



Briefing 17-35 September 2017

Electoral reform in local government in Wales - Consultation

To: All Chief Executives, Main Contacts and APSE Contacts in Wales

Key Options

- Voting Age Reduced to 16
- Current EU Citizens to maintain the vote post-Brexit,
- The Process to be added to the Electoral Register to be simplified, and connected to other data, such as driving licences.
- Each Authority given power to choose either FPTP or STV for elections.
- Terms increased to 5 years.
- Returning Officers no longer able to charge fee.
- Potential relaxation of rules barring council staff standing in their own authority.

Welsh Government Consultation

Following on from the Wales Act 2017, the Welsh government is seeking to implement a series of changes to elections within Wales. This is primarily aimed at Local Authorities, however some of the provisions have effects on other bodies as well, including the Welsh Assembly. The consultation covers a variety of areas such as extending the franchise, offering a choice on both voting systems and methods, adjusting the registration process, and extending the terms served by councillors.

The Welsh Government hopes that these changes will modernise the democratic process, and that it will also tackle, at least in part, issues of low engagement and turnout in recent Welsh elections.

The Franchise

16 & 17 Year Olds

The Welsh Government would like to reduce the voting age to 16, which has been the government's intention for a number of years, and the National Assembly had voted in favour of this move in 2013. In addition, this has been a manifesto pledge in the manifestos of the Labour Party, Plaid Cymru, and the Liberal Democrats at the last General Election.

The arguments for this change are that political education has much improved compared to previous generations, and that the way young people engage with social and other media makes them much more engaged with politics than has been the case in the past. The Consultation highlights various programmes, such as the new [Welsh Baccalaureate](#), that demonstrate this increased education.

Scottish voting figures, where 16 and 17 year olds were given the vote in the 2014 independence referendum and now have it for all Scottish Elections, is used as evidence for the change. In particular, the Welsh Government argue that letting younger people vote could lead to an increased engagement throughout the rest of their lives.

One additional effect of the changes is that it would automatically change the voting age for the Welsh Assembly elections too.

EU and International Citizens

There is still a great deal of uncertainty about the status of EU nationals in the UK after we leave the European Union. The Welsh Government's preference is that current EU residents retain the right to vote post-Brexit.

The Welsh Government are seeking advice how to treat EU Citizens who move to Wales after the UK has left the EU. They highlight two arguments. One, that they should be treated similar to those from the Commonwealth, and that would mean they would be allowed to vote. The other, is that they should be treated like other international citizens and not be granted the right to vote.

A third argument, that this distinction should not matter at all and that any legal resident, regardless of nationality, should be given a vote. The Welsh Government also welcome comment on how this applies to those standing for election as well.

Prisoners

The consultation also raises questions about the rights of prisoners, and this is focused on in the annex of the consultation. The Welsh Government is not looking to make concrete

proposals at this time. A variety of legislation was proposed at the UK level following the European Court of Human Rights ruling that a blanket ban breached human rights, but none of this has passed in Parliament.

The consultation is looking for comments on whether Prisoners should have a right to vote, and if there are any provisions that should be attached, such as length and nature of a sentence. It also looks for comments on the method of voting that should be used (Postal, Proxy etc.) and where a prisoner should be registered to vote.

Electoral Registration

There are a number of proposals on methods to increase the number of people registered to vote in Wales. These include increasing the scope that an Electoral Registration Officer (ERO) can work within, and to increase data-sharing between services, The latter is an area where the UK Government has already been doing work.

The consultation notes that EROs are able to access data from the Department of Work and Pensions to work out if people are resident at an address. The Welsh Government would like to expand the sources of data to include information from the DVLA, HMRC and Local Authority data. It would also like to empower EROs with the freedom make decisions on alternative data where the law permits. The ideal, in their view, would be move toward a system of 'automatic registration'.

They also propose to have council officers more involved in the registration process, enabling people to register with various council staff, such as at the library or leisure centre. Anyone contacting their local council would be checked against the electoral roll, and this could be used to drive up registrations. New systems would need to be developed to allow for this, including one which notifies electors when their details are added or changed.

