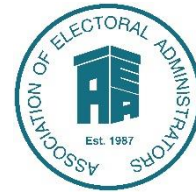


# The Association of Electoral Administrators



## Response to the Electoral Commission consultation on draft performance standards for Returning Officers and updated performance standards for Electoral Registration Officers

**Organisation:** The Association of Electoral Administrators (AEA).

**Summary of Organisation:** Founded in 1987, the AEA is the professional body representing the interests of UK electoral administrators. We are a non-governmental and non-partisan body with over 2,000 members, the majority employed by local authorities to provide electoral registration and election services. Eleven branches of the Association cover the United Kingdom.

### Contact Details:

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## About the draft standards – what the draft standards comprise of

### Overarching comments

Returning Officers (ROs) always aim for a high-quality voter experience and to deliver in accordance with legislation. However, numerous factors need to be taken into account when assessing performance. This includes new legislation, the timing of legislation and guidance and overarching challenges facing ROs.

Implementing the Elections Act raises new challenges in an overstretched and under resourced sector. Performance standard assessment must take account of new pressures, giving time to embed new legislation.

### Questions

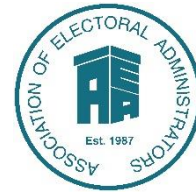
- **Are the standards focussed on the right outcomes? If not, what outcomes should be reflected?**

Yes.

**Comments** - We support the new proposed standards focusing on outcomes, rather than process. We have the following comments and suggest amended wording:

- *Electoral services are robust and support the delivery of well-run elections. We agree with this outcome but feel the term "well-run" is subjective. We fear this*

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could lead to differing opinions about whether a poll has been successfully delivered.

- *Everybody who is eligible and wants to vote is able to do so and has confidence in the voting process.* Many reasons beyond a ROs control may stop an elector voting, for example, new voter ID requirements. An RO must not fail to meet a standard due to circumstances beyond their control.

In addition, confidence in the voting process depends on many stakeholders. A candidate committing voter fraud, for example, could impact a voter's confidence. Again, the RO could not be responsible. We believe adding '*The Returning Officer has taken all reasonable steps to ensure everybody who is eligible and wants to vote is able to do so and has confidence in the voting process*' to the outcome would better reflect the ROs responsibilities.

- *Everybody who is eligible and wants to stand for election is able to do so and has confidence in the process.* ROs sometimes have to reject nominations. We feel saying '*Everybody who is eligible and wants to stand for election is **supported** to do so and has confidence in the process*' would be clearer wording.
- *Everyone can have confidence that the election process is well managed and in the accuracy of the results.* Again, the term "well-managed" is subjective. Could the outcome be '*Everyone can have confidence in the election process and the accuracy of the results?*'

- **Do the draft standards demonstrate a clear link from inputs through to the overall outcomes?**

Yes

- **Do the standards focus on the right activities? If not, what activities should be included?**

Yes

## Comments

**Returning Officer Outcome 1 – Activities** – *working with contractors and suppliers* – this should also refer to working closely with other council officers with a supporting role. The move to a 'one council' approach sees many other services playing key roles in the process. We feel this outcome could be expanded.

**Returning Officer Outcome 2 - Activities** – *ensuring appropriate staffing levels at polling stations* – staff recruitment is becoming more challenging. The Elections Act 2022 could potentially see more polling station staff decline to work due to job complexity and level of remuneration. ROs make their best endeavours to ensure polling stations are appropriately staffed, but there needs to be a flexible approach to Electoral Commission ratios.

- **Do you have any thoughts on the measurability of the impact of the activities set out in the draft standards?**

We agree with your statement *'in some cases the difference will not be straightforward to quantify or otherwise measure ...'*

Measurement against the standards needs to reflect the landscape, including during Elections Act 2022 implementation and a snap UK Parliamentary General election (UKPGE) compared with a scheduled poll.

The standards detail a huge amount of evidence Electoral Registration Officers (EROs) and ROs should be able to produce if requested. We feel it is unrealistic to expect the sector to record, collate and make this amount of information available unless it is absolutely necessary. Being clear on the evidence that may be requested will be important. We also believe helping EROs and ROs prioritise where to focus their efforts would be helpful.

We fear the list of activities and information could overwhelm electoral administrators. There are significant resourcing issues in the sector, and this could be seen as adding pressure rather than being helpful.

## **Returning Officer Outcome 1**

- *How we determine success - elections delivered without legal challenge* – an election may be challenged due to the actions of a candidate or agent, outside an ROs control. If a legal challenge was made on this basis, would the RO be judged to not be meeting the standard? Even if challenged, the outcome may be in favour of the RO. Consideration needs to be given to the wording to reflect this.

## **Returning Officer Outcome 2**

- *Information - ballot paper rejection rates and postal vote rejection rates, contributing to an understanding of whether voters have been able to follow the instructions* – the desired outcome is ROs learning from their actions to improve and reduce rejection rates. This second stage of thinking is not explicit enough. ROs need to see the benefits this kind of analysis can bring and be supported to make the change. It should also be noted that whatever work is done by a RO, the outcome is still out of their control.
- *Information - Accuracy and timeliness of election materials* – the timeliness of secondary legislation and EC guidance impact production, delivery, and proofing. Flexibility may be needed when making assessments until the Elections Act is embedded.
- *Information - Feedback from voters and local interest groups on equipment provided to support voting* – should the standard include 'as it is reasonable to provide' as outlined in the Act. How far should an RO go in obtaining feedback? Should they be proactively seeking opinions? What is seen as good practice?

