

Submission to the Committee on Standards in
Public Life on the work of the Electoral Commission
in Wales

June 2006

1. Introduction

- 1.1 The Electoral Commission's mission is to foster public confidence and participation by promoting integrity, involvement and effectiveness in the democratic process.
- 1.2 The Commission's Wales Office, based in Cardiff, has responsibility for delivering the corporate aims of the Commission in the context of Wales. The office ensures that the Wales dimension is fully represented in the strategic thinking and operational planning of the Commission. The Commission's four offices in Cardiff, Edinburgh, Belfast and London work to the same corporate plan and targets, the development of that plan and targets being informed by the devolved context. One of the Commissioners, Glyn Mathias, is resident in Wales and maintains a special interest in Welsh affairs, although his Commission responsibilities are UK-wide and not confined to Wales.

2. Responsibility for electoral matters in Wales

- 2.1 In common with the rest of the UK, there is no single body or organisation responsible for elections in Wales but a number of different bodies and institutions with varying responsibilities. The nature of the devolution settlement spreads election responsibilities still further and responsibilities vary between Wales, Scotland and Northern Ireland. Key responsibilities in Wales are as follows:
 - The Department of Constitutional Affairs is responsible for legislation governing UK Parliamentary, European Parliamentary elections and local government elections in England and Wales and for funding UK Parliamentary and European Parliamentary elections.
 - The Secretary of State for Wales is responsible for secondary legislation governing the conduct of National Assembly elections.
 - The National Assembly for Wales has delegated responsibility for meeting the costs of Returning Officers in conducting NAW elections and the cost recovery scheme, which it specifies in secondary legislation.
 - The Assembly is responsible for the local government funding settlement in Wales, including funds for electoral services.
 - Welsh Assembly Government has facilitated election planning and established in autumn 2005 (see further details below) the Wales Election Planning Group.
 - Local authority Returning Officers are responsible for the conduct of elections, as they are in England. All local authorities in Wales are unitary and Wales has a high number of community councils compared with the rest of Britain (parish councils in England).

- The Government of Wales Bill, expected to receive Royal Assent in July 2006, will reform the constitutional settlement in Wales. The NAW will be formally separated into Welsh Assembly Government and a parliamentary-style Assembly Commission. Under the Bill, the Assembly Commission will have new powers to promote public awareness of the Assembly election system and devolved government (further details in 2.3 below).

2.2 The Commission's responsibilities and functions in Wales currently reflect those it has in England. For example, the Commission has responsibilities to provide advice and guidance on elections practice and procedure; to register political parties and regulate their election campaign spending; to scrutinise election law; to raise public awareness and to report on major elections, including those of the National Assembly.

2.3 The Commission will acquire additional functions under the Government of Wales Bill, currently in Parliament. The Bill provides that the Assembly Commission (to be created by the Bill) may promote public awareness of the current or any pending system of (a) the election of Assembly Members and (b) devolved government in Wales. The terms of the Bill reflect that of the Political Parties, Referendum and Elections Act s.13, with the distinction that the terms of s.13 are UK-wide and refer to the institutions of the European Union. The Bill provides that the Assembly Commission may make grants to such other persons for the purpose of enabling them to carry out programmes of education or information to promote public awareness. The Bill enables the Assembly Commission to provide financial assistance to the Electoral Commission for the purpose of carrying out its functions under PPERA s.13, so far as these relate to the Assembly and devolved government in Wales. The Bill provides that such financial assistance will not affect the cap on s.13 expenditure contained in PPERA.

2.4 The Government of Wales Bill also amends PPERA such that the National Assembly for Wales Commission is added to the list of bodies to which the Electoral Commission may give advice and assistance.

3. The Electoral Commission in Wales

Corporate plan

The corporate plan which is published annually sets out our key objectives and targets over the coming five year period. The 2006-07 to 2010-11 plan contains four key objectives and 17 targets against which our performance as an organisation is measured. The remainder of this submission sets out the work and planned activities of the Commission's office in Wales as defined by the Commission's four key objectives.

Objective 1: Confidence and participation in the democratic process

- 3.1 A key aim of the Commission is to promote and encourage involvement in the democratic process. Voter participation at the first two sets of elections to the National Assembly for Wales came under wide scrutiny. Turnouts of around 46% in 1999 and 38% in 2003 contrasted traditionally high rates of electoral participation in Wales¹. The Commission has undertaken research to help understand electors' motivation and behaviour in Wales and published and disseminated this widely, in order to inform both the development of Commission's promotional activities and the strategies of other key players, particularly the political parties, the National Assembly for Wales, and electoral practitioners. To date, we have published:

Wales votes? Electoral Commission 2002 (a research study looking at propensity to vote at the forthcoming Assembly elections in 2003);
The National Assembly for Wales elections 2003 (our statutory report on the elections, containing a comprehensive analysis of voter participation)
Local elections in Wales 2004 (at the request of Welsh Assembly Government, again containing a comprehensive analysis of voter participation).

