

The Association of Electoral Administrators



Response to the call for evidence on the Electoral Registration Act 2013

Organisation:

Association of Electoral Administrators (AEA).

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 just under 2,000 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.

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Call for Evidence Questions:

Individual Electoral Registration

Question 1: Has the introduction of individual electoral registration been a positive development overall? Has it achieved its objectives, and how does it compare with the previous household registration system?

Overall the introduction of individual electoral registration (IER) has been a positive development with registration being brought into the 21st century allowing online registration which makes it easier and more accessible for eligible electors as they don't need to complete and post a paper application form as previously. The introduction of IER has seen registration being more focused at election time with people registering on the lead up to an election and not during the traditional canvass period prior to publication of the revised register on the 1 December. Despite IER being introduced the annual canvass is still conducted with a revised register published on 1 December each year and statistics collected based on the 1 December register. However, nowadays with the verification of an applicant's identity and with online registration a register is likely to be more complete and accurate prior to an election rather than on 1 December as demonstrated in the statistics below:

Registration statistics – national polls

Of all the 21.5 million online applications that have been made in 2,000 days, 7.5% have been made on three single days:

2015 UK Parliamentary general election - last day for registration	485,000
2016 - EU Referendum 2016 - last day for registration	525,000
2017 UK Parliamentary general election - last day for registration	612,543

However, the introduction of IER and the ease of access to register has resulted in significant duplicate registration applications being made online which Electoral Registration Officers (EROs) then have to process. The issue of duplicate registrations continues to cause issues for EROs, especially in advance of national polls. We believe that more could be done in terms of messaging to alleviate confusion, both on the Government's registration webpage and in

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publicity from the Electoral Commission. We are unsure of the effectiveness of an elector look up tool but would welcome further consideration of this possibility.

IER is also more bureaucratic, expensive and a paper chasing exercise with the two-stage process of household enquiry forms (HEF's), invitations to register (ITR's) and the checking of evidence for applications that fail verification with the Department for Work and Pensions (DWP). This latter point means that whilst voter registration previously ended 12 working days before the poll, EROs now are still processing applications that fail DWP verification up to six working days before the poll, which has had an impact on resources.

Question 2: How well was the transition to individual electoral registration managed? How might it have been done differently?

The deferred canvass impacted on the planning and preparations of the European Parliamentary Elections in June 2014. Once the European Parliamentary election results were announced, it was straight into the introduction of IER on 10 June 2014 for local authorities in England and Wales. For Scotland, it was 19 September, being immediately after the Scottish Independence Referendum. In the majority of cases the staff resources who deliver elections are the same staff who delivered the deferred canvass, registration, and the introduction of IER. Electoral Services teams went into running a major national election with a new registration system and with no respite from the previous election and the introduction of IER.

At the start of IER, the short timescale in implementation impacted with Electoral Management Systems software issues. In addition, there did not seem to be enough testing with electoral administrators as to the 'usability' of forms and communications from their perspective.

The key challenges identified were home movers, those in care homes, students and attainers as they must register individually under IER. These hard to reach groups are still a challenge under IER with individual registration but under canvass reform in 2020 registration for these groups may be easier.

At the beginning of 2015 a household notification letter was sent out confirming who was registered at each address with funding provided by the Cabinet Office for maximising registration.

A National Registration Day was held on 5 February 2015. The registration day was publicised by the Electoral Commission, Cabinet Office and local authorities and, as a result, 166,000 applications to register were received on that one day. However, the ability to register online easily meant that a lot of these applications were duplicate registrations, made by electors who were already registered and were therefore not new registrations.

The Electoral Commission carried out a registration campaign. Again, whilst the volume of registration applications increased, so did the number of duplicate registrations and the workload associated with these.

As a result we highlighted in our [2015 post-election report](#) that consideration needs to be given to the wording used in a registration campaign prior to an election to try to reduce the number of duplicate registrations, along with the following recommendation:

'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.'

Question 3: What other steps are necessary to improve the electoral registration process, and to increase the accuracy and completeness of registers in particular? Has there been sufficient Government focus on completeness of registers?

Access to Data - The current canvass process is a significant administrative burden on both Council finances and the electorate. The new process will, for the majority mean there is no

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response required to the annual communication. However, for the benefits of Canvass Reform to be realised, there is a need to ensure that EROs have all possible opportunities.

