

The Association of Electoral Administrators



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Dear Minister,

With the May polls over, and the UK government's Elections Bill receiving Royal Assent, I thought this was an opportune time to write to you.

As Chief Executive of the organisation representing electoral administrators, I have already written to the UK Minister outlining our concerns about the new Act and other challenges.

Due to the unique challenges for our members in Wales, I felt it appropriate to also write to you highlighting some thoughts from 5 May polls and about proposed reform.

5 May Polls

Legislation

Preparations were once again hampered by late legislation. We advocate for any legislative change to abide by the Gould Principle.¹ Time should be available for proper implementation planning and risk evaluation.

For 5 May elections, there were the following changes:

- The Local Elections (Principal Areas) (Wales) Rules 2021 and The Local Elections (Communities) (Wales) Rules 2021 made on 15 December 2021.

¹ Electoral legislation should not be applied to any election held within six months of the new provision coming into force.

- The Local Elections (Miscellaneous and Consequential Amendments) (Wales) Regulations 2022 made on 9 March 2022 – five days before some authorities published their notice of election.
- The Electoral Pilot Scheme Orders for the four pilot authorities were made on 15 March 2022.

Passing legislation in March impacted the Electoral Commission's ability to provide timely guidance for administrators, candidates, and agents. They were required to proceed at risk and issue guidance prior to legislation being made.

While we welcomed Welsh Government funding legislative changes training for Returning Officers (ROs) and administrators on 8 February, we would urge that all legislation is finalised prior to guidance and training in future.

Nominations

ROs reported large numbers of errors on nomination papers. Most issues were related to the statement of party membership and the home address form.

There were numerous complaints from candidates and administrators about how difficult the forms were to understand and complete. We believe it would be helpful for a working group to consider how the nomination process could be simplified, both on paper and electronically.

The number of errors was likely compounded by late legislation. The Electoral Commission was unable to provide local election nomination forms until 18 February 2022. The limited timeframe for candidates and agents to familiarise themselves with new requirements doubtless caused many of the reported mistakes. It also impacted ROs ability to provide comprehensive information at earlier candidate and agent briefings.

The ability to submit nominations electronically provided flexibility for candidates but proved challenging for ROs.

High volumes of electronic nominations were submitted in the final 48 hours. This placed a huge burden on electoral administrators to process each nomination and contact candidates about any errors in a timely fashion. Unlike paper nominations, where checks are made on the spot, contacting a candidate to make them aware of errors is far more resource intensive for electronic nominations.

When statements of persons nominated were published, it became apparent some candidates had not seen their nomination paper. ROs were

contacted about numerous name and address spelling errors made on nomination papers.

We would welcome a review of electronic nominations provision to improve the system for future polls.

Statement of party membership

New rules to include changed political party affiliations on statements of persons nominated (SOPN) are confusing. We believe this provision needs to be reviewed to avoid confusion on public notices and amongst voters.

At present, if candidates have changed affiliation in the twelve months before a poll or are not standing for a party they are member of, the RO must include party details on the SOPN. The affiliation end date is set as the notice of election publication date, but this gives a false impression that a candidate is no longer a member of the party.

Pilots

The four pilot authorities must be commended for successfully delivering advanced voting pilots under challenging circumstances.

While turnout may have been lower than hoped, we see benefits that could apply to all polls.

The technology to enable and safeguard issuing multiple ballot papers in one venue was particularly successful. This could provide a realistic solution to challenging venue and staff resource issues. Moving to larger regional voting centres would significantly reduce the number of venues and staff required. It would bring much needed resilience and capacity.

While the pilots were successfully run, a centrally organised communication campaign would have been beneficial. Support from Welsh Government and/or the Electoral Commission could have supplemented localised work and brought greater awareness and increased turnouts.

Resilience

The May polls highlighted resilience and capacity challenges in Wales. In recent years there has been a huge turnover of ROs/Electoral Registration Officers (EROs) and electoral administrators.

Most ROs/EROs have limited experience and understanding of the electoral process. The situation in Wales is not unique, but is acute given the challenges legislative divergence and electoral reform present.

As previously stated in our '[Blueprint for a Modern Electoral Landscape](#)', we would encourage Welsh Government to consider establishing an election management board (EMB) for Wales. The creation of an EMB could bring resilience and support. It could provide direction and resource, as well as much needed guidance and training.

Focusing on administrators, while some new electoral services manager appointments are the result of succession planning, many are not. Several authorities have been forced to appoint someone with no prior knowledge or experience of electoral services. Consequently, there is a loss of expertise in key areas of legislative and practical knowledge. Again, an EMB could help to address this problem through resources, guidance, training, and direction.

Elections Act 2022

On 9 September 2021, Welsh Government issued a legislative consent memorandum refusing consent to the UK Government Elections Bill. While acknowledging some proposals had merit, you planned to bring forward legislation to the Senedd in due course.

To date we do not know which measures you intend to bring forward or what progress has been made. We would welcome an update on work for devolved elections and planned timescales.

The Elections Act 2022 received Royal Assent on 28 April 2022. We are deeply concerned by the complexity this legislative divergence will bring to electoral administration in Wales. There are unanswered questions about:

- postal vote handling provisions for combined reserved/devolved polls
- the challenges of online absent vote applications for reserved polls
- different timescales for re-applying/refreshing absent votes for reserved and devolved polls

We are keen to seek reassurance these matters have been considered when planning the legislation you intend to bring forward.

We are concerned there is still legal provision to combine some reserved and devolved polls. At present Police and Crime Commissioner polls can

be combined with Senedd and local government elections, and UK Parliamentary with local government polls.

Given the challenges divergence would bring, we question whether reserved and devolved polls should continue to be combined. We would ask whether you, or the UK Government, intend to bring forward legislation to prevent combinations and address any consequential funding issues.

The Dissolution and Calling of Parliament Act 2022 brings further questions about future Senedd elections. Section 3 of the Government of Wales Act 2006 states a Senedd election will not be held on the same day as a parliamentary general election (other than an early parliamentary general election). We believe this needs to be reclarified. For example, what protocols are in place should the UK Government announce a parliamentary general election once the notice of election has been published for a Senedd election.

Senedd Reform

The statement on 10 May from First Minister, Mark Drakeford and Plaid Cymru leader, Adam Price makes clear they intend Senedd reform for the 2026 Senedd elections.

With the Special Purpose Committee on Senedd Reform due by the end of this month, with a subsequent bill introduced by October 2023, timescales are tight.

The intention to use closed proportional lists, integrated statutory gender quotas, mandatory zipping, and 16 constituencies each electing six members again raise timescale concerns.

The bill is scheduled to be introduced two and a half years before the next Senedd elections. The implied need for a full boundary review, as well as changes to the voting system, are substantial and time consuming. We would again reiterate the need for the Gould Principle to be adhered. Any legislative change for 2026 Senedd elections should be in place by September 2025 at the very latest.

In addition to intended Senedd electoral reform, there will be Elections Act 2022 changes and potentially alterations following this May's advanced voting pilots. While we welcome aspects of the modernisation agenda, implementation should not overburden the sector or confuse the electorate.

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The Association of Electoral Administrators

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We are also mindful of likely legislative change prior to local government elections in May 2027. While these may replicate those implemented for Senedd elections, it still requires new timely legislation.

We are also concerned 2027 could be the first time the single transferrable vote (STV) system is used in Wales. To date there has been little information on the assistance and funding available to introduce and use STV. We are keen to understand Welsh Government involvement should STV be used, and whether central funding and procurement for electronic counts will be available.

Ready to help

We believe electoral administration in Wales has challenging years ahead. For every change, we remain ready and willing to engage with you and your team to find workable ways to implement them. We know our members are too, and we will continue to amplify their ideas, concerns and experiences as these programmes move forward.

Yours sincerely,



Peter Stanyon
Chief Executive