



Consultation response form

Assembly Commission - Creating a Parliament for Wales

Consultation response from the Association of Electoral Administrators (Wales)

If you have any questions, please email:

assemblycommission.consultations@assembly.wales

Consultation on Electoral Reform	
Date	6 April 2018
Name	Rhys George – Chair, AEA Wales Glynne Morgan – Vice Chair – AEA Wales
Organisation	Association of Electoral Administrators (AEA)
Address	Rhys George Neath Port Talbot County Borough Council, Civic Centre, Port Talbot, SA13 1PJ Glynne Morgan Cherry Grove, Pembrokeshire County Council, Haverfordwest Pembrokeshire, SA61 2NW.
Email address	Rhys George – r.j.george@npt.gov.uk Glynne Morgan – glynne.morgan@pembrokeshire.gov.uk
Telephone	Rhys George – Tel: 01639 763719 Glynne Morgan – Tel: 01437 775714

Consultation questions

Q1 – The Expert Panel has concluded that the Assembly needs to have between 80 and 90 Members to carry out its role effectively? Do you agree? Please give reasons for your answer.

It is a constitutional matter for the Welsh Government and the Assembly to determine the number of Members required for the Assembly to effectively carry out its business.

Q2 – Would changes to the number of Assembly Members result in i) costs, or ii) benefits, for you or your organisation? If so, what would the costs or benefits be?

The Association of Electoral Administrators (Wales) does not hold a view on this matter.

Q2 (i) – Costs for you or your organisation.

The Association of Electoral Administrators (Wales) does not hold a view on this matter.

Q2 (ii) – Benefits for you or your organisation?

The Association of Electoral Administrators (Wales) does not hold a view on this matter.

Q3 – The Expert Panel has outlined three possible electoral systems which could operate effectively in Wales to elect an Assembly of at least 80 Members. Which of these systems would be most appropriate for electing Assembly Members and why?

The Association of Electoral Administrators (Wales) maintains a neutral stance on this question.

However, in introducing any changes to the voting system the Government and Assembly should carefully consider the potential risk of voter confusion and also ensure that an effective public awareness campaign is undertaken ahead of any specific event.

Furthermore, we would also encourage the Assembly Commission to consider how Returning Officers and their staff will be able to effectively plan for and resource any electoral change.

We would also call on the Assembly Commission to work closely with the electoral community in Wales in implementing any new electoral system to ensure consistency via the Wales Electoral Co-ordination Board.

AEA (Wales) supports any measures that, after full and proper evaluation, enhance public confidence in democratic systems, are deliverable and do not add unnecessary bureaucracy, cost and risk into the process.

Q4 – Do you agree with the Expert Panel’s recommendation that a change to the electoral system should be used to encourage the election of an Assembly that more accurately reflects the diverse nature of society in Wales?

See response below.

Q5 – If you answered yes to Question 4, do you believe that this should be achieved through legislation such as formal gender quotas, or by less formal means such as voluntary measures put in place by political parties? Please give reasons for your answer.

The Association of Electoral Administrators (Wales) is supportive of any changes introduced to encourage an Assembly that more accurately reflects the diverse nature of society in Wales. However, it is a matter for Welsh Government and the Assembly Commission as to how they would wish to implement this.

Q6 – Should people be able to stand for election to the Assembly on the basis of job sharing?

See response below.

Q7 – What, if any, benefits or risks do you see resulting from allowing people to stand for election on the basis of job sharing arrangements?

The Association of Electoral Administrators (Wales) does not hold a view on this matter.

If legislation was amended to allow for candidates to stand for election under a job sharing arrangement careful consideration would need to be given to the form of nomination papers for job share candidates, as well as how their details would be displayed on the ballot paper alongside non job-share candidates. Consideration would also need to be given to establishing a mechanism for dealing with individuals who choose to stand down.

Q8 – If the Assembly adopted either the Single Transferable Vote or Flexible List Proportional Representation for the election of Assembly Members, how should Assembly Members be elected?

This is a constitutional matter for the Welsh Government and the Assembly to determine.

Q9 – Would changes to the Assembly’s electoral system result in i) costs ii) benefits for you or your organisation? If so, what would the costs or benefits be?

See response below.

Q9 (i) – Costs for you or your organisation.

AEA (Wales) supports any measures that, after full and proper evaluation, enhance public confidence in democratic systems, are deliverable and do not add unnecessary bureaucracy, additional cost or risk into the process.

Q9 (ii) – Benefits for you or your organisation.

The Association of Electoral Administrators (Wales) does not hold a view on this question.

Q10 – To what extent do you agree or disagree with the following statement:

‘The same people should be allowed to vote in National Assembly for Wales elections and in local government elections in Wales.’

The Association of Electoral Administrators (Wales) strongly agrees with this statement.

Maintaining the same franchise arrangements for elections to the National Assembly for Wales and Local Government elections in Wales allows for administrative consistency and is in line with our key philosophy of maintaining the voter at the heart of the democratic process.

Q11 – What implications would there be if there were differences between who could vote in Assembly elections and who could vote in Local Government elections in Wales?

As a professional body supporting best practice in electoral administration AEA (Wales) would strongly advise against divergence in the franchise arrangements for Assembly and Local Government elections.

If differing arrangements were introduced this could cause voter confusion and result in Electoral Registration Officers having to maintain multiple sets of Electoral Registers to cater for the differences in franchise for Assembly and Local Government elections as well as UK Parliamentary elections.

Changes of this nature would inevitably result in Wales having the most complex electoral franchise arrangements of all the devolved nations within the United Kingdom, increasing the risk of administrative failure, and could be strongly argued to not be in the best interests of the voter.

AEA (Wales) would recommend that the registers and registration process for the National Assembly for Wales and Local Government elections should remain aligned.

Q12 – What should be the minimum voting age for Assembly elections?

It is a matter for the Assembly to determine the minimum voting age, although we do consider that for administrative consistency and to avoid elector confusion, the qualifying age should be the same for all types of election and referendum.

In addition, we would ask the Assembly to ensure that any changes in legislation relating to elections are made well in advance of the polls in which the changes will take effect.

In the AEA's 2016 post-election report: "Pushed to the Absolute Limit: 2016 - the electoral year never to forget" we made the following recommendation:

"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."

In relation to any proposals to changes relating to electoral registration, a minimum of 12 months should be given to the new provisions(s) coming into force. Furthermore, we would recommend following a model similar to the approach taken by the Scottish Government in relation to the introduction of legislation for the implementation of the 2014 Scottish Independence Referendum.

Q13 – Would reducing the minimum voting age for Assembly elections result in i) costs or ii) benefits for you or your organisation? If so, what would the costs or benefits be?

Q13 (i) – Costs for you or your organisation.

The reduction in the minimum voting age for Assembly elections would inevitably result in increased administrative costs particularly for Electoral Registration Officers required to collect the required data.

As such we would seek a guarantee from Welsh Government and the Assembly to fully fund any new burden/initiative resulting from legislative reforms, and to fully engage with the electoral community in relation to practically implementing, developing and planning any new mechanisms or processes including the drafting of legislation.

Q13 (ii) – Benefits for you or your organisation?

Association of Electoral Administrators (Wales) will administer the process according to the legislation in force.

Q14 – Are there any other issues, benefits or risks you would like us to consider in relation to changing the minimum voting age for Assembly elections? Please give reasons for your answer.

See previous responses.

Q15 – To what extent do you agree or disagree with the following?

‘All legal residents in Wales should be allowed to vote in Assembly elections, irrespective of their nationality or citizenship.’

The Association of Electoral Administrators (Wales) does not hold a view on this question.

Q16 – Are there any other issues, risks or benefits you would like us to consider in relation to changing the rights of non-UK nationals legally resident in Wales to vote in Assembly elections? Please give reasons for your answer.

The Assembly Commission will be aware the Welsh Government has previously consulted on changing the franchise arrangements for non-UK nationals resident in Wales to vote at local government elections.

As outlined in our response to Question 11, if the same alterations are not made to the National Assembly for Wales franchise this will result in a difference to who could vote in the two sets of elections requiring EROs to maintain separate registers adding administrative complexity to the democratic process and potentially confusing the voter.

The Assembly must also consider carefully the importance of targeted public awareness activity and the resources required to both explain the new franchise arrangements to electors and encourage ‘new electors’ to vote at the appropriate time.

Q17 (i) – To what extent do you agree or disagree with the following statement:

‘Prisoners released on temporary licence or on home detention curfew should be allowed to vote in Assembly elections, in line with the UK Government’s intention for UK elections’

The Association of Electoral Administrators (Wales) does not hold a view on this question.

Q18 – Are there any other issues, risks or benefits you would like us to consider in relation to changing the rights of prisoners to vote in Assembly elections?

On the potential introduction of voting rights for Welsh prisoners we would encourage the Assembly Commission to consult fully with all relevant electoral stakeholders on the details of any proposed new legislation.

In conjunction with the Electoral Commission we would advise that the following initial issues are given full consideration:

- The eligibility criteria for prisoners to register, bearing in mind that residence is one of the main criteria for registration.
- How Welsh voters (male and female) imprisoned in English prisons would be affected.
- The franchise rights of youths aged 15-17 who are sent to special secure centres as opposed to young people aged 18 who are sent to prisons.
- The method by which prisoners would cast their vote (i.e. the logistical difficulties in setting up polling stations in prisons).
- The right to a secret ballot for all prisoners regardless of how they cast their vote.
- The entitlement to a proxy vote without the need for their application to be attested (as is already the case for overseas and services voters).
- An awareness programme to highlight the process in order to enable prisoners to register to vote and cast their vote.
- How prisoners could access information about the policies of candidates parties and other campaigners.

Q19 – Should legislation to reform the Assembly’s electoral arrangements include provision to implement the recommendation of the Fourth Assembly’s Constitutional and legislative Affairs Committee in relation to disqualification from being an Assembly Member?

Are there any other changes which should be made to the disqualification arrangements?

Please give reasons for your answer

The Association of Electoral Administrators (Wales) does not hold a view on this question.

Q20 – Should legislation to reform the Assembly’s electoral arrangements include provision to implement:

(i) The Electoral Commission’s recommendations that costs relating to translation between Welsh and English should not count towards expenditure limits for political parties and candidates in relation to Assembly elections as they already are for non-party campaigners?

The Association of Electoral Administrators (Wales) supports the Electoral Commission’s recommendations.

(ii) The Electoral Commission's recommendations that costs relating to an individual's disability should not count towards expenditure limits for political parties and candidates in relation to Assembly's elections as they already are for non-party campaigners?

The Association of Electoral Administrators (Wales) supports the Electoral Commission's recommendations.

(iii) The Law Commission's recommendations in relation to the conduct and administration of elections?

The Association of Electoral Administrators (Wales) supports the Law Commission's recommendations.

Q21 – Should the Government of Wales Act 2006 be amended as set out in this consultation document, in order to give the Assembly greater flexibility to determine its own working practices and arrangements through its internal procedures rather than in legislation?

The Association of Electoral Administrators (Wales) does not hold a view on this question.

Q22 – Are there any issues, benefits or risks which could result from the proposals in this document in relation to the following, that are not considered in this consultation, or that you would like to comment on

The Assembly's official languages (Welsh and English)?

Equality diversity and Inclusion?

The justice system in England and Wales?

Could any of the proposals be reformulated so as to increase the positive effects or reduce the possible adverse effects? Please give reasons for your answer.

The Association of Electoral Administrators (Wales) would like to take the opportunity to make the following statement in relation to the role and independence of Returning Officers:-

The Returning Officer (RO) is a unique position set out in legislation, deliberately designed to ensure independence of this role so that it can be delivered without fear or favour. This independence is set out by Section 27(1) of the Representation of the People Act 1983. The duties of the RO are defined in the appropriate legislation for each election type, but include the following:

- The publication of all relevant statutory notices relating to the election, for example the Notice of Election and the Statement of Persons Nominated/Notice of Poll (if a poll is needed);

- The nomination process;
- The production, dispatch and verification of postal votes;
- The identification, booking and equipping of polling places;
- The recruitment, appointment, training and remuneration of Presiding Officers, Poll Clerks and other polling staff;
- The secure transfer of ballot boxes from polling places to the count venue;
- The verification and counting of the votes;
- The declaration of the results;
- Holding for public inspection relevant documentation around the election process, including candidates' election expenses.

These duties are the personal responsibility of the RO who is answerable directly to the courts for any question or failure in these duties. The RO is not responsible to the local authority, its elected members or the Welsh Government or Assembly.

As an independent role, the liabilities are that of the individual, not the local authority. This is demonstrated in that it is the RO who is subject to election petitions within Part III of the Representation of the People Act 1983. Every RO should ensure that they have insurance for this very reason. If they are guilty of any act or omission in breach of their official duty then they are liable on summary conviction to a fine not exceeding £5,000. The fee can also be withheld for 'poor performance' at the poll.

As a consequence of this role being independent, it would be inappropriate for any salary for a job which has been evaluated without these roles and responsibilities to be considered as appropriate remuneration for being the RO.

The RO role is a complex and high profile position and it would be completely wrong for that person to not be appropriately remunerated for taking on this role, the associated personal liabilities and additional workload.

It would not provide the independence or the transparency that the public would expect if the RO was accountable to the very people they were ensuring were freely elected by the electorate.

Any remuneration for any position should be regularly reviewed and evaluated and that of the Returning Officer should also be the case.

Q23 – Would any of the proposals in this paper result in i) costs or ii) benefits for you or your organisation which you have not already outlined in your response to this consultation? If so, what would the costs or benefits be?

See previous responses.