual wards and parliamentary constituencies. Are there national codes available for the following areas which will be needed in the future following the pilots:

Parish/Town Councils – some areas of parish/town councils are warded

Greater London Authority Assembly constituencies

Police and Crime Commissioner Elections – police areas?

If the proposal was to be extended UK wide, are there national codes available for the National Assembly for Wales as these constituencies are different to UK Parliamentary constituencies?

- **Election type and name** - page 11 lists various election types. Consideration also needs to be given to include the following election types following the pilots:

Police and Crime Commissioner
Greater London Authority: Mayoral, Assembly and Constituency

Consideration would also need to be given to the following election types if the proposal were to be extended UK wide:

Welsh Assembly
Scottish Parliament
Northern Ireland Assembly
Community Council Elections in Wales

E. Do you have any suggestions for improving the process?

If the above comments can be taken on board, it would mean that Returning Officers are not having to duplicate effort as all the data they would normally include in their notice of election result would be captured and exported automatically.

F. Is the guidance clear and understandable?

Yes.

G. How can the guidance be improved?

It would be extremely useful to electoral administrators if, once the project is live, the guidance could be included in the Electoral Commission guidance produced for each election e.g. Part E - Verifying and counting the votes, and Part F - After the declaration of result.

It is also essential that the four Electoral Management System suppliers are fully consulted at an early stage to ensure that the format of outputs is achievable.

H. Do you have any advice on the best way to ensure involvement and take-up?

Once the project is live, it is imperative that the data is captured in the same way for all future elections and not just specific elections. This will enable a consistent approach and ensure take up.

In addition, it will be necessary to:

- Work closely with Electoral Management Software suppliers to ensure that the data can be extracted in the data specification format required and maintained.
- Ensure there is no duplication of effort required by Returning Officers.
- Work closely with the Association of Electoral Administrators to inform members and the Electoral Commission in relation to their guidance as outlined in question G.

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