- 3.2 Our reports on the general elections in 2001 and 2005 and the European Parliamentary election in 2004 were also informed by experience in Wales and included analysis covering Wales.
- 3.3 In autumn 2006, we will be publishing the findings of a research study on voter motivation ahead of the forthcoming Assembly elections in 2007. Our statutory reporting on the 2007 Assembly elections will again include analysis of voter participation.
- 3.4 Our research has identified a significant public "information deficit" about the National Assembly, its powers and responsibilities. There are particular challenges to informing and engaging the electorate in Wales, as a result of structural features in the media. Welsh newspapers have limited circulation and impact, whilst the UK press does not report Assembly matters. Our election reporting in 2003 and 2004 included analysis of the media coverage of elections in Wales, in order to inform understanding of the role of the media in relation to voter participation and to consider whether the public was well-served by media coverage of the elections.

¹ Between 1945 and 2005, average turnout rates in UK general elections have been more than 2% higher in Wales than across the UK as a whole. In 2004, local election turnout was 42% in Wales, 4% higher than in comparable elections in England.

- 3.5 The Commission's research and scrutiny of the media coverage of the Assembly elections in 2003², and seminars which the Commission held with the media to encourage debate on election coverage in Wales, had a positive impact on coverage of the elections in Wales in 2004³. The nature of media coverage in Wales in 2004 was framed much more positively than the previous year, with a focus on attempts to persuade voters to use their vote. The Commission's encouragement of strategic debate on media coverage of elections in Wales played its part and it would be difficult to argue from the evidence that media coverage of the elections in 2004, both in terms of prominence and nature, was a negative factor in voter turnout. The Commission continues to encourage strategic debate with key Welsh media ahead of the 2007 Assembly elections.
- 3.6 From autumn 2006, the Commission will focus particularly on encouraging voter registration and participation at the 2007 Assembly elections and anticipates working closely with the Assembly Parliamentary Service on coordinated or joint promotional activities, especially following implementation of the Government of Wales Bill. This public information and promotional activity will complement the Commission's Wales-wide advertising campaigns aimed at encouraging participation in the Assembly elections.
- 3.7 Over the last two and half years, the Commission has also actively engaged schools, colleges, universities and voluntary and community groups to encourage participation in the democratic process. Activities have included "Democracy Days" for young people, involving interactive workshops organised with local councils and the Assembly's Education Unit; many sessions with young people as part of the Welsh Baccalaureate programme; attendance at cultural festivals and exhibitions, and registration drives, in conjunction with local authorities, at college and university campuses. We have recently launched the Democracy Disk, exclusive to Wales, an interactive CD ROM aimed at engaging young people in democracy and participation, and as well as the Democracy Cookbook, an activity-based resource aimed at those working with young people. As part of a UK-wide approach, we are producing a 'voter awareness toolkit' to aid local democracy officers promote participation at local level and to build on work we have already undertaken on these lines.
- 3.8 In April 2006, the Commission launched the Partnership Grants Scheme as a way to involve more people in democracy. We will be awarding grants to organisations with people who currently have low levels of participation in democracy. We are particularly interested in projects that work with young people not in formal education, people from minority ethnic communities and people with disabilities. A

² Research for the Commission in 2003 and 2004 was undertaken by the Wales Media Forum at Cardiff University.

³ *Local elections in Wales 2004*, The Electoral Commission

number of projects in Wales have been awarded funding under the scheme.

Corporate Plan Objective 2: Fair arrangements for elections delivered to consistently high standards

- 3.9 Under PPERA Section 5, the Commission has a statutory duty to report on the administration of elections and referendums, including UK Parliamentary elections, European Parliamentary elections and elections to the devolved institutions, including the National Assembly for Wales. The Commission is not required to report on local government elections but can do so at the request of a relevant body.
- 3.10 In addition to reporting on the UK Parliamentary elections in 2001 and 2005 and the European Parliamentary in elections in 2004, which included information on Wales, the Commission published its statutory report on the National Assembly for Wales election in 2003. Further, Welsh Assembly Government asked the Commission to report on the local elections in Wales in 2004 and our report was similarly published and widely disseminated.
- 3.11 The election reports cover a range of issues, including election planning, polling day and the count, voter participation and media coverage, as well as providing comprehensive data and analysis of election results. The reports are informed by a large number of sources including public opinion surveys, focus groups, academic research and analysis, access audits, and feedback from election observers, election staff, candidates and agents, and from post-election seminars.
- 3.12 Our reports have contained recommendations for action by others and by the Commission, including recommendations for changes in the law. All the Commission's recommendations specific to Wales have been considered by the relevant bodies and most have been acted on or implemented. For example, a key finding in our election reports in 2003 and 2004 was that, whilst there were examples of good practice in areas of electoral administration and promotion of participation, the approach across Wales was patchy and lacked consistency. The lack of any one organisation or agency to take a lead in election planning did not assist this situation. The Commission therefore recommended that an all-Wales election planning group should be in place for all elections, facilitated by Welsh Assembly Government and comprised of all relevant organisations. Along with other of the Commission's recommendations, Welsh Assembly Government has considered and acted upon this recommendation, and the Wales Election Planning Group has been operational since September 2005. Feedback, along with key decisions and plans for the 2007 elections already made, suggests that it has already proved its worth as a forum for streamlining planning in Wales and promoting best practice.

- 3.13 Further, the new power in the Government of Wales Bill for the Presiding Office and Assembly Commission to promote public awareness of the Assembly, already mentioned in section 2 above, implements a recommendation of the Commission from its report on the 2003 Assembly elections. Identifying a significant public information deficit and the need for a communication strategy to inform the electorate what the National Assembly and its elections means to them, the Commission recommended to the Government and the Assembly that legislation be introduced to enable this, if necessary. The Secretary of State for Wales signalled his intention to act upon the Commission's recommendation in his White Paper *Better Governance for Wales*.
- 3.14 The Commission published *Managing electoral services Wales* in early 2006, a detailed guidance manual for electoral administrators and reflecting similar projects in England and Scotland. The Wales edition was the product of close collaboration with and input from electoral administrators. The Commission has established a bilateral forum for regular meetings with electoral administrators in Wales, to enable mutual feedback and sharing of best practice, and also holds regional meetings with administrators across Wales to consult, inform and share practice.
- 3.15 Again, in conjunction with similar approaches in England and Scotland, the Commission produces guidance manuals on elections in Wales for Returning Officers, electoral administrators, with related briefing events. Polling station handbooks have also been produced for poll staff, along with material to support poll staff training at local level. Evaluation suggests these have been well received and work is underway to provide similar materials for the 2007 Assembly elections. The provision of such materials is another means of promoting consistency of practice and standards across electoral services, bearing in mind the local discretion inherent in the conduct of elections in Britain.

Corporate plan Objective 3: Transparency in the finances of political parties and candidates

- 3.16 The Commission adopts a UK-wide approach on this issue. Financial returns to the Commission can be viewed by the public in the Cardiff office.
- 3.17 In common with the other Commission's offices, the Commission publishes guidance for election candidates and agents in Wales, having done so for all major elections since 2001. The candidates and agents guidance is consistently amongst the most popular of all the Commission's guidance documents and is promoted actively by the main political parties in Wales and by electoral administrators, as the most comprehensive reference source for election candidates.

- 3.18 The Commission has regular discussions with the political parties represented in the National Assembly through the forum of the Wales Political Parties Panel. Meeting three or four times a year, this is a valuable forum for consultation and feedback, as well as for the promotion of compliance with the regulatory framework of PPERA.
- 3.19 The Commission also arranges briefings in Wales for the main political parties on regulatory issues, such as sessions for candidates and agents in advance of elections. The Commission usually exhibits and arranges fringe meetings at the political party conferences in Wales, again as a means of consulting, receiving feedback, advocating Commission recommendations and promoting compliance with the regulatory framework.

Corporate plan Objective 4: A modern, efficient and effective Electoral Commission which is well regarded in the wider community

- 3.20 A major area of the Commission's work in Wales, as with the offices in Scotland and Belfast, is engagement with our key stakeholders and partners in the area. As will already be apparent, the Commission in Wales has established a number of regular forums for consultation and feedback with the main representative groups and bodies across the electoral community. In addition, there are many ad hoc or project-based activities, events, and consultations taking place in Wales, organised by or attended by the Commission, either as part of UK-wide activity or specific to Wales.
- 3.21 Through this means, the Commission is able to ensure that the development of its policies and strategies, its corporate planning, its communications and its operations fully take account of the needs and views of stakeholders in Wales and the devolved context. This is not simply a case of implementing UK-wide corporate plans in the devolved areas, but means that the Commission is able to respond to the increasingly diversified 'home grown' agenda that has emerged since devolution in 1999.
- 3.22 The Commission operates a Welsh language policy, approved by the Welsh Language Board, and its public communications in Wales are bilingual, with bilingual published materials and a Welsh language section of the Commission's website.