The Association of Electoral Administrators

Response to the Welsh Parliament Committee on Senedd Electoral Reform - request for written evidence

Organisation:

Association of Electoral Administrators (AEA) – joint response from the National AEA and Wales Branch.

Summary of Organisation:

Founded in 1987, the AEA is the professional and qualifications body representing the interests of electoral administrators in the United Kingdom. It is non-governmental and non-partisan body with just under 2,000 members, the majority of whom are employed by local authorities to provide electoral registration and election services. There are eleven regional branches of the Association covering the United Kingdom, including the Wales Branch.

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Call for Written Evidence Questions:

Electoral Systems

Question 1:

Elections in Wales are currently conducted via a range of different electoral systems, including First Past the Post, Mixed Member Proportional/Additional Member System and the Supplementary Vote. What specific practical and administrative risks or challenges are associated with there being different voting systems for different types of elections in Wales?

Voting Systems and Combined Polls

Polls with a range of different electoral systems potentially cause both voter and administrator confusion. As an example, the next Senedd elections are due to be held in May 2021 on the same day as the postponed May 2020 Police and Crime Commissioner elections. These elections are run with different franchises and different voting systems increasing the risk of confusion.

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For Police and Crime Commissioner elections, if there are more than two candidates, they are elected using the supplementary vote system, where voters can make a first and second choice of candidate. For the Senedd elections, candidates are elected using either the first past the post for constituency seats, or the additional member proportional representation system for regional seats. Combining these different systems in the past has led to voter confusion.

[The Gould Report's](#) clear recommendations include the avoidance of holding different elections on the same day. This is a recommendation we support when different voting systems are involved. The Welsh Government has already taken steps to avoid combined polls, but further thought should be given to whether having such a range of voting systems is in the best interests of the voter. This will be further exacerbated should a council choose to move to the single transferable vote (STV) system.

Polling Station Staff

May 2021 will see franchise changes introduced for Senedd elections, allowing 16-year olds and qualifying foreign citizens to vote. However, these voters will not be eligible to vote at the Police and Crime Commissioner elections. Ensuring these groups understand which polls they can and cannot vote in will be key to minimising disruption in polling stations.

The need for polling station staff to issue different ballot papers to different franchises has previously caused errors. Issuing ballot papers in polling stations where a combined corresponding number list is used becomes complex if an elector refuses to accept a ballot paper they are entitled to or spoils one of the papers. While there are clear instructions for polling station staff on how to deal with these occurrences, it commonly leads to errors being made on ballot paper accounts and subsequent delays during the verification process. The different franchises will compound the complexities of these processes.

We would therefore urge the Welsh Government to ensure sufficient funding for comprehensive training for all polling staff. This training would not only need to cover franchise issues, but also enable them to explain the different voting systems and to follow correct processes where voters do not wish to vote in all polls.

Polling station staff training in some areas has begun to move online. With Covid-19 implications and social distancing compliance, online training would be a benefit for May 2021. However, given the complexity of a combined poll in May 2021, online training may be insufficient. Polling staff may need to be brought in for in-person training to enable them to fully understand the different voting methods and franchise eligibility.

Impact on Count

May 2021 election counts are likely to be lengthy due to both the volume of ballot papers, the combination of different counting methods and the need for regional counts.

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Training staff on different counting methods and expecting them to alternate between them is often a challenge. It causes counts to take longer and requires significant engagement with candidates and agents to manage expectations.

The current different voting systems for Senedd elections leads to the need for two ballot papers and prolonged counts. This is a significant administrative issue.

Senedd ballot papers are counted manually, and the complexity prolongs usual count finish times by three or four hours. Using the same staff for approximately seven hours of counting also naturally increases the risk of errors, particularly at regional counts. The Greater London Authority (GLA) holds three elections on the same day with different voting systems, conducting the count electronically at three count centres due to complexity.

The different Senedd voting systems at the 2016 elections resulted in a significant number of rejected ballot papers, potentially caused by voter confusion. For example, 5,509 constituency ballot papers and 6,730 regional ballot papers were rejected. In contrast, at the UK Parliamentary election held in June 2017, 2,776 ballot papers were rejected in Wales.

In addition, different voting systems also cause issues for postal voters. Some electors only return one ballot paper (normally constituency) which leads to delays and issues in the postal vote opening process.

Voter Awareness

A single poll is easier to administer and less confusing for the voter, but a public awareness campaign will still be required at each poll due to the different voting systems and franchises. Providing electors with direct information to help them cast their vote by post or in the polling station should also be considered.

Question 2:

What specific additional risks or challenges would arise if a new voting system were to be introduced for Senedd elections, and how might they be mitigated? Would the risks or challenges be the same for any new electoral system, or are some systems more challenging to administer than others?

There will always be additional risks and challenges introduced with any change, no matter how small. At present in Wales there is no experience of administering voting using the STV method, which would present challenges.

When explaining any voting system, by far the easiest to explain is First Past the Post - whoever gets the highest number of votes wins. With any other system, due to the complexity of how candidates/parties are returned, it is difficult to explain simply how that system works. This increases the risk of polling station staff giving out wrong information or not being able to clearly explain each system.

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Arguably more difficulty stems from the growing number of postal voters. Voters receiving different ballot papers with different voting systems it could potentially lead to more spoilt votes or unreturned ballot papers.

An effective public awareness campaign would need to be run ahead of any specific electoral change or event.

We would also encourage the Senedd to consider how Returning Officers and their staff will be able to effectively plan for and resource any electoral change, including ensuring sufficient staff resources and funding. Training for all staff including polling station and count staff training would be necessary due to the complexity of administering polls using different voting systems.

The introduction of the STV system for Wales would fundamentally change the administration of the verification and count process. Like other parts of the UK that use STV counts, counts would likely have to be conducted the next day and take much longer. For example, GLA elections in London are co-ordinated by London Elects using ballot paper scanning count technology. This is expensive, but it enables faster counts when compared with Northern Ireland where STV counts are conducted by hand and take days. Scotland also uses e-counting for STV counts, using the Scottish Electoral Management Board (EMB) to oversee procurement. We believe consideration should be given to support Councils that choose to use STV by ensuring they could use e-counts where necessary. This group could then further assist Returning Officers with the coordination of Senedd elections.

To ensure consistency, we would call on the Senedd to work closely with the Welsh electoral community to implement any new electoral system, ideally using the Wales Electoral Co-ordination Board (WECB). We have recently delivered online training commissioned by the Welsh Government to electoral administrators in Wales on legislative changes, which the Senedd may wish to consider for their future changes.

We support any measures that, after full and proper evaluation, enhance public confidence in democratic systems, are deliverable and do not add unnecessary bureaucracy, cost, and risk into the process. We would urge the Senedd to consider these factors when making its final decision on electoral change.

Electoral boundaries

Question 3:

Elections in Wales are currently conducted on the basis of a range of different boundaries, including Westminster constituencies, Senedd constituencies and regions, local authority areas and Police and Crime Commissioner areas. What are the specific practical and administrative risks or challenges associated with there being different electoral boundaries for different elections in Wales?

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Coordinating across local authority boundaries in UK parliamentary constituencies, Senedd constituencies and regions, and Police and Crime Commissioner areas greatly adds to the complexity of administering elections.

The specific practical and administrative risks or challenges associated with different electoral boundaries for different elections in Wales include registration and postal vote transfer, software compatibility, timeliness and quality of data, and administrative arrangements to conduct a poll where Electoral Registration Officers and Returning Officers work for different councils.

There are wide variations in practice for cross boundary elections and issues relating to ballot paper supply, postal vote issue and opening as well as the issue and receipt of ballot boxes. All these issues have been reported at previous cross boundary elections.

The confusion experienced by electors in UK Parliamentary and Senedd constituency cross-boundary areas are more significant when combined with local polls. Combined polls increase the risk of confusion for electors about which local authority to contact if they have a query, and with processes not being run simultaneously. An example of this is UK Parliamentary or Senedd postal vote packs being sent out at different times to local postal votes. 2021 will be a good example of the complexity faced by administrators and voters when the Police and Crime Commission elections are combined with Senedd elections.

Cross boundary administration is always difficult, particularly when it comes to the re-issue of postal votes. In the UK Parliamentary Election in December 2019, one local authority had electors living within seven miles of their office having to make a 60-mile round trip for a postal vote to be reissued as the constituency was administered by a neighbouring council.

The issue and complexity of non-coterminous boundaries is highlighted by Merthyr Tydfil. The area is part of the South Wales Police Area (comprising of South Wales West, South Wales Central Senedd regions and Merthyr), leading to them having a different Police Area Returning Officer (PARO) to every other council in the Senedd South Wales East region. This is further complicated as Merthyr Tydfil takes in part of Rhymney Valley from Caerphilly for Senedd elections. When elections are combined, this has led to Merthyr Tydfil also having to administer part of the election for the Gwent Police area and report to the Gwent PARO. This places numerous administrative risks on Merthyr Tydfil and requires consistency in approach from the South Wales and Gwent PARO on matters such as the timing of each count. There are four Police Area regions and five Senedd regions, so boundaries cannot be coterminous.

