

ELECTORAL REGISTRATION AND ELECTIONS

Legal and Democratic Services Advisory Committee - 24 January 2017

Report of Chief Officer Corporate Services

Status: For Information

Key Decision: No

Executive Summary: This report sets out the current legislative position for electoral registration and elections and presents the current situation for digital elections, including the use of digital in elections internationally, and electoral pilots in the UK.

The report sets out for Members information the range of service improvements which the Council will seek to make to its own electoral registration and elections processes within the scope of the current legislative framework in which we are required to operate. These improvements will enable the Council to deliver efficiencies, enhance and automate processes and further improve the service delivered to customers.

Portfolio Holder Cllr. Anna Firth

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Recommendation to Legal and Democratic Services Advisory Committee:

That the report be noted.

Introduction and Background

- 1 This report is provided to set out for Members the current regulations surrounding electoral registration and elections in the UK, to consider the value of digital in electoral registration and elections and to summarise the actions the Electoral Registration Officer has set out to deliver improvements in the way the Electoral Services Team deliver its services.
- 2 Electoral registration and the running of elections is highly prescribed in various pieces of primary and secondary legislation, including the Representation of the People Act 1983 (RPA 1983), the Representation of the People Regulations 2001 (RPR 2001) and the Electoral Registration and Administration Act 2013 (ERAA 2013).
- 3 In the UK, there are 48 pieces of primary electoral legislation and 183 pieces of secondary electoral legislation. This compares to just seven Acts in the Netherlands.

- 4 Under Section 8 of the RPA 1983 it is a requirement for every district council and London Borough to appoint an Electoral Registration Officer (ERO). Whilst the ERO is appointed by the council, the ERO's responsibilities are personal. This Council's ERO is the Chief Executive, Dr Pav Ramewal.
- 5 The personal responsibilities of the ERO include:
 - the requirement to maintain a list of UK Parliamentary and local government electors;
 - to maintain a list of the relevant citizens of the European Union entitled to vote at European Parliamentary elections, and
 - to take reasonable steps to obtain the information required to maintain the lists of electors and to ensure as far as practicable people who are entitled to be registered are and those that are not entitled to be registered are not.
- 6 The ERO is also required to conduct an annual canvass, issue invitations to register to potential electors, take steps to encourage participation by electors in the electoral process and meet the performance standards set by the Electoral Commission (EC).
- 7 The ERO is required to ensure they have sufficient resources available to them to deliver their duties effectively.
- 8 The conduct of elections is the personal responsibility of the Returning Officer (RO) and the appointment of the RO for each type of election is specified in legislation. For example, at local elections the Council appoints an officer of the Council to be the RO¹ and for Parliamentary elections the Acting Returning Officer (ARO)² is the officer appointed to be the ERO.
- 9 This Council's RO is the Chief Executive, Dr Pav Ramewal. The RO has the authority to appoint Deputy Returning Officers to support them in fulfilling the range of duties that must be carried out to successfully conduct an election.

Review of Electoral Law

- 10 The Law Commissions for England and Wales, Scotland and Northern Ireland are currently undertaking a review of electoral law. The aims of the review are to consolidate the existing sources of electoral law and to modernise and simplify it, to make it fit for elections in 21st century.
- 11 The initial recommendations include rationalising current laws governing elections into a single, consistent legislative framework for all elections and that electoral laws should be consistent across elections subject to differences which are unavoidable such as the voting system.

¹ as set out in Section 35 of the RPA 1983

² as specified by Section 28 of the RPA 1983

- 12 Additionally, the recommendations include franchises for all elections in the UK being set out in primary legislation and the designation and review of polling districts becoming the responsibility of the Returning Officer rather than the local authority Councils.
- 13 The Law Commission is recommending that there should be a standard legislative timetable for all UK elections and that the timetable should be 28 days in length.
- 14 The project is now at the 'review point' and Governments' responses to the interim report are awaited. The Law Commissions and the UK and Scottish Government will decide if the project should continue. If the project is approved, it is anticipated that the Law Commissions would publish draft legislation with a final report in early 2017 and that any changes would be in place before the elections in 2020 and 2021.

Government Policy

- 15 The Government has issued a policy paper which explains its approach to removing the 15 year registration rule for British citizens living overseas voting in Parliamentary elections.
- 16 The Minister for the Constitution has made a statement on anonymous registration and the Government is considering the procedure for some individuals who would register as anonymous electors.
- 17 On 12 August 2016, 'Securing the Ballot', the report of Sir Eric Pickles independent review on preventing electoral fraud in the UK was published. The report made 50 recommendations covering all aspects of election registration and the management of elections. The Government's response to the report is still awaited.

The Electoral Commission

- 18 The Electoral Commission (EC) was established as a result of the Political Parties, Elections and Referendums Act 2000. The role of the EC is to provide guidance to EROs and ROs and to monitor how well they perform against the performance standards that they set.

Electoral pilots

- 19 To date, electoral pilots have taken place in a number of English local authorities. In May 2000, 32 local councils ran a total of 38 experimental voting arrangements, including postal voting on demand, all postal ballots, voting on more than one day (including a weekend), extended polling hours, mobile polling stations and electronic voting and counting.
- 20 In May 2002, 30 local authorities piloted a total of 36 innovative voting procedures in order to encourage participation. These included further experiments with postal voting, extended voting hours and mobile polling stations, but also saw some experiments in e-voting using telephones, the

internet and mobile phone text messaging. To encourage these pilots the Government made funding available.

- 21 Further pilots were carried out in 2007 and a summary of electoral pilot carried out by South Bucks District Council and the wider findings of the Electoral Commission report is provided for Members information at Appendix A to this report.

The use of digital in UK elections

- 22 Current electoral legislation in the UK does not allow for digital elections. To conduct them would require a change in primary and secondary legislation.
- 23 However, the electronic counting of votes for the Greater London Authority (GLA) elections has been legislated³ for. Since 2000 London Boroughs have been required to use electronic counting for GLA elections and the law only permits manual counting in the event of a system failure and with the permission of the Greater London Returning Officer.
- 24 The counting is carried out by scanning the ballot papers so that the marks on the ballot papers can be read and the votes counted. Specialist software is used to count the marks in the boxes whilst applying the correct rules. The physical scanners are located in three count centres covering the whole of the Greater London area and have to be staffed at all times by officers appointed by the Returning Officer with support from the contractors providing the count scanners and software.
- 25 Legislation does not permit any other election counts to be carried out electronically in England.
- 26 At the request of the Electoral Commission a cost-benefit analysis for electronic counting was carried out by the Greater London Returning Officer prior to the 2012 GLA elections. The results have not been published in full and limited information is available publically. From the information available it appears that despite the relative expense of e-counting (it was reported in national paper that manual counting would cost £3.6m, and e-counting would cost £5.1m, making it 42% more expensive) and the concerns raised by the EC the benefits were deemed to outweigh the costs. The benefits that arise would include fewer overheads in terms of people and buildings to conduct counts, greater speed of counting and debatably accuracy.

The use of digital in elections internationally

- 27 The Council has undertaken a review of publications to identify how different countries have made use of digital technology ranging from national

³ The Greater London Authority Elections Rules 2007

internet voting, partial electronic voting systems, and e-counting systems to pilots that have been tested and ceased.

- 28 A summary of the information reviewed is provided at Appendix B to this report.

Electoral Registration

- 29 The introduction of Individual Electoral Registration (IER) from 2013 has resulted in more digital options for electoral registration. Electors can go online to register to vote and recent amendments have enabled the emailing of Invitations to Register (ITR), although there is still a requirement to canvass the individual if there is no response to the ITRs.
- 30 Residents are also able to respond by internet, phone or text to confirm that the Electoral Services Team has the correct information about the people entitled to vote in their household as recorded on the Household Enquiry Form (HEF).
- 31 21 local authorities will be undertaking annual canvass pilots in 2017 which will test four different models set out by Government. One of the aims is to take advantage of new and emerging technology to make the process more efficient.

Service improvements

- 32 A range of service improvements are being considered and implemented for Electoral Services to help automate processes, where this is permissible under current legislation, and to make efficiencies and improve customer service.
- 33 The option of emailing ITRs will be used more which will help to reduce the costs of printing and postage of paper forms. It should also make the process quicker and easier for the elector as they can use the email to access the gov.uk website directly to register to vote. Emailing ITRs will also help to encourage a more general channel shift from paper based communications to an electronic one. The option of emailing an ITR is only possible where an email address is held for the individual and we will seek to grow the number of email addresses held.
- 34 Where legislation allows, correspondence relating to electoral registration will be emailed to electors to help minimise the print and postage costs.
- 35 It is proposed that the electoral registration software system will be developed to automate electoral registration processes, such as local data matching and auto importing of data sets. This would result in less officer time being spent on manual inputting and checking of data. It will also be used to auto-import new property details which will help to improve the accuracy of the property database on the register and reduce inputting time.

- 36 A review of all electoral correspondence will be undertaken with the aim of ensuring that the wording is customer focused and that electors are made aware of electronic response methods.
- 37 Other data sources which are permitted to be used under legislation will be investigated to further improve the accuracy and completeness of the register. This will improve the way in which electors who are no longer entitled to vote are removed from the register and identify new electors who can be sent correspondence encouraging them to register to vote.
- 38 We will also seek to use new data sources to verify the identity of applicants who have not been verified by the Department of Work and Pensions (DWP) without the need for the exceptions or use of the attestation process.
- 39 The public engagement strategy will be reviewed and updated to reflect the lessons learnt from the 2016 annual canvass and to ensure that timely communications are produced to coincide with the key registration periods. Communication plans will incorporate web and social media channels to encourage electoral registration.
- 40 Annual Household Notification Letters (HNLs) will be introduced for those properties that did not respond during the previous canvass. Online responses methods will be offered for those properties where a change is required. These will be sent out in February to help improve the accuracy and completeness of the electoral register in advance of elections in May.
- 41 Under current legislation there is limited scope to change the way that elections are administered but there are internal process changes which can be made to deliver efficiencies.
- 42 The staffing process and the letters sent are being reviewed with the aim of reducing the amount of correspondence and paperwork sent to staff.
- 43 The elections website pages will be reviewed and updated to help recruit new election staff which will result in more staffing resilience.
- 44 The delivery method and content of poll staff training is being reviewed including looking at online training and video training options.
- 45 The electoral services webpages have been reviewed as a part of the corporate website project to help promote channel shift and to provide the most useful information for electors and residents. New information will also be added to help recruit new election staff for roles in polling stations, for the counting of votes and for canvassing duties.
- 46 Improvements will also be made to the way in which the results of election counts are recorded. This will mean that paperwork required from the count process will be produced automatically and it will enable real time updates of the progress and results for attendees at the count.

Other Options Considered and/or Rejected

47 None

Key Implications

Financial

48 The action plan that has been set out for improvements to the elections service is based on a fully resourced team being able to deliver the daily requirements on the service, preparation for elections and having the capacity to deliver service improvements.

49 A growth item has been endorsed by Legal & Democratic Services Advisory Committee and Cabinet to support the recruitment of new positions in the team. SCIA 17 proposes an increase in current budgets of £60,000 and this remains subject to Council approval when they consider the budget in February 2017.

Legal Implications and Risk Assessment Statement

50 The report sets out the legal framework which the Electoral Registration and Returning Officer must operate within to deliver their personal responsibilities for the electoral processes. Failure to adhere to these would be a significant risk to the Council.

Equality Assessment

51 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

Conclusions

52 This report sets out for Members information the current legislative position for electoral registration and elections and presents the current situation for digital elections, including the use of digital in elections internationally, and electoral pilots in the UK.

53 The actions set out to deliver improvements to the service are will deliver efficiencies and improvements to customer service subject to Council approval of growth in the electoral services budget from 1 April 2017.

54 Members are recommended to consider the information provided within the report and note the actions the service will take to deliver improvements.

Appendices	Appendix A - Electoral pilots Appendix B - Digital in elections internationally
Background Papers:	<u>Representation of the People Act 1983</u> <u>Electoral legislation, principles and practice: a comparative analysis</u> <u>Electoral Law - An Interim Report</u> <u>Political Parties, Elections and Referendums Act 2000</u> <u>Electoral Commission Guidance - Verifying and counting the votes - Greater London Authority Elections</u> <u>Greater London Authority Elections Rules 2007</u> <u>Electoral Pilot Scheme Evaluation - South Bucks District Council</u> <u>Key issues and conclusions - May 2007 electoral pilot schemes</u> and <u>http://www.electoralcommission.org.uk/i-am-a-journalist/electoral-commission-media-centre/news-releases-reviews-and-research/official-report-on-internet-voting-pilot-at-rushmoor-elections-published?</u> <u>Securing the Ballot</u>

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