

The Electoral Landscape in 2019

An AEA Position Statement

Executive Summary

This report reviews the UK electoral landscape following the scheduled local government elections and unscheduled European Parliamentary elections that were run in May 2019.

At the date of publication, the potential for a further unscheduled national poll is growing at a time when much of the electoral community is deep into the administration of the annual electoral registration canvass, contacting every household in their area to confirm or update the details of everyone who is eligible to vote.

The specific issues and examples raised have been informed by the experiences of our members. The successful running of unscheduled European Parliamentary elections in a matter of weeks, alongside scheduled local elections in many areas of England, testifies to their professionalism and work ethic. Unfortunately, their role has become increasingly complicated and pressured.

Electoral legislation – some of it one hundred years old – is becoming ever less compatible with modern expectations and ways of working. Piecemeal attempts to update it is introducing unnecessary risk and inconsistency between different types of election.

Reform of funding and support mechanisms from government is vital. A more joined-up approach across government departments – including an acknowledgement of the huge changes electoral administration has seen in the last decade – is needed more than ever.

This report outlines thirteen new recommendations, which we now put to government, covering:

- necessary changes to the newly introduced process for election candidates to withhold their home address from open publication
- mitigation of risks to 7 May 2020 elections caused by moving the early May bank holiday
- simplifying the registration process for EU nationals should the UK take part in the 2024 European Parliamentary elections
- the need to consider the way in which overseas voters can cast their votes

- progressing the Law Commission’s recommendations, and those from our response to the Public Administration and Constitutional Affairs Committee, to draft a new overarching piece of legislation from scratch with 21st century electoral processes in mind
- urging Cabinet Office to carry out a risk assessment of its capabilities to support unscheduled electoral events, including contingency and succession planning
- processing and signing-off election claims within six months of submission
- reviewing fees and charges to provide enough funding for polls
- making budgets, advances and guidance available prior to the publication of any Notice of Election/Referendum for national polls
- introducing a way for all costs related to national electoral events to be reimbursed to local authorities
- facilitating understanding of the capacity of electoral administrators and the wider electoral community
- the need for a more joined-up approach and collective ownership for elections across the UK Government.

These join outstanding recommendations from our previous reports which we continue to press for action on. Both sets of recommendations can be found in appendices at the end of this report.

1 Purpose

- 1.1 The primary purpose of this paper is to provide a high-level position statement to the UK Government outlining the issues faced by members of the Association of Electoral Administrators (AEA) and our key partners in the delivery of safe, secure and trusted electoral processes.
- 1.2 Whilst we do not wish to repeat recommendations from previous reports, it is important to note that many are still unresolved and therefore remain on the record. For ease of reference, they are listed at Appendix B. We will continue to press for satisfactory outcomes that we believe will benefit the conduct and administration of electoral registration and elections in the UK. This paper will not however focus on these recommendations.
- 1.3 Where appropriate, key issues and supporting examples which arose in the administration of the local government and European Parliamentary elections held on 2 and 23 May 2019 respectively have been referred to in order to illustrate points being made.

2 Background to the 2019 elections

- 2.1 Local government elections took place in 249 local authority areas in England, with some areas piloting Voter ID, and 11 areas in Northern Ireland on 2 May 2019. These were scheduled polls, meaning planning for their delivery commenced in plenty of time.
- 2.2 However, arrangements for the European Parliamentary elections were not as straightforward. Electoral administrators were advised on numerous occasions that there would be no need to plan for their delivery as the United Kingdom would be leaving the European Union on 29 March 2019. Notwithstanding these assurances, on 5 April, the Prime Minister announced that an Order setting the date for the poll would be required, although it still remained the intention of the Government to leave before 23 May. The Order duly came into force on 10 April, although it was not until 7 May that the Government categorically confirmed that the poll would be going ahead.
- 2.3 The late notification of the European Parliamentary elections introduced significant pressures to already stretched electoral administrators. Scheduled local government elections would usually have been deferred to coincide with the European Parliamentary elections; on this occasion, the late notification prevented this happening and the elections took place as entirely independent, but inevitably interrelated, processes only three weeks apart.
- 2.4 To its enormous credit, the entire electoral community administered both sets of elections extremely well.
- 2.5 However, it must once again be recognised that their delivery was only achieved because of the dedication, personal commitment and enormous sacrifices made by those individuals. There remains an unrealistic expectation that elections will always be delivered regardless of the landscape, timing, funding or capacity of the professionals administering them.

3 Specific issues

- 3.1 **Home address forms at local government elections**
- 3.2 Legislation¹ was made on 31 December 2018 that removed the requirement for candidates to have their home address published on

¹ <http://www.legislation.gov.uk/ukxi/2018/1308/made> and <http://www.legislation.gov.uk/ukxi/2018/1309/contents/made>

the statement of persons nominated, notice of poll and ballot paper at principal area elections and parish council elections in England.

