



Pushed to the absolute limit

**2016 – the electoral year
never to forget**

Executive Summary of the
report published on
19 September 2016

Background

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 1,933 members, the majority of whom are employed by local authorities to provide electoral registration and election services.

Two of the key aims of the Association are to:

- Contribute positively to electoral reform within the United Kingdom; and
- Foster the advancement of consistent and efficient administration of electoral registration and the conduct of elections in the UK.

This is partly achieved by the publication of reports following key electoral events, presenting issues from the perspective of those who directly deliver electoral services across the United Kingdom. Reports were published in 2007, 2010, 2011, 2012 and 2015.

At the time of substantively drafting this report, the Government had not responded to our 2015 report¹. This has resulted in 48 recommendations (41 of which were directed specifically to the Government) being included as carry forwards from our previous reports in addition to 43 new ones.

Without prior warning, the Government issued its response to the reports made by the AEA, the Electoral Commission and the RNIB on 5 September 2016², at the point this and other reports relating to the 2016 polls were being finalised and published.

The delay in not only responding to the 2015 report but also in the eventual timing of the publication of the response so that it coincided with the release of the 2016 reports is extremely regrettable. We have taken the conscious decision not to completely re-write our report but to add updates throughout in order that it accurately reflects what occurred in May and June but also recognises the responses now made by the Government.

¹ <http://www.aea-elections.co.uk/wp-content/uploads/2015/07/aea-report-elections-and-ier-challenge-of-2015.pdf>

² <https://www.gov.uk/government/publications/general-election-2015-reports-government-response>

The challenges of 2016

Electoral administrators faced unprecedented challenges in 2016 with nationwide polls in May followed by the European Union (EU) referendum in June, both coming on the back of the transition to Individual Electoral Registration (IER), itself a monumental event.

Our report [***Pushed to the absolute limit: 2016 – the electoral year never to forget***](#) provides an account of the many challenges encountered in delivering the polls and offers recommendations for improvements to the framework for electoral administration in the UK.

There are in total 91 recommendations, 43 of which have been made for the first time this year and 48 of which have been carried forward from previous reports.

Summary

The report³, which draws on responses received from a wide range of members, including Returning Officers, Electoral Registration Officers and electoral administrators, sets out to provide an account of the experiences of practitioners in delivering IER, the May polls and the EU referendum along with recommendations and improvements to the framework for electoral administration in the UK.

It is presented in 14 chapters ranging from pre-poll planning through electoral registration matters, managing the polls, engagement with key stakeholders, count and post-poll procedures and ending with the full list of 91 recommendations.

Recommendations

To assist those with an interest in the delivery of successful electoral services in the UK, we have listed below those 91 recommendations grouped by the relevant responsible bodies, with the vast majority being addressed to the UK Government for consideration and action.

³ <http://www.aea-elections.co.uk/wp-content/uploads/2016/09/aea-rep-2016-pushed-to-the-absolute-limit-the-electoral-year-never-to-forget-with-links.pdf>

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In addition to the new recommendations made this year, we have included the recommendations carried forward from our previous reports as originally drafted even though the Government only issued its response to our 2015 report on 5 September 2016, some 13 months after publication.

We will continue to work with the Government and other key stakeholders on the recommendations that are supported so that they are progressed as quickly as possible. We will also seek to persuade the Government that the recommendations it currently does not support are worthy of greater consideration and should be progressed.

We deliberated over identifying which of the recommendations might be considered quick wins or of greater importance but concluded that each and every one of them should be considered independently by the respective bodies.

The context behind each recommendation can be found in the actual report, with the relevant recommendation numbers shown at the end of each item below.

UK Government (72 recommendations)

- That the Cabinet Office bring forward amendments to the relevant legislation to recognise the role of Borough Returning Officer at elections of the London Mayor and Assembly. (1-1)
- The UK Government should implement the Law Commissions' recommendations to bring forward a single Electoral Administration Act in accessible language setting out the high-level framework governing electoral registration, elections and referendums in the UK, with the operational detail of registration, absent voting, and elections contained in secondary legislation, all with the key aim of achieving the simplification and consistency of rules across all electoral administration matters. (2-1)
- Except in cases of unforeseen emergencies and proportionate to the need, changes to election law should not be applicable to any elections within a six-month period from the date the legislation comes into effect. (2-2)
- Other than in exceptional circumstances, Cabinet Office should ensure that expenses claims submitted to them are audited and settled within the same financial year in which the relevant poll was administered. (2-3)

