

## Consultation response form

### Consultation on Electoral Reform

Please return this form to reach the Welsh Government no later than 10 October 2017

If you have any questions, please email:

RLGProgramme@wales.gsi.gov.uk

Consultation on Electoral Reform	
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### Consultation questions

#### Q1 – Do you agree that the qualifying age for voting in Welsh local government elections should be lowered to 16?

Yes. The WLGA supports this proposal as a key part of widening democratic engagement and participation.

As with many of the other proposed reforms contained in the consultation paper, it is important that adequate notice is given to Electoral Registration Officers to enable a smooth transition and to update and collate the Electoral Register.

#### Q2 – Should EU citizens who move to Wales once the UK has left the EU continue to acquire the right to vote?

Yes. The WLGA agrees that European Union citizens who have moved and settled in Wales should have the right to vote in local elections following UK withdrawal from the UK, subject to clarification of Assembly competence in this area.

**Q3 – Should voting rights be extended to all legal residents in Wales, irrespective of their nationality or citizenry?**

Yes. The WLGA agrees that lawful citizens who are resident in Wales should have the right to vote in local elections in Wales, subject to clarification of Assembly competence in this area.

**Q4 – 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?**

Yes.

**Q5 – Should Electoral Registration Officers have a greater range of sources available to them to assist citizens to be added to the register?**

The WLGA supports the Association of Electoral Administrators (AEA) and SOLACE responses and agrees that Electoral Registration Officers should have full access to any records that will assist them in their duty to maintain a complete and accurate electoral register.

**Q6 – Which data sources do you think should be used by Electoral Registration Officers?**

Wider data already held by public sector and/or public service bodies could provide a more complete picture, including public utility services data or records, DVLA, UCAS and NHS records. The introduction of any such approach should be underpinned by informational sharing protocols.

**Q7 – 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?**

No. The Electoral Registration Officer is responsible for the maintenance of the register of electors and has a duty to maintain it in a complete and accurate manner. The Electoral Registration Officer is independent of the local authority.

Section 8(3) of the Representation of the People Act 1983 requires the relevant county or county borough to appoint “an officer of the council to be

[electoral] registration officer for any constituency or part of a constituency ... situated in the [local authority area].”

However, information and data should be shared by local authority staff with the ERO when they are informed of a change so that the ERO and their staff can act on the new information to ensure the register is as accurate and up to date as possible at all times.

**Q8 – What controls should be put in place to ensure the Electoral Registration Officer maintains overall control of the register?**

As Q7 above.

**Q9 – 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?**

Yes. Block registration would have advantages for residential educational establishments, residential and other types of care homes, and houses in multiple occupation.

Electoral administrators are already working closely with the Cabinet Office in respect of the powers to require Higher Education providers to co-operate with EROs in terms of the registration of students which would also apply to Wales.

**Q10 – 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?**

Electoral Registration Officers already have a statutory duty (section 9 of the Representation of the People Act 1983) to maintain a complete and accurate electoral register. There is therefore no necessity to extend or redefine this duty.

**Q11 – Should we introduce arrangements so that agencies who are aware of people moving have a duty to inform the Electoral Registration Officers?**

Yes. See Q5 and Q6.

**Q12 – What are your views on the development of a single electronic register for Wales?**

The WLGA supports the option to develop and maintain a single electronic register for Wales, which is a proposal broadly supported by electoral administration professionals as it would enable more convenient re-registration for electors moving from one part of Wales to another, would be

the basis for experimentation with more flexible forms of voting, and could be more cost effective administratively.

The SOLACE and AEA responses highlight some specific administrative and technical considerations prior to the development of a single electronic register for Wales.

**Q13 – Do you agree that individual principal councils should be able to choose their voting system?**

The majority view of the WLGA is that individual councils should not be able to choose their own voting systems. It should be noted that the WLGA Plaid Group supports the introduction of the Single Transferable Vote for local elections.

There are various views across local government of the benefits or otherwise of the Single Transferable Vote for local elections, with the general view concerned that the approach would be administrative complex and confusing if held on the same day as ‘first past the post’ community and town council elections and that larger electoral wards would need to be created which may undermine the local links between a councillor and his/her community.

The WLGA view was generally supportive of the Electoral Commission’s position that there should be a common electoral system across all local authorities to avoid complexity and voter confusion. The Electoral Commission in its response to this proposal in the Reforming Local Government White Paper in April 2017 stated:

“...we would note that allowing councils to decide which electoral system to use in their own area could create significant risks and challenges, particularly in relation to voter understanding of how to cast their vote...The question of public awareness around two different electoral systems for one set of elections is likely to be a major challenge and one where there is a very real risk of confusion to electors if this type of change is implemented.”

**Q14 – Do you agree that a constitutional change such as this should be subject to a two-thirds majority?**

The majority view of the WLGA is that individual principal authorities should not be able to introduce their own voting systems. However, the WLGA agrees that any fundamental constitutional or electoral reform should require a two-thirds majority.

**Q15 – Do you agree that the term of local government in Wales should be set at five years?**

Yes. This would consolidate current practice in law and provides clarity to communities and candidates of the expected term of office prior to an election

and also allows the synchronisation of the electoral cycle to ensure that local elections are held on a separate date, if not year, from other national elections.

The WLGA would also support greater powers for Welsh Ministers to vary the date of local elections (subject to consultation), should national elections or referendums be called on the same day as that scheduled for local elections.

**Q16 – Do you agree in principle with the desirability of reforming the voting system to encourage greater participation?**

Yes. The WLGA supports measures that, after full and proper evaluation, enhance public confidence in electoral systems, are deliverable and do not add unnecessary bureaucracy, cost and risk into the process.

**Q17 – Are there other initiatives not covered below which might be taken to enable greater participation in elections in Wales?**

No, the consultation paper's proposals are comprehensive.

**Q18 – Should councils be able to choose to use all-postal voting at council elections?**

The WLGA supports proposals to try to improve voter engagement and participation but believes that the option to introduce all-postal voting would undermine electors' choice of voting (for many attending a polling station is an enjoyable and important part of the electoral process) and risks voter confusion with different electoral 'systems' being used in different local authority areas.

The WLGA agrees with the SOLACE comment that any voting system should meet the principles of accessibility to all voters, convenience, simplicity, reliability, security and cost-effectiveness.

**Q19 – Should it be subject to pilot exercises first?**

The WLGA agrees with the SOLACE position that the electoral system should be understood, convenient, reliable, and safe and secure to meet our duties to the electorate and candidates. Any experimentation should only be introduced following thorough risk assessment and with sufficient pre-trialling and resourcing.

**Q20 – Should councils be able to operate all-postal voting in an individual ward or a number of wards within a council area?**

No. The system within any one council should be uniform to avoid voter confusion.

**Q21 – Should electronic voting be enabled at local elections?**

The WLGA supports the proposed introduction of electronic voting in local elections in principle, but notes significant work needs to be undertaken to ensure appropriate reliability and security safeguards are in place.

The AEA and SOLACE provide views of the administrative safeguards and implications that would need to be considered prior to the introduction of electronic voting.

**Q22 – Should remote voting be enabled at local elections?**

As Q21 above.

**Q23 – Should electronic counting be introduced for local elections in Wales?**

The WLGA supports this in principle, but the use of electronic counting of votes should only be considered if security is assured and whether it would deliver improvements on current paper-based systems, be cost-effective and demonstrate public confidence. The AEA response provides further commentary on the administrative implications of moving to such a system.

**Q24 – Should mobile polling stations be enabled at local elections?**

The WLGA would support the consideration or piloting of any options for more accessible and flexible voting; mobile polling stations could provide greater accessibility in rural or more remote communities or where a large proportion of resident voters may benefit from a more accessible or local polling station.

**Q25 – Should we enable returning officers to make use of polling places in addition to fixed polling stations?**

Yes.

**Q26 – Should we enable local elections to be held on more than one day and on days other than a Thursday?**

Yes. Voting on a Thursday, whilst a tradition of the UK electoral system, is a historical feature and does not reflect current social or working patterns of the UK.