- 3.3 We fully support this change, it being a recommendation we originally made to the UK Government in 2015.
- 3.4 For consistency, there remains an urgent need for the provisions to be extended to Wales² and Northern Ireland.
- 3.5 However, it became clear that the new arrangements, which were legislated for less than six-months before the poll and introduced less than three-months before the nomination period, introduced a degree of confusion into the process, for both electoral administrators and candidates.
- 3.6 Many of the complexities can be resolved through improved form design, something the Electoral Commission should undertake with input from electoral administrators and better understanding of the revised process as it beds in.
- 3.7 There are associated issues that also need to be addressed urgently:
 - 3.7.1 Where a candidate withholding their home address acts as their own election agent and does not provide an office address, their home address must be published on the notice of election agents and in the imprint on election literature.

We believe the UK Government should take appropriate steps to ensure candidates acting as their own election agent are still able to withhold their home address from all electoral communications.

- 3.7.2 Access to home address forms is strictly controlled in order to maintain confidentiality. Following the declaration of the result, the Returning Officer is required to "... give notice of the name of each [elected] candidate to the proper officer of the council ...". There is no provision to provide the proper officer with the candidate's home address or to permit the proper officer to inspect the home address forms.

We believe the UK Government should take appropriate steps to rectify the administrative oversight introduced by the home address form and to make provision for the

² The AEA understands that the provisions will be contained in the Local Government (Wales) Bill currently being considered by the National Assembly for Wales

proper officer to be supplied with the candidate's home address or to permit the proper officer to inspect the home address forms.

3.8 **Early May Bank Holiday 2020**

3.9 The UK Government recently announced that the 2020 bank holiday scheduled to take place on Monday 4 May 2020 will be moved by four days to Friday 8 May to coincide with the 75th anniversary of VE Day. We agree that this is a highly commendable decision.

3.10 However, this decision will have significant implications for the Police and Crime Commissioner, Combined Authority Mayoral, London Mayoral and Assembly, district and parish council elections scheduled to take place on Thursday 7 May. Our members are already concerned about the challenges this will present in recruiting polling station and count staff, the timing of counts and the likely increase in costs.

We ask the UK Government to fully consider concerns raised by the electoral community about the highly commendable decision to move the 2020 Early May Bank Holiday as a matter of urgency, and to work with stakeholders to mitigate risks.

3.11 **EU Nationals and UC1s**

3.12 For over 20 years, EU citizens have been required to fill in an additional registration form (UC1) ahead of European Parliamentary elections if they wish to cast their vote in the UK. It should be noted that the legislation does not require Electoral Registration Officers (EROs) to send those forms out to electors, although generally they do to enable registration.

3.13 The late confirmation of the European Parliamentary elections in 2019 meant that this registration process, which in previous years would have begun months before the day of the poll, only started once the Prime Minister announced on 5 April that she would make the Order to set a date for the election. This meant affected citizens had limited time to make their declarations. After much political uncertainty, it was confirmed on 7 May that the election would indeed be taking place, the same date that electoral registration applications, including UC1s, needed to be received back by EROs.

3.14 The UK Government added messages to the register to vote website highlighting the two-stage process for EU nationals, but it is clear from the number of complaints received by electoral services teams across the country that the message was not heard. We have concerns that

the draft messaging was not shared with key stakeholders such as us or the Electoral Commission prior to going live. The delivery of the electoral process is not simple and all stakeholders must work closely together to ensure successful delivery. Unfortunately, Government appeared to work in isolation on this messaging, which was unhelpful.

3.15 As a result of the UK Government's continued assertion that the European Parliamentary elections would not take place, many of our members reported they were verbally abused and felt discredited by disaffected electors, parts of the media and some politicians for administering a system that was not fit for purpose in a timeframe that was unreasonable. EROs and their staff did all they could within the confines of a very difficult situation over which they had no control, and should be credited for their efforts.

3.16 We must ensure that such a situation is not allowed to occur again.

If the UK remains a member of the European Union in May 2022, the UK Government must act upon the Electoral Commission recommendations from 2014 to simplify the process for the registration of EU nationals ahead of potential participation in the 2024 European Parliamentary elections.

3.17 **Overseas postal votes**

3.18 We have highlighted this issue in previous reports but yet again, the expectations of many electors living, working or visiting overseas were not met when they did not receive their postal ballot papers in time for them to be completed, returned and included in the count, despite the best efforts of Returning Officers (ROs).