We are disappointed that there is currently only one proposed national data source that will be used for the data matching element of the reformed canvass. Whilst DWP is an excellent database, there are other records, such as those held by the National Health Service, Driver and Vehicle Licensing Agency, Passport Office and Her Majesty's Revenue and Customs, that would be beneficial for EROs to be able to access.

There are also local datasets, for example registrars' records, that EROs can view but are not entitled to receive copies of which could improve the accuracy of the register. There are indeed datasets that EROs would be required to pay for in order to access the data.

There is a heavy reliance on Council Tax records by EROs in order to both data match and data mine, but these records are of limited value. They do not contain information on all residents and usually simply provide details for the person liable for the bill. This means details on other residents cannot be confirmed. There are also issues in the way the data is exported from Council Tax systems meaning many EROs are data matching or mining manually which is driving inefficiency.

We believe for Canvass Reform to be successful the Government needs to consider adding further national datasets to the DWP. We would also urge the Government to legislate to increase EROs' access to locally held data in order to improve the citizen experience and realise savings. In addition, we would like to see further work undertaken with organisations such as the Office for Students to increase stakeholders' awareness of the rights of EROs and the benefits for the citizen in maximising joined up working between various data holders.

Year-Round Registration - many EROs are undertaking proactive year-round registration using information gained from data mining. They are personally canvassing throughout the year in order to ensure as many residents as possible are registered to vote. There appears however to be a significant variation in practice across Great Britain, which is likely due to the availability of data and the resources available to EROs. It is imperative that EROs undertake proactive registration throughout the year in order to gain the maximum benefits from Canvass Reform. We would welcome the Government or Electoral Commission producing clear guidance in relation to benefits realisation to encourage local authorities to fully fund year-round registration and access to other Council held datasets. We would also urge the Government to ensure it fully assesses the cost of year-round canvassing for individual registrations when deciding whether Canvass Reform offsets the additional cost burden relating to the introduction of IER.

Guidance - There are many areas where further policy clarity will be given in Electoral Commission Guidance. We have offered to work with the Electoral Commission in order to ensure there is a firm basis for EROs to make decisions in all cases.

By way of example, Regulation 32ZBD talks about further action if no response is received within a 'reasonable time'. It would obviously be helpful for EROs to have a definition of 'reasonable time' to ensure that they are working within parameters considered appropriate by the Electoral Commission.

Forms and Communications - We appreciate that the Electoral Commission conducts extensive user testing of forms and other registration communications, however for the introduction of IER there did not seem to be enough testing with electoral administrators as to the 'usability' of forms and communications from their perspective. Again, we would welcome the opportunity to work with the Electoral Commission and involve AEA members in the design of any new forms or communications relating to Canvass Reform.

Timeframe - The UK is currently in uncertain times and as a result we are concerned about the passage of any legislation through Parliament and the impact of any delay. We believe there

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should be a clear point by which the necessary legislation must be passed to ensure EROs have enough time to prepare. We would advocate that necessary legislation should be passed by 1 January 2020, six months before the start of the reformed canvass, to allow sufficient preparation and to adhere to the Gould principle.

Good Practice - When Canvass Reform is implemented there will be many opportunities to collect examples of good practice that will assist EROs to continuously improve. We have offered to discuss with the Electoral Commission how best to collect and collate these examples to further develop the reform and ensure maximum benefit is achieved.

Funding - We accept, and welcome, that Canvass Reform will deliver cost savings but are yet to be persuaded that the level of savings achieved will offset the financial burden of IER. We have asked the Electoral Commission to review the Government's funding model when it is available and seeks to ensure EROs are not needing to manage a funding shortfall.

Question 4: What other non-legislative measures might be necessary to encourage registration among groups that may be harder to reach? What are the main obstacles in this respect? Groups that may be harder to reach may include students, BAME groups, attainers, frequent home movers, British citizens living abroad, people with long term health conditions, disabled people, and Commonwealth and EU Nationals, among others.

Question 3 above outlines the need for the use and access to more national and local data sources to assist with data matching and data mining. Data sharing and more joined up working should be encouraged along with the development of more Electoral Commission good practice guidance. There also needs to be more integration of registration with other services, making it part of as many 'mover' transactions as possible.

IER presents challenges for the registration of students at universities, care homes etc. An example of good practice is the Sheffield University model which allows student registration online as part of the university's registration process, however, this facility is not available at all universities. The registration and engagement with young people can also be challenging under IER. Relationships need to be built up with care home managers to ensure that all care home residents are registered and the details of those registered at the care home is up to date. The registration of anonymous electors has improved in recent years following changes in legislation. ERO's try to engage with all under registered hard to reach groups that effect their local area.

Electoral Fraud

Question 5: Has the Act been an effective measure in its stated intention of tackling electoral fraud? How has the implementation of the Act addressed offences such as personation and duplicate voting, and do further steps need to be taken to tackle these?

The introduction of IER has meant that the identity of each applicant is verified by way of data matching with DWP, or if the verification data match fails the applicant can submit documentary evidence or an attestation. However, when IER was first introduced a significant proportion were passported across from the initial data match with DWP or local data matching.

However, there is still the ability to register at more than one address which could result in voting more than once at an election. The current provision within legislation allows for some people to be registered in more than one place. The law regarding "residency" is not clear and leaves EROs to exercise their judgement in each case. For example, the ability for people to register at a "second home" and the lack of a firm definition for what constitutes a "second home".

We raised this issue in our [2015 post-election report](#) when we made the following recommendation:

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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 Report (Rec 4-4).

We also raised it again in our [2017 post-election report](#) when we made the following recommendation:

Legislation should be amended to clearly identify what constitutes a valid second registration.

Whilst the question relates to electoral fraud there is also the issue of financial fraud as the register of electors is used by credit reference agencies to check someone is included on the register for an address they currently live at or previously lived when checking applications for credit.

Question 6: How widespread are other voting fraud offences, such as postal vote fraud, in UK elections? What measures are needed to address these?

Following changes in legislation postal vote applications require the supply of personal identifiers – the applicant's signature and date of birth. Upon the return of their postal ballot paper statement the personal identifiers must match those on the application form for the ballot paper to proceed to the count to be counted. Failure in either or both will result in the postal ballot paper being rejected.

However, provision is made in legislation for postal vote waivers, where an applicant for an absent vote is unable to provide a signature, they may request that the ERO waive this requirement. The law does not however set out how EROs may satisfy themselves that the applicant's request is genuine.

We raised this issue in our [2015 post-election report](#) when we made the following recommendation:

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.

Emergency proxies may be appointed for a particular election in the following circumstances:

- in the case of a medical condition, illness or disability arising after the deadline for ordinary proxy applications
- if the person is a mental health patient detained under civil powers (i.e., who are not detained offenders)
- if a person's occupation, service or employment means they cannot go to the polling station in person and they became aware of this fact after the deadline for ordinary proxy applications

In recent years there has been a significant increase in the use of the emergency proxy provision especially in relation to a person's occupation, service or employment. The processing of applications can be time consuming especially upon the lead up to and on election day as Electoral Commission guidance suggests that the ERO should seek confirmation that the proxy is IER registered. In effect, this means contacting another local authority for confirmation at a time when their staff resources are also stretched along with limited timescales.

In our [2017 post-election report](#) we raised this issue and made the following recommendation:

A full and thorough review of absent voting arrangements should be undertaken that, as a minimum, considers:

- *The circumstances and criteria for emergency proxy applications;*

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- *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.*

Annual Canvass

Question 7: Is the annual canvass fit for purpose? What are its main strengths and weaknesses?

At present the annual canvass with the two-stage process: HEF's and ITR's it is not fit for purpose. The annual canvass is very bureaucratic and costly with vast amounts of paper being used and postage costs. With the current canvass processes large amounts of resources are spent each year on households that don't change residents. However, the introduction of Canvass Reform in 2020 will help with the proposal of confirming residents who have not moved and have data matched against DWP diverting resources to households and areas that have changed, along with the opportunity to focus more on hard to reach groups.

Question 8: Are the Government's plans to reform the annual canvass the right approach? To what extent are measures such as data matching a viable alternative to the full canvass?

The Electoral Commission recently published [Modernising electoral registration in the UK: feasibility studies](#). We support the Electoral Commission's belief that more needs to be done to assist EROs in compiling complete and accurate registers.

There are numerous national datasets that could assist EROs in inviting potential electors to register, for example DVLA, HMRC, Passport Office and Department of Education. The AEA therefore urges the Government to take a more joined-up approach to assist EROs to deliver democratic processes more efficiently and with greater collective ownership and understanding than at present.

It is for the Government to determine policy in terms of automated or automatic registration, however, we support embedding the current registration regime in other citizen transactions, both nationally and at a local level.

Question 9: What has been the impact of introducing online registration? What challenges has this created for electoral administration?

As outlined in question 1 above, the introduction of IER and the ease of access to register to vote has resulted in significant duplicate registration applications being made online, which EROs then have to process. IER is also more bureaucratic, expensive and a paper chasing exercise with the two-stage process of household enquiry forms (HEF's), invitations to register (ITR's) and the checking of evidence for applications that fail verification with DWP. In addition, the introduction of online registration has created a reliance on electoral management software systems and the IER Digital Service which can raise issues, as demonstrated at the EU referendum when the IER Digital Service crashed immediately prior to the registration deadline.

Electoral administration

Question 10: Do you think that elections in the United Kingdom are currently well managed and regulated overall? If not, why not?

Overall elections in the United Kingdom are well managed and regulated, however we do have concerns as outlined in recommendations made in our 2017 post election report: ['It's time for urgent and positive Government action - The AEA's review of the 2017 local government elections and the UK Parliamentary general election'](#), and our [letter to the Minister](#) following the May 2018 polls.

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Question 11: Sections 14-23 of the Act made a range of changes to electoral administration. What has been the impact of these changes? Do any of them merit reconsideration or revision? Changes set out in Sections 14-23 included:

Generally, we support sections 14 – 23 of the Act. However, set out below are details where a review should be considered along with our justifications:

- **Extending the Parliamentary election timetable from 17 to 25 days**

Whilst extending the timetable from 17 to 25 days has improved the administration of a UK Parliamentary general election, further consideration needs to be given to the election timetable in relation to overseas voters and their method of voting, especially with the proposals for the future to remove the 15-year rule for overseas electors. With the current timetable and voting arrangements some overseas electors are disenfranchised as there is insufficient time from the close of nominations to print and post ballot papers overseas for them to be returned in time to be counted, especially in the case of late applications to register.

In our [2017 post-election report](#) we made the following recommendation:

'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.'

We therefore strongly urge the UK Government to consider the way in which electors who are overseas can cast their votes. Likewise, the date in which lost or never received postal votes can be reissued also needs to be reviewed to allow sufficient time for the replacements to be sent and returned.

- **Enabling parish and community council elections to be held on the same day as a combined local and parliamentary election**

In our [2017 post-election report](#) we made the following recommendation:

'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.'

- **Requiring EROs to inform voters when their postal ballot paper has been rejected**

Whilst this provision is welcomed issues can arise at back to back polls like in May this year with the local elections followed by the European Parliamentary election three weeks later. In the majority of cases there was insufficient time to inform voters re their rejected ballot papers in relation to the first poll to then allow time for a new application to be made in time for the second poll resulting in a risk of the elector being disenfranchised at the second poll.

Question 12: What other measures may be necessary to ensure that electoral administration is fit for purpose and that administrators are able to fulfil their roles effectively?

We are strongly of the view that simplification, consolidation and modernisation of the legislation relating to electoral processes is long overdue and that without urgent and, in some cases, radical reform, significant and unnecessary risk will continue to exist within our democratic processes.

In our [2017 post-election report](#) we called on the UK Government for a fundamental rethink of UK electoral process and stressed that without positive and urgent action, we had significant concerns that the many weaknesses and contradictions identified in current systems and procedures will cause the UK's electoral system to further fracture and fail.

In recent years, those responsible for administering the electoral process have been placed under severe pressure, having had to deliver combined polls, two UK Parliamentary General

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elections (one of which was unscheduled), the EU referendum, the unexpected European Parliamentary election and the introduction of IER. Following that, radical canvass reform will introduce further fundamental change to electoral registration processes in 2020.

In its interim report on [electoral law](#), the Law Commission perfectly summed up the complexity of the legislative framework administrators are required to navigate through when stating "... electoral law is complex, voluminous, and fragmented. More than 25 statutes and many more pieces of secondary legislation govern elections." With numerous pieces of legislation for each election type, and with all the legislative amendments over the years being bolted on to existing legislation, the administration and conduct of the electoral process is becoming ever more complex and consequently at risk of being incorrectly applied.