There are a range of issues that need to be considered before the voting day is either changed (for example to a weekend) or extended across a number of days, and these include: resources (likely increase in costs for staff and venue hire; the availability of polling station venues; security considerations; administrative implications, for example the availability of sufficient staff.

**Q27 – Should consideration be given to simplifying postal voting procedures and literature?**

Yes. This is subject to ongoing review at UK and Welsh Government levels.

**Q28 - How do you think the process could be simplified?**

The WLGA does not have any views, but any changes should be tested and/or piloted to provide assurance that the integrity of postal voting system has not been undermined.

**Q29 – 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?**

There is no evidence of widespread or organised fraud in elections conduct and any reforms should be proportionate, balancing improved security whilst maintaining simplicity and accessibility for voters.

The WLGA notes that the Cabinet Office is coordinating Voter ID pilots at the local elections in May 2018 which involves different forms of ID including photographic and non-photographic and looks forward to receiving the full evaluation of these pilots. We should await the evaluation of these pilots before considering any further specific reforms.

**Q30 – Do the advantages of requiring ID outweigh the risk of deterring voters?**

As Q29 above.

**Q31 – Do you agree that it should no longer be necessary to publish a candidate's home address in election literature, including anything published electronically?**

Yes. The WLGA supports this proposal in the interests of candidate personal safety.

**Q32 – 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?**

The WLGA supports this proposal in principle as it should improve voter accessibility and understanding.

There is potential that this would become a significant additional burden for Returning Officers and elections staff in the already busy run-up to an election, requiring additional communication with hundreds of candidates, which may include checking and dealing with queries and any challenges to the validity or lawfulness of any statements supplied.

An evaluation of the administrative impact and the success of existing approaches such as Police and Crime Commissioner elections and experiences of other countries should be carried out prior to any further consideration of this proposal.

An alternative would be that candidates are required to create their own web page and publicise the website address as part of the imprint on their published materials.

**Q33 – Do you agree that it should not be permissible to serve both as an Assembly Member and councillor?**

The WLGA supports the Welsh Government proposal that there should be a prohibition of councillors serving as Assembly members and that an individual should resign within 12 months of being elected to another role.

Although many councillors also undertake a range of roles and some are in part or full-time employment, Assembly Members' roles are unique often requiring individuals to live and work in Cardiff Bay for significant periods of time away from their constituencies. Furthermore, there is ongoing frustration from many councillors around the involvement of Assembly Members in councillor or council matters and 'dual-mandated' members cause further confusion and risk public perception of conflicts of interest.

**Q34 – Do you agree that candidates should be required to disclose a party affiliation if they have one?**

The WLGA supports clarity and transparency in the electoral process and therefore supports this proposal in principle, however further exploratory work needs to be undertaken to examine the practicability and risks of the proposal.

Welsh local government has a strong tradition of independent councillors who have made a valuable contribution to their communities and councils over the years.

Many council candidates, whether standing as independents or representing political parties already produce manifestos or policy statements in advance of elections, so the electorate can make an informed decision of who to vote for.

Political parties do not have to publish their membership lists so it is therefore not immediately clear how feasible nor practicable the proposal to introduce a duty of declaration would be nor how alleged breaches of this proposed duty could be proven or disproven. There is a real risk therefore that vexatious claims could be made against legitimate independent candidates or councillors which might be difficult to prove or, critically, disprove.

**Q35 – What sort of evidence should be required to suggest there is an undisclosed party affiliation?**



As Q34 above.

**Q36 – Should any council staff below senior level be able to stand for election to their own authority?**

The WLGA supports approaches to make it easier for people to stand for election and encourage a broader cross-section of the community to consider standing.

The WLGA however does not support the proposal to allow council staff to stand for their own authority. Lifting such a restriction is unlikely to have a significant impact in encouraging more candidates to stand but would disproportionately impact on good governance and employment relations with increased employer-employee tensions, potential conflicts of interest and team dynamics and relationships undermined. Staff at all levels have to demonstrate impartiality and a responsibility to serve the council as a whole; this risks being compromised should an employee stand or serve as a councillor.

The financial implications of the proposals would potentially be complex and potentially unfair, with an officer possibly deciding to lose salary in order to stand as a councillor or, if acting on 'secondment' (as is an option in the paper), would be paid more than other councillors for the same role.