3.19 For obvious reasons, postal ballot papers cannot be despatched until the deadline for nominations has passed. Under normal circumstances, the timetable is tight, with just four weeks for ballot papers to be printed, despatched and returned in time to be counted. For the European Parliamentary elections, the lack of planning time made this task even more challenging, not least because of the practical implications of printing longer than usual ballot papers. This resulted in reports of overseas electors being unable to participate through no fault of anyone other than the overlapping elections timetables – reducing capacity in relation to printing – and the period between nominations closing and postal ballots needing to be returned not allowing sufficient time for the issue and return of overseas postal votes.

3.20 The UK Government is currently considering an Overseas Electors Bill³ that will remove the 15-year previous residency rule and allow British citizens living abroad to register regardless of how long it is since they left the UK. Whilst the proposed legislation will potentially enfranchise many more British citizens, the by-product will be greater numbers of electors facing the frustration of not being able to cast their vote in time unless changes are made to either the election timetable or the way in which overseas electors can cast their vote.

We strongly urge the UK Government to consider the way in which overseas electors can cast their votes.

3.21 **Law Commission and Public Administration and Constitutional Affairs Committee**

3.22 We welcomed and supported the Law Commissions' recommendations⁴. We also welcomed the Public Administration and Constitutional Affairs Committee launch of a new inquiry examining the case for comprehensive reform of electoral law⁵ and submitted a written response⁶.

3.23 We maintain that there is an urgent need for the simplification, consolidation and modernisation of legislation relating to electoral processes. We believe that the piecemeal approach to electoral reform is introducing unnecessary risk and confusion, leading to inconsistencies between the rules used at different elections. We also feel that rather than amending and incorporating existing rules into new pieces of law, an overarching piece of legislation, which contains specific schedules covering each election type as well as the combination requirements, should be drafted from scratch and written with 21st century electoral processes at its heart.

The UK Government should consider and progress the Law Commissions' recommendations as a matter of urgency including addressing the issues raised in our response to the inquiry by the Public Administration and Constitutional Affairs Committee.

³ [Overseas Electors Bill](#)

⁴ <https://www.aea-elections.co.uk/wp-content/uploads/2014/08/law-comm-electoral-law-interim-report-040216.pdf>

⁵ [New inquiry examining the case for comprehensive reform of electoral law](#)

⁶ [AEA response to PACAC](#)

4 Overarching issues

- 4.1 **Capacity and preparedness within the Cabinet Office for unscheduled electoral events**
- 4.2 The late announcement of the UK's participation in the European Parliamentary elections caused significant challenges for electoral administrators, electoral management software suppliers, Royal Mail and print suppliers. However, it was also patently clear that staff at the Cabinet Office were put under immense strain, with a heavy reliance on a handful of officials.
- 4.3 It was evident that very little contingency planning had been put in place regarding elements such as fees and charges (as was also the case in 2017 for the unscheduled UK Parliamentary General Election), the international data exchange and Government Digital Service messaging.
- 4.4 The Order⁷ detailing the Maximum Recoverable Amounts (MRAs) for the conduct of the European Parliamentary elections was not made until 25 April 2019, nearly two weeks after the Notice of Election had been posted, with advances to Returning Officers (RO) not being made until, in some cases, after the day of the poll.
- 4.5 Specific election expenses guidance was not prepared with ROs only receiving supplementary guidance (after the election) that required reading in conjunction with the 2017 UK Parliamentary general election expenses guidance. Likewise, information about claiming for cancelled holidays and expenses scrutiny categories were not known until mid-June.
- 4.6 Whilst debate continued over whether the elections would take place or not, our members found it extremely difficult to undertake essential contingency planning without incurring costs. They also found recruiting polling station and count staff frustrating and challenging due to late confirmation from the Cabinet Office about payments that could be made to staff in the event of the poll being cancelled.
- 4.7 To comply with EU law, and as ahead of previous European Parliamentary elections, EROs were required to send the details of EU nationals who had registered to vote in the UK to the relevant countries via the international data exchange. The data exchange was not available until after the deadline for registration had passed, with

⁷ [The European Parliamentary Elections \(Returning Officers' and Local Returning Officers' Charges\) \(Great Britain and Gibraltar\) Order 2019](#)

the deadlines for the exchange of data unrealistic with the short timescale for the election, which led to some reports of data exchange issues.

- 4.8 With the ongoing uncertainty surrounding electoral events, we remain concerned that this apparent lack of capacity and the Government's unwillingness to allow officials to engage with the electoral community to make sensible contingency preparations will continue to introduce significant risk to the delivery of unscheduled polls. For entirely understandable but clearly avoidable reasons, there appears to be a lack of technical knowledge and experience that we believe urgently needs addressing.

We encourage the Cabinet Office to undertake a risk assessment of its own capabilities to support unscheduled electoral events and to develop contingency and succession plans to ensure that it can best support the wider electoral community in their delivery.

4.9 Election fees and charges

- 4.10 We remain deeply concerned that the existing fees and charges arrangements are not fit for purpose. Despite ongoing discussions, progress in making changes that are both fair for ROs and maintain appropriate levels of scrutiny are slow.
- 4.11 It is also clear that the settlement process for claims is not working and causing significant delay to ROs receiving final payment for elections run on behalf of the Government. For the 8 June 2017 UK Parliamentary General Election, as of 31 March 2019, only 55% of claims had been settled, meaning that 15 months after having submitted expenses (the deadline for submission being six-months from the declaration of result) 45% of constituencies were still awaiting sign-off and balance payments.
- 4.12 Although we have seen evidence that some delays have been as a result of ROs not responding to Cabinet Office queries in good time, the vast majority are as a result of inefficiencies in the settlement arrangements, and many are directly linked to the MRA levels set by the UK Government.
- 4.13 Only 75% of funds are made available to ROs in advance of a poll, which in exceptional cases can be extended to a maximum of 90%. The remaining balance is paid once accounts are signed off by the Cabinet Office. This means that local authorities have to "lend" tens of thousands of pounds to ROs and are being required to carry

outstanding balances across financial years, primarily because of inefficiencies within the settlement process and the partial advance policy.

- 4.14 We have received numerous representations from members that they do not believe the MRAs calculated to fund the European Parliamentary elections will be sufficient. Significant additional costs have inevitably been incurred as a result of factors such as the short-notice of the poll, overlap with local government elections in many areas and ongoing cost increases for supplies and services such as printing and postage.
- 4.15 Taken together, there is a strong belief that ROs have not been adequately funded and that based on previous experiences, it will be a challenge to recoup costs where MRAs are exceeded.
- 4.16 The settlement of claims is, at best, seen as a frustrating process and at worse, has been described as a “battle” or a “war of attrition”. We are greatly concerned that significant time, effort and resource will once again be expended by the Government, ROs and local authorities to resolve “overspends” which have simply arisen as a result of insufficient MRAs at the outset.
- 4.17 This leads us to make the following three specific recommendations:

Sufficient experienced staff resources should be provided to ensure that, except in exceptional circumstances, election claims are processed and signed off within six-months of being submitted to the Electoral Claims Unit, which is the same deadline given to Returning Officers to complete them.

A comprehensive review of the fees and charges structure is urgently needed to ensure sufficient funding is provided and to reduce the perceived bureaucracy when claims need to be settled.

Maximum Recoverable Amounts, advances and guidance should be made available prior to the Notice of Election/Referendum being published before any national poll, whether scheduled or unscheduled.

4.18 **Electoral registration costs**

- 4.19 The issue of funding in relation to electoral registration has been raised in previous AEA reports. It remains an issue and, whilst new burdens funding for the additional costs of Individual Electoral Registration

(IER) have been provided up until now (see paragraph 5.25), there remains the issue of ERO funding in relation to national polls.

- 4.20 For example, the costs of processing any surge of registration applications prior to a poll and the issuing and processing of absent vote application forms (even if specifically for that poll) are ERO functions and the cost must therefore be met by the local authority through their regular funding routes (government grant, council tax, business rates, etc.).
- 4.21 This situation remains the case even where the national poll is unscheduled, such as the 2016 EU referendum, 2017 UK Parliamentary general election and the 2019 European Parliamentary elections. As these polls were unscheduled, the associated electoral registration costs will not have been included in the local authority funding calculations, introducing unanticipated cost burdens.
- 4.22 This was brought into sharp focus at the European Parliamentary elections where EROs were expected, at very short notice, to issue UC1 registration forms to electors from other European Union member states. No specific budgetary allocation was made by EROs for this task as the UK was meant to have been leaving the European Union on 29 March 2019, negating its need.
- 4.23 The Minister for the Constitution wrote to the AEA on 1 April stating "I am able to confirm that Cabinet Office will reimburse reasonable spending by Returning Officers on contingency preparations for European Parliament Elections". This was interpreted by some EROs that the contingency funding would include the despatch of the UC1 registration forms on the basis that they were only required as a direct result of participation in the European Parliamentary elections and would not have been despatched otherwise. In some areas, significant costs were incurred by local authorities.
- 4.24 We note that at the Scottish Independence Referendum in 2014, there was a substantial increase in registration activity in the weeks leading up to the poll, which resulted in additional resources and costs being incurred by EROs. As a result, the Scottish Government agreed to meet any additional costs directly attributable to registration activity in connection with the referendum and additional payments amounting to just over £1 million were made to EROs.
- 4.25 We therefore believe that, as occurred at the Scottish Independence Referendum, there should be a mechanism whereby local authorities can apply for top-up funding, or alternatively, the additional costs

claimed as part of the election expenses claim via the Cabinet Office, with the MRA taking these costs into account.

- 4.26 This situation further demonstrates that expenditure incurred specifically because of an election, in this case the processing of UC1s being solely and wholly attributable to the European Parliamentary elections, is not considered an election cost and therefore not reclaimable from the Cabinet Office. This does not seem either equitable or fair.
- 4.27 Our final concern about the funding of electoral registration relates to the UK Government's upcoming plans to legislate for changes to electoral registration canvassing processes, designed to introduce both administrative and cost efficiencies. The model being introduced is a hybrid of a number piloted by EROs in 2016 and 2017, and therefore effectively remains untested. For this reason, we believe that the Cabinet Office should ensure that top-up funding can be requested by EROs if canvass reform proposals do not provide predicted necessary savings.

We urge the UK Government to introduce a mechanism where the full costs of registration should be reimbursed to the relevant local authority where it can be demonstrated that those costs were incurred because of a national electoral event.

4.28 **Capacity of electoral administrators**

- 4.29 We have previously raised concerns about resourcing levels in some local authorities, with electoral services teams often understaffed, underskilled and therefore under pressure. We recognise that local authorities are under intense financial pressure with many competing demands for funding. This has introduced both real-term budget reductions as well as the allocation of resources throughout some councils that has the potential to introduce significant risk to the delivery of electoral events. We firmly believe that elections should be considered key corporate events despite the fact responsibility for their safe delivery rests personally with EROs and ROs.
- 4.30 The reduction in resources affects not only core electoral services teams, those administering and coordinating election and registration processes, but also the availability of resources within local authorities to deliver essential aspects of the poll such as issuing and opening postal ballot papers and staffing polling stations and counts. It is clear from feedback from our members that this situation is worsening.

- 4.31 There is no easy answer to this conundrum, but we would encourage the UK Government to do all it can to raise awareness of the specific pressures faced by electoral services teams with key stakeholders external to the electoral process. It is recognised that electoral services is not the only area where additional burdens have been placed on local authorities in recent years, but the additional challenges and expectations faced by the electoral community have been disproportionately high.
- 4.32 In addition to business as usual – local government elections, national elections for all UK nations, London Mayoral and Assembly elections, Police and Crime Commissioner polls, Mayoral elections, Combined Authority Mayoral elections, casual vacancy elections, business improvement ballots, neighbourhood planning referendums, community governance reviews, administration of rolling electoral registration and the annual electoral registration canvass – the sector has successfully delivered the following major projects:
- Introduction of Individual Electoral Registration in 2014;
 - Scheduled UK Parliamentary general election in 2015;
 - Unscheduled EU referendum in June 2016 immediately following local government elections in May;
 - Electoral registration canvass pilots (in 2016 and 2017);
 - Unscheduled UK Parliamentary general election in June 2017, immediately following local government elections in May;
 - Voter ID pilots (in May 2018 and May 2019); and
 - Late notification European Parliamentary elections in May 2019 immediately following local government elections three weeks earlier.
- 4.33 It is also clear that there are a number of further, and significant, changes to come, which include:
- Reform of electoral registration canvassing methods in 2020;
 - Potential revised UK Parliamentary constituency boundaries;
 - Proposed Electoral Integrity Act;
 - Proposed Overseas Electors Act; and
 - Practical implications of the change to the 2020 May bank holiday.
- 4.34 All of these sit against a backdrop of uncertainty around the current political environment, which may lead to further unscheduled national polls at short notice. In addition, some devolved-nation colleagues have the challenge of Welsh electoral reform proposals, further Scottish electoral reform and the possibility of a further Scottish independence referendum.

- 4.35 We have genuine concerns over the expectation that elections will always be safely delivered regardless of the landscape, timing, funding or capacity of people delivering them. This view is becoming unrealistic.
- 4.36 The unexpected European Parliamentary elections highlighted yet again the need for a more joined-up approach to working both within the UK Government and with local government. Policy responsibility for the direct and indirect delivery of elections is now covered by several government departments, including the Cabinet Office, HM Treasury, the Ministry for Housing, Communities and Local Government, the Home Office and the National Audit Office.
- 4.37 Specific funding issues have been covered earlier in this report. However, it is important to reiterate that to maintain trust in the UK's electoral system, sufficient resources need to be provided for the conduct of elections, referendums and electoral registration. A joined-up approach to funding across government is therefore essential.
- 4.38 In particular, we believe that all government departments involved, but particularly HM Treasury and the Cabinet Office, should recognise that significant efficiencies have already been introduced by EROs, ROs and their employing local authorities.
- 4.39 **Capacity of partners**
- 4.40 There are similar capacity issues within the industry that ably supports electoral administrators. The short notice European Parliamentary elections brought supplier capacity into sharp focus. Electoral suppliers, who were already working on local government elections, were required to produce poll cards, postal votes and lengthy ballot papers under extreme time pressure. Royal Mail and downstream access suppliers (those providing alternative mailing options) also had capacity issues. Some of the strain on electoral management software and print suppliers could have been alleviated if the election had been confirmed earlier. Regardless of this, the proximity of polls caused additional risk that we do not believe the UK Government truly understands – with the wider electoral community stretched to its limits and the provision, delivery and quality of services affected in some cases as a result.

