

ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS

1.	Meeting:	Democratic Renewal Scrutiny Panel
2.	Date:	28 October 2010
3.	Title:	Delivering Electoral Services – Current and Future Issues
4.	Directorate:	Chief Executive

5. Summary

This report is intended to provide a picture of the issues on the horizon for the delivery of electoral services in the UK. The report is written against a background of damaging incidents in some areas at the combined parliamentary and local elections in May 2010 and a challenging future following the publication of “The Coalition our programme for government.” It will draw on research into the various Bills currently before parliament and on discussions amongst peer groups such as the West & South Yorkshire Electoral Officer’s Forum and the Association of Electoral Administrators (Yorkshire and North East Branch). The report is further informed by attendance at a recent AEA seminar which drew on the expertise of influential and knowledgeable speakers to examine the present and future system of electoral administration. Also in attendance was the Cabinet Office Minister for Political and Constitutional Reform, Mark Harper, MP who spoke about the plans for reforms and gave more detail following his announcement the previous day about the implementation of individual electoral registration.

6. Recommendations

That the report, which was requested by the Panel and the implications for successful delivery of electoral services, be noted.

7. Proposal and Details

7.1 The Context and Background

Until the Representation of the People Act 2000 there had been little change for many years in the administration of elections and electoral registration. The laws governing the conduct of elections and registration of electors were out of pace with modern lifestyles. The 2000 Act was the first major piece of legislation to attempt to address the situation and was followed by the Political Parties, Elections and Referendums Act 2000 and the Electoral Administration Act 2006. Together with

some other minor legislative changes, these three Acts fundamentally changed the system of Electoral Administration in the UK.

Whilst many of the changes were positive, they did add significant challenges to the successful delivery of elections and the management of electoral registration.

Against this background of increased demand, there has been no change to the statutory election timetables except to add more tasks to be completed within the already tight timescales.

Across the UK resources are stretched to the limit and there have been more incidences of problems at elections resulting in election petitions based on allegations of mis-management or electoral fraud.

The main changes so far:

- Electoral registration is now a continuous process with monthly deadlines for registering and an extra “late” registration deadline 11 days before polling day when an election is pending.
- Full review of polling places must be conducted every four years.
- Postal voting on demand has led to a huge increase in postal votes (50,000 in Rotherham)
- The consequent increase in allegations of electoral fraud led to a requirement that postal voters supply signatures and dates of birth (personal identifiers) on application. The identifiers have to be stored by the Electoral Registration Officer.
- Postal voters must supply their personal identifiers on a postal voting statement when they return their postal vote. These must be checked (verified) against the original identifiers before the postal vote may go forward for counting.
- Postal voters may hand in their postal vote at the polling station until close of poll on polling day.
- The counting of votes takes longer because of the requirement after close of poll, to check the personal identifiers on postal votes handed in at polling stations before the verification of ballot box contents can be concluded. At the election in 2010 there were 1688 postal votes to be dealt with at this late session.
- There has been a move towards combining polls at elections including those with different franchises or voting systems.

The system is currently under severe strain and still more change is promised by the Coalition Government.

7.2 The Future and its Challenges

The document “The Coalition our programme for government” includes a section on political reform and a section on crime and policing; each of which have implications for electoral administration in the UK. These include:

- Holding a referendum on the introduction of the Alternative Vote at UK parliamentary elections

- A review of parliamentary constituency boundaries to reduce the number of constituencies across the UK.
- Speeding up the implementation of individual voter registration
- A power of recall to allow voters to force a by-election where an MP is found to have engaged in serious wrongdoing and following a petition signed by 10% of his/her constituents
- Giving residents the power to instigate referendums on any local issue
- Giving residents the power to veto excessive Council Tax increases (by referendum)
- Establishing 5 year fixed-term parliaments but with provision for dissolution on a majority vote
- Introducing directly elected police commissioners

Whilst there is still much more detail to come on many of these reforms a series of announcements have already been made and bills introduced to parliament on some of them.

The Near Future: 2010 - 2011

The Parliamentary Voting System and Constituencies Bill

This bill is currently before parliament and expected to receive royal assent early in 2011. Its provisions include:

- The AV Referendum

A referendum on the voting system at parliamentary elections and an amendment introduced in October means that the referendum will be combined with other polls scheduled for 5 May 2011.

In Rotherham the referendum will be combined with borough council and parish council elections. The franchise for the referendum will be parliamentary and so will differ from the franchise at the elections. This echoes the scenario in May 2010 which caused confusion for some voters and added to the challenges facing polling staff. The Association of Electoral Administrators commented on this issue in its report on the 2010 elections:

“The complexity of election law is exacerbated when elections are held on the same day, and where polls are combined, particularly where the rules and timetables for the elections are not compatible”¹

It echoes the 2010 scenario in another important area – the counting of votes is likely to take longer because of the statutory requirement to verify the contents of ballot boxes for all three contests; including checking personal identifiers on postal votes at the session following the close of poll; before the votes can be counted and any result declared.

¹ Beyond 2010: the future of electoral administration in the UK – Association of Electoral Administrators

An unusual aspect to the management of the referendum is that it is the responsibility of the Electoral Commission and the Chair of the commission will be the Chief Counting Officer. The Local Counting Officer will conduct the referendum in his/her own area and a Regional Counting Officer will be appointed to oversee conduct within each region in a similar manner to European parliamentary elections.

The Local Counting Officer for Rotherham will be the RMBC Returning Officer, Martin Kimber, but the Regional Counting Officer for Yorkshire and the Humber is not yet known. The Electoral Commission is likely to use the regional management structure to disseminate information and instruction about the referendum and good lines of communication will be essential.

The Chief Counting Officer will have a “power of direction” in conduct of the referendum and may prescribe some of the decisions normally left to the local counting officer who can take account of local circumstances. This has the potential for conflicting instructions at the elections and the referendum.

The Commission has already stated its intention to prescribe most if not all documentation used at the referendum but no details have yet been confirmed. This is a potential matter for concern since printing for elections is very specialised and demanding in terms of timescales and complexity. Any major changes to documentation particularly if they relate to postal voting documents need to be identified very early to allow printers to effectively plan capacity.

- Changes to Parliamentary Constituencies

The bill provides for a reduction in the number of parliamentary constituencies from 659 to 600. Constituency boundaries will be primarily based on mathematical equality of electorate according to the “quota” set out in the bill.

The electorate of any constituency shall be no less than 95% and no more than 105% of the UK electoral quota. The quota is $U/598$ (*where U is the electorate of the UK minus the electorate of 2 preserved constituencies*).

This will inevitably lead to the creation of many more constituencies which cross local government boundaries.

Whilst one vote, one value is an important democratic principle there are some drawbacks to strict mathematical equality:

- Tension between mathematical exactness and community coherence
- Frequent boundary reviews will be essential
- Tight parameters will require the use of polling districts as well as wards for defining boundaries causing additional complexities in conducting elections at polling stations and confusion for voters
- Will certainly lead to more cross boundary working at parliamentary elections

Cross boundary working caused by the inclusion of the Dearne North and Dearne South Wards of Barnsley MBC in the Wentworth and Dearne Constituency was a key factor adding to the complexity of the UK parliamentary general election in 2010.

The Fixed Term Parliament Bill

The bill has received consent at its second reading in the House of Commons but still has to go through the House of Lords. The bill sets the date of the next parliamentary general election as 7 May 2015 but early/short notice general elections would still be possible if two-thirds of MPs approved a no confidence vote.

There is no indication of any intention to change the existing parliamentary election time-table which at 17 days is very short and conflicts with other election timetables. The combination of polls for parliamentary and local elections seems set to become more likely in future and conflicting time-tables and differing franchises will only increase complexity.

Looking Further Ahead:

Absent voters - Personal Identifier Refresh - 2012

Arising from the Electoral Administration Act 2006 and commencing in January 2012, the Electoral Registration Officer must write in January each year to every postal voter whose signature has been stored for 5 years. The postal voter is required to provide a fresh signature in order to continue to be allowed to vote by post.

The electoral registration officer must issue reminders to postal voters who do not respond within 3 weeks and cancel the postal vote and issue a cancellation notice to any who do not respond within 6 weeks.

The electoral registration officer is required to include a pre-paid return envelope with the initial letter and with the reminder and so will bear the additional expenditure of return postage for every voter who responds as well as the printing and postage costs of the outgoing correspondence and cancellation notices.

Personal identifiers were introduced in January 2007 and some 42,000 postal voters supplied their signatures then. Whilst many of these may have since cancelled their postal voting arrangement or moved house and re-applied and supplied a new signature; it is likely that the numbers involved in the exercise in January 2012 will be considerable with obvious implications in terms of workload and expenditure.

Directly Elected Police Commissioners – 2012?

Whilst little detail is so far forthcoming, the government has announced an intention that the first elections for police commissioners will be held in May 2012 and combined with any scheduled local elections.

Borough council elections are scheduled in Rotherham in May 2012 and so another combined poll looms. It is not possible to speculate further about the possible implications since so little is yet known.

Looking Still Further Ahead:

Individual Electoral Registration - 2014

The previous government had already passed legislation to allow for individual electoral registration but had included a voluntary phase before this became compulsory.

The new government has stated its intention to abandon the voluntary phase and to commence individual electoral registration from 2014. A draft bill will be presented for scrutiny at the current parliamentary session.

From July 2014, all new electors and anyone wishing to retain an absent vote must be individually registered and must supply three identifiers, their signature, date of birth and NI Number. During the 2014 annual canvass, existing registered electors will be asked for their identifiers but if they fail to supply them, will be carried forward in the register until after a general election in 2015. They will, however, be removed from the register on conclusion of the 2015 canvass if they still have not provided the identifiers and registered individually.

Electoral registration officers will be required to cross check the information before adding the person to the register but there will be no new databases. Registration Officers will check the information with the Department for Work and Pensions.

Robust arrangements will be required to ensure that the personal data is securely held and processed. Personal identifiers will not be published in the electoral register.

And still to come...? There is little detail yet on the following government intentions

- A power of recall to allow voters to force a by-election where an MP is found to have engaged in serious wrongdoing and following a petition signed by 10% of his/her constituents
- Giving residents the power to instigate referendums on any local issue
- Giving residents the power to veto excessive Council Tax increases (by referendum)

But each of them has the potential to increase the challenges faced by electoral officers trying to deliver quality electoral services to all participants in the democratic process.

There is no indication of when, or if, the existing timetables (set in 1782) and legislation will be revised to take account of 21st century elections.

If the answer to the referendum in 2011 does result in a change to the voting system used at parliamentary elections, future parliamentary election counts would be much more complex and prolonged. Where parliamentary elections are combined with other elections as seems likely to become the norm, the timing of the election counts would require serious consideration.

7.3 Conclusion

Whatever the future holds, it is clear that there will certainly be

- More electoral events
- More combined polls
- More complicated election procedures
- More complicated electoral registration processes – including checking identifiers on all applications

With the ever-increasing complexities and the pace of legislative change, it is important that electoral officers have up to date knowledge and skills. Membership of the Association of Electoral Administrators helps the Rotherham team to maintain awareness of the current issues and new ideas to meet the challenges.

The Association runs a professional qualification scheme and has recently introduced continuing professional development regulations to ensure that qualified officers maintain their knowledge and skills. The manager and one other member of the Rotherham team hold the certificate level qualification and a third member is now in the second year of the two year certificate programme. The manager is in the first year of the diploma level qualification which requires knowledge and understanding of electoral law, systems and finance at management level.

8. Finance

At the AEA seminar, the minister stated that it was policy that extra **new** burdens will be funded and individual registration would fall into that category. There is no detail yet as to the level of funding which will be allocated and ring fencing is unlikely since registration is part of the day to day running costs. There will be a “strong focus from MPs and Ministers in reminding councils of the importance of ensuring adequate resources are made available”

The Returning or Counting Officer at a national election or referendum is entitled to reclaim expenditure from government and must submit detailed accounts of all expenditure. The council should not have to bear the cost of these events. Where elections are combined, some savings should be achievable.

The requirement to refresh personal identifiers of postal voters will have to be funded from January 2012.

9. Risks and Uncertainties

There are already many risks to successful delivery of elections and the challenges continue to grow. The issues outlined in this report all present further areas of risk and uncertainty.

The current financial climate and budgetary restraints facing local government may mean it is more difficult to recruit sufficient numbers of quality staff to work on elections.

“I have serious reservations about being able to conduct future elections if there is no change to the timetable and if local authorities cut back on staff due to deficit problems”

Returning Officer Northern England²

Any perceived or actual mismanagement at an election could lead to a legal challenge and a high profile court case, with some risk of personal liability for the Returning Officer. This would attract negative attention in the media and could badly damage the reputation of Rotherham MBC and its partners. In those areas where there have been legal challenges to election results, the media has tended to focus its attention on subsequent elections, searching for any indication of a possible repetition.

Legal challenges to election results have become more common in recent years with the rapid pace of legislative change and increasing complexities placing heavy demands upon those attempting to deliver successful outcomes against ever increasing odds.

10. Background Papers and Consultation

- *Beyond 2010: the future of electoral administration in the UK – Association of Electoral Administrators*
- *Report on the administration of the 2010 UK general election - The Electoral Commission*
- *The Coalition – our programme for government*
- *Parliamentary Voting System and Constituencies Bill*
- *Fixed-term Parliaments Bill*

Contact Name: *Mags Evers, Chief Elections and Electoral Registration Officer, telephone extension: 3521, e-mail address: mags.evers@rotherham.gov.uk*

² Report on the administration of the 2010 UK general election – The Electoral Commission