The current Senedd regions are based on European Parliamentary constituencies from 1994, when ideally, they should be coterminous with UK Parliamentary constituency boundaries. There is no current mechanism for reviewing Senedd boundaries as there is for Westminster and local government. It will be problematic if UK Parliamentary boundaries change leading to different boundaries between the UK Parliament and Senedd. This would increase the risk

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of voter and administrator confusion, potential cross boundaries problems and the overall delivery of the polls.

While the UK Parliamentary boundary review is due to revert back to 650 constituencies, we remain extremely concerned about the impact of any cross boundary proposals following the review, and the likely increase in complexity across the UK at the next scheduled UK Parliamentary General election.

Question 4:

What specific additional risks or challenges would arise if new boundaries or boundary review arrangements were to be introduced for Senedd elections?

There have been several boundary reviews in recent years. The UK Parliamentary review proposals have been abandoned, with a new review commencing. Administrators and local council members are on occasion confused about the different boundaries and, in many ways, it would make sense for any Senedd boundary review to run alongside the UK Parliamentary review. Senedd boundaries have to date (with a few anomalies) mirrored UK Parliamentary Constituencies and are clear and well understood.

The type and style of boundaries which could be introduced would also depend on the type of voting system that is implemented. Any change though, would increase the risk of confusion for the electorate and increase administrative complexity for practitioners running elections.

Introducing any kind of boundary review mechanism needs careful thought through and would be an additional burden to electoral administrators. As there is no current requirement to review Senedd boundaries, involvement in another boundary review process would be another constraint on council and administrator resources and time.

If Senedd boundaries were reviewed, there would need to be sufficient lead in time for electoral administrators to implement changes ahead of the elections in which they took effect.

The new approach being taken by the UK Parliament leaves any final decision on constituency boundary arrangements to the Boundary Commission, as opposed to the final discretion of the relevant Welsh Minister. This would potentially speed up the implementation of any boundary changes and could potentially be a favourable approach for Senedd boundaries.

If the decision is made to review boundaries, we would urge giving consideration to following local authority boundaries wherever possible. Minimising the number of electoral areas that cross local authorities is preferable for the reasons outlined in question three.

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Question 5:

If the Senedd constituency and regional boundaries were to remain as they are, but changes to Westminster constituencies as a result of the UK Government's Parliamentary Constituencies Bill 2019-21 brought the current alignment to an end from 2023, what specific practical and administrative risks or challenges would electoral administrators face?

As outlined in question three, the specific practical and administrative risks or challenges associated with different electoral boundaries for different elections, all of which have been reported at previous cross boundary elections include:

- registration and postal vote data transfer
- software compatibility,
- timeliness and quality of data
- administrative arrangements to conduct the poll, including:
  - ballot paper supply
  - postal vote issue and opening
  - issue and receipt of ballot boxes.

Significant risks and challenges would be created if a short notice UK Parliamentary election, Senedd election or by-election fell close together in any one year. It would also cause issues if the UK Parliamentary election was ever combined with Senedd elections.

In addition, the increased risk of confusion experienced by electors in cross-boundary areas are more significant when polls are combined. This would also be heightened due to franchise changes.

Implementation, timescale and financial implications

Question 6:

If legislation were passed which specified a new voting system or boundaries for Senedd elections, what would be the key activities that electoral administrators would need to undertake to deliver a successful election? It would be helpful if you could also provide estimates of the associated timescales and financial implications.

There would need to be sufficient lead in time from when legislation was passed. The Gould principle suggests at least 6 months before polling day as a minimum. However, considering the proposed changes of a new voting system and boundaries for Senedd elections, we believe there would need to be a significantly longer lead in time.

Substantial boundary changes would require a polling district and polling station review to be carried out, involving various consultation stages and sufficient council staff resources.

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Boundary changes would 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.

Subject to the complexity of the voting process and combined polls, the conduct of counts may need to be considered. For example, GLA elections are conducted at three regional count centres using electronic counting. The lead in time planning for an electronic count and venues take a significant amount of time. London councils plan and review processes and arrange count venue bookings for each GLA election four years in advance.

As outlined in question two, we would encourage the Senedd to consider how Returning Officers and their staff will be able to effectively plan for and resource any electoral change, including ensuring sufficient staff resources and funding.

Training for all staff would be needed, for example polling station staff training due to the complexity of administering polls using different voting systems. Core electoral staff would require training for any new voting system, particularly if introducing something like the STV system which has not been used in Wales before. An effective public awareness campaign would also be needed ahead of any new voting system's introduction or specific electoral event.

Recent years have seen electoral services staff resources shrink. With the number of combined polls now scheduled in coming years, a clear timetable of which changes are planned in relation to boundary and voting system changes would be useful. Such a timetable would allow electoral teams and local authorities to incorporate workload, outcomes and risk into their Business Plans and bids for staff resources. This would also keep Electoral Registration and Returning Officers abreast of what the next five years will look like.

Financial costs should be available from the 2016 elections. Although these were shared with Police and Crime Commissioner elections and are therefore not the full costs, they may assist with some calculations.

Changes to electoral voting systems will inevitably result in increased costs both in the short and longer term. As such, we would seek a formal commitment and guarantee from the Senedd to fully fund any new burden/initiative resulting from legislative reforms. In addition, it would not be for us to provide any specific financial information, that would need to be for the Senedd to properly assess and cost based on the administrative proposals it wished to bring forward.

To ensure consistency, we would call on the Senedd to work closely with the electoral community in Wales and relevant stakeholders in implementing any new electoral system, ideally using WECB. In addition, we would encourage the Senedd to learn lessons in approaches developed in other parts of the UK, considering the benefits and advancements in the use of election technology when properly funded and supported by the relevant democratic body. Members

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of the Committee may wish to observe the GLA elections and electronic count in May 2021.

Public understanding and education

Question 7:

What would be the role of the AEA and of electoral administrators in Wales in the design and delivery of public information and awareness-raising campaigns associated with any new voting system or boundaries? It would be helpful if you could also provide estimates of the associated timescales and financial implications.

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 Senedd. Electoral administrators would use the Senedd campaign as a platform for cascading information to local groups.

The Electoral Commission generally provides a public awareness campaign before any national poll. They also provide complementary resources for electoral administrators and councils to use, including press release templates, poster templates and social media graphics and posts. As part of any election project planning, electoral administrators also have a suitable media plan and work closely with their local authority media and communications staff.

We would also be happy to support the Senedd in sharing any publicity and information with our members. However, as a private company that receives no government funding, any part played by us would either be in line with our commitment to support our members in Wales or funded where we offer a paid for service.

Wider context

Question 8:

What lessons could be learned from other electoral reforms? For example, the introduction in 2012 of the Supplementary Vote for Police and Crime Commissioner elections in Wales, the introduction in 2007 of the Single Transferable Vote for local elections in Scotland, the Senedd and Elections (Wales) Act 2020, or the development of proposals for the use of STV for local elections in Wales.

The Electoral Commission publish detailed reports following each national poll. It would be worth reviewing the reports for the polls outlined above to identify lessons learned from these electoral reforms. In addition, we publish a detailed post-election report after each national poll available on our website.

Any proportional representation is likely to attract more minority parties to stand. This would lead to longer ballot papers and administrative workloads could increase with the number of candidates and election agents, as well as increasing election costs.

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Question 9:

Do electoral administrators in Wales have sufficient capacity to contribute to the development and implementation of any reform to the Senedd's electoral arrangements? To what extent has capacity been affected by the need to respond to the COVID-19 pandemic?

Electoral administrators have been stretched to their limits in recent years with a number of unscheduled national polls, limited resources and the introduction of canvass reform. Electoral team capacity is currently stable but remains fragile due to the challenges of canvass reform and the Welsh franchise change. There is also the considerable risk of having to run 2021 elections under socially distanced conditions and the potential for additional waves of COVID-19 and associated local lockdowns.

Legislation is currently being laid in the UK Parliament and by the Welsh Government to extend the publication deadline for the register of electors from 1 December 2020 to 1 February 2021 to allow more time to conduct canvass reform. However, for those publishing at the later date this could impact on election planning for May 2021 polls which are combined and already complex, not to mention any possible COVID-19 implications and by-elections being run from February 2021.

As a result, careful consideration will have to be given by the Senedd and sufficient time allowed for the development and implementation of any reform to electoral arrangements. Electoral administrators will do what they can to engage and offer guidance and advice in relation to any future Senedd electoral reform proposals.

There are also significant challenges on the horizon with plans for voter ID, reform to overseas elector arrangements and the UK Parliamentary boundary review.

As highlighted in question six, local authority electoral teams have shrunk in recent years, and there are a number of experienced electoral administrators in Wales due to retire in the next five years. It is therefore essential that investment and training is made available to ensure sufficiently experienced and knowledgeable staff are available and prepared for the changes ahead.

We would recommend conducting a short survey to assess the current and future capacity of electoral administrators in Wales. A similar approach was recently taken by the Cabinet Office in relation to implementing canvass reform during COVID-19, and it may be worth contacting them to share experiences and approaches in implementing a national project.

We would welcome the opportunity to work closely with the Welsh Government and other key stakeholders in the development and implementation of any reform to the Senedd's electoral arrangements.

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