We urge the UK Government to facilitate a wider understanding of the pressures being faced both by electoral administrators and the wider electoral community, ensuring that all

stakeholders understand that those tasked with administering successful elections do not have limitless capacity.

4.41 UK Government assistance

4.42 We believe that the UK Government could do significantly more to assist ROs and their staff in the delivery of electoral events:

- 4.42.1 The Department for Education, both directly and through proactive guidance to local education authorities, should ensure that publicly maintained schools are made aware of the requirements placed upon them by law about schools being made available for use as polling stations.
- 4.42.2 The Department for Education should consider requiring that the first Thursday in May be designated as an Inset day to facilitate voting on the most common election day, and should also permit additional Inset days where a national poll is arranged for any other day throughout the calendar year.
- 4.42.3 The Ministry for Housing, Communities and Local Government should regularly remind local government leaders of their responsibilities to support the delivery of the electoral process, not least by providing sufficient and appropriate financial and staffing resources to EROs and ROs.
- 4.42.4 All government departments, both nationally and locally, should be encouraged to allow time off work to support the delivery of elections and referendums, providing much needed resources to ROs.
- 4.42.5 Governments should proactively facilitate the identification and sharing of data from across all government records to ensure eligible residents are identified and invited to register to vote. There remains a frustration that data that could assist EROs is not being readily shared, to the detriment of the citizen.
- 4.42.6 Steps should be taken to ensure that the Government Digital Service, widely recognised as an effective way to register to vote, can be updated more quickly than at present. For example, whilst a message was quickly displayed to advise European Union nationals of the need to make a UC1 application for the European Parliamentary elections, it would have been more beneficial had, as is already the case with postal vote applications, the UC1 form been automatically

emailed to such applicants or an online registration facility provided.

We urge the UK Government to take a more joined-up approach to assist EROs and ROs to deliver democratic processes more efficiently and with greater collective ownership and understanding than at present.

5 Conclusions

- 5.1 We believe that the time has come for the UK Government to take legitimate concerns raised by the us, the Electoral Commission and other stakeholders seriously, and before any major incident occurs that has a negative effect on the trust citizens have with the electoral process.
- 5.2 Both the local government and the European Parliamentary elections in May 2019 were largely delivered without incident, although some high profile mistakes did occur that have led to election outcomes being challenged. It is perhaps surprising that there were not more issues, with the polls held only three weeks apart.
- 5.3 This was down to dedication and personal sacrifices made by the electoral community yet again, with electoral administrators working months of extended days and over weekends. They missed out on home life and important family events which will not be repeated, and leaned heavily on the support and forbearance of family and friends.
- 5.4 The dedication election teams put into the delivery of democracy seems to be taken for granted. There are very few professions where often low paid staff must cancel holidays for work, yet AEA members have done so both this year and in 2017. Many electoral administrators are considering if their career is worth the stress, impact on their health and well-being and the personal sacrifices they must make time and time again.
- 5.5 In 2019 it should not be the case that elections and electoral registration are being delivered in a political environment of uncertainty; all stakeholders should be working to create a system that works for all citizens and is administratively achievable.
- 5.6 A root and branch review of election delivery must happen, with the concerns of those on the frontline heard and understood.

The Association of Electoral Administrators



- 5.7 We therefore look forward to working with the UK Government and other key stakeholders on electoral reform and on the recommendations made in our previous post-election reports.
- 5.8 Electoral reform is needed urgently as the current system is no longer fit for purpose. The electoral community cannot continue performing miracles.

Rob Curtis
Chairman

Peter Stanyon
Chief Executive

16 September 2019

Founded in 1987, the Association of Electoral Administrators (AEA) is the professional body representing the interests of electoral administrators in the United Kingdom, working independently of government. Key objectives include fostering the advancement of consistent and efficient administration of electoral processes, raising the profile of electoral administrators and contributing positively to electoral reform.

The AEA has just under 2,000 members, the majority of whom are employed by local authorities to provide electoral registration and election services. It is uniquely placed to comment on the challenges faced by electoral administrators in delivering safe and secure electoral processes to UK citizens.

Since 2007, the Association has published seven reports⁸ on the administration of elections and referendums, each focussing on the practical issues of administering electoral processes and making recommendations to the UK Government, the Electoral Commission and other key stakeholders. In 2018, in lieu of a report, the Association wrote to the Minister for the Constitution expressing disappointment with the slow progress being made to address those issues, many of which were also raised by the Law Commission⁹.

⁸ <https://www.aea-elections.co.uk/policy-reporting/reports-issues-papers/>

⁹ <https://www.aea-elections.co.uk/wp-content/uploads/2014/08/law-comm-electoral-law-interim-report-040216.pdf>

APPENDIX A

List of recommendations made in this paper

- 1. We believe the UK Government should take appropriate steps to ensure candidates acting as their own election agent are still able to withhold their home address from all electoral communications.**
- 2. We believe the UK Government should take appropriate steps to rectify the administrative oversight introduced by the home address form and to make provision for the proper officer to be supplied with the candidate's home address or to permit the proper officer to inspect the home address forms.**
- 3. We ask the UK Government to fully consider concerns raised by the electoral community about the highly commendable decision to move the 2020 Early May Bank Holiday as a matter of urgency, and to work with stakeholders to mitigate risks.**
- 4. If the UK remains a member of the European Union in May 2022, the UK Government must act upon the Electoral Commission recommendations from 2014 to simplify the process for the registration of EU nationals ahead of potential participation in the 2024 European Parliamentary elections.**
- 5. We strongly urge the UK Government to consider the way in which overseas electors can cast their votes.**
- 6. The UK Government should consider and progress the Law Commission recommendations as a matter of urgency including addressing the issues raised in our response to the inquiry by the Public Administration and Constitutional Affairs Committee.**
- 7. We encourage the Cabinet Office to undertake a risk assessment of its own capabilities to support unscheduled electoral events and to develop contingency and succession plans to ensure that it can best support the wider electoral community in their delivery.**
- 8. Sufficient experienced staff resources should be provided to ensure that, except in exceptional circumstances, election claims are processed and signed off within six-months of being submitted to the Electoral Claims Unit, which is the same deadline given to Returning Officers to complete them.**

- 9. A comprehensive review of the fees and charges structure is urgently needed to ensure sufficient funding is provided and to reduce the perceived bureaucracy when claims need to be settled.**
- 10. Maximum Recoverable Amounts, advances and guidance should be made available prior to the Notice of Election/Referendum being published before any national poll, whether scheduled or unscheduled.**
- 11. We urge the UK Government to introduce a mechanism where the full costs of registration should be reimbursed to the relevant local authority where it can be demonstrated that those costs were incurred because of a national electoral event.**
- 12. We urge the UK Government to facilitate a wider understanding of the pressures being faced both by electoral administrators and the wider electoral community, ensuring that all stakeholders understand that those tasked with administering successful elections do not have limitless capacity.**
- 13. We urge the UK Government to take a more joined-up approach to assist EROs and ROs to deliver democratic processes more efficiently and with greater collective ownership and understanding than at present.**

APPENDIX B

List of previous recommendations

No.	Recommendation
1	A single Electoral Administration Act should be brought forward, implementing the Law Commissions' recommendations to simplify electoral legislation.
2	A full and thorough review of the funding of the delivery of electoral services should be undertaken as a matter of urgency, with the purpose of ensuring that: <ul style="list-style-type: none"> • All costs properly incurred in the administration of elections, including electoral registration costs directly attributable to the election, are reimbursed to Returning Officers and their employing local authorities; and • All costs properly incurred in delivering electoral registration are automatically provided to local authorities without the need to revert to the justification led bidding process.
3	EROs should be given responsibility for the sub-division of UK parliamentary constituencies into polling districts, and ROs for the designation of polling places within those districts.
4	A full and thorough review of all election and electoral registration deadlines should be undertaken as a matter of urgency, specifically considering those that apply to the registration of electors, overseas electors and absent voting.
5	Expenses claims submitted to the Election Claims Unit should be audited and settled within six months of their receipt.
6	A full review of the combination of polls should be undertaken, considering issues such as which polls should be automatically combined, consideration of the maximum number of polls that should be combined on the same day and the combination of polls for parish and community councils and neighbourhood planning and council tax referendums with UK Parliamentary general elections.
7	Where combined with another poll, the requirement to commence the counting of the votes at a UK Parliamentary election within four hours of the close of poll should be removed.
8	The absolute requirement to count unused ballot papers as part of the verification process should be removed to be replaced with a requirement to do so only where the Returning Officer considers it appropriate.
9	An electronic system for the delivery, receipt and return of the Writ at UK parliamentary elections should be introduced.
10	Full examination of the benefits of and issues presented by electronic forms of counting should be undertaken in order to assess effectiveness where it is currently permitted and to consider suitability for use at other types of election.
11	The roles and responsibilities of polling station tellers should be recognised in law.

No.	Recommendation
12	<p>The involvement of campaigners in handling and/or assisting with the completion of postal ballot papers should be prohibited.</p> <p>It is our understanding that this will be included in the proposed Electoral Integrity Bill.</p>
13	<p>The planned review of the Government's website, including the digital service, should be undertaken as a priority and any resultant changes required made immediately the review is completed. COMPLETED.</p>
14	<p>As part of its immediate work programme, Cabinet Office should include workstreams that will:</p> <ul style="list-style-type: none"> • Deliver an effective resolution to the ongoing issue of duplicate registrations; • Develop and extract management information from electoral management software systems that will be of assistance to EROs in the management of their electoral registers; <p>It is our understanding that this will be included as part of Better Metrics following canvass reform.</p> <ul style="list-style-type: none"> • Reduce bureaucracy in registration processes, both during and outside of canvass periods; <p>It is our understanding that this will be achieved following the introduction of canvass reform in 2020.</p> <ul style="list-style-type: none"> • Enable the better sharing of data in order to simplify registration processes; <p>It is our understanding that this will be achieved following the introduction of canvass reform in 2020.</p> <ul style="list-style-type: none"> • Deliver an effective solution to the registration of individuals in establishments such as universities, colleges, residential care homes and houses in multiple occupation. <p>The Cabinet Office should also set out a clear timetable of when each of these issues will be considered.</p>
15	<p>The provision of an email address should be made mandatory for all applications to register to vote made through the digital service.</p>
16	<p>Attestation arrangements should be introduced for postal vote applications requiring a signature waiver.</p>
17	<p>A process to cancel a postal ballot paper issued to an elector who is subsequently deleted from the electoral register during an election period should be introduced as a matter of urgency.</p>
18	<p>A full and thorough review of absent voting arrangements should be undertaken that, as a minimum, considers:</p> <ul style="list-style-type: none"> • The circumstances and criteria for emergency proxy applications; • The need for the attestation of fixed-period and indefinite proxy applications, given that this is not a requirement for postal vote applications; and • How the registration status of individuals appointed as proxies should be verified by Electoral Registration Officers.

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19	Overseas electors should, as part of their original application and subsequent renewal, be required to specify suitable absent voting arrangements or confirm that they wish to vote at their allocated polling station in the UK.
20	The effectiveness and future use of the International Business Response Licence for postal votes being sent overseas should be evaluated ahead of the next set of national polls.
21	The use of any part of a candidate's forename and/or middle name(s) should be permitted as a commonly used name.
22	A full and thorough review of the access and supply arrangements that apply to the electoral register and the lists of absent voters should be undertaken, to include consideration of those that relate to candidates, political parties and third parties such as Credit Reference Agencies.
23	The option for candidates to restrict publication of their home addresses should be extended to all polls. PARTIALLY COMPLETED.
24	The requirement for election agents' home addresses to be published should be removed.
25	Nomination arrangements for all elections, specifically in respect of the requirement for subscribers and deposits, should be reviewed.
26	A full and thorough review of the processes that deal with the recording of candidates' expenses should be undertaken, including consideration of the return to, and subsequent reporting of, expenses to Returning Officers and the possible provision of online reporting and inspection mechanisms.
27	The period to return deposits, whether to candidates or where forfeited, should be extended to one calendar week after the date of the poll.
28	A formal complaints system as outlined by the Law Commissions that provides for a clearer and local system of accountability and challenge should be designed and introduced.
29	A full and thorough review of all forms used in the electoral process should be undertaken.
30	Legislation should be amended to clearly identify what constitutes a valid second registration.
31	At any future national referendum, legislation should provide for the appointment of sub-agents.
32	<p>A full and thorough review of the various legislative anomalies and omissions identified by the AEA and other stakeholders should be undertaken urgently, to include but not be limited to:</p> <ul style="list-style-type: none"> • Updating the prescribed format of the Guidance for Voters notice for use at standalone UK Parliamentary elections; • Defining the electoral register as one document in law;

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No.	Recommendation
	<ul style="list-style-type: none"> • Clarifying the roles and responsibilities of Returning Officers at UK Parliamentary elections, specifically in respect of reserving the right to announce the result of the poll; • Recognising in law the role of Borough Returning Officer at elections of the London Mayor and Assembly; • Clarifying the inspection arrangements for election documentation following an election; and • Clarifying the arrangements around deferring publication of the electoral register where an election occurs during the defined canvass period.
33	<p>The processes for the registration of political parties should be fully reviewed in order to:</p> <ul style="list-style-type: none"> • Provide certainty to Returning Officers as to deadlines applicable to new and amended party descriptions and emblems; and • Maintain a list of official party and campaigner email addresses which can be made easily available to Electoral Registration Officers for queries and/or the secure transfer of data.