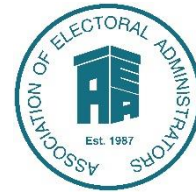


The Association of Electoral Administrators



Response to the consultation on the electoral administration and reform White Paper

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:

National AEA:

Clare Sim, Member Support and Advice Manager on behalf of the AEA

Email: clare.sim@aea-elections.co.uk

Mobile: 07399 808781

Consultation Questions

Chapter 1

1. To what extent do you agree or disagree with the six principles for electoral reform of equity, accessibility, participation, improving citizen experience, simplicity, integrity?

Fully agree

Partially Agree

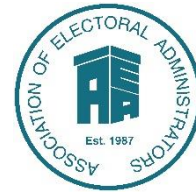
Disagree

Please explain your answer:

We agree with the six principles for electoral reform set out by Mick Antoniw MS, the Counsel General and Minister for the Constitution.

However, we question how some of the principles interact with the ever-increasing divergence devolution brings. While simplicity is a key objective in making registering to vote and voting easier, it seems an impossible objective considering the divergence issues brought about by the Elections Act 2022. It appears going forward, electors in Wales will be required to complete two postal vote applications to retain their postal votes for devolved and reserved polls. The ability to apply for a postal vote online for reserved polls but not for devolved polls adds another layer of complication for electors and administrators. There are further complexities related to postal voting with devolved polls retaining the five-year signature refresh process for postal votes, with reserved polls moving to a three year reapplication process.

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Furthermore, while some suggestions in the White Paper are clearly designed to make devolved elections more accessible and improve the citizen experience, without the UK Government replicating provisions for reserved polls it again adds another level of complication. For example, automatic registration for devolved elections subsequently creates an issue whereby electors may not understand they are not also registered for reserved polls. There will also be confusion over why an Electoral Registration Officer (ERO) is continuing to send invitations to register for reserved polls (as they are legally required to do) after sending confirmation they are registered for devolved polls.

We appreciate this is inevitable result of devolution and commend Welsh Government for looking at ways to modernise and bring equity to the electoral process in Wales. However, it would be remiss of us not to acknowledge that at times, the six principles cannot be adhered to when the UK and Welsh Government approaches to electoral reform are not aligned.

Chapter 2

2. Should the Welsh Government commit resource to considering how electronic remote voting could operate for devolved elections?

Yes

No

Don't know

Please explain your answer:

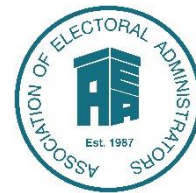
In our [Blueprint for a Modern Electoral Landscape](#), we called for voting arrangements to be reviewed to consider the benefits technology could bring in terms of efficiencies and/or safeguards to the electoral process. We are supportive of Welsh Government committing resource to consider how electronic remote voting could operate for devolved elections.

We believe the use of IT for voting should be considered but only utilised when the system(s) can be shown to deliver safe and secure results, deliver improvements on current paper-based systems, be cost-effective and demonstrate public confidence.

In our response to the Welsh Government White Paper – *Reforming local government: resilient and renewed* – we highlighted the use of IT for voting would replicate the way some citizens generally conduct their business and interact with both private and public sector organisations. This is particularly the case in terms of young people.

However, whatever system of voting is used would have to be secure and gain public confidence. In an international context, it should be borne in mind that several jurisdictions including the Netherlands and Germany have moved away from the use

The Association of Electoral Administrators



of electronic voting systems for a variety of reasons and, most recently, in response to concerns about “hacking” and ransomware attacks, which are becoming more common. Before pursuing any policy in this area, we believe the Welsh Government should seek detailed expert advice and guidance from GCHQ’s National Cyber Security Centre.

3. What impacts, if any, do you think the proposed introduction of an all-Wales database of electoral registration data would have on the electoral process (such as registration and electoral services)?

Please consider the potentially positive and negative impacts and provide evidence to support your response, where available. Please comment on each characteristic individually.

It is a matter for the UK Parliament and devolved governments to determine whether a national electoral register would be appropriate. If it were, there would be obvious and clear benefits to electoral processes.

In our [Blueprint for a Modern Electoral Landscape](#), we stated that reconsideration should be given to the previously considered centralised storage of electoral registers or the development of a mechanism to link each ERO’s register, to assist with many fraud measures as well as other elements of the electoral process. Such comments were made in relation to the effectiveness of the current registration process, including the value of the annual canvass, and the two-stage application process.

We also referenced that true rolling register without monthly and interim alteration notices could be supported by developing a centralised system for storing electronic registers. While canvass reform has improved some aspects of the registration process, the dates when amendments can be made to the electoral register have remained the same. With modern expectations raised by online applications and a culture where everything is easily accessible and instant, the current process is outdated.

Once an application to register is received, a Department of Work and Pensions (DWP) verification process is required, with further evidence requested as needed, as well as a five-day objection period before an ERO can determine whether the applicant is to be added to the register or not. Depending on when an application is received, it can be several weeks before the person is finally added to the register.

We believe the register should be a live document which is accurate all year round. Once an ERO has determined an application, the individual should be added to the register immediately without waiting for the publication of the next alteration notice. A monthly list of alterations should be published only if and when required. We believe a centralised electronic register system could support this ambition. However, it would require both UK and Welsh Government to be supportive for the benefits outlined to be realised.

However, it should be noted in law, EROs have a duty to prepare two separate registers; one for UK parliamentary electors and one for local government electors. Although the registers are created separately, they are stored on the same software system. We think a separate electronic register for Wales could well lead to difficulties in this regard. It would therefore be important to address such issues in any feasibility study of this proposal.

We have previously called for the electoral register to be defined as one document in law rather than the current three versions, with the franchise defining which election an elector can vote in.

One other important consideration would be to identify an appropriate 'gate-keeper' agency to act as host.

4. What are your views on the application of Elections Act 2022 provisions on (a) digital imprints for digital campaign material, and (b) online nominations?

In our response to the Cabinet Office Consultation – *Transparency in digital campaigning: Technical consultation on digital imprints* – we stated we strongly agreed with extension of the imprints' regime to digital election material.

Our view is that imprints should be required on all digital electoral material, including paid adverts and election-related organic material (when used by candidates or registered political parties). This will allow for consistency, greater transparency, ease of monitoring, and to ensure there is no uncertainty or confusion as to whether an imprint should be included or not. The use of imprints allows the electorate to clearly see material that is promoting a candidate(s) or political party. The extension of the regime will provide greater certainty for voters about what is campaign material.

The Elections Act 2022 makes no provision for online nominations – we assume the inclusion in the question is an error.

5. Should principal and town and community councils revert to four year terms?

Yes

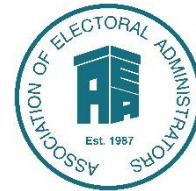
No

Don't know

Please explain your answer:

In previous consultation responses related to the term of office for principal and town and community councils, we have been supportive of a move to a five-year cycle to avoid a clash with UK Parliamentary general elections being held on the same day.

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This results in combined polls, which can cause voter confusion and added complexity to the conduct of those polls.

However, the subsequent passing of the Dissolution and Calling of Parliament Act 2022 has removed the reassurances a five-year cycle for local government elections brought to avoid a clash with a UK Parliamentary general election. Therefore, we now believe it is a matter for Welsh Government to determine the term of office for principal and town and community councils. However, we urge consideration is given to ensuring the combination of reserved and devolved polls is prevented in light of the Elections Act 2022.

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.

In our letter to the Counsel General in May 2022, we raised concerns 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 will bring, we question whether reserved and devolved polls should continue to be able to be combined or even take place on the same day. We would encourage you, or the UK Government, to bring forward legislation to prevent combinations and address any consequential funding issues. Consideration should also be given to the potential benefits decoupling Police and Crime Commissioner elections from England and running them on Wales rules could bring in removing the impact of divergence on this poll.

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 UK Parliamentary general election (other than an early 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?

Chapter 3

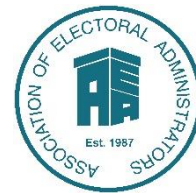
6. To what extent do you agree or disagree that the franchise for devolved elections should be restated in one bi-lingual Welsh Act?

Strongly Agree

Agree

Disagree

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Strongly Disagree

Please explain your answer:

In our 2021 report, '[Blueprint for a Modern Electoral Landscape](#)', we called for a single Electoral Administration Act to modernise core processes while reflecting the divergent approach of all four UK nations. We no longer believe it is possible to navigate the myriad of legislation governing electoral processes. Urgent action is needed to support those administering elections and electoral registration.

Ideally a new, modern Electoral Administration Act in collaboration with all four UK nations should be brought forward, with necessary and effective secondary legislation for each devolved nation.

We are strongly in support of any attempt Welsh Government make to consolidate electoral law where possible.

7. From your perspective, should the franchise reflect the changes in the status of EU citizens now the UK has left the EU?

We believe Welsh Government should replicate the steps taken by Scottish Government to reflect the changes in the status of EU citizens.

Scottish Government's [Scottish Local Government Elections \(Candidacy Rights of Foreign Nationals\) Bill](#) allows nationals from countries where a relevant treaty has been agreed, including Luxembourg, Poland, Portugal and Spain, to become local councillors.

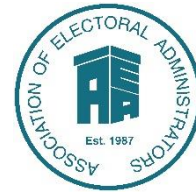
All resident nationals from these countries will be able to stand for election as a councillor in Scotland, even if they only have limited leave to remain and even if that leave is set to expire during their term of office, under the Bill.

This follows changes made in 2020, which ensured all resident nationals from EU countries can vote in local elections and those with settled status or pre-settled status can stand as candidates in local government elections.

The Bill also allows Scottish Ministers to add to the list of countries through regulations if further treaties are signed.

In terms of franchise, we believe EU citizens need to be treated differently to foreign nationals from other countries due to the franchise for Police and Crime Commissioner (PCC) elections. EU citizens are still eligible to vote at PCC elections provided they satisfy the new requirements introduced by the Elections Act 2022. Foreign nationals from other countries are not eligible to vote at PCC elections. Therefore, it is not possible to treat EU citizens as a foreign national and designate them with a 'M' marker as there needs to be a distinction for the PCC franchise.

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We would suggest EU nationals who can no longer vote at PCC elections are treated as foreign nationals as their voting rights for all polls align and are designated an 'M' marker. EU citizens who can continue to vote at PCC elections should continue to be allocated a 'G' marker to distinguish they can vote at PCC, Senedd and local government elections. This measure could be implemented when the write out to EU electors to establish eligibility to vote at PCC elections concludes.

8. How can we best help people understand they have been automatically registered and feel confident that their data is protected, especially for people who may be vulnerable or wish to register anonymously?

This is a matter for the Welsh Government to decide. However, we would suggest prescribed communications are developed in collaboration with the Electoral Commission. This will ensure consistent and legally compliant information is provided to any elector who is registered automatically across Wales.

