

The Association of Electoral Administrators



Response to the National Assembly for Wales Consultation on Voting Rights for Prisoners

1. Organisation: Association of Electoral Administrators (AEA). A joint response from the National AEA and the Wales Branch of the AEA.

2. Summary of Organisation: 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 1,917 members, the majority of whom are employed by local authorities to provide electoral registration and election services. There are eleven regional branches of the Association covering the United Kingdom one of which is Wales.

3. Contact Details:

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4. Terms of reference - responses:

4.1 Arguments for and against giving some or all prisoners the right to vote in Welsh elections, and whether distinctions might be drawn between different categories of prisoner on the basis of sentence length, expected date of release, or types of offence;

The Association of Electoral Administrators does not hold a view on this question. It is a matter for Parliament and the devolved administrations to determine. AEA members will administer the process according to the legislation in force.

However, 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.

It is also noted at the time of responding that the Assembly Commission have confirmed that the Welsh Parliament and Elections (Wales) Bill (relating to the elections to the National Assembly for Wales) will definitely not include any provision for prisoner voting rights. As such the potential of introducing this reform only relates to Welsh Local Government Elections. Whilst it is a matter for the Assembly to determine the voting rights of prisoners, we do consider that for administrative consistency and to avoid elector confusion, it would be preferable for prisoner voting rights to be the same for all types of election and referendum whatever the Parliament and the devolved administrations policy maybe.

4.2 Practical issues, such as electoral registration (including address), voting method, prisoner engagement with the political process, the provision of political and citizenship information and education;

It is a matter for Parliament and the devolved administrations to determine. AEA members will administer the process according to the legislation in force.

However, 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. Would, for example, their registration be relevant to their previous address or the location of the prison where they are currently resident?
- How Welsh voters 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 or the mandated requirement to have an absent vote).
- The right to a secret ballot for all prisoners regardless of how they cast their vote.

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- 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 ensure prisoners understand how to register and cast their vote.
- How prisoners could access information about the policies of candidates, parties and other campaigners.

It should also be noted that should prisoner voting rights be introduced this would create significant administrative challenges in administration of elections and implementing specifically for local government franchise reform.

Should any reforms be introduced we 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.

4.3 Cross-border issues arising from prisoners from Wales being imprisoned in England and vice versa;

It is a matter for Parliament and the devolved administrations to determine. AEA members will administer the process according to the legislation in force.

However, the administrative process could be significantly challenging for both Electoral Registration Officers and Returning Officers working with cross-border issues in relation to registration and administering the voting process. These issues may be more significant for women prisoners who are likely to be in a prison in England due to there not being a women's prison in Wales. We would therefore encourage the Assembly Commission to consult fully with all relevant electoral stakeholders on the details of any proposed new legislation if introduced.

4.4 Whether special considerations apply to young offenders in custody if the franchise is extended to 16 and 17 year olds generally, and

It is a matter for Parliament and the devolved administrations 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.

Education and support for 16 and 17 year olds on voting and how to vote should be the same for young offenders as for other 16 and 17 year olds in education.

4.5 Other countries' approaches to prisoner voting.

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

5. Dialogue page questions responses: In considering whether you think prisoners should be allowed to vote in Welsh elections, we would be grateful if you would also consider the following:-

5.1 Should a prisoner's right to vote depend upon the length of their sentence, the type of offence committed and/or their expected release date?

The Association of Electoral Administrators does not hold a view on this question. It is a matter for Parliament and the devolved administrations to determine. AEA members will administer the process according to the legislation in force.

5.2 If prisoners were given the right to vote, what method should be used? (for example, postal vote, electronically, mobile booths in the prison, or another method?)

It is a matter for Parliament and the devolved administrations to determine. AEA members will administer the process according to the legislation in force.

However, whatever system is introduced it must be deliverable by the Electoral Registration Officer and Returning Officer (including in cross boundary situations) and ensure the administration of votes to prisoners can be achieved safely, securely and secretly. We would therefore encourage the Assembly Commission to consult fully with all relevant electoral stakeholders on the details of any proposed new legislation if introduced.

5.3 Do you think special considerations should apply to young offenders in custody if the voting age is lowered to 16 and 17 year olds generally?

As we said in question 4.4, it is a matter for Parliament and the devolved administrations 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.

Education and support for 16 and 17 year olds on voting and how to vote should be the same for young offenders as for other 16 and 17 year olds in education.

5.4 If prisoners were given the right to vote, at what address should they be registered to vote?

It is a matter for Parliament and the devolved administrations to determine. AEA members will administer the process according to the legislation in force. We would however state that, if prisoners were to register at the prison, the impact on certain Electoral Registration Officers could be significant. We would therefore encourage the Assembly Commission to consult fully with the relevant Electoral Registration Officers on the details of any proposed new legislation if introduced.

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