It has been suggested that an option may be to allow a member of staff to stand for election and resign his/her post should he or she be elected. Whilst the WLGA would be supportive of further exploration of this proposal to support staff who wish to stand as candidates, there is a risk though that where an individual is unsuccessful, he or she may have implicitly or explicitly publicly criticised colleagues, councillors or council policies during campaigning, which may affect their ability to continue in their employed role following the elections. The WLGA would therefore wish to explore the implications and options of this further with the Welsh Government.

**Q37– Is there still justification for councils to keep a list of those other than senior officers who should be politically restricted?**

Yes. Senior officer impartiality is fundamental to professional conduct and governance.

**Q38 – Do you agree that the statutory chief executive role should include that of returning officer?**

The WLGA does not support the Welsh Government's proposal to prescribe that the role of Returning Officer is incorporated into that of the Chief Executive role, but instead to continue to allow local discretion, as at present.

The WLGA agrees with the Electoral Commission position, outlined in its response to the earlier White Paper consultation that:

“We recommend that any changes to the current management framework for the delivery of elections and referendums in Wales, including any changes to the funding of ROs, would need to be considered carefully to ensure that the independence and accountability of those responsible for delivering polls is maintained and not weakened.”

Furthermore, the Welsh Government should continue to provide full-cost recovery for the Assembly elections. If the role of Chief Executive and Returning Officer were combined, the financial liabilities for the coordination of Assembly elections would be unclear; the WLGA’s position is that there should be Assembly funding to cover the administrative costs of running the Assembly’s complex elections, which would include Returning Officer costs and fees. It would not be appropriate for local authorities to absorb the costs associated with the coordination of Assembly elections through either recompensing a Returning Officer (should a local pay review be required) or releasing a senior officer to coordinate Assembly elections free-of-charge. The Welsh Government proposal may also affect the availability of candidates to fulfil the ‘voluntary’ regional returning officer role for future Assembly elections.

**Q39 – Do you agree that any addition to salary in recognition of returning officer duties should be a matter for the local authority to determine?**

The WLGA proposes that Returning Officers should work together to self-regulate and develop a consistent approach to the setting of fees for local elections.

Following on from Q38 above, the WLGA agrees with the SOLACE response that should the role of Returning Officer were to be incorporated within the new statutory role of Chief Executive, then one option is for any remuneration for the oversight of local elections to be included within a single consolidated salary for the position. A form of this arrangement is already operated by several employing councils in Wales, where the Chief Executive is also contracted to be the Returning Officer but for no additional fee beyond their evaluated salary. The decision should remain a matter of local discretion. The additional responsibilities, demands and risks of being a Returning Officer should be appropriately reflected in any local review of remuneration and should not be dismissed.

**Q40 – Should Welsh Government move to a system of calculating Assembly election costs on an agreed formula, based on the size of electorate?**

The system for calculating the full costs of elections, and for accounting for expenditure, should be subject to review. It is both inconsistent across types

of elections, and unnecessarily bureaucratic e.g. the election accounts claims submission and review procedures.

**Q41 – 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?**

There are mixed council views on this proposal, both in principle and in terms of practicalities on electoral administration.

The WLGA notes the views of the European Court of Human Rights and a previous Parliamentary Select Committee and believes that clarification of Assembly competence is necessary prior to further consideration of this proposal.

**Q42 – By what method should prisoners cast a vote?**

As Q41 above.

**Q43 – At what address should prisoners be registered to vote?**

As Q41 above.

**Q44 - 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 favorably than English.**

Any reforms should have a neutral effect given current law and practice which gives parity to both languages.

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

Any proposed reforms should individually be subject to an impact assessment.

**Q45 - 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.**

See above. The Welsh Language Commissioner should be involved in any assessment.

**Q46 - 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:**

The proposed reforms, particularly where they outline new duties or burdens on local government, should be accompanied by robust regulatory impact assessments, which should be fully costed with any additional burdens being fully funded by the Welsh Government.

Responses to consultations may be made public. To keep your response anonymous (including email addresses) tick the box.

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