We would stress should automatic registration be implemented the following matters need to be considered:

- Effectively communicating to electors their registration is only for devolved polls and are required to complete an invitation to register to be registered for reserved polls
- Informing electors that despite being automatically registered for devolved polls, the ERO is still required to send an invitation to register to enable the elector to register for reserved polls and will continue to send two subsequent reminders including a personal visit if they fail to respond
- Ensuring there is sufficient time for an elector to opt out of appearing on the register if they are vulnerable or would need to register anonymously
- Clarification on the open register provisions – we question whether electors are automatically opted-out of the open register when automatically registered. If not, the process and timescales for opting out must be made clear
- Consideration of how automatic registration fits into the current monthly update process – for example, clarifying the point that the person identified to be automatically registered is determined as a pending elector, how the objection period and subsequent reviews apply to such electors.

9. To what extent do you agree with the removal of the open register in relation to devolved elections?

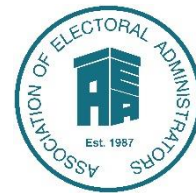
Strongly Agree

Agree

Disagree

Strongly Disagree

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Please explain your answer

We have previously produced a policy position paper on the Sale of the Register of Electors. We believe the open register should be abolished. The electoral register should only be compiled for electoral and statutory purposes and should not be sold for commercial purposes.

The open register lists the names of all electors who have not 'opted out'. Access to the open register is not restricted. It is available for sale to any person who wishes to buy a copy and the data in it may be used for any purpose. Credit referencing agencies are legally able to commercially sell details of any elector appearing on the open register.

Credit reference agencies can make a significant profit from full electoral registers sold to them for a low statutory fee; using the data in their credit checking reports for the financial industry and others¹ and selling on data from the open register. In effect, local government is subsidising credit reference agencies. There is often a misconception from the public that local authorities are profiting from the open/edited register, rather than credit referencing agencies and third parties.

With recent changes in Data Protection legislation, the sale of the open register appears incompatible from a citizen's perspective (i.e. selling people's personal data to anyone who is interested in buying). Furthermore, potential electors may be deterred from registering by the prospect of having their details sold on.

We firmly maintain the open register should be abolished, and no elector details should be available for sale to undefined third parties.

However, while supportive of the open register being abolished, we must acknowledge the limitations if UK Government do not take the same approach. We have assumed you intend for electors who only appear on the local government register (used for devolved polls) and not the parliamentary register to be exempt from the open register. If so, only a small number of electors would benefit (e.g., qualifying foreign citizens and 16/17-year-olds) – all other electors would still be required to opt-out in relation to the parliamentary register to prevent their details appearing on the open register. Consideration needs to be given to the communication messages that would support such divergence to prevent elector confusion when completing registration forms. In addition, practical implications of how this will be identified and recorded in election management systems.

It should be noted in law, EROs have a duty to prepare two separate registers; one for UK parliamentary electors, and one for local government electors. Although the registers are created separately, they are stored on the same software system. We

¹ We are not opposed to licensed organisations accessing data for credit and security checks, but we do not agree with those organisations then being permitted to use that information, compiled at public cost, for commercial purposes.

question if this presents challenges if the open register is abolished but only for certain categories of electors. It would be important to address such issues in any feasibility study of this proposal.

We have previously called for the electoral register to be defined as one document in law rather than the current two versions, with the franchise defining which election an elector can vote in.

10. Should the Welsh Government place a duty on local authorities to have data sharing agreements within the authority itself, and where applicable, with other authorities or organisations?

Yes

No

Don't know

Please explain your answer:

The question does not appear to acknowledge the ERO/RO is the data controller not the local authority. The Information Commissioner's Office (ICO) requires EROs and their local authority to register as separate data controllers. To comply with The General Data Protection Regulation (GDPR) and the Data Protection Act 2018, the transfer of personal data between the ERO and the local authority should be treated in the same way as if passing the personal data to a third party.

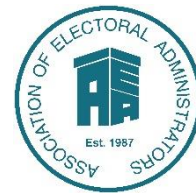
It is the view of both ourselves and the Electoral Commission that the transfer of personal data between the ERO and the local authority is different from the authority passing personal data to another 'Council department' as that would continue to fall within the control of the same registered data controller (i.e., the local authority).

Regulation 35 of the Representation of the People (England and Wales) Regulations 2001 allows the ERO, for the purpose of their registration duties, to inspect and make copies of any records held by:

- the local authority that appointed the ERO;
- any superintendent registrar of births, deaths and marriages, registrar of births and deaths or registrar of marriages;
- any person providing services to, or authorised to exercise any function of, the council(s) or registrar(s) (Reg 35 RPR 2001).

The ERO is therefore permitted to inspect data held by private contractors or arms-length organisations. This right of inspection has effect irrespective of any contractual arrangements.

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Paragraph 1(5) of Schedule 2 to the Representation of the People Act 1983 provides that where the ERO requests to inspect and/or take copies of records under Regulation 35, a statutory or other restriction, including data protection, cannot be used to refuse disclosure of those records. This does not mean that data protection principles do not apply to the access to and transfer of that data, only that it cannot be used as a reason not to disclose.

Notwithstanding these rights, it is recognised some EROs will experience difficulties in actually gaining access to some local datasets. The ERO should seek to establish the right of access as effectively as possible, not only in relation to local confirmation matching but also in the wider context of fulfilling registration duties

Regulation 35A of the Representation of the People (England and Wales) Regulations 2002 provides that for the following purposes, the local authority that appointed the ERO is permitted to disclose information to the ERO:

- to obtain the names and addresses of people who are not registered but who are entitled to be registered (note: email addresses and telephone numbers are not included)
- to identify those who are registered but who are not entitled to be registered
- to verify information either relating to an elector or to a person who is named in an application for registration.

However, Regulation 35A requires a written agreement to be in place between the ERO and the local authority covering the processing of the data including its transfer, storage, destruction and security.

Although a data sharing agreement is not formally required at present between data controllers (i.e., between the ERO and the local authority that appointed them) one is strongly recommended, and this view is shared by us and the Electoral Commission.

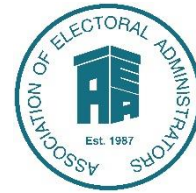
A written agreement is required where the local authority that appointed the ERO discloses information to the ERO under Regulation 35A. It would be appropriate to meet this requirement with a wider data sharing agreement between the ERO and the local authority, covering personal data obtained from:

- inspecting local records (Regulation 35); and
- information disclosed by the local authority (Regulation 35A).

This will help EROs (and their appointing local authority) to demonstrate they are processing personal data, lawfully, fairly and in a transparent manner.

It is also essential the respective privacy notices of the ERO and local authority inform individuals about the potential sharing of data.

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Furthermore, while EROs are legally entitled to inspect and make copies of local records such as Council Tax and customer service records for the purposes of their registration duties. They are not automatically entitled to access and use any additional contact information (e.g.; email addresses and phone numbers) contained in local records other than names and addresses.

As a result, where the ERO seeks to access and use additional contact information, such as email addresses and phone numbers from other local authority records, they will require:

- a data sharing agreement to be in place between the local authority and the ERO, and
- the local authority to have informed individuals about the potential sharing of such information with the ERO through their privacy notice.

It would seem logical to place a duty on the ERO/RO and the local authority to have data sharing agreements in place to further support the legal provisions that already exist.

11. Are there any specific aspects of automatic registration that should be piloted before we move to an all Wales roll out?

Yes

No

Don't know

Please explain your answer:

We believe piloting in areas where we currently have concerns would help to clarifying the best approach. This should include looking at the following aspects:

- opt out for vulnerable electors or those wishing to register anonymously e.g., appropriate time required from notifying to being listed for inclusion
- quality of data sets to identify new electors e.g., assurances should be sought through the pilots of the criteria required of data to be considered good enough to use to automatically register an elector
- use of national data sets
- reach of data sets – for example, can all demographics be deemed to be equally reached by the data sets being used to automatically register electors
- requirements of data sharing agreements
- communications – for example, understanding the best way to communicate divergence issues, encourage registration via the IER DS for reserved polls at first point of contact

- impact of automatic registration on election results – for example, if data used is largely allowing only students to register, we are concerned this may lead to challenge after an election if the automatic registration of certain demographics (at the exclusion of others) can be claimed to have skewed the result of an election.

12. To what extent do you agree or disagree that students should have the option to register to vote whilst enrolling at university?

Strongly Agree

Agree

Disagree

Strongly Disagree

Please explain your answer:

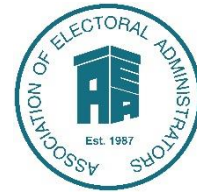
In our 2021 report, '[Blueprint for a Modern Electoral Landscape](#)', we called for consideration to be given to automatic and compulsory registration. We believe it would be sensible to allow students to register to vote during their enrolment week through a data sharing agreement between their university and the student's relevant ERO.

It would seem sensible to direct students to use the register to vote website in the first instance to reduce the administrative burden on the university and ERO in checking and transcribing forms. Consideration should also be given to the university collecting the equivalent information required on an ITR and providing this as a complete data file to the ERO to be uploaded directly into their election management system. We understand this is the process Cardiff currently use which has successfully led to 8,340 students being registered for the 2021 to 2022 academic year.

Good practice already established in [Sheffield](#) should also be considered. In Sheffield, students complete an electoral registration page at the end of the student registration process. Students are asked if they wish to register to vote in Sheffield. If they click 'yes' they move to a new page, but this page is prepopulated with information already collected earlier in the process. It simply requires students to enter their NI number, to indicate whether they want a postal vote and whether they want to opt out of the open register.

However, care would need to be taken to ensure an ERO is not automatically registering students as there is no provision to do so. It must be clear to the student that they are providing the data required to complete an ITR which will then be provided to the ERO to register the student to vote at their university accommodation in the same fashion as if they had completed an ITR.

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If automatic registration is being considered by Welsh Government, there is potential scope of piloting the use of university data to register students for devolved polls. However, our previous concerns around voter confusion would need to be addressed with mechanisms in place for students to register for reserved polls they are entitled to vote in. Care would also be needed to ensure where such an approach is taken, it doesn't lead to challenge after an election. For example, where large numbers of electors have been automatically registered that fit into a specific demographic that may skew the result.

Where answered Strongly Agree or Agree:

12a. Should any data that is provided be subsequently shared, via a data sharing agreement, with the relevant Local Authority's Electoral Services Team?

Yes

No

Don't know

Please explain your answer:

Please see previous answer. The data sharing agreement should be between the university and the ERO not the university and local authority.

