

# The Association of Electoral Administrators



## Response to the House of Lords Select Committee Call for Evidence - Electoral Registration and Administration 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.

### Contact Details:

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### Electoral administration of the 2019 UK General Election

1. Do you think the 2019 UK General Election was well run? What were the key issues with regard to registration and administration at the election?

Yes, the UK Parliamentary general election was well run despite it being another unscheduled national poll with, on this occasion, additional seasonal challenges.

That said, 2019 was an unprecedented year of significant challenges and workload for electoral administrators which has shown that the electoral system in the United Kingdom is not entirely fit for purpose. The already highlighted cracks are widening even more. It is unfortunate that inadvertent mistakes were made in some areas and the level of service not to the high standard ROs and EROs would have wished for.

A range of unintended consequences and logistical challenges arose from the election date. Problems such as postal votes for overseas voters and duplicate online voter registrations are perennial. Looking ahead, constituency boundary changes and voter ID will introduce more complexity and risk.

Specific issues at the 2019 UK Parliamentary general election included:

- **Revised Register of Electors** - the timing of the general election caused significant challenges to the register of electors' annual canvass. When legislation was passed on 4 November, EROs had canvassers visiting properties where household enquiry forms (HEFs) and invitations to register (ITRs) had not been returned.

There is provision in legislation to defer publication of the electoral register from 1 December until no later than 1 February the following year if the poll for an election takes place during the annual canvass. However, there is no deferral provision for polls taking place in the days immediately after scheduled publication.

In most cases, EROs published their register at some point before 1 December, increasing the risk to the election and causing significant challenges and complexities for electoral administrators. In our [post-election statement](#) we have made the following recommendation: **We believe the UK Government should amend legislation to allow for the publication of the revised register of electors to be delayed if the Notice of Election for all polls is published during the annual canvass.**

Legislation requires that poll cards should be sent out as soon as practicable after the Notice of Election is published. The truncated timetable meant that printers required poll card data as soon as the election was announced. In many cases this meant that poll cards were printed

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with elector numbers that changed once the revised register was published and did not match the polling station registers.

Issues with software systems saw errors in polling station registers discovered less than a week before the poll, and the inability to publish the revised register whilst an election was underway.

- **The timetable, including a Scottish bank holiday** - which resulted in registration regulations being amended in Scotland to ensure consistency across the UK; and both the postal vote deadline and registration deadline falling on the same day, but at different times. In our post-election statement '[The 2019 UK Parliamentary General Election – delivered on time for Christmas](#)' we have made the following recommendation: **We believe that legislation should be amended so that all UK bank holidays, including those only observed in devolved nations, apply to all elements of the election and electoral registration processes. This should include timetables for national polls and associated local government casual vacancy elections.**
- **Overseas postal votes** - the expectations of many overseas electors were not met when postal ballot papers did not arrive in time for them to be completed, returned and included in the count, despite the best efforts of ROs. Even for scheduled elections the timetable is tight as ballot papers cannot be printed before nominations close. The unscheduled election made the task significantly more challenging. The situation is exacerbated when overseas electors register to vote on, or close to, the registration deadline with many failing to follow the advice of their ERO to make suitable absent vote arrangements, preferably to appoint a proxy within the electoral area. We have regularly highlighted this issue and made the following recommendation in our [statements 5](#) - **We strongly urge the UK Government to consider the way in which overseas electors can cast their votes.**
- **Cross-boundary constituencies** - In many areas, the administration of a UK Parliamentary general election is complicated by constituency boundaries crossing local authority boundaries. In these areas a RO may take in or give away electors, or both, to form a Parliamentary constituency. This creates significant additional administrative challenges.

If the recommendations of the four Parliamentary Boundary Commissions are agreed by the Government, the increase in cross-boundary constituencies will significantly increase the complexity and risk of future elections.

Overarching issues included:

- **UK Government Departments** - this election highlighted, yet again, the need for more joined up working across UK Government Departments and partners. We made the following recommendation in our [statements](#): **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.**

This lack of understanding was brought into sharp focus, and the job of ROs made more difficult, when the Secretary of State for Education wrote to all local authority Chief Executives on 5 November requesting ROs ensure *arrangements for polling stations keep the disruption to school activities over the Christmas period to an absolute minimum...* This letter was received over a week after Parliament had voted in favour of the election. The majority of ROs had already booked polling stations and sent poll card data to their printer. The letter caused some schools to attempt to cancel bookings or charge additional costs.

In our [September 2019 statement](#) we highlighted that, given the Cabinet Office's expectations that ROs should use schools to reduce the cost of elections, 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 rooms

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for polling as well as sufficient and appropriate financial and staffing resources to EROs and ROs.

Other difficulties included the usual count centres not being available, with new venues having to be found at short notice, along with rooms not being available for postal vote opening and ballot box preparations. Holding the election in December and just before Christmas had a severe impact on the availability of staff to work at polling stations and counts. At the start of election week ROs were reporting of vacancies not being filled. Some areas used all their reserve staff while others had no choice but to appoint staff as Presiding Officers who had no elections experience. Whilst there was little ROs could do, these situations added significant risk to the conduct of the election.

- **Election fees and charges** - the Parliamentary Elections (Returning Officers' Charges) Order, which set the Maximum Recoverable Amounts (MRA) for each parliamentary constituency was made on 4 November 2019. In our [September 2019 statement](#), we expressed concern that the current arrangement for fees and charges is not fit for purpose. We have significant concerns relating to this election, with many ROs expecting to exceed their MRA. We also expect some legitimately incurred costs not being reimbursed due to Government setting upper limits without any transparency, despite questions being asked, as to why and how those thresholds have been set.

An election in winter creates other additional costs including gritting, winter contingency arrangements (which will not be paid for by the Cabinet Office), extra heating facilities and reduced hours of daylight requiring additional internal and external lighting at some polling places. The short timescale also saw some print suppliers increase their costs significantly with many ROs concerned this will cause them to exceed their MRA.

In our [statements](#) we made the following recommendation: **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.**

We also made the following recommendations, which we consider need urgent attention: **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.**

- **Capacity of electoral administrators and suppliers** - the reduced resourcing levels within local authorities has impacted on electoral services teams and their election support staff.

Our members have reported increased electorate expectations of instant responses to queries by email, telephone and social media, which have reached unprecedented volumes. Combined with the ongoing increase in last-minute registrations and the continued increase of postal votes to issue and open, administrators have felt more pressured than ever.

Whilst electoral administrators delivered the elections, mistakes were made in some areas and usual high standards of customer service were not always maintained due to the sheer volume of queries, registrations, absent vote applications and other challenges faced.

Suppliers also came under immense strain. Many had to increase capacity in a short period resulting in longer working hours and passing the resulting price increases on to their customers. There are a limited number of specialist printers in the market, with restricted capacity. The short election timetable meant that in some cases, the number of print runs a

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RO could order was restricted. This meant, for example, that they could not always issue postal votes as quickly as they would have liked. Whilst we accept printers generally provide an excellent service to ROs, their requirements based on the short election timetable means ROs were limited in terms of the agile customer service they could provide to electors.

Likewise, there are a limited number of Electoral Management Software (EMS) suppliers. The uncertainty around whether there would be an election and the timing of the poll during the annual canvass caused issues for EMS suppliers. Software limitations and problems were identified during the election timetable, with one EMS requiring software updates just days before the poll and polling station registers having to be reprinted as a result.

In our [statements](#) we made the following recommendation: **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.**

In conclusion, whilst it must be acknowledged that the polls were delivered successfully without major incident, this success should be attributed to the personal dedication and commitment of electoral administrators, suppliers and stakeholders.

The House of Lords select committee may wish to review our full post-election statement '[The 2019 UK Parliamentary General Election – delivered on time for Christmas](#)' which was published on 5 February 2020 for further details. The full list of recommendations and previous outstanding recommendations are available in the appendix to this statement.

## 2. Do you have concerns about voting fraud or related offences taking place during the 2019 UK General Election? What new measures are needed to tackle these, if any?

We do not have any significant concerns relating to voting fraud or related offences taking place during the 2019 UK Parliamentary General Election. That said international observers have commented in the past that the electoral system in Great Britain is based on trust and is therefore vulnerable to electoral fraud.

The recent Queen's speech provides for further integrity measures being introduced in future legislation, however, there remains other areas of concern within the electoral system which are outlined below:

**Registration in more than one electoral area** - The UK Government should review current legislation and provide further clarification in legislation in relation to second homes as outlined in the Law Commissions' paper.

**Absent voting applications** - The UK Government should set out in secondary legislation that absent voting applications should substantially adhere to prescribed forms.

**Postal vote waivers** - The UK Government should amend the legislation to require that applicants for postal votes who request a signature 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** - The UK Government should review and consider the circumstances for emergency proxy applications, including the deadline for receiving such applications. We believe this is an area that is regularly 'abused' by electors.

**Tellers** - The UK Government should look to formalise the roles and responsibilities in legislation in relation to tellers and the postal vote code of conduct, to be more effective in ensuring integrity.

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## Electoral registration

3. There were again a significant number of registration applications during the election period, as well as high levels of postal and proxy voting. What issues does this create for the electoral process?

This election saw a significant increase in the number of registration applications being made during the run up to the deadline with 659,666 applications made on the final day.

Once again, EROs reported disproportionately high levels of duplicate online applications being made by electors who were already registered.

The issue of duplicates may have been made worse by the timing of the election coinciding with the annual canvass, when invitations to register were being issued. However, this is an ongoing problem and the amount of additional work caused by such unnecessary applications is unsustainable. We have highlighted this issue in previous reports and firmly believe that the UK Government must work with EROs to consider how a long-term workable solution can be found.

This election, like all national elections since the introduction of IER in 2014, saw significant numbers of people registering to vote late in the process. Despite additional temporary staff being employed, many EROs struggled to keep on top of processing, with reports that applications were still being processed several days after the registration deadline. This had an impact on electors who did not have their identity initially confirmed by the Department for Work and Pensions, as the required requests for evidence could not be sent out as quickly as normal.

In previous reports we have also made the following recommendation: ***As part of its immediate work programme, Cabinet Office should include workstreams that will: - Deliver an effective resolution to the ongoing issue of duplicate registrations;***

The continued assertion that all registration costs must be paid from local government budgets is outdated and unfair and we would urge the Government to conduct a review of registration funding.

We have raised the issue of registration funding in previous reports and there remains the issue of ERO funding in relation to national polls. The increase in registration applications outlined above were principally caused by a national poll taking place. Under current arrangements, the costs of processing those registration applications, and of issuing and processing absent vote applications, will have to be met by the ERO and their local authority not central government funding.

In our [statement](#), we made the following recommendation: ***11 - We urge the UK Government to introduce a mechanism where the full costs of registration should be reimbursed to the relevant local authority or Valuation Joint Board where it can be demonstrated that those costs were incurred because of a national electoral event.***

4. What further changes might be needed to improve the registration process for voters and administrators? Are there examples of good practice in supporting and facilitating new registrations, and of improving the overall accuracy of registers?

At the 2019 UK Parliamentary General Election elector confusion arose from the two-stage process of IER. Firstly, each household must complete a HEF, followed by any new elector added to the HEF being required to complete an application in order to register. Some electors on polling day believed they were registered as they had completed a HEF, not realising they had failed to complete the second stage in order to register.

In our [post-election statement](#) we make the following recommendation: ***Once canvass reform is implemented, we recommend that the UK Government, along with other stakeholders, undertake a review of the registration system, to clarify and improve the voter experience for those needing to complete two registration processes during the annual canvass period.***

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In a previous report we have highlighted the issue of EROs gaining access to data sets. The inability to access all local authority data due to issues such as GDPR and the two-tier Council system means EROs cannot work as effectively as they should. We also believe more work should be undertaken across UK government departments to enable a clear decision on what national data sets EROs should be able to access. The ability to data mine is of key importance to maintaining a complete and accurate register. We previously made the following recommendation: ***As part of its immediate work programme, Cabinet Office should include workstreams that will: .....Enable the better sharing of data in order to simplify registration processes.***

We would also raise the ongoing confusion among the electorate regarding postal and proxy votes. Many electors expect to receive ballot papers as soon as an election is announced. Proxy applications are often appointing a proxy who lives significant distances from the elector's polling station as they are not aware the proxy needs to attend the elector's polling station rather than their own. We believe more could be done to educate electors in many areas and specifically at the point of downloading an absent vote application form.

IER presents challenges for the registration of students at universities, care homes, young people and anonymous electors. 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 most universities.

**5. In the light of the 2019 UK General Election and other recent electoral events, has the individual registration process met its objectives successfully? Is there a case for further reform or modernisation to improve the quality of registers?**

We believe the ability to register to vote online has been a huge success however, it has brought with it confusion regarding the two-stage canvass process. It has also led to more event-led registration and the challenges the volume of 'late' registrations brings. We have more fully outlined these issues in question four.

Additionally, while we support the introduction of canvass reform in the summer of 2020, it will be imperative that analysis is conducted in future years as to the impact this change has had on the completeness of electoral registers.

**6. What were the main challenges around raising public awareness and encouraging eligible electors to register ahead of the 2019 UK General Election? How might these challenges be addressed?**

**Timing** - as a result of the limited notice of the poll, ROs had insufficient time to engage in public awareness. The electorate did however seem aware of the election due to wider publicity. The timing also impacted the early delivery of poll cards which contain key information on absent voting deadlines giving electors less time than ROs would have liked to put alternative arrangements in place if they were unable to attend their polling station.

**Franchise Issues** - although the franchise for a UK Parliamentary general election does not allow EU nationals to vote, many expected to be able to, resulting in councils dealing with a significant increase in enquiries. We believe voter confusion is an issue that must be addressed, especially considering franchise differences in Scotland and Wales which are likely to cause many to be unsure about their voting rights in different polls. In our [post-election statement](#) we make the following recommendation: **We would urge the Government and the Electoral Commission to work together to consider how best to ensure electors understand which polls they are able to vote in.**

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**3 March 2020**