The need for effective change and improvement of the fundamental processes that underpin our democratic system is therefore becoming more and more urgent.

In addition, resources vary from authority to authority as do the costs of conducting electoral registration. The introduction of IER has also meant that resource implications have changed, with the process becoming more data led. Whilst local authorities must provide EROs with sufficient resources, budget cuts within local authorities over the years have also impacted on electoral services teams. The additional costs of IER has been funded by HM Government, with top up funding through justification-led bids being made available until 2020. The proposals outlined with the introduction of Canvass Reform in 2020 should make the process more cost efficient. However, Canvass Reform will be a hybrid model of the pilots that have been conducted in recent years and therefore cost assumptions have had to be estimated. If the full envisaged savings are not achieved, local authorities should be able to apply for top up funding.

Changes to postal voting legislation allowing postal votes on demand and emergency proxies has resulted in significant increases in applications, with a substantial impact on resources at national polls. The processing of overseas electors at a UK Parliamentary general election also requires significant resources to check and process applications.

The costs of registration, UC1 forms at the European Parliamentary election for the registration of European citizens, and absent votes prior to a national election should be covered by top up funding or via the MRA funding for that election. For example, significant costs were incurred by EROs in relation to UC1 forms for the recent European Parliamentary election, an election that wasn't happening and which no additional funding was provided for, as a result local authorities had to meet the costs. At the Scottish Independence Referendum in 2014 the additional registration costs were met by the Scottish Government.

We therefore urge the UK Government to introduce a mechanism whereby the full costs of registration that can be demonstrated as being incurred because of a national electoral event should be reimbursed to the relevant local authority.

Whilst funding is an issue, having sufficient resources with the required knowledge and skills is becoming more of an issue as people leave the profession due to the demands of the job and the impact it has on personal and family life.

Other matters

Question 13: What is your view of the Government's proposals to require people to bring personal identification when casting a vote?

On the 26 July 2019 after the Electoral Commission published their [Voter ID Evaluation report for the May 2019 polls](#) we published the following statement in response:

'The Association of Electoral Administrators supports the findings in the Electoral Commission voter ID pilot evaluation report and agree that important questions remain about how an ID requirement would work in practice. It is of course for government to decide on the final format of any voter ID scheme, but with pilots so far only covering

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small samples of the population, we expect that any wider roll-out will uncover further learning points which must be acknowledged and taken on board. To ensure successful implementation of any voter ID scheme, we are calling on government to provide comprehensive support and full funding to electoral administrators and councils. The cost of additional burdens at all polls should be met centrally and, should there be a need for local ID to be issued, any scheme must be administratively feasible and realistically costed. Finally, we would strongly advise against implementing voter ID for the first time during a General Election. Higher levels of voter registration and turnout would cause significant administrative challenges for both electoral administrators and wider council support teams, and we believe exacerbate the growing issue of falling numbers of experienced polling station staff.'

In addition, some of the key issues identified in relation to implementation are as follows:

- Recruitment of polling station staff – electoral administrators already struggle to recruit sufficient staff – the introduction of Voter ID will make it harder to recruit
- Additional staff training will be required in relation to the processing and checking of Voter ID and dealing with 'difficult' electors
- Polling station staffing ratios may need adjusting (at least initially) as it will take longer to issue ballot papers
- Back office support for local ID will need to be fully resourced
- Concerns regarding the timetable for legislation as there is a lot of detail to be worked through in secondary legislation

Question 14: Is the Act (or any of its provisions) having unintended consequences? If so, what are these?

As highlighted earlier in our response the introduction of IER and the ease of being able to register online has resulted in significant numbers of duplicate applications to register for EROs to process. In addition, IER is also more bureaucratic, expensive and a paper chasing exercise with the two-stage process of household enquiry forms (HEF's), and invitations to register (ITR's), although this may change as a result of Canvass Reform.

The Act makes provision for the Civil Penalty Notice (CPN) route to be followed for non responders, however very few ERO's issue CPNs and yet registration rates are not at 100%. Consideration may need to be given to review of the process, the costs associated in issuing CPN's and where the money raised from CPNs goes.

Peter Stanyon

Chief Executive of the AEA

6 September 2019