Chapter 4

13. Do you agree that a statutory Electoral Management Board for Wales should be established?

Strongly Agree

Agree

Disagree

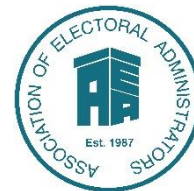
Strongly Disagree

Please explain your answer:

In our 'Blueprint for a Modern Electoral Landscape', we made the following recommendation:

DN-07 – Consider establishing an Electoral Management Board for Wales - utilising the Electoral Management Board in Scotland as a proven model - to provide support and development for the high number of recently appointed

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ROs in Wales. The Board should look to utilise the expertise of electoral administrators more extensively to inform the decision-making process

We continue to support this recommendation and believe that Wales would benefit from the establishment of an Electoral Management Board (EMB).

Background

The Wales Electoral Co-ordination Board (WECB) was created in 2017 to fulfil a key role in coordinating the planning of all Wales electoral events, activity and electoral modernisation and reform.

The WECB terms of reference states membership consists of five senior returning officers, the chair of the Welsh Language Advisory Group and the chair and vice chair (or nominated representative) of the AEA Wales Branch.

The group is advised by the Electoral Commission, Welsh Government, Assembly Commission, UK Government, Wales Office and Department for Levelling Up, Housing and Communities. The group meets at least twice a year with the Electoral Commission acting as secretariat.

We feel the group has been moderately effective in providing co-ordination of some aspects of the electoral process in Wales. However, without adequate support and resources it is limited in how far reaching and effective a role it can play.

The EMB in Scotland in contrast is extremely effective with scheduled monthly meetings and a clear forward work programme.

In the absence of an EMB, Welsh Government has previously created numerous groups to support various aspects of the electoral process. The use of a sole group which meets regularly would provide clarity, structure, accountability and potentially lead to more timely decision making.

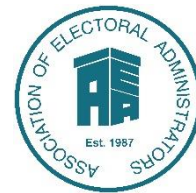
Differences between Wales and Scotland

While we believe the EMB for Scotland is a highly effective model and is referred to throughout this response, care should be taken not to replicate it in its entirety in Wales. There is a large degree of good practice that should be taken from the EMB for Scotland; however, Wales and Scotland have substantial differences.

In Scotland, elections and electoral registration are two separate functions. Electoral registration is the remit of the ERO who is typically an assessor for a Valuation Joint Board. The primary support for EROs comes from the Scottish Assessors Association (SAA).

Elections are the remit of the Returning Officer (RO) who is typically the chief executive of the council.

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The ERO and RO are different people and their responsibility is limited to either elections or registration.

The role of the EMB for Scotland is to oversee the delivery of elections in Scotland. The Local Electoral Administration (Scotland) Act 2011 gave the Board (which is comprised of the Convener, five ROs (or their deputies) and three EROs) 'the general function of co-ordinating the administration of local government elections in Scotland'. This involves two roles:

- Assisting local authorities and other persons in carrying out their functions in relation to local government elections, and
- Promoting best practice in local government elections by providing information, advice or training.

The Convener has the power to make directions to ROs and EROs about how they carry out their roles, ensuring consistency and promoting adequate consistency at election time.

In Wales, both the electoral registration and election functions are administered through councils. This means the ERO and RO are the same person, typically the chief executive of the local authority. Unlike in Scotland, their responsibility encompasses all areas of elections and electoral registration.

Therefore, the distinction between registration and election activity is far less pronounced in Wales than in Scotland. As such, and in the absence of a body like the SAA, we believe it essential the Welsh EMB's remit specifically includes registration activities throughout the year as well as at election time.

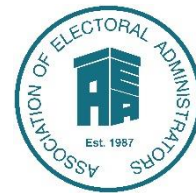
Electoral reform

The Welsh Government is clear that it intends to continue its electoral reform agenda during the sixth session of the Senedd.

The increasing divergence between reserved and devolved polls is making Wales the most challenging and complex area in the United Kingdom to administer elections. The UK-wide Elections Act 2022 will bring further complexity with online absent vote applications, postal vote re-application timetables and postal vote handling. There are still numerous unanswered questions of how the measures will work in Welsh polling stations where polls are combined.

Considering the inevitable reform and complexity that exists in Wales, the creation of a statutory EMB would be beneficial. An EMB with a clear forward work programme could help ensure that all issues with reform are identified and considered at the earliest opportunity. It would provide welcome support to the 22 ROs/EROs who will be tasked with implementing change. An EMB would be able to support the Welsh Government with policy development and implementation. It would act as an authoritative voice to support electoral reform and the change agenda. Working with

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the Electoral Commission, it could also act as a mechanism for sharing good practice and developing a common approach to delivering democracy.

Furthermore, the Local Government and Elections (Wales) Act 2021 introduced the option of the single transferrable vote (STV) voting system at elections in 2027. If local authorities make the move to STV, they will benefit from an EMB procuring any e-counting solution required. This is currently the case in Scotland for local government elections.

Experience and knowledge in Wales

In recent years there have been several new ROs/EROs in Wales. This has resulted in most councils having a RO/ERO with limited understanding of the electoral process.

All five senior returning officers sitting on WECB do not have extensive experience and knowledge of electoral processes. Through no fault of their own, this has limited the value of discussion and hampered actions arising from WECB.

While there is a mentoring scheme for ROs established by the WECB, it is hindered in its effectiveness. It is reliant on their being a pool of ROs/EROs with a good breadth of experience, which there isn't.

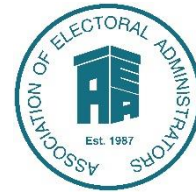
The situation in Wales is not unique but is acute given the challenges that divergence and electoral reform will present. The creation of an EMB could help to address the current inexperience and lack of knowledge of ROs/EROs in Wales. It could provide direction and resource, as well as much needed guidance and training. Co-ordinating a programme of training for ROs/EROs will ensure competency in assisting them in their local authority role.

In addition to ROs/EROs, there is starting to be a significant churn in the number of new electoral services managers (ESMs) in Wales. While some new ESM appointments are the result of succession planning, many are not. Several recent ESM appointments have resulted in a person with no prior knowledge or experience of electoral services. Consequently, there has been a loss of expertise in key areas of electoral law and practical implementation of elections and electoral registration. As with ROs/EROs, the creation of an EMB could help to address the lack of knowledge and expertise through resource, guidance, training and direction.

14. If answered Strongly Agree or Agree to Question 13, what should its functions be?

We believe the overarching responsibility of the Board should be to assist ROs/EROs in carrying out their functions in relation to elections and electoral registration. It should provide co-ordination of key processes where considered beneficial, and promoting good practice. We believe this can be achieved through several means including:

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- Taking an overarching view of electoral provision for Wales.
- Promotion of consistent excellent standards of service to electors, candidates and agents.
- Establishing a programme of training for ROs/EROs and their deputies from external providers to address the knowledge gap that currently exists.
- Providing training in key areas to bring good practice and consistency.
- Consultation on key decisions (e.g., count timings and poll card and postal vote issue dates) leading to the EMB's convener's direction.
- Working with the Electoral Commission and independently to deliver public awareness messages and make best use of resources.
- Responding to consultations on electoral reform and other electoral related matters from UK and Welsh Government.
- Participation in the political parties panel, facilitated by the Electoral Commission, to assist candidates and agents to participate in all aspects of the electoral process.
- Escalation procedure to allow discussion and support of local issues, considering options to prevent similar problems elsewhere in the run-up to polling day.
- Consideration of regular performance monitoring reports from the Electoral Commission, with action on issues.

We envisage the key responsibilities and functions of the Board to evolve overtime.

Initially, we see its primary aim as ensuring sufficient capacity, resilience, and capability of ROs/EROs and electoral administrators in Wales.

Without addressing the lack of experience amongst ROs/EROs and administrators more widely, the long-term goals of the EMB may not be achievable.

We believe the first term of the Board should be spent upskilling Board members. This would primarily relate to electoral skills and knowledge. It would also need to ensure necessary skills in terms of co-ordination, good practice and dealing with identified issues.

Care also needs to be taken to ensure the responsibilities and functions of the Board enhance rather than duplicate existing provisions offered by the Electoral Commission. Work should be undertaken in areas where Electoral Commission guidance could go further or be supported.

15. Should the Electoral Management Board have powers to issue directions to Returning Officers and Electoral Registration Officers?

Yes – we believe an Electoral Management Board should have powers to issue directions for devolved polls. In Scotland, the convener of the EMB has power to make directions to Returning Officers and Electoral Registration Officers about how they carry out their roles, ensuring consistency and promoting contingency. We believe this

should be replicated in Wales with any directions the convener issues being fully supported by EMB members after consultation.

However, if a convener has powers to issue directions, Welsh Government should be satisfied they suitably qualified to do so. In Scotland, the convener is appointed by Scottish Ministers following a process of open competition. We believe that an EMB in Wales should also have a convener who is appointed in the same way and has a comparable level of competency.

There should be a documented criteria of key competencies the convener must possess. This should ensure they have substantial knowledge and experience, and a proven track record of delivering elections and electoral registration.

16. Should the Electoral Management Board have the power to issue advice to Returning Officers and Electoral Registration Officers on the carrying out of their functions?

Yes

No

Don't know

Please explain your answer:

Yes – we believe an Electoral Management Board should have powers to issue advice to ROs and EROs for devolved matters. However, care also needs to be taken to ensure the responsibilities and functions of the Board enhance rather than duplicate existing provisions offered by the Electoral Commission. Work should be undertaken in areas where Electoral Commission guidance could go further or be supported.

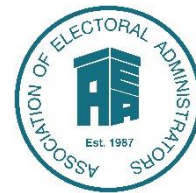
As previously mentioned, where the Board are providing advice Welsh Government should be satisfied they are suitably qualified to do so. In Scotland, the convener is appointed by Scottish Ministers following a process of open competition. We believe that an EMB in Wales should also have a convener who are appointed in the same way and has a comparable level of competency.

There should be a documented criteria of key competencies the convener and Board members must possess upon appointment. This should ensure they have substantial knowledge and experience, and a proven track record of delivering elections and electoral registration. This would help to safeguard that any advice issued by the Board is legislatively compliant and bore out of extensive practical experience.

17. What are your views on who should be members of the Electoral Management Board and how they should be appointed?

Convener

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The EMB in Scotland is led by the convener of the Board who has responsibility to oversee elections in Scotland. They have specific powers to co-ordinate Scottish Local Government and Scottish Parliament Elections.

The convener has power to make directions to Returning Officers and Electoral Registration Officers about how they carry out their roles, ensuring consistency and promoting contingency.

The convener is appointed by Scottish Ministers following a process of open competition. We believe that an EMB in Wales should also have a convener who is appointed in the same way and has a comparable level of responsibility.

There should be a documented criteria of key competencies the convener must possess. This should ensure they have substantial knowledge and experience, and a proven track record of delivering elections and electoral registration.

We also believe that the convener should be a practising RO/ERO. The level of change with the Elections Act 2022 and Senedd electoral reform almost dictates that the convener should be a current RO/ERO experiencing the changes first hand to inform EMB decision making.

ROs/EROs

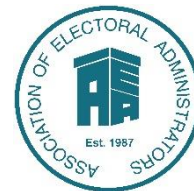
The EMB in Scotland is currently made up of eight members appointed by the convener – five ROs, or their deputies and three EROs. WECB is made up of five senior ROs.

We believe it is vital ROs and EROs support the convener to make the Board a success. However, care needs to be taken to ensure those who form the EMB have sufficient knowledge, skills and capacity. As suggested for the convener, consideration should be given to documenting key competencies EMB members should possess before being appointed to the Board. To address the potential initial challenge in finding suitable ROs/EROs, a commitment to fulfil the key competencies within a six-month period from being appointed should be considered. This will enable ROs/EROs who are interested in being involved to undertake necessary training in order to best serve the Board.

WECB RO representatives are currently drawn from each electoral region. There are clearly benefits of having regional representation. However, given the level of inexperience across Wales, we believe this should not be an initial determining factor. Given the challenges Wales faces, RO/ERO membership to the Board should be based on knowledge and experience. The EMB would then be able to devise a plan to ensure each region has a competent and suitably skilled RO, who may or may not be best placed to act as Regional RO for Senedd elections.

Electoral Administrators

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We also believe at least initially, and possibly indefinitely, a stronger electoral administrator voice should exist on the EMB for Wales.

The WECB currently has two electoral administrators as members – the chair and vice chair of the AEA Wales Branch. Given the inexperience of ROs in Wales, it would be beneficial to include several experienced electoral administrators. This would allow for their expertise and practical knowledge of elections and electoral registration to be at the forefront of decision making in Wales. It would also help the development of the ROs/EROs on the Board. While there is a degree of churn within electoral administrators in Wales, there are still several highly experienced administrators who can help inform the decisions of the EMB and highlight practical issues.

Advisors

In addition to ROs/EROs and electoral administrators, we believe that an EMB in Wales should have representation from key stakeholders acting as official advisors to the Board. Representatives from the following organisations should be invited to every meeting:

- Association of Electoral Administrators (national officer not member of AEA Wales Branch)
- Electoral Commission
- Welsh Government
- UK Government – Department of Levelling Up, Housing and Communities (DLUHC)
- Assembly Commission

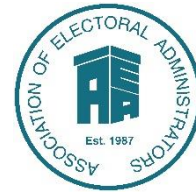
Secretariat Support

Finally, the EMB in Scotland is supported by a secretariat who is a practising ESM. Secretariat support to the WECB is currently provided by the Electoral Commission.

We do not believe the Electoral Commission should continue to provide secretariat support to a new EMB. The Electoral Commission have a defined statutory function and a clear remit. We do not feel the EMB would be sufficiently resourced, or have the necessary autonomy, if secretariat support was provided by another statutory body. We believe that the secretariat should be independent of any established organisation to prevent potential conflict of interests with Board positions and organisational policy.

We also believe that while the current secretariat in Scotland is extremely effective in their role, this may not translate in Wales. As previously mentioned, Wales and Scotland are very different in the way they administer elections and electoral registration.

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In Scotland, electoral registration falls under the remit of the Assessor and elections are administered by the RO appointed by the local council. An ESM in Scotland is not responsible for the annual canvass or year-round registration and absent vote processes. We firmly believe no ESM in Wales could fulfil the secretariat role. The additional registration responsibilities mean they would not have sufficient capacity to perform the role effectively.

The effectiveness of the EMB for Scotland can in part be attributed to the drive, commitment, and knowledge of its secretariat. In the absence of a knowledgeable secretariat who is committed to producing supporting documentation and co-ordinating the work of ROs and EROs, it is questionable how effective an EMB in Wales can be.

18. To what extent do you agree or disagree with our proposals to provide for greater electoral certainty by extending the statutory time during which no final electoral review reports can be published and no electoral review orders may be made?

Strongly Agree

Agree

Disagree

Strongly Disagree

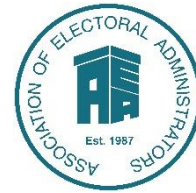
Please explain your answer:

We strongly support extending the statutory time during which no final electoral review reports can be published and no electoral reviews orders may be made.

As outlined in the White Paper, the Gould convention suggests electoral legislation should not be made six months or less in advance of an election. Currently existing legislation does not prevent Welsh Ministers from making an electoral review order during this period.

Substantial boundary changes can form part of an electoral review. When this occurs a polling district and polling station review may be required, involving various consultation stages and sufficient council staff resources. Under existing provisions, it would be impossible to sufficiently conduct a polling district and polling station review prior to an election if an order was made less than six months before. We would also stress that the six-month period introduced by the Gould convention should end on the last date the Notice of Election is required to be published and not on polling day itself. The impact of boundary changes is felt from the start of the election timetable when poll cards are required to be sent to electors. As a result, any modifications to the legislation should use the end of September not the beginning of November preceding an election as the latest point an election review order can be made.

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Furthermore, boundary changes also require modifications to electoral management software systems and, depending on the timing of the legislation, the re-publication of electoral registers. All of which has resource implications for councils and administrators.

19a. At which point in the electoral cycle should the Commission be prevented from publishing electoral review reports:

Within twelve months of an ordinary election

Within fifteen months of an ordinary election

Other – please specify

19b. Do you agree the Commission should, as far as possible, be required to schedule electoral reviews within two years of a community review being completed?

Yes – it would be sensible to schedule electoral reviews within two years of a community review being completed by a local authority. This would ensure the prevalence of the electoral arrangements for the next scheduled ordinary council elections.

20. To what extent do you agree or disagree with the suggested proposals for setting maximum review and decision making periods?

Strongly Agree

Agree

Disagree

Strongly Disagree

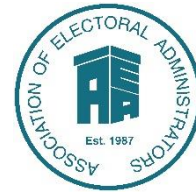
Why do you say this?

We support any changes to the electoral review process that brings greater electoral certainty for administrators.

The proposal to set a maximum period of 15 months to conduct an electoral review with decisions required to be made by Welsh Ministers to implement the recommendations within three months of receiving the final report provides a clear timeframe that does not currently exist. It would also help to ensure that data used at the start of a review process to inform changes to electoral arrangements and boundaries is still relevant during the 15-month period.

However, we would also stress that consideration needs to be given to the timing of other electoral events and statutory processes (e.g., compulsory polling district

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review, Elections Act implementation for absent voting, overseas and EU citizens) being undertaken by a local authority elections team in the same 15-month period before commencing reviews. If a major electoral event takes place this may prevent an elections team providing the envisaged focussed, meaningful engagement expected during a review period.

Furthermore, we disagree with the proposal enabling Welsh Ministers to require the Commission to revisit a part of an electoral review before they make an electoral review order. The Commission is independent and should be considering 'best fit' only. In allowing Welsh Ministers to challenge parts of an electoral review defeats this and takes away the independence of the review. It also lengthens the review process and adds uncertainty.

We would also stress this approach is at odds with the new approach being taken by the UK Parliament that leaves any final decision on constituency boundary arrangements to the Boundary Commission.

21. What are your views on whether a power to pause the conduct of electoral reviews should be included in legislation?

We would welcome the power for electoral reviews to be paused for reasons outlined to the previous question.

The repeal of the Fixed-Terms Parliament Act has reintroduced uncertainty to when the next UK Parliamentary election may take place and made snap elections far more likely. As a result, a snap UK Parliamentary election may be called during an electoral review period which would prove challenging for a local authority to manage. The ability to pause a review at this point and to restart it (to be completed in the remaining period of the maximum review period) once the election is completed would bring much needed resilience and capacity for elections teams to deal with both processes.

This would equally apply in the event of another public health emergency or resource issues within a local authority.

22. To what extent do you agree or disagree with the principle of a common, extended list of mandatory consultees for all parts of the electoral review process?

Strongly Agree

Agree

Disagree

Strongly Disagree

Why do you say this?

We are supportive of an electoral review process consulting as many key stakeholders as needed to best inform proposed changes to boundaries and electoral arrangements. However, the extended list of mandatory consultees should not place an unmanageable burden on local authorities.

23. To what extent do you agree or disagree that requirements to engage with eligible voters as part of the electoral review process should be strengthened, including in respect of ward names?

Strongly Agree

Agree

Disagree

Strongly Disagree

Why do you say this?

We are supportive of an electoral review process consulting a wide range of stakeholders including eligible electors to best inform proposed changes to boundaries, ward names and electoral arrangements.

However, to assist local authorities meet this duty we believe public information and awareness raising campaigns should be an all-Wales national campaign to ensure consistency. They should be led and fully funded by the Welsh Government or the Local Democracy and Boundary Commission for Wales.

Consideration should be given to replicating the work of the Electoral Commission who generally provides a public awareness campaign before any national poll. They provide complementary resources for electoral administrators and councils to use, including press release templates, poster templates and social media graphics and posts. We believe similar resources should be made available by the Local Democracy and Boundary Commission for Wales or Welsh Government to support local authorities engaging widely with their electorate during a review process.

24. To what extent do you agree or disagree with the proposals to amend and extend the considerations the Commission must take into account when determining electoral arrangements which maximise effective and convenient local government?

Strongly Agree

Agree

Disagree

Strongly Disagree

Why do you say this?

We are supportive of proposals considering a wider range of factors when determining electoral arrangements.

The current emphasis on ensuring the ratio of local government electors to the number of members of the council to be elected is, as nearly as may be, the same in every electoral ward of the principal area fails to take account other factors that can impact councillor workload.

Such things as the existence of student population, the levels of deprivation in a ward, the nature and concentration of businesses and the whether the ward is urban and rural are important factors to consider when determining council size.

25. Do you agree with our proposals requiring the Commission to undertake a further consultation where a recommendation in its proposed final review report is not one of the options it consulted upon in its draft report?

We agree with the proposal requiring the Commission to undertake a further consultation where a recommendation in its proposed final review report is not one of the options it consulted upon in its draft report.

26. Do you agree with our proposals to enable Welsh Ministers to require the Commission to revisit a part of an electoral review before they make an electoral review order?

We disagree with the proposal enabling Welsh Ministers to require the Commission to revisit a part of an electoral review before they make an electoral review order. The Commission is independent and should be considering 'best fit' only. In allowing Welsh Ministers to challenge parts of an electoral review defeats this and takes away the independence of the review.

We would also stress this approach is at odds with the new approach being taken by the UK Parliament that leaves any final decision on constituency boundary arrangements to the Boundary Commission.

27. Are there any further changes to the electoral review process that should be considered?

We have no further suggestions to put forward for consideration.

28. To what extent do you agree or disagree that the purpose of the six-week representation period should be clarified in the legislation?

Strongly Agree

Agree

Disagree

Strongly Disagree

Why do you say this?

We support any changes that lead to greater clarification of the purpose of requirements in legislation.

29. Do you agree that Welsh Ministers should be required to consider any representations received during this period before taking any action to direct the Commission to undertake further work or implement, modify or not implement the recommendations set out in the final recommendations report?