- *How we determine success - Analysis of available data relating to voters who have not been able to cast their vote (for example, due to not having appropriate Identification (at relevant polls)) – will individual RO data be compared against average UK wide data, and how/where will it be published?*

## **Returning Officer Outcome 4**

*How we determine success - Elections delivered without legal challenge – as previously, an election may be challenged for reasons outside an ROs control. In addition, the Elections Act 2022 could result in more legal challenges beyond a ROs control until precedent is set.*

## **Electoral Registration Officer Outcome 1**

General comment - will electoral management system (EMS) functionality be in place to support everything listed? Will EROs be able to extract necessary data from the UK Government portal?

*Information - Number of special category electors renewed by elector type – how are EROs meant to encourage overseas registrations? Above legal requirements what should an ERO be doing to encourage registration? What support will be available?*

*Information - Identification of those less likely to hold a required form of ID, supporting targeting of activity – EROs will need guidance on how to do this and what available data would be of benefit.*

## **Electoral Registration Officer Outcome 2**

*Activities - Undertake postal vote refresh process – under the Elections Act 2022 a new application is required after three years. The terminology needs updating from 'refresh' to 'reapplication'. This may need to be further amended to reflect processes in Scotland and Wales.*

- **Do the standards cover the full range of responsibilities of the RO? Are there any gaps, or is there anything included in the standards that shouldn't be there?**

Yes

[Comments](#)

**Returning Officer Outcome 2 - Information - Records of postal votes handed into polling stations** – should records also be kept of postal votes handed into ROs offices?

- **Do the standards provide sufficient flexibility to accommodate future legislative change?**

No, not for the devolved nations. The Elections Act 2022 will introduce significant differences in certain areas, and we do not feel these have been explicitly highlighted, especially in relation to ERO functions.

At present it looks as though Scotland and Wales will still have a five-year postal vote refresh for devolved elections, as well as a three-year reapplication for UK Parliamentary General and Police and Crime Commissioner elections (in Wales).

## Using the standards – support and challenge

### Questions

- **Will the proposed approach to how the Commission will use the standards to engage with ROs enable the identification and provision of effective support and challenge?**

The data will help engage with RO and EROs. However, will they be expected to provide evidence for every bullet point listed under 'What information is needed to understand the impact of our activities'? If they are, this will be overwhelming and a burden.

- **Is there anything more or different the Commission should be using the standards to do?**

Yes. The EC should be using the standards to recognise those who are struggling and offer them support. It should also be used to identify and share good practice with the sector more widely.

- **Do you think the standards will support ROs to provide a consistent, high-quality experience for voters, candidates and agents?**

No. We feel they will be used as an ambition. We are also concerned about the lack of resources and capacity within the sector, and fear some will see this as a burden too far. This should be considered when the standards are introduced taking the current environment into context.

- **Do you think the standards, alongside our guidance, will be effective in supporting ROs with planning for and delivering elections?**

No. We feel there is insufficient engagement with ROs. It would help administrators if there was a clearer plan for ROs to buy into.

- **Are there any other tools and guidance that would help to support ROs in using the standards to understand and improve their performance?**

Yes. Use the good practice and realistic feedback obtained through the standards. For example, when data has been obtained what can an administrator do with it? The EC

should consider providing webinars or use AEA branch meetings to talk through the standards and how administrators can use different data to improve their service.

## Using the standards – Supporting consistent implementation of legislation

### Questions

- **Do the standards, including the updates to the ERO standards, appropriately reflect the range of changes being introduced as a result of the Elections Act?**

At present we do not know enough detail about proposed Government policy and secondary legislation. It is important that once the Elections Act 2022 is embedded, the performance standards are reviewed to see if any areas have been missed or are unnecessary.

You may also want to consider that, as referenced earlier, the following draft standard will need adapting for the devolved nations:

#### ***Electoral Registration Officer Outcome 2***

*Information - Number of absent vote refresh notices sent, followed up and responses processed by type (e.g., ordinary elector, overseas elector, etc.) - is it also worth having data on the number who did not reapply after three years?*

- **Do you think the standards, along with our guidance, will help with the consistent implementation of the legislative changes introduced?**

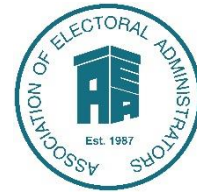
EC guidance will help, but administrators, ROs and EROs will need time to read and implement the guidance. This may not take place in the first year of implementation due to timescales and other pressures on the sector.

We feel a wider engagement programme to support administrators, ROs and EROs to see the standards' value and benefits would be more productive. This approach may avoid the standards being viewed as a tick box exercise, judged on pass or fail and even threatening reprimand.

- **Do you think that the data and information set out in the standards covers the right areas and will provide robust evidence to inform our reporting on the implementation of the Act?**

There is far too much data and information set out in the performance standards for ROs, EROs and administrators to focus on. The Elections Act will also introduce additional requirements, for example ballot paper refusal list and voter ID evaluation form. Consideration on providing a set priority list of data and information is really needed to assess the performance standards.

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EMS functionality and ER portal functionality will also be required to export standards data. These should aim to be better than minimum viable product.

## Using the standards – Reporting Questions

- **Do you think the proposed approach to reporting would support transparency, promote confidence that elections are well-run and enable the sharing of good practice?**

This depends on what the EC does with the information and data. For example, if the data was shared in a constructive way to promote good practice within the sector, then yes.

A worry would be the information would be viewed as a kind of league table. This could undermine confidence in the delivery of elections in some areas.

- **Is there anything more or different the Commission should be doing to support ROs and their teams when issues arise?**

No.

**Angela Holden**

**Policy Manager on behalf of the AEA**

**8 August 2022**