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- As with other election law, if Fees and Charges Orders remain the mechanism for funding specific elections and referendums, the appropriate Orders should be in place at least six months prior to the date of such elections and referendums. (2-5)
- If Fees and Charges Orders remain the mechanism for funding specific elections and referendums, they should cover the additional costs of providing international return postage of postal votes for all future elections and referendums. (2-6)
- Fees and Charges should cover the additional costs of administering the electoral registration process in the run up to an election, including absent voting applications and related matters. (2-7)
- The UK Government should undertake a thorough and UK-wide review of funding, staffing structures (including career progression) and other resources required to deliver core professional electoral services, with the aims of delivering a coherent and efficient structure across the UK, cost effectiveness over time and ensuring that funding for new responsibilities reaches electoral services. (2-8)
- Any polls coinciding in the same area on the same day must be combined, but with an upper limit on the number of polls being allowed to take place on any one day. (2-9)
- Subject to recommendations of the Law Commission as to the maximum number of polls that can be combined, a review should be carried out as to whether the polls at parish/town/community council elections should be combined with polls at a UK Parliamentary general election and local elections held on the same day. (2-10)
- The UK Government should design and implement a clearer and local system of accountability and challenge through the introduction in election law of a formal complaints system as outlined in the Law Commissions' provisional proposal 13-17. (2-11)
- The UK Government should review current legislation and provide further clarification in legislation in relation to second homes, as outlined in the Law Commissions' Interim Report⁴ (Rec 4-4). (3-5)
- The UK Government should amend the legislation to require that applicants for postal votes who request a waiver must have their application attested in line with current arrangements for proxy applications, but with the attestation extended to a health professional, including a carer. (3-6)

⁴ <http://www.lawcom.gov.uk/wp-content/uploads/2016/02/electoral-law-interim-report.pdf>

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- The UK Government should look to formalise the roles and responsibilities in legislation in relation to tellers and the postal vote code of conduct, so as to be more effective in ensuring integrity. (3-7)
- That the UK Government should provide additional funding to EROs and ROs identified as at risk for fraud reduction and prevention initiatives as was the case in 2015. (3-8)
- The deadline for applications to register to vote at an election should be changed from midnight to 5pm to allow for consistency with the postal vote deadline. (4-1)
- A review of all election/poll timetables should be carried out with a view to extending some aspects, as well as standardising a legislative timetable which should apply to all UK elections, containing the key milestones in electoral administration, including the deadlines for registration and absent voting, and the reissue of lost postal votes. (4-2)
- The Cabinet Office should ensure that a Welsh language postal vote application form is sent out for electors registering via the Welsh online registration service. (4-3)
- The UK Government should urgently examine, with input from key stakeholders, the risks introduced by the combination of polls scheduled for Thursday 7 May 2020, and actively consider changing the dates of those polls so that they do not coincide with the UK Parliamentary general election in 2020 and in future years. (4-4)
- The UK Government should carry out a review of IER processes, with a view to implementing legislative changes to improve processes which should include:
 - A registration process with less bureaucracy and registering as a single transaction until there is a change in personal circumstances.
 - Change of address for a registered elector to be automatically dealt with through transactions between the relevant EROs.
 - Joined up Government and better use of data as people move address, for example, registering for council services, council tax, DVLA, UCAS and NHS records could enable registration in a single transaction.
 - The annual canvass should be replaced with, for example (and not limited to) one every five years ahead of each UK Parliamentary

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General Election along with EROs being authorised to run more often if they wish to or local circumstances dictate. (5-1)

- The UK Government should review the registration of students and care homes under IER, with a view to making legislative changes to allow EROs to directly register people at “institutions”. (5-2)
- The UK Government should continue to provide sufficient funding directly to EROs to administer IER so as to ensure an accurate and complete register is maintained. (5-3)
- The UK Government should provide specific additional funding directly to EROs to distribute HNLs on an annual basis outside of the justification led bidding process. (5-4)
- The UK Government should review the online service with a view to restricting the same person from registering more than once. In addition, consideration should be given to the possibility of a lookup facility to allow electors to check if they are registered before trying to register online. (5-6)
- The UK Government should review the wording of the acknowledgement notification following the completion of an online application to register so that the registration address is clearly stated at the top. (5-7)
- The UK Government should investigate a suitable solution so that occupants of new developments or electors wishing to register where their former postcode cannot be found during their online application are given the facility to register online satisfactorily. (5-8)
- The Cabinet Office should automatically provide additional verification downloads throughout election periods at least two months before publication of notice of election following consultation with users. (5-9)
- That the Cabinet Office, with input from the Electoral Commission and other key stakeholders, including the AEA, work with the electoral management system suppliers to develop and extract management information that provides an accurate reflection of the applications’ process. (5-10)
- The Cabinet Office should urgently develop and test effective contingency plans, which should be shared with the wider electoral community prior to any major poll. (5-11)
- The UK Government should consider a review of the registration deadline before elections to allow more time to carry out the additional processes such as the checking of documentary evidence. (5-13)

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- All applications to register made through the digital service should be required to supply an email address as part of their application. This data field should be mandatory and not discretionary as at present. (5-14)
- The UK Government should publish an assessment of the risks associated with any proposed changes to legislation before making any legislative changes in the future. (5-15)
- The Cabinet Office should review the processes and procedures for changing the wording on the www.gov.uk/register-to-vote to ensure the information displayed and any applications sent out automatically are accurate and up to date at all times, including when changes are made as a result of an emergency. (5-16)
- The Cabinet Office should review the wording on the registration website to ensure it clearly explains the issues relating to registration, and absent voting administration and options. (5-17)
- The UK Government should consider the registration and absent vote deadlines for overseas electors especially in view of the proposed introduction of legislation to remove the current limit of 15 years. Proper consideration needs to be given to the election timetable to allow a suitable practical solution to allow time for the significant volume of applications to be processed, so that “last minute” applicants are still able to cast their vote with absent votes being received and returned in time to be counted. (5-18)
- The Cabinet Office should fully review the legislation around elections during the canvass period in order to provide full clarity as to process. (5-19)
- The UK Government should change electoral law so as to prohibit the involvement by campaigners in any of the following:
 - assisting in the completion of postal or proxy voting applications;
 - handling completed postal or proxy voting applications;
 - handling another person’s ballot paper;
 - observing a voter marking a postal ballot paper;
 - asking or encouraging a voter to give them any completed ballot paper, postal voting statement or ballot paper envelope;

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- if asked by a voter to take a completed postal voting pack on their behalf, failing to post it or take it directly to the office of the Returning Officer or to a polling station immediately; and
- handling completed postal voting packs at all. (6-1)
- The UK Government should set out in secondary legislation that absent voting applications should substantially adhere to prescribed forms. (6-2)
- The UK Government should review the format in which the register of electors and absent voters' lists are supplied to political parties, candidates and agents and consider providing all of the relevant information in one output at designated times. (6-3)
- The UK Government should provide clarity within the legislation as to the process to be followed where an elector, having been issued with a postal ballot paper, is deleted from the register of electors on a notice of alteration issued during an election period. (6-5)
- The UK Government should consider ways in which overseas electors are encouraged, or indeed required, to make suitable absent vote arrangements at the time they register to vote. (6-6)
- The UK Government should review and consider the circumstances and criteria for emergency proxy applications, including the deadline for receiving such applications. (6-8)
- The UK Government should review:
 - The requirements of a proxy application so that the declaration includes confirmation that the proxy to be appointed is registered as an elector; and
 - The need for the attestation of definite and indefinite period applications for proxy voting arrangements given that this is not a requirement as part of the application for a permanent postal vote. (6-9)
- The UK Government should review the legislative provision relating to the supply of electoral registers and absent voters' lists for candidates for all election types, specifically to address the disadvantages currently experienced by those standing independently and not representing a registered political party. (7-1)
- The UK Government should bring forward legislation to remove the requirement for subscribers on nominations. (7-3)

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- The UK Government should review the home address provision in relation to the nomination process for candidates acting as their own election agent. (7-4)
- The UK Government should consider extending the restrictions on publishing candidates' home addresses to all polls. (7-5)
- The UK Government should review the issue of deposits for all elections where they currently exist. (7-6)
- The Cabinet Office should introduce arrangements at future PCC elections that permit the uploading of candidate's details to the website by PAROs as soon as they are received rather than all on one day at the end of the nomination process. (7-7)
- The UK Government should review the use of commonly used names, so that a forename can be used as a commonly used name on a ballot paper. (7-8)
- The UK Government should review the deadline for applications to change party descriptions and emblems, so that it is set at a date which ensures the Electoral Commission website is updated well before the first nomination paper is received. (7-9)
- The UK Government should make provision for either a candidates' mailing or for the delivery of a booklet containing information about PCC elections and about the candidates to all households. (8-1)
- The UK Government should review the provision of the distribution of the Greater London Authority booklet so that it is distributed to all households rather than all eligible electors. (8-2)
- The UK Government should make legislative provision and funding available for poll cards to be sent to properties with no electors registered so as to encourage and facilitate registration prior to an election or referendum. (8-6)
- The design of the SV ballot paper for use at the PCC, London Mayoral and Mayoral elections be reviewed so that it provides a clear instruction to the voter casting their first and second preference votes. (9-1)
- The UK Government should:
 - review the prescribed voting materials and notices for elections;
 - re-consider the design of ballot papers to include numbers against the candidate;

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- re-consider the rationale for Corresponding Number Lists and seek more viable solutions, with input from electoral administrators;
- review the purpose, format and timing of the poll card along with other forms of communicating key dates to electors;
- allow sufficient time and opportunity for electoral administrators and printers to input their experience into the development of new voting materials and notices;
- bring forward changes to the legislation to allow for these improved forms to be available for use at all elections. (9-3)
- The selection of 'polling places' should be the responsibility of independent ROs, rather than of local authorities. (10-1)
- The UK Government should convene a group comprising experienced electoral administrators, and representatives for the Electoral Commission, disability groups, and both the Cabinet Office and Department for Education to identify measures to improve the availability of accessible venues, including the use of schools and addressing any safety issues pertaining to their use. (10-2)
- The Fees and Charges Order should cover the costs incurred in appointing reserve polling station staff and count staff and should take into account the costs of appointing polling station staff as required, even if it is above the EC ratio. (10-3)
- The UK Government should review the deadline for the appointment of counting agents. (11-2)
- The UK Government should consider legislative provision for the appointment of sub-agents for future referendums. (11-3)
- The UK Government should review the current absolute requirement to count the unused ballot papers as part of the verification process so that the requirement need only be carried out in certain prescribed circumstances. (11-4)
- The UK Government consider carefully the impact of combination of polls on verification and count processes as part of a wider review of combination, including the resulting pressures on core elections teams. (11-5)
- The UK Government should review the need to start the count of Parliamentary votes within four hours of the close of poll, in the

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interests of ensuring an efficient count with a reliable and accurate result, together with the health and safety of electoral staff. (11-6)

- The UK Government should consider allowing electronic forms of counting for the counts in respect of at least some of the polls where multiple polls are combined, for example at parish and town council elections. (11-7)
- The UK Government should review the requirement for the deposit to be returned no later than the next working day after the result of the election is declared with a view to setting a more realistic date. (12-1)
- The Cabinet Office and HMRC should address the issues and provide a response to the AEA report published in December 2015⁵ in relation to RTI with a view to identifying a way forward in respect of election payments. (12-4)
- The Cabinet Office should review the funding provision in relation to expenses and the payment of advances in order that local authorities are not required to effectively subsidise the Government pending final agreement of accounts. (12-5)
- The UK Government should provide an exemption to the auto-enrolment for pensions in relation to staff working on elections and referendums. (12-6)
- The Fees and Charges Order should cover all costs associated with the employment of staff including the administration of the pension requirements (if an exemption is not granted) and RTI payroll costs. (12-7)
- That the requirement on ROs to publish the availability for inspection of candidates' election expenses returns in local newspapers at all applicable polls be revoked and that ROs be placed under a new obligation to publicise their availability on the web. (12-9)
- The UK Government should introduce a system for the electronic delivery, receipt and return of the Writ. (12-10)

⁵ <http://www.aea-elections.co.uk/wp-content/uploads/2015/12/aea-review-elec-staff-recruitment-hmrc-rti-dec-2015.pdf>

The Electoral Commission (7 recommendations)

- The Electoral Commission should take steps to develop a full set of templates and resources as part of the guidance package at future PCC elections. (3-1)
- The Electoral Commission should reintroduce their registration campaigns during the canvass period to encourage earlier registration. (5-5)
- The Electoral Commission should review its processes and systems to ensure that all procedures and messaging provided to its call centre are accurate and timely. In addition, quality assurance checks should be introduced to ensure that the correct information and forms are supplied with timely despatch procedures in place. (6-4)
- As part of the party registration process, the Electoral Commission should maintain a list of official email addresses for the national registered parties and campaigners to which electoral registers and lists of absent voters may be securely sent, and ensure that the list is made available and readily accessible to electoral administrators at all times. (7-2)
- The Electoral Commission should provide greater clarity as to what resources will be made available to administrators prior to future polls. (9-2)
- The Electoral Commission should review its nomination pack to include contact details. (9-4)
- The Electoral Commission should review the date of data returns following an election and look to simplify form K. (12-3)

Joint recommendations for the UK Government and the Electoral Commission (7 recommendations)

- The Electoral Commission and the Cabinet Office should each develop a communications strategy that provides for various registration and election eventualities. The strategy should include provision for immediate communication to all ROs, EROs, administrators and other key stakeholders, including the AEA, advising them of the issue and confirmation that options are being considered, along with a suggested public statement to allow for consistency across the country and a clear indication of when to expect regular updates and from whom. (3-2)
- That the UK Government and/or the Electoral Commission be asked to investigate the possibility of establishing a national framework of electoral print suppliers in the interests of securing efficiency, resilience and operational certainty for future elections. (3-3)
- Both the Cabinet Office and Electoral Commission need to develop and test plans to effectively communicate in emergency situations with EROs and ROs. (5-12)
- The use of the international business response licence should be fully evaluated and, if it is deemed appropriate to be used in future polls, the service needs to be improved to provide a consistent approach globally, along with adequate funding being provided in the fees and charges order. (6-7)
- The UK Government and the Electoral Commission should work together to ensure more effective coordination in the provision of information about future referendums, along with consideration of a joint single booklet. (8-3)
- Consideration should be given to the wording of any national registration campaign prior to an election or referendum, to clarify that there is no need for an elector to take any further action if they have already received their polling card. (8-4)
- The UK Government and the Electoral Commission should consider developing an online facility for submission of candidates' election expenses returns, with provision for both candidate and agent to signify secure approval of the final return. Such a system should also provide a means for inspecting the returns, declarations and associated papers. (12-8)

Other recommendations (5 recommendations)

- The National Audit Office should give a minimum of two months' notice to a RO when requesting copies of full election accounts and receipts (with the whole of that period finishing earlier than the last day for publishing the notice of election for a pending election). (2-4)
- That the electoral software suppliers be encouraged to actively review with their clients their products, processes and services to ensure they meet their needs in the complex electoral environment of today and in the future. (3-4)
- The AEA, Cabinet Office and Electoral Commission and all other key stakeholders review their communication strategies and messaging procedures relating to social media to ensure it is regularly monitored and responded to appropriately, quickly, accurately and with clear messages to the public. (8-5)
- The Greater London Authority should review the method of counting for future polls, i.e. counting electronically versus a manual count as at other SV polls (PCC). (11-1)
- The Cabinet Office (or other body) should supply the details regarding the return of forfeited deposits to the Electoral Commission by no later than two months before polling day. The Electoral Commission should include these details in the Returning Officer guidance or, alternatively, the details should be included in a pre-election Electoral Commission bulletin. (12-2)

Conclusions

Both the May polls and the EU referendum were delivered successfully by electoral administrators against all odds.

It was however only through electoral administrators' extreme efforts, professionalism and determination to deliver successful polls coupled with the support of their employing authorities and the electoral management system and print suppliers that the risks introduced to the process did not have a catastrophic effect, particularly on the referendum.

The recommendations will require urgent joint action by those with a role in shaping electoral policy and practice in electoral administration.

Some are of a technical nature that can be addressed by simple changes in legislation. Others will require greater consideration by all of the key stakeholders.

We commend you to read the report⁶ in full, which provides the commentary and context as to why the AEA has made these recommendations, supported by evidence provided by our members.

We welcome the opportunity to actively work with Government, the Electoral Commission and other key stakeholders in moving this agenda forward. We trust that those within the wider electoral community will address the issues in a positive, timely and effective manner given that they have been identified by those directly delivering electoral services.

⁶ <http://www.aea-elections.co.uk/wp-content/uploads/2016/09/aea-rep-2016-pushed-to-the-absolute-limit-the-electoral-year-never-to-forget-with-links.pdf>