We disagree with the proposal enabling Welsh Ministers to consider any representations before directing the Commission to undertake further work or modify or not implement their recommendations. The Commission is independent and should be considering 'best fit' only. In allowing Welsh Ministers to challenge parts of an electoral review defeats this and takes away the independence of the review.

We would also stress this approach is at odds with the new approach being taken by the UK Parliament that leaves any final decision on constituency boundary arrangements to the Boundary Commission.

30. To what extent do you agree or disagree that legal requirements on the Commission to provide hard copies of documentation should be removed, except for when they are requested?

Strongly Agree

Agree

Disagree

Strongly Disagree

Why do you say this?

We are supportive of the proposal to remove any requirements in current legislation relating to the production and distribution of hard copy reports and other

documentation unless requested. This will remove a significant burden from the Commission and reflect current practice. It also assists local authorities from having to distribute hard copies to other council buildings and libraries which can be a resource intensive process.

31. To what extent do you agree or disagree with the proposals for legislative change in relation to community reviews?

Strongly Agree

Agree

Disagree

Strongly Disagree

Why do you say this?

We are supportive of the proposals that will bring consistency to both the electoral review and community review process (e.g., limits to review periods, ability to pause reviews, criteria for warding arrangements). This should bring familiarity to how a review of any kind is conducted and help build knowledge and expertise in conducting reviews.

We are particularly supportive of the intention to introduce legislation which will make it clear that a principal council must undertake a full review of all its communities and their related electoral arrangements once in every 10-year period with this taking place in advance of an electoral review being completed. This is a sensible approach given the community wards form the building blocks of electoral reviews and should ensure effective and convenient local government is achieved both with community arrangements and principal council electoral arrangements in the most efficient way.

We are also supportive of the intention to introduce legislation to require the Commission to consult and set out a procedure and methodology for community reviews to be used by itself and principal councils when undertaking reviews along similar lines to principal council electoral reviews. This should bring consistency and certainty to the process that is required to be followed.

We appreciate the intention to require principal councils to report annually to their full council on their communities and community electoral arrangements, including a summary of any local orders made during the year will bring transparency that active consideration of the duty to keep communities and their electoral arrangements under review has been undertaken. However, we stress that such a requirement should not bring unnecessary burden to local authorities.

32. Please provide any further comments on how you think the process of conducting community reviews could be improved.

No further comments to make.

33. To what extent do you agree or disagree that seaward boundary review arrangements should be revised to include the ability for the Commission to undertake reviews relating to multiple local government areas and the expansion and contraction of seaward boundaries in a single review process? Should those arrangements to be included in the same review order?

Strongly Agree

Agree

Disagree

Strongly Disagree

Why do you say this?

The Association has no comment to make on this question as it falls outside its specific area of expertise.

34. Do you agree with our proposals to transfer the functions of the Independent Remuneration Panel for Wales to the Commission?

The Association has no comment to make on this question as it falls outside its specific area of expertise.

35. Do you agree that functions relating to the determination of the salaries of chief executives should be abolished and not transferred?

The Association has no comment to make on this question as it falls outside its specific area of expertise.

36. What do you think about the idea that new powers should be created to enable determinations to be made about parachute payments for councillors?

The Association has no comment to make on this question as it falls outside its specific area of expertise.

37. Do you agree with our proposal for Wales to maintain a single regulatory framework on political finance for reserved and devolved elections in Wales, where appropriate?

The Association has no comment to make on this question as it falls outside its specific area of expertise.

38. Please provide any further comments on the specific measures under consideration regarding political finance.

N/A

39. What types of innovation in electoral administration would you like to see piloted in the future?

Based on suggestions outlined in our Blueprint for a Modern Electoral Landscape, consideration should be given to the following pilots:

- Online voting
- Automatic and compulsory registration
- Expansion of the emergency proxy provision
- Extending the election timetable
- Digital registers
- Polling hours
- Polling station provision
- Candidate statements

40. How could we facilitate a more varied mix of local authorities participating in future pilots?

There should be an appreciation that in recent years there have been several new ROs/EROs in Wales. This has resulted in most councils having a RO/ERO with limited understanding of the electoral process. In addition to ROs/EROs, there is starting to be a significant churn in the number of new electoral services managers (ESMs) in Wales. While some new ESM appointments are the result of succession planning, many are not. Several recent ESM appointments have resulted in a person with no prior knowledge or experience of electoral services. This is likely to act as a significant barrier to several local authorities committing to participating in future pilots. Consideration should be given as to whether consultants funded by Welsh Government need to be provided to local authorities to provide the expertise and resilience required to deliver pilots.

Consideration should be given to providing a long lead in time to the pilots. The advanced voting pilots had a short timeframe from announcement to delivery. We have no doubt that this was a contributory factor to only a handful of authorities coming forward as the short timeframe placed a significant burden on election teams. If pilots are being considered for 2026 Senedd elections, we would suggest the framework for the pilots is outlined in early 2023 with expressions of interest sought by Summer 2023 at the latest. Legislation for any pilot should also be in place at the earliest opportunity and should conform with the Gould Principle at the very least.

In addition, a clear direction and understanding of requirements should be set out at the start of the process to provide confidence to local authorities. The advanced

voting pilots had many unanswered questions with late draft legislation, lack of understanding of IT requirements and a reliance on electoral administrators to inform the process. If a pilot is lacking clarity and structure from the start it will act as a barrier to authorities' willingness to participate.

41. What are your views on a power of direction for Welsh Ministers which would enable them to compel a local authority to pilot electoral innovations?

We have reservations about Welsh Ministers having the power to compel a local authority to pilot electoral innovations.

As previously referenced, in recent years there have been several new ROs/EROs in Wales. This has resulted in most councils having a RO/ERO with limited understanding of the electoral process. For example, all five senior returning officers sitting on WECB do not have extensive experience and knowledge of electoral processes.

In addition to ROs/EROs, there is starting to be a significant churn in the number of new electoral services managers (ESMs) in Wales. While some new ESM appointments are the result of succession planning, many are not. Several recent ESM appointments have resulted in a person with no prior knowledge or experience of electoral services. Consequently, there has been a loss of expertise in key areas of electoral law and practical implementation of elections and electoral registration.

If a local authority with limited knowledge and capacity was compelled to run an electoral innovation pilot, it could seriously jeopardise the smooth running of the election leading to a loss of confidence in the electoral process.

If this was to be implemented checks and balances should be in place to ensure the local authority being compelled are adequately experienced (at both RO and ESM level) and resourced to deliver the pilot in question.

42. Should Returning Officers be subject to specific Welsh language requirements when elections take place?

Yes

No

Don't know

Please explain your answer:

In our training courses, we have recommended that EROs and ROs in Wales do all they can to comply with Welsh Language Act 1993 and Welsh Language Measure 2011 despite not being subject to specific Welsh language requirements.

We have encouraged our members to take advice from their equalities/Welsh language/HR officer (as appropriate) to ensure they are complying with their authority's set of standards where possible.

However, we do not believe there is need to extend Welsh language requirements to ROs at elections. There needs to be flexibility for ROs due to other statutory obligations placed upon them. For example, it would be impossible to provide a Welsh speaking member of staff in every polling station in Wales. Furthermore, without changes to electoral management systems to provide for fully bi-lingual systems, it would place an impossible expectation on ROs.

43. Are there any types of services you would like to see Returning Officers providing in Welsh?

This question does not fall within the AEA's professional scope. We therefore feel it inappropriate to comment as other consultees with greater experience in this area will be better placed to do so.

44. Have you ever experienced any issue related to the Welsh language during elections?

Yes

No

Don't know

Please explain your answer:

This question does not fall within the AEA's professional scope. We therefore feel it inappropriate to comment as other consultees with greater experience in this area will be better placed to do so.

Chapter 5

45. Should the Welsh Government consider making provision for an online voter information platform? What information should be provided on the platform and who should host it?

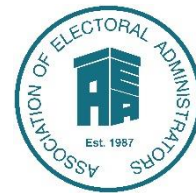
Yes

No

Don't know

Please explain your answer:

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We acknowledge there are benefits to allowing local candidates to publish a personal statement or provide online voter information, with lack of information available on each candidate or political party presented as one of the reasons for voter apathy by members of the public.

However, we do not believe it is the role of the RO to address the lack of publicly available information on candidates or political parties but that of the candidates and parties to address themselves. This can be achieved through effective campaigning and the utilisation of third-party independent community resources such as those already available and provided by community interest companies such as Democracy Club (e.g., whocanIvotefor.co.uk).

As we have previously stated, we consider that the arrangements currently in place with UK Government for PCC Elections should be replicated so that any such website/platform is managed and maintained by Welsh Government directly. There is potentially scope for a statutory Election Management Board to fulfil this function too should it be brought into existence.

We believe the information provided should follow the format already established by <https://whocanivotefor.co.uk/>. It provides candidates the option to provide their name, photograph, statement to voters, contact details and can link to their twitter account.

We strongly believe the local authority or their RO should not be responsible for hosting any such information due to potential issues with the pre-election period. The pre-election restrictions are governed by Section 2 of the Local Government Act 1986, as amended, and detailed in the Code of Practice on Local Government Publicity. Essentially councils should 'not publish any material which, in whole or in part, appears to be designed to affect public support for a political party'. Any expectation that the RO would be required to use the principal council's website to publish online voter information directly contradict the pre-election restrictions on the council.

We believe that before provision is made to implement an online voter information platform an evaluation is undertaken on the impact of using personal statements in relation to PCC elections and Mayoral elections in England. This would help inform what information should be included and how well it is received by voters. We also believe that the idea should be piloted before being rolled out further.

46. Who would need to provide information to an online voter information platform and how could they be supported to do so?

If there is need for an online voter information platform, we believe that the RO and their election team should not be involved in any part of the process.

As stated in our 2017 response to the consultation on electoral reform, the then intended requirement for ROs to take responsibility for reviewing and publishing what

could be several hundred personal statements (in both Welsh and English) would place a significant extra burden on electoral service staff during the candidate nomination processing period where huge pressures are already evident. We strongly believe that any provision related to online voter information supplied by candidates should be completely distinct from the candidate nomination process.

We believe candidates and political parties should be providing online voter information directly to the designated host of the platform. The process should be prescribed in legislation in terms of timeframe, content rules, photo requirements, online/paper submission requirements and language requirements. It would be for the platform host to then determine whether the information meets the requirements before making the information available.

Guidance on the submission process should be provided by the platform host in various accessible formats and languages to support candidates and political parties. The Electoral Commission could provide additional support by including information on the platform in their guidance for candidates and agents as well as including related slides in their template briefing for candidates and agents used by ROs.

47. What should be done to encourage political parties to produce accessible materials?

The Association has no comment to make on this question as it falls outside its specific area of expertise.

48. To what extent do you agree or disagree that the returning officer at devolved elections should be under a duty to provide such equipment as it is reasonable to provide for the purposes of making it easier for disabled people to vote?

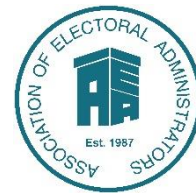
There is currently a requirement on ROs to provide the following equipment at devolved polls:

- tactile voting device
- at least one large sample copy of the ballot paper must be displayed inside the polling station
- an enlarged hand-held copy of the ballot paper.

The Elections Act 2022 includes provisions for reserved polls relating to assisting people with disabilities to vote, and introduces a duty on the Electoral Commission to provide guidance to ROs on the requirement to provide reasonable equipment to assist voters with disabilities in polling stations. ROs must have regard to this guidance, which will support them to make accessibility arrangements for the May 2023 elections and beyond.

The Elections Act removes the requirement to provide a tactile voting device for reserved polls. However, the Electoral Commission's [draft guidance for Returning](#)

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[Officers: Assistance with voting for persons with disabilities](#) does make clear ROs should not reduce or remove any equipment that they have provided to support disabled voters at polling stations in their area at previous polls.

We believe it would be beneficial for similar requirements to be placed on ROs in relation to the provision of equipment to support disabled electors for devolved and reserved polls. The need to consider a wider range of support for reserved polls would lead to an expectation to replicate provision at devolved polls. Furthermore, in Great Britain, ROs have a duty under the Equality Act 2010 to anticipate the needs of people with disabilities and consider reasonable adjustments that may remove any substantial disadvantage. Therefore, a duty of sorts already exists.

49. What support should be put in place to ensure the returning officer is able to effectively discharge that role?

To discharge the role effectively sufficient funding should be provided by Welsh Government for the procurement, storage and maintenance of equipment purchased to support disabled electors as well as for additional training and staff time needs. UK Government will be providing New Burdens funding to support ROs in meeting the new accessibility requirements for reserved polls. Funding will be provided for:

- **Accessibility equipment** - Each Local Authority will be provided with funding to provide reasonable equipment to support disabled people to vote in polling stations. This will be allocated based on the number of polling stations in the local authority area. The funding is based on the purchase of a range of equipment such as general accessible equipment, assistive writing devices such as pencil grips and additional seating for those less able to stand, though the purchase of equipment is at the discretion of ROs, who must have regard to Electoral Commission guidance.
- **Staff time** - additional set up time for accessibility related equipment in polling stations
- **Training** – For both electoral administrators and polling station staff

Similar funding provisions should exist for devolved polls.

In addition, following the provisions set out in the Elections Act there should be a duty on the Electoral Commission to provide guidance to ROs on the requirement to provide reasonable equipment to assist voters with disabilities in polling stations. ROs must have regard to this guidance, which will support them to make accessibility arrangements for devolved polls. Having a consistent approach to funding and guidance on the provision of equipment for both reserved and devolved polls should aid in maintaining a familiar and consistent experience for disabled electors across all polls.

50. Do you think the Welsh Government should specify in regulations the type of assistance which must be offered to disabled voters in polling stations?

Yes

No

Don't know

Please explain your answer:

As previously outlined, we believe there should be consistency of approach between reserved and devolved polls when it comes to equipment provision for disabled electors.

We do not think it would be helpful for Welsh Government to specify in regulations the type of assistance that should be available. Instead, they should replicate the Elections Act and introduce a duty on the Electoral Commission to provide guidance to ROs on the requirement to provide reasonable equipment to assist voters with disabilities in polling stations. ROs must have regard to this guidance, which will support them to make accessibility arrangements. A non-prescriptive approach affords the RO flexibility to assess local circumstances and provide what equipment is needed and viable for their polling stations. However, we appreciate that a non-prescriptive approach can also lead to inconsistencies between local authorities. To mitigate this, we believe supporting Commission guidance should provide criteria to effectively evaluate what equipment should be provided to support electors. For example, a checklist to determine what is needed where. This would allow the intention of flexibility to be recognised, but safeguard ROs if they are challenged on why 'x' wasn't provided.

If Welsh Government are to prescribe equipment requirements for devolved polls, they should bear in mind that some assistance is impractical for all polling stations to accommodate. For example, provision of a hearing induction loop. Furthermore, feedback from Welsh administrators who trialled audio devices ahead of the May 2021 elections indicated the devices were unable to accurately relay information in Welsh.

51. What sort of assistance do you think should be offered to disabled voters in polling stations?

We believe assistance offered should replicate [Electoral Commission guidance](#) for reserved polls.

As a minimum an RO should be providing the following assistance for disabled electors:

- Chair/seating – this provides a place to rest for voters who cannot stand for long periods and a seat for voters who would like to take some time to think before entering the polling booth
- Magnifiers – these increase the size of the text on a document providing support for voters who are visually impaired to vote independently
- Tactile voting device – this provides support for voters who are visually impaired to mark their vote on the ballot paper in the correct place.
- Polling booth at wheelchair level – helps to ensure that voters who use a wheelchair are able access a lower writing surface to ensure they can cast their vote in secret in a booth that is accessible
- Staff name badges – these help voters more easily identify that a person is a member of staff in the polling station and is someone they can approach for assistance
- Pencil grip – these can help voters with dexterity impairments to more easily hold and use a pencil independently
- Ramps (for buildings with steps) – these support access to a polling station for voters who use a wheelchair or have difficulty using steps
- Temporary alerters or doorbells for any doors that are required to remain shut during the day (for example, fire doors) – these provide a way for voters to let polling station staff know that they need assistance to open the door so they can access the polling station
- Appropriate lighting – some polling station venues have good lighting but others may need additional lighting at the desk; to ensure that voters can clearly see the faces of staff, and in the polling booths; to support voters with visual impairments to be able to read and complete the ballot paper.
- Reserved parking spaces reserved for voters with disabilities (where parking is available at the venue) – this ensures that disabled voters can park as close as possible to the polling station.

52. In addition to provisions in the Curriculum for Wales, are there any other measures that the Welsh Government should put in place through the education system to ensure that learners in Wales can confidently take part in Welsh elections?

This question does not fall within the AEA's professional scope. We therefore feel it inappropriate to comment as other consultees with greater experience in this area will be better placed to do so.

53. To what extent do you agree or disagree that the definition of the electoral offence of Undue Influence provided by section 114A of the Representation of the People Act 1983 be used for devolved elections?

Strongly Agree

Agree

Disagree

Strongly Disagree

Why do you say this?

We support consistency wherever possible. Following the changes in the UK Elections Act 2022 it would seem appropriate to review.

54. Do you think some or all of these proposed actions described in the White Paper will help to contribute to reducing instances of abuse of candidates?

Yes

No

Don't know

Please explain your answer:

The Association has no comment to make on this question as it falls outside its specific area of expertise.

However, we would stress that consideration is given to replicating aspects of the Elections Act 2022 to assist in reducing instances of abuse of candidates and bring consistency across devolved and reserved polls. The Elections Act introduces a new penalty for anyone found guilty of intimidating candidates, campaigners or elected representatives. Anyone found guilty of this behaviour could be banned from standing for elected office for five years. This is in addition to punishments already in place for those guilty of existing intimidation offences, such as common assault, harassment, and the use of threatening language.

We would also stress that should any such changes be introduced they should also include the intimidation of the RO and their staff. The environment the RO and their staff work within is also becoming increasingly hostile. Significant intimidation was faced by officials in the US in 2020 Presidential election, this could easily be replicated in the UK at high-pressure elections. We have previously raised this with UK Government while they were drafting the Elections Act and were told such individuals are adequately protected by current criminal law. We would argue that the same applies to candidates, campaigners and elected representatives, so what is the difference? The continued non-inclusion of ROs and electoral staff is, to put it politely, extremely disappointing.

55. If an exemption from candidates spending limits for security related spending is sought, what activities should be included in that exemption?

The Association has no comment to make on this question as it falls outside its specific area of expertise.

56. Will the proposed addition to the standard wording included in the Statement of Persons Nominated form have the desired effect of reducing occurrences of abuse or would different measures would be more effective?

Yes

No

Don't know

Please explain your answer:

The intention to include a standard description of the geographical qualifications for standing as a candidate on the statement of persons nominated is likely to have limited impact and do little to remove local pressure on candidates to publish their home address.

It is questionable how many people view the statement of persons nominated therefore such messaging would have limited reach. Although for local government elections, providing clarification that the person must either be registered to vote, reside, own land or their principal place of work is in the local authority area may help to satisfy some individuals.

The inclusion of geographical qualifications is unlikely to help candidates where the qualification covers the whole of the UK. For example, at Senedd elections the only geographical qualification is to be resident in the United Kingdom.

Furthermore, the ability to withhold a home address would appear to be the only viable means of protecting candidates. At Senedd elections, either the Senedd constituency which their home address is located in or, if their address is outside Wales, the UK Parliamentary constituency will show instead of their home address. At local elections, the county or country borough which their home address is located in or, if their address is outside Wales, the district or county will show instead of their home address. This should be sufficient to provide electors with information on their connection to the local area. It would seem unlikely including information on geographical descriptions will satisfy people who are already unsatisfied with home address provisions.

57. What other actions would contribute to reducing instances of abuse of candidates?

The Association has no comment to make on this question as it falls outside its specific area of expertise.

However, we would stress that consideration is given to replicating aspects of the Elections Act 2022 to assist in reducing instances of abuse of candidates and bring consistency across devolved and reserved polls. The Elections Act introduces a new penalty for anyone found guilty of intimidating candidates, campaigners or elected representatives. Anyone found guilty of this behaviour could be banned from standing for elected office for five years. This is in addition to punishments already in place for those guilty of existing intimidation offences, such as common assault, harassment, and the use of threatening language.

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58. Should Welsh Ministers legislate to require the establishment and maintenance of an 'Access to Elected Office Fund'?

Yes

No

Don't know

Please explain your answer:

The Association has no comment to make on this question as it falls outside its specific area of expertise.

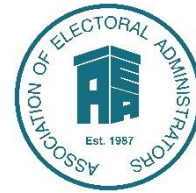
59. Should this Fund be available to support candidates from under-represented groups for all devolved Welsh ordinary and by-elections?

The Association has no comment to make on this question as it falls outside its specific area of expertise.

60. If you agree the Fund should be a requirement set out in primary legislation, what should be the parameters within which the Fund should operate?

The Association has no comment to make on this question as it falls outside its specific area of expertise.

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61. To what extent do you agree or disagree that the requirement to set out the Local Government Candidates' Survey questions in regulations should be removed?

Strongly Agree

Agree

Disagree

Strongly Disagree

Why do you say this?

The Association has no comment to make on this question as it falls outside its specific area of expertise.

61a. If Strongly Agree or Agree, should the survey be updated through a formal review process involving key partners?

N/A

62. Do you agree there should be flexibility for local authorities to ask questions about local widening participation measures?

The Association has no comment to make on this question as it falls outside its specific area of expertise.

63. Do you agree questions should be included in the survey about candidates' experiences of abuse and harassment (see the section on "other measures we are taking to ensure candidates safety")?

The Association has no comment to make on this question as it falls outside its specific area of expertise.

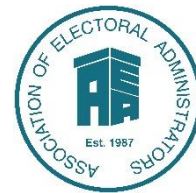
64. Do you think Welsh Ministers should approve the full set of questions or only the core all-Wales questions?

The Association has no comment to make on this question as it falls outside its specific area of expertise.

Chapter 6

65. What are your views on the impact of maintaining the current renewal time of 5 years in light of the Elections Act 2022 changes?

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We believe the renewal time of 5 years should be reduced to 3 years allowing devolved polls to follow the same timescale for reserved polls. This should limit voter confusion and reduce administrative burden on EROs.

However, there are further complexities that are not addressed in the question that are introduced by the Elections Act – namely the distinction between reapply and refresh, the requirement to provide a national insurance number when reapplying for reserved polls and the decision to provide for online postal vote applications for reserved polls. While bringing the two processes in line in terms of timescale would be helpful, there are numerous other questions that need to be answered on the challenges electors and administrators now face with divergent processes.

The Elections Act will result in electors in Wales who are currently registered for a postal vote for reserved elections for an indefinite period or a particular period needing to reapply for their postal vote every three years by the third 31st January after the date of their latest application. Transitional arrangements are proposed that will require all existing postal votes for reserved elections to be moved to the new system by the third 31st January after a date to be specified in secondary legislation.

At the present time the requirement remains that electors with a postal vote for devolved elections will continue to refresh their postal vote signature every five years.

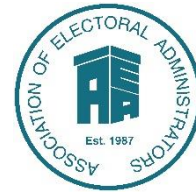
It should be noted that the Elections Act moves away from the current requirement of refreshing postal vote signatures for reserved polls (which will continue to be the case for devolved polls) and will require a new application to be submitted which will also require a national insurance number to be provided to verify identity.

For those electors who are only enfranchised for UKPE i.e., overseas electors they will only be affected by one process i.e., re-applying every three years. For those electors who are only enfranchised for devolved elections in Wales e.g., some EU Citizens, relevant foreign nationals they too will only be affected by one process i.e., a signature refresh every five years. For those electors enfranchised for both reserved and devolved elections i.e., British, Irish and Commonwealth citizens they will be affected by both processes.

Unless addressed, this difference would see someone who does not reapply for their postal vote in line with reserved poll requirements still having a valid absent vote for devolved polls for another two years or who refreshes their absent vote in line with devolved poll requirements no longer having a valid absent vote for reserved polls. Anomalies like this are likely to cause voter confusion, challenges for electoral management systems (EMS) and potentially disenfranchised electors.

Furthermore, if left unaddressed it would require at times electors to refresh/reapply for their postal vote in consecutive years for different election types as highlighted in the table below

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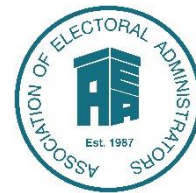
Year	Postal Vote reapplication / refresh required	Reapplication / refresh required for
2023	YES	Reserved
2024		
2025	YES	Devolved
2026	YES	Reserved
2027		
2028		
2029	YES	Reserved
2030	YES	Devolved

The changes introduced by the Elections Act in terms of NINo provision and the ability to apply online for reserved polls is also problematic for devolved polls.

We question what would happen if an elector returned a paper application at 3-year reapplication point for reserved?

- Does this reset reserved and devolved polls to 3 and 5 years respectively from point of application?
- Does this in effect move electors to 3-year cycle in Wales where a reserved paper application is used? We would consider this to be a potential solution if this is the case.
- Will the completion of a reserved postal vote application be valid for devolved polls (it would contain all the required information for devolved polls as well as a NINo)?
- If it is not valid does this dictate that every postal voter in Wales will need to complete two separate forms when applying for a postal vote – one reserved and one devolved?
- If electors are required to complete two separate forms – will the election management software be able to hold two separate sets of personal identifiers for electors?
- Who is responsible for funding the requirement for two sets of identifiers and other associated election management system changes – UK Government or Welsh Government?

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Furthermore, any online postal vote application would not be valid for a devolved poll which gives rise to the same questions in terms of the need to complete two separate processes, hold two sets of personal identifiers and associated funding costs.

We would encourage where possible for divergence issues to be limited on this matter to limit voter confusion, reduce unnecessary additional costs and minimise the burden on electoral administrators.

66. Would you like to see advance voting and /or voting in a range of venues offered for devolved elections across Wales?

Yes

No

Don't know

Please explain your answer:

In our Blueprint for a Modern Electoral Landscape, we asked that UK and devolved government consider the merits of weekend and early voting. We appreciate Welsh Government did this by running advanced voting pilots for local government elections in May 2022.

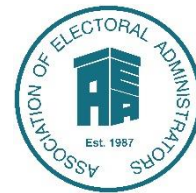
The advanced voting pilots suggested the opportunity to vote in-person ahead of polling day does not, on its own, boost turnout significantly. However, the option was welcomed by those that used it and it does offer an additional choice for voters.

The use of electronic registers was successful, allowing the register for any area within the local authority to be accessed via a single device and prevented 'double voting'. However, the small number of pilots and the selection of locations in which they were tested means there is still work to do to develop any future policy and to understand how it could be implemented.

Any plans for further use of advance voting should carefully consider how to select the right number of venues to offer a consistent and useful option to voters while being realistically deliverable by ROs.

We are supportive of advanced voting to 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. However, if the benefits of advanced voting in terms of venue and staff resource issues are to be realised, it must be in place of the existing system of having polling stations within polling districts and a fifteen-hour polling day not in addition to.

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For decades there has been a polling station in every local community no matter how small. In some areas polling stations are a short distance away from each other or serve fewer than 100 electors. Electors have a choice of how they cast their vote: in person at their polling station, by post, or appoint a proxy to vote on their behalf

Staffing and venues are both areas of concern. Recruitment is becoming more challenging as people are no longer offering to help.

While legislation provides for publicly funded premises, including schools, to be made available, custodians are often reluctant to make them available.

We believe the time has come to reconsider current polling district and polling station arrangements. The time has come to consider options including: central voting hubs using technology to issue multiple ballot papers in one venue reduced polling hours, potentially supplemented with early voting options.

Consideration should be given if other aspects of the election timetable need to be revised to facilitate advanced voting. For example, maintaining the timetable in its current form leave little time from the close of nominations to the start of an advanced voting process to produce ballot papers. By extending the timetable would bring much needed resilience and capacity to facilitate advanced voting.

67. Do you support the introduction of an online absent voting application system in Wales? If yes, what would you like to see in place?

Yes

No

Don't know

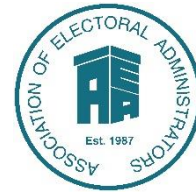
Please explain your answer:

In our [Blueprint for a Modern Electoral Landscape](#), we stated that the next stage of modernising the IER service is enabling electors to apply online for an absent vote as part of the registration process. This would need an end-to-end facility created via Government Digital Service platforms to each EROs electoral management system (EMS). This would ensure the process was secure, quicker and more efficient, creating increased capacity and resources within electoral services.

The online facility should be in addition to the paper application process being available for those who still wish to use it.

It should be recognised that a consequence of this change could be higher volumes of absent vote applications immediately before a poll as well as the risk of duplicate applications being received. To mitigate some of this risk, we believe the deadline for

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postal vote applications should be at least five working days earlier in the election timetable.

However, while we are supportive of an online absent voting application system for devolved polls, we believe the same system UK Government introduces for reserved polls should be used. We appreciate the inclusion of enhanced ID verification within this system made it inappropriate to Welsh Government, however the existence of two different online portals to apply for an absent vote is both confusing to electors and creates complexity and burden for electoral administrators.

The communication requirements would be complex to ensure electors understood the need to complete two different online postal vote applications to have a postal vote for reserved and devolved polls. It could lead electors applying using the reserved online form ahead of Senedd and local government and questioning why they have not received their postal vote. This could subsequently lead to disenfranchisement.

It will also introduce confusion around the 5-year renewal / 3 year reapplication process, with electors needing to ensure they complete the right online form for the appropriate renewal/reapplication.

The complication could lead to electors choosing only to have a postal vote for reserved polls due to the high-profile nature of UK Parliamentary elections and detrimentally impact turnout at devolved polls.

There is also significant administrative burden attached to operating two separate systems. It would effectively double the time it would take to determine applications. As mentioned previously changes would be needed to election management software to enable two sets of personal identifiers to be held. Consideration would need to be given as to how this would work in the event of a combined reserved/devolved poll.

68a. Do you think that such a system would help to reduce the number of postal votes rejected due to errors on PVS' and help raise public confidence in the postal voting system?

Yes

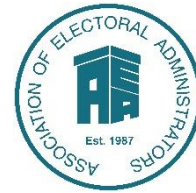
No

Don't know

Please explain your answer:

An online absent vote system could help prevent errors on the initial application leading to the postal vote being rejected. For example, there are instances where electors will put the date of signing rather than their date of birth on an application. While every effort is taken to manually check the date of birth is logical, they can on

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occasion be missed. An online system could have inbuilt validation rules that would prevent the date of signing being entered by electors.

In addition, an online system could better promote the postal waiver option which in turn could assist in reducing the number of postal votes rejected. Electors are generally unaware of the postal waiver option as it is not mentioned on canvass communications or widely promoted on council websites. Upon receiving the postal application, electors will complete the form to the best of their ability or have someone complete it for them without questioning if there is alternative means. Elections teams may look to contact electors where they can identify difficulties in providing a consistent signature on receipt of their application. However, there is not always sufficient capacity to do this. An online application can automatically take an elector to the postal waiver option by asking if they have difficulties providing a consistent signature. This in turn could help reduce postal rejections by ensuring electors are fully informed of their options at the point of application.

Furthermore, if Welsh Government are considering introducing postal ballot tracking – an online absent vote application process may be beneficial in capturing email addresses for electors. If ROs are expected to contact electors whose postal votes have been rejected to allow them to rectify the error, the use of emails is crucial for timely and automated communication. It is more likely an elector will provide an email on an online form than a paper one helping the RO to make timely interventions which may help to reduce the number of postal vote rejections.

68b. Could a manual system be used to do this?

Yes

No

Don't know

Please explain your answer:

It would be impracticable to add validation checks in a manual system. While manual checks are currently conducted on paper forms to identify obvious issues it does not guarantee all will be identified. Human error as well as capacity limitations at key points in the election timetable will always result in some applications being determined when they contain an illogical date of birth or a signature that would prove difficult to replicate.

Additional messaging could be added to paper applications regarding postal vote waivers to better inform electors of their options. Consideration could also be given to making the provision of an email address or contact number compulsory rather than optional requirement to assist ROs ability to contact electors in a timely fashion.

69. Would the introduction of a postal ballot tracking system, such as that described above, create a significant administrative burden on local authority electoral teams?

Yes

No

Don't know

Please explain your answer:

As you have already stated the number of Welsh voters using postal voting has continued to increase in recent years. Any bolts on to the postal opening process will inevitably create an administrative burden for local authority electoral teams when dealing with such high numbers of postal voters. We believe it is impractical to use pilots that took place in 2006 to base practice on when postal vote take up was much lower then.

However, there are ways to limit the burden being placed on election teams while still providing a form of postal ballot tracking for electors.

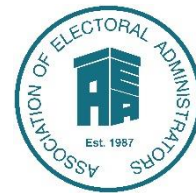
We believe no duty should be placed on the RO to contact or attempt to contact voters whose postal vote has been rejected. This would place an unmanageable burden on electoral services teams at a crucial point in the election timetable.

It also raises questions on the inconsistency of approach electors could receive as the timing of contacts are dependent on the details held by the RO. For example, if the RO holds an email address it would be less burdensome and quicker to contact an elector to inform them their postal vote has been rejected and the process to obtain a replacement. However, if the RO only has an address and a postal vote was rejected on the day before the poll, it would be impossible to contact the elector (unless there was expectation on ROs to make personal visits).

As a result, we believe the onus should be on the elector to check if their postal vote has been returned and whether it has been rejected through an e-tracking system. By removing an expectation on the RO and their team to identify and contact electors whose postal vote has been rejected would help to minimise the impact of this burden. It would be for the elector upon realising their postal vote has been rejected to contact the RO to be issued with a replacement before 5pm on polling day following the established procedure for spoilt postal votes.

This would still place a burden on the RO and their team as it would require locating and cancelling the original postal vote and issuing a replacement postal vote (which we estimate can take up to ten minutes per elector).

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However, we would question whether such an approach is viable in terms of security. We are sceptical this would be deemed workable by local authority IT teams as it would effectively mean leaving open access to the EMS/portal for a period of two weeks. A full feasibility study should be considered on this matter before exploring the idea further.

In addition, consideration would need to be given to the current timings used by local authorities to open postal votes. Some local authorities look to commence postal opening at least a week prior to polling day while others only start opening a few days before poll. For the benefits of an e-tracking system to be realised, there is likely to be an expectation on ROs to commence opening as soon as possible and have processes in place to ensure postal votes are opened in the order they are returned. This would allow sufficient time for an elector to check and where required obtain a replacement postal vote. However, there may be resource and venue limitations that currently result in authorities delaying their postal vote opening. We would suggest all local authorities are consulted to determine what the impact would be based on current arrangements.

We would also stress that any move to postal ballot tracking should be fully piloted for both Senedd and local government elections before being rolled out across Wales. Any such initiative would require extensive changes to election management software as well the creation of a portal to allow electors to track the progress of their postal vote. Technological changes such as these would need to be fully piloted and tested across all electoral management software providers before being rolled out. In addition, if postal ballot tracking is introduced it should be fully funded by Welsh Government.

70. Do you support the introduction of a postal vote e-tracking system in Wales?

Fully support

Partially support

Do not support

Please explain your answer:

Please see previous answer to question 69. We do not believe there is a feasible option that securely allows electors to check their postal vote has been rejected. We do not support any system that places a responsibility on the RO to contact electors where their postal vote has been rejected. Even if a feasible solution for e-tracking was implemented it still places a huge administrative burden on the RO and their teams to retrieve, cancel and reissue postal votes.

Questions also need to be addressed on combined polls or for elections with multiple ballot papers and how this would work with an e-tracking system. For example, the

EMS may show the postal vote is accepted but there may be a ballot paper missing because it has not been returned by the voter.

71. Do you support the wider introduction and use of Digital Registers for non-reserved elections in Wales? What are the benefits or detriments of doing so?

Yes – In our [letter to the Counsel General](#) following the 5 May polls in 2022, we highlighted the use of technology used in the advanced voting pilots 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.

The use of digital registers avoids the need for large paper-based copies to be produced which is often a timely process in the days prior to polling. It enables ROs to efficiently manage one of the integrity challenges that comes with multiple polling days if advanced voting continued to be pursued – the risk of double voting (an elector attempting to vote more than once). If advanced voting remains, the use of digital registers allows advanced voting to take place immediately before polling day. If there was a reliance on paper registers, this would be problematic where advance voting is happening immediately before polling day as there would not be enough time to manage aspects of a fully paper-based process. For example, marked register data from advance voting centres would need to be transferred to the paper registers held in each 'normal' polling station. There is also the potential for other benefits to be realised from the use of electronic registers alongside supporting advanced voting including accuracy of records.

The use of digital registers also contains safeguards (scanning of ballot papers) to prevent electors being issued a ballot paper they are not entitled to which can be a particular problem at combined polls with different franchises or where multiple community wards are allocated to one polling station.

The use of digital registers to be used across Wales would require funding from Welsh Government. While some authorities have made the move to digital solutions, many have not due to the cost implications for their local authority. It is clear from the advanced voting pilots that the development and use of electronic registers can be costly (Electoral Commission's report stated £1,093,890 was spent on electronic registers for the pilots for four authorities) and may be a barrier in challenging economic times.

72. Are there any potential barriers to a wider introduction of Digital Registers?

Yes

No

Don't know

Please explain your answer:

As outlined above there are potentially huge cost implications introducing digital registers. The Electoral Commission's evaluation of the advanced voting pilots stated £1,093,890 was spent on providing electronic registers for the four pilot authorities. The cost of rolling out digital registers for the whole of Wales could have significant cost implications and would need to be fully funded by Welsh Government.

Furthermore, we have concerns if every area of Wales would have sufficient connectivity to allow the use of digital registers to be fully realised. The responsibility for addressing telecommunications issues in Wales is not devolved to Welsh Ministers and rests with the UK Government, the telecommunications industry and with Ofcom. Ofcom '[Connected Nations](#)' report indicated that topography and population distribution in Wales results in the cost of constructing communications networks to be significantly higher than the UK average. As a result, the availability of superfast broadband and mobile services is typically below the UK average. It reports around 15,000 premises cannot get a decent broadband service of at least 10Mbit/s download speed and 1Mbit/s upload speed from either fixed or fixed wireless networks. A feasibility study should be conducted to ensure no known connectivity issues exist before looking at a Wales wide roll out.

There are also no plans by UK Government to roll out digital registers for reserved polls. While this is not necessarily a barrier, it presents another divergence issue leading to elector and polling station staff confusion between devolved and reserved polls. It would also prove problematic if a reserved and devolved poll were combined as there is no legal mechanism to use digital registers for reserved polls.

Chapter 7

73. To what extent do you agree or disagree that there should be mandatory training and development for councillors?

Strongly Agree

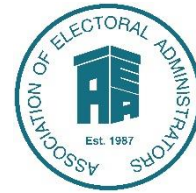
Agree

Disagree

Strongly Disagree

Why do you say this?

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The Association has no comment to make on this question as it falls outside its specific area of expertise.

74. If Strongly Agree or agree to question 73, should this mandatory training and development for councillors include principal councils and town and community councils?

N/A

75. If Strongly Agree or Agree to question 74, should the expectations for mandatory training be different between principal councils and town and community councils?

N/A

76. If Strongly Agree or Agree to question 75, what proposals would you make for areas to be included in mandatory training?

N/A

77. If Strongly Agree or Agree that there should be mandatory training, do you consider candidates should be asked to confirm their willingness to undertake it as part of the nomination of candidates' process?

N/A

78. Should there then be sanctions for candidates who do not confirm they are prepared to undertake mandatory training?

Yes

No

Don't know

Please explain your answer:

The Association has no comment to make on this question as it falls outside its specific area of expertise.

79. Should a commitment to undertake mandatory training and development form part of the oath successful candidates must take before being able to take up their office?

Yes

No

Don't know

Please explain your answer:

The Association has no comment to make on this question as it falls outside its specific area of expertise.

80. If Yes at Q79 what sanctions should apply to elected members for then not undertaking mandatory training and development?

N/A

81. To what extent do you agree or disagree with the policy proposal to bring arrangements for Town and Community councillors into line with the disqualification regime for principal council members in Wales, so that members of Town and Community councils are disqualified from becoming a member of the Senedd?

Strongly Agree

Agree

Disagree

Strongly Disagree

Why do you say this?

The Association has no comment to make on this question as it falls outside its specific area of expertise.

82. To what extent do you agree or disagree with the policy proposal that there should not be a grace period for all councillors elected to the Senedd?

Strongly Agree

Agree

Disagree

Strongly Disagree

Why do you say this?

The Association has no comment to make on this question as it falls outside its specific area of expertise.

83. To what extent do you agree or disagree with the approach to assessing the impacts of the proposals set out in the draft IIA? Do you have any comments?

Strongly Agree

Agree

Disagree

Strongly Disagree

Why do you say this?

The Association has no comment to make on this question as it falls outside its specific area of expertise.

84. To what extent do you agree or disagree with the approach to assessing the costs and benefits of the legislative proposals set out in the draft RIA?

Strongly Agree

Agree

Disagree

Strongly Disagree

Why do you say this?

The Association has no comment to make on this question as it falls outside its specific area of expertise.

85. Are there other areas that should be considered as we develop the IIA and RIA further?

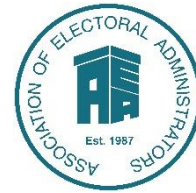
The Association has no comment to make on this question as it falls outside its specific area of expertise.

86. Please identify any other sources of data and information that we should consider in the IIA and RIA?

The Association has no comment to make on this question as it falls outside its specific area of expertise.

87. We would like to know your views on the effects that our proposals for electoral reform would have on the Welsh language, specifically on:

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- opportunities for people to use Welsh, and
- on treating the Welsh language no less favourably than English.

What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?

The AEA supports the equal use of both the Welsh and English languages as part of the electoral process and would encourage Welsh Government to liaise with the Welsh Language Commissioner as well as other relevant stakeholder groups such as the Welsh Legislation Advisory Group, Wales Electoral Co-Ordination Board and Wales Electoral Practitioners Working Group to provide expertise in relation to this specific area.

88. Please also explain how you believe the proposed policy could be formulated or changed so as to have:

- positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and
- no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.

The AEA supports the equal use of both the Welsh and English languages as part of the electoral process and would encourage Welsh Government to liaise with the Welsh Language Commissioner as well as other relevant stakeholder groups such as the Welsh Legislation Advisory Group, Wales Electoral Co-Ordination Board and Wales Electoral Practitioners Working Group to provide expertise in relation to this specific area.

89. We have asked a number of specific questions. If you have any comments on any related issues which we have not specifically addressed, please tell us below.

We have no further comments to make.

Clare Sim

Member Support and Advice Manager on behalf of the AEA

22 November 2022