The Welsh Government are seeking comment on the possibility of relaxing rules on individual registration, to allow households to be registered in some fashion, when circumstances make sense to do so. There would still be a need for individuals to 'sign' in some way, but this could be part of a group form.

EROs may have a duty placed on them to target groups within their electoral area to encourage them to register. This is following on from pilot programmes conducted by the Cabinet Office. EROs would have discretion to conduct canvassing as they see fit to maximise registration.

Changes are proposed to ensure accurate registration of people moving in and out of an area. Registration forms could be included alongside the notice of paying council tax, and any departments of bodies that are aware of changes may be given a duty to report this to the ERO.

An all-Wales electronic register has also been proposed, as a potential method to make some of the other proposals easier to achieve. This has been provisioned for in the Electoral Administration Act (2006), and it would also help any movements towards electronic voting, which is also discussed in the consultation.

Voting Changes

The Consultation details a number of changes to voting, both in the system and the method used to vote.

Voting System

Each Welsh Local Authority would have the power to choose between two voting systems to use for local elections. This is either First Past the Post (FPTP), the system currently used in Welsh Local Authority Elections and U.K. General Elections, or Single Transferable Vote (STV) which is currently used in Scottish Council Elections and in all Northern Irish Elections.

The consultation highlights arguments in favour for both systems. FPTP is cheaper, simpler and Welsh Voters are most familiar with it. STV, however, is proportional, better reflecting the intentions of voters as a whole. It also says that Welsh voters have already dealt with other forms of proportional representation, such as the regional AMs and European Parliament Elections.

Changing the voting system would require an electoral review of councils, so that multi-member wards could be established, and any change would be locked in for at least two elections.

There is also a proposal to change the length of term served by councillors from 4 years to 5 years, in line with the 5 year terms of the UK Parliament and the Welsh Assembly.

Voting Process

The Welsh Government want to change the process of voting, to better reflect the way people vote in modern life. This is building on pilot schemes conducted both within the U.K., and in other countries across the world. They argue that the biggest barrier to change is security, though they do not think that this should be a 'barrier to change'.

A variety of schemes are being considered:

All Postal Voting: All Electors in an area would receive a postal vote at the usual time postal votes are sent out. There would be administrative problems if there weren't changes to the required personal identifiers on postal ballots. There would also be problems if there were multiple elections on the same day, with different rules. Pilot Schemes have shown that there has been increased turnout at All-Postal elections, though

there is a significant minority of people who have expressed a preference for polling stations.

Electronic Voting: Polling Stations, and potentially other locations, would be equipped with touchscreens for voting. This would save time and money during counting, though there would be security challenges, especially with the transference of data from polling stations to the central count.

Remote Voting: Voting over the internet is also being considered. Pilots have been considered, and one actually conducted in Buckinghamshire in 2007, however future pilots were suspended by the Electoral Commission until systems were more secure. However, demand for this is likely to be high, and other systems, such as banking, have managed to overcome security challenges already, It would also, alongside electronic voting, make counting mistakes significantly less likely.

Electronic Counting: Comment is being encouraged on the subject of Electronic Counting. This is already in place for Scottish Elections, and is helpful considering the use of STV for council elections. The reported cost to the Scottish Government for the 2017 council elections was £6.5 million. There are different options Welsh authorities could take, however, opting instead to buy equipment and train staff in-house rather than using a contractor. Northern Ireland, which also use STV, do not electronically count, so it isn't a necessity even if authorities move to STV.

Mobile Polling Station: These could provide benefits to voters in remote, hard to reach areas, or to drive up engagement in neighbourhoods with typically low turnout. These would require an electronic register to ensure no duplicate voting, or people would have to register in advance to use one. There would also need to be rule changes to stop campaigning near mobile booths. These are in use in Canada.

Voting Outside of Polling Places: The consultation proposes allowing voting to occur in locations such as supermarkets, libraries, train stations etc. The argument is that people would visit these places throughout their day, and encourage higher turnout. These would also need an electronic register to prevent duplicate voting.

Voting Day Changes: Proposals include both changing the day that elections take place on from Thursday, perhaps to a Sunday, or to allow voting to take place across a number of days. This would again be helped by the use of an Electronic register.

Simplified Postal Voting: Official forms can be problematic for some people, such as the elderly and infirm, and it is these very people that postal votes are aimed at assisting. The proposals hope to simplify the material to make the whole process easier to understand and complete.

ID at Polling Station: Sir Eric Pickles review of Voter fraud recommended that people present personal id before being given a ballot paper. The Welsh Government welcomes comment on this, as it could have ramifications for accessibility and there has been no significant issues with electoral fraud in Wales to justify it.

Standing for Election

There are variety of changes proposed that would affect people standing for election.

Candidates would no longer need to publish their personal home address on literature. There have been cases of this information being abused, and the role that a postal address plays could be replaced with an email address or a link to a social media account.

Candidates would need to provide a statement to the returning officer that would be published online, with every statement located together online. The content would be the legal responsibility of the candidate, with the returning officer only responsible for the facility itself.

Individuals would not be able to be both councillors and members of the Welsh Assembly. However, it is likely that this would only matter if someone is successfully elected, and candidates would not need to give up a position to run in the first place.

It would be made a legal obligation for candidates to disclose if they are, or have been in the preceding 12 months, a member of a political party. This would be shown on their online statement.

Currently there are rules that prevent staff members of a local council to stand for election in that same council. This may be preventing suitable candidates from diverse backgrounds from being considered. The consultation is seeking advice on whether these rules should be relaxed. Politically restricted posts would continue to carry restrictions regardless.

Returning Officers

The Welsh Government propose to end the payment of a personal fee to a returning officer, in line with budget cuts and pay limitations of public servants. Local Authorities are encouraged to include the role of Returning Officer in the responsibility, and therefore salary, of the chief executive. Any increase in salary would require consulting with the Independent Remuneration Panel for Wales.

The consultation is also looking for comments in changing the fees and charging system, i moving to a formula to determine the maximum amount claimable by a Returning officer for services and expenses during an election. This, the Welsh Government argue, should save money overall due to the time saved.

Response Details

To respond to the consultation, follow the following links by 10th October :

Consultation - <https://consultations.gov.wales/node/11161/respond-online>

Consultation Paper:

APSE Comment

APSE supports measures that ensure that councils benefit fully from the wide range of skills and experience that councillors can bring to the chamber and operation of the local authority. To this end changes that enable residents from the widest range of backgrounds and circumstance to truly represent their communities are welcomed.

Changes to the existing, proven system of election will require training for both staff and new elected members along with additional technology for some proposals. We believe these transition costs should be acknowledged via the Local Authority grant from the Welsh Government.

APSE's manifesto states:

- APSE believes that the stewardship of local areas is best placed with local elected representatives as they have a direct line of accountability to local people. APSE will campaign for the rebalancing of current debates around local democracy to place more focus on the role of local authorities in determining outcomes in the wider interests of local communities.
- APSE believes elected representatives will continue to be the primary route for ensuring democratic accountability and in particular protecting and promoting places and people.
- APSE believes that all Councillors should be effectively engaged in decisions that affect communities and the daily lives of citizens and will support measures aimed at strengthening the role of backbench Councillors in local government in working with partners.

In line with the manifesto, APSE will continue to press for strong local representation combined with local accountability. Reaction to STV voting in Scotland has been mixed and increasing the franchise to 16 & 17 year olds relatively recent (2015). It remains to be seen what tangible benefits councils have found in the change in voting methodology or in the improved leadership of local authorities.

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Appendix

Consultation Questions

- 1.** Do you agree that the qualifying age for voting in Welsh local government elections should be lowered to 16?
- 2.** Should EU citizens who move to Wales once the UK has left the EU continue to acquire the right to vote?
- 3.** Should voting rights be extended to all legal residents in Wales, irrespective of their nationality or citizenry?
- 4.** EU and Commonwealth citizens can stand for election to local government in Wales, Should this continue and be extended to all nationalities made eligible to vote?
- 5.** Should Electoral Registration Officers have a greater range of sources available to them to assist citizens to be added to the register?
- 6.** Which data sources do you think should be used by Electoral Registration Officers?
- 7.** Should a wider range of local authority staff be empowered to assist citizens to obtain registration through access to the local government register and have the ability to amend it?
- 8.** What controls should be put in place to ensure the Electoral Registration Officer maintains overall control of the register?
- 9.** Should the individual registration rules be relaxed to allow for block registrations in certain circumstances, protecting the right to vote for populations otherwise at risk of exclusion?
- 10.** Should we place a duty on Electoral Registration Officers to consider whether any individual groups within their electoral area should be specifically targeted in registration campaigns?
- 11.** Should we introduce arrangements so that agencies who are aware of people moving have a duty to inform the Electoral Registration Officers?
- 12.** What are your views on the development of a single electronic register for Wales?
- 13.** Do you agree that individual principal councils should be able to choose their voting system?
- 14.** Do you agree that a constitutional change such as this should be subject to a two thirds majority?
- 15.** Do you agree that the term of local government in Wales should be set at five years?

- 16.** Do you agree in principle with the desirability of reforming the voting system to encourage greater participation?
- 17.** Are there other initiatives not covered which might be taken to enable greater participation in elections in Wales?
- 18.** Should councils be able to choose to use all-postal voting at council elections?
- 19.** Should it be subject to pilot exercises first?
- 20.** Should councils be able to operate all-postal voting in an individual ward or a number of wards within a council area?
- 21.** Should electronic voting be enabled at local elections?
- 22.** Should remote voting be enabled at local elections?
- 23.** Should electronic counting be introduced for local elections in Wales?
- 24.** Should mobile polling stations be enabled at local elections?
- 25.** Should we enable returning officers to make use of polling places in addition to fixed polling stations?
- 26.** Should we enable local elections to be held on more than one day and on days other than a Thursday?
- 27.** Should consideration be given to simplifying postal voting procedures and literature?
- 28.** How do you think the process could be simplified?
- 29.** Should electors attending a polling station be required to produce ID before they are allowed to vote? If so, what types of identification should be accepted?
- 30.** Do the advantages of requiring ID outweigh the risk of deterring voters?
- 31.** Do you agree that it should no longer be necessary to publish a candidate's home address in election literature, including anything published electronically?
- 32.** Do you agree that each candidate should be required to provide a personal statement for inclusion on a website provided by the authority to whom they are seeking election?
- 33.** Do you agree that it should not be permissible to serve both as an Assembly Member and councillor?
- 34.** Do you agree that candidates should be required to disclose a party affiliation if they have one?
- 35.** What sort of evidence should be required to suggest there is an undisclosed party affiliation?
- 36.** Should any council staff below senior level be able to stand for election to their own authority?

- 37.** Is there still justification for councils to keep a list of those other than senior officers who should be politically restricted?
- 38.** Do you agree that the statutory chief executive role should include that of returning officer?
- 39.** Do you agree that any addition to salary in recognition of returning officer duties should be a matter for the local authority to determine?
- 40.** Should Welsh Government move to a system of calculating Assembly election costs on an agreed formula, based on the size of electorate?
- 41.** Should Welsh prisoners be allowed to register to vote and participate in Welsh local government elections? If so, should it be limited to those sentenced to less than twelve months, four years, or any sentence length?
- 42.** By what method should prisoners cast a vote?
- 43.** At what address should prisoners be registered to vote?
- 44.** We would like to know your views on the effects that electoral reform would have on the Welsh language, specifically on 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?
- 45.** Please also explain how you believe the proposed options 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.
- 46.** 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: