

Consultation Response Form

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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.

Question 1a:

Do you agree that the draft STV Rules should only include the option of manual counting, omitting the option of electronic counting?

- Strongly Agree
- Agree
- **Disagree**
- Strongly Disagree

Further comments

The STV Rules should include both options:

- a manual count; and
- an electronic count.

Having both options would provide Returning Officers flexibility to decide which was most suitable taking local circumstances into account. This could be different depending on the scale of scheduled elections versus by-elections, for instance. It would also allow for a manual count to go ahead should an electronic count not be possible.

Electronic counting has been used for Greater London Authority elections in the past, but legislation also allows for a manual count.

In Scotland, STV was introduced in 2007 for the Scottish Council elections and has been electronically counted since. A national electronic counting system is negotiated every five years through the Electoral Management Board with the support of the Scottish Government who fund the electronic counting contract. Legislation prescribes for the count to be conducted electronically, but includes provision to conduct the count by other means if an electronic count proves impossible or impractical. At a Scottish Council by-election the Council can choose to count electronically or manually.

In Northern Ireland, STV is used for both local and NI Assembly elections and counts are coordinated by the Electoral Office for Northern Ireland. Counting is carried out manually, which takes a number of days. This meant [scheduled polls for 4 May 2023 were moved to 18 May 2023 to avoid the count clashing with HM The King's Coronation on 6 May.](#)

Provision for either a manual and/or an electronic count should be included in the same legislation that allows for an election to be held using STV.

Question 1b:

Should rules that allow for electronic counting be prepared for future elections, in time for local elections held after 2027?

- Strongly Agree
- **Agree**
- Disagree
- Strongly Disagree

Further comments

The Local Government and Elections (Wales) Act 2021 makes provision for a Council to change its voting system from First Past The Post (FPTP) to STV for the next local government elections in 2027. On that basis the rules allowing for electronic counting should be in place for those same elections. This would allow a Returning Officer to plan for electronic counting if they wanted to. Any change in legislation for electronic counting should be in place at the earliest opportunity for May 2027, conforming with the Gould Principle at the very least.

Question 2

Do you agree that the current requirement to list candidates alphabetically by surname should not be changed?

- Strongly Agree
- **Agree**
- Disagree
- Strongly Disagree

Further comments

We agree candidates' names should remain in alphabetical order on ballot papers. This would be consistent between elections held under FPTP and STV, especially as Principal Area and Community Council polls can be held on the same day. The consultation paper states that Welsh Government will look further into the order of candidates in the event electronic counting is introduced. It should be noted that in Scotland, where electronic counting is used for council elections with STV, candidates are ordered alphabetically by surname on the ballot paper.

Question 3:

Do you agree that the guidance to voters explains clearly how they should mark the ballot paper in an election under STV? If no, please suggest improvements.

- Strongly Agree
- Agree
- **Disagree**
- Strongly Disagree

Further comments

Guidance to voters notice -

Para 2 – Instead of the word *'figure'* use the word *'number'*. This change should also be considered for poll cards and postal vote statements.

Para 2 – Instead of *'You may indicate by figures as many or as few preferences as you wish'* we suggest using the following simpler wording and matches the ballot paper instruction. *'You can make as many or as few choices as you want to'*. In addition, instead of having this sentence at the end of paragraph 2, we would suggest including it at the start of paragraph 2, or add it as a separate paragraph after paragraph 1. On the ballot paper it is included at the start of the instructions and not the end.

Para 3 - Instead of the word *'figure'* use the word *'number'* to match the ballot paper instruction and include the word *'voting'* before the word *'box'*. *Instead of 'placed' use the word 'written'*. *Delete 'for whom' and add 'for' at the end. The revised wording would read as follows: 'The number or numbers should be written in the voting box on the right-hand side of the ballot paper, opposite the name of the candidate the number is intended for.'*

Ballot paper wording –

The instructions at the top of the ballot paper should clearly state how many candidates are being elected. For example: *'Three of the candidates listed below will be elected'*.

'You can make as many or as few choices as you wish' – change *'wish'* to *'want to'*

In the instructions, include the word *'voting'* in front of the word *'box'* to read *'voting box'* which makes it clearer which box they should vote in. For example, *'Mark order of preference in the voting boxes opposite the candidates'*. *'Put the number 1 in the voting box opposite your first choice'*.

Some of the above comments also affect other areas within the draft legislation including the Form of Postal Voting Statement.

The wording used for notices and ballot papers for STV elections in Scotland and Northern Ireland should be reviewed and considered, including any lessons learned.

Question 4a

Do you agree with our choice of the Droop quota?

- Strongly Agree
- Agree
- Disagree
- Strongly Disagree

Further comments

As outlined in the consultation paper the Droop quota is used for all STV elections in Northern Ireland and for principal council elections in Scotland. The Droop quota is now used in most STV electoral systems, and has universally replaced the Hare quota. The Hare quota has the disadvantage of some members in larger wards being elected without achieving the quota. It would therefore seem sensible to adopt the quota already used for other STV elections in the UK and widely across the world.

Question 4b:

Do you agree that the steps for calculating the quota as set out in Rule 60H and 64L sufficiently clear?

- Strongly Agree
- Agree
- Disagree
- Strongly Disagree

Further comments

Rule 60H The returning officer must take the following steps to determine the number of votes sufficient to secure the return of a councillor ("the quota").

We would suggest this could be improved by including the equation for the calculation, and examples of how it works, in the Rules. This would simplify it further for people to understand.

Question 5:

Do you agree that the rules about the transfer of surplus votes are sufficiently clear?

- Strongly Agree
- Agree
- Disagree

- Strongly Disagree

Further comments Supplementary guidance is needed which provides a detailed breakdown for each stage and includes worked examples to provide further clarity. The Northern Ireland data result sheets from 2022 could be used as worked examples as they demonstrate the calculations and decisions taken at each stage – [‘The Electoral Office of Northern Ireland – EONI’](#).

Question 6:

Do you agree the transfer of surplus votes should not take place where it cannot make any material difference to the prospects of the continuing candidate with the lowest number of votes?

- Strongly Agree
- Agree
- Disagree
- Strongly Disagree

Further comments

Question 7:

Do you agree that the rules about the exclusion of candidates and the subsequent transfer of votes are sufficiently clear?

- Strongly Agree
- Agree
- Disagree
- Strongly Disagree

Further comments

As outlined in our further comments to question 5, producing additional supplementary guidance would be incredibly helpful for everyone involved.

Question 8:

Do you agree that the draft STV Rules are sufficiently clear about the circumstances under which a ballot paper becomes non-transferable?

- Strongly Agree
- Agree

- Disagree
- Strongly Disagree

Further comments

Once again, supplementary guidance should also be produced by either the Electoral Commission (EC) or Welsh Government or both. In addition, we suggest the EC produce template resources such as printable placemats on non-transferrable stages.

Question 9

Do you agree that the draft STV Rules are sufficiently clear about the provision for filling last vacancies?

- Strongly Agree
- Agree
- Disagree
- Strongly Disagree

Further comments

As outlined in our previous comments, producing additional supplementary guidance would be incredibly helpful for everyone involved.

Question 10

Do you agree that in elections conducted using STV, a re-count may be requested in respect of the last completed stage of the count only?

- Strongly Agree
- Agree
- Disagree
- Strongly Disagree

Further comments

We agree as it would be too complex an undertaking to recount the entirety of the vote, - repeating each stage again. Police and Crime Commissioner elections have previously used the supplementary vote system. A Local Returning Officer can only recount the first stage count at that point, and cannot revisit it at a later stage. Similar provisions should be made in this legislation so that a recount can only be requested for the last completed stage of a count.

Question 11:

We would like to know your views on the effects that the draft STV rules would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favorably than English.

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

We support the equal use of both the Welsh and English languages as part of the electoral process. We 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 on this specific area.

Question 12:

Please also explain how you believe the rules could be 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 favorably 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 favorably than the English language.

We support the equal use of both the Welsh and English languages as part of the electoral process. We 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 on this specific area.

Question 13:

We have asked a number of specific questions. If you have any related issues

which we have not specifically addressed, please use this space to report them:

Responses to consultations are likely to be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick here: