



# **THE ASSOCIATION OF ELECTORAL ADMINISTRATORS**

## **COMMITTEE ON STANDARDS IN PUBLIC LIFE ELEVENTH REPORT REVIEW OF THE ELECTORAL COMMISSION**

### **Response of the Association of Electoral Administrators (AEA)**

#### **Introduction**

The Association of Electoral Administrators (AEA) is a professional body representing the interests of over 1450 members engaged in the delivery of electoral services. The AEA welcomes this opportunity to comment on the Committee's Eleventh report on the review of the Electoral Commission and is pleased to see that a number of the views expressed by officers and members of the Association, both in terms of the formal written submission and oral evidence, have been reflected in the recommendations contained in the report.

The Association's main interest in the mandate of the Commission relates to its duties in terms of electoral administration. As such the focus of this response is related to those specific recommendations and not those relevant to political party funding or campaign expenditure.

#### **Response to Recommendations**

##### **Principal Role of the Commission (R1)**

The Association supports the recommendation in that these two functions are seen as the primary purposes of the Commission. The administration and conduct of elections has been subject to considerable change over the past two years mainly to introduce measures to overcome security issues associated with postal voting and addressing low levels of confidence and participation in the democratic process. The AEA does however believe that the modernisation process should continue and will support measures to investigate processes which make registration and voting more convenient as long as these are secure and properly tested.

Despite the Committee's recommendation that the Commission should no longer associate itself with promoting participation, the AEA has a concern that participation will continue to be in decline unless positive action is taken to address and reverse it. The Electoral Administration Act 2006 places a duty on Electoral Registration Officers and Returning Officers to increase participation. Achieving these new and important objectives will be difficult without proper coordination. To simply say that

these issues are the responsibility of politicians rather sidesteps the matter unless an alternative and robust arrangement is introduced.

### **Regulation of political party funding and expenditure (R2-R8)**

As mentioned above, the Association has no significant interest in political party funding and expenditure other than the tenuous involvement which the Returning Officer has in receiving individual expenses returns from candidates and agents on the occasion of elections. Although this issue is outside the scope of the comments and recommendations made in the Committee's report there are serious anomalies in the rules relating to election expenses and this would seem to be an appropriate time to review the matter.

### **Regulation of electoral administration (R9)**

The Association supports the concept of a regional approach but the report is not entirely clear on what that arrangement should actually be. The AEA has been involved in piloting regional coordination for elections and of course the regional arrangements associated with European Elections has seen this evolve successfully.

The report recommends that the Regional Electoral Officers (REO) posts should be statutory. The AEA's concern is the potential conflict that this approach might bring with appointed Electoral Registration Officers and Returning Officers and what distinction and responsibilities the REO might have. EROs and ROs have statutory responsibilities to undertake and any erosion of this power or need to clear certain decisions or practices through another tier would seem to be unnecessary and confusing.

The AEA does support regionalisation as a very useful arrangement towards producing greater consistency and improved service delivery. The recommendation does raise the more complex argument of how electoral services should actually be delivered. The introduction of performance standards (see comments below), the significant problems with funding, and political interference in process and budgets at local level adds up to a fragmented, unconnected service which does little to inspire public confidence and engagement.

It is the AEA's view that the Committee's report and specific recommendations on the regulation of electoral administration opens the way for a proper review of how electoral services should be structured and delivered and what role the Electoral Commission might play in any new arrangement.

### **R10**

The Association wholly endorses the view that standards should be introduced and maintained throughout the country. Consistent service delivery will contribute to increased confidence and, potentially, engagement. As mentioned above though it is essential that the roles of REOs, EROs and ROs are clearly defined, particularly if accountability is to be realistically achieved.

## **R11**

Whilst the Association supports this recommendation it generally believes that success in this will only be achieved by the introduction of adequate measures particularly in terms of poor performance.

## **R12**

Public perception and indeed confidence will only be improved if there is an open and transparent approach to the assessment and reporting of performance levels. For that reason, the Association supports the first part of the recommendation. The AEA does have reservations, however, about the remaining parts of the recommendation. There should be a simpler and more effective remedy available where an ERO or RO fails to take the appropriate action to improve standards based on models which are already in existence within other inspection regimes operating within local government.

## **R13**

Whilst the Association would not object to this recommendation in principle, there could be a tendency to create a lengthy and bureaucratic process. Rather than the reports proposing action, the reports should reflect what action has been taken. As previously stated, the Commission through its regulatory powers relevant to performance standards should have appropriate powers to enforce action and merely reflect that in the annual report.

## **R14**

The Association agrees with this recommendation.

## **Funding of electoral administration and elections (R15)**

The Association believes there is a need to thoroughly review the funding arrangements for the delivery of electoral services. In addition to the wider aspects of how the service should be delivered (see R9), the AEA strongly holds the view that any Government funding should be ring fenced. There is considerable evidence that funding provided for electoral services does not always find its way to the service. This highlights the current problems in terms of properly funding the service. The Committee's report should act as a catalyst for further examination of this important issue.

There will be some difficulty in Councils providing accurate data to the DCA to enable them to report on indicative expenditure. The application of resources and structure of electoral services is extremely diverse. Councils frequently and unwittingly disguise the true costs of elections and even subsidise national elections due to the need to apply additional resources in times of real pressure to ensure deadlines are met.

## **R16**

A principal part of the Electoral Commission's evaluation of electoral services through the performance standards methodology will be to identify the true cost of conducting the registration process and election management.

### **Electoral Boundaries (R17- R20)**

The Association set out in its formal written evidence to the Inquiry, the reasons why boundaries should be coordinated and controlled by one body. There are no strong views within the AEA as to whether the Electoral Commission or another body should be responsible for these functions. The critical issue is that there is confusion and inconsistency in the current arrangements. Above all the approach should be to move towards co-terminosity between electoral boundaries.

### **Increasing participation in the democratic process (R21)**

The Association believes that the Electoral Commission has indeed made good progress in the development of public information and this should be maintained.

## **R22**

Comments have been made above on the importance of this issue. Essentially, all stakeholders have a moral duty to engage with the electorate and seek to improve participation. If the responsibility is to be taken from the Electoral Commission, it is important that mechanisms are put in place to coordinate strategy.

### **Policy development and advice (R23)**

The Association responded to this point in its written evidence to the Inquiry. There is considerable overlap between the work of the Commission and DCA. This duplication of work leads to confusion in the development of policy and who is responsible. It would, in the AEA's view, be entirely sensible for the DCA to be wholly responsible for policy and the Electoral Commission wholly responsible for guidance.

## **R24**

The Association fully supports this recommendation.

### **Reporting on elections (R25)**

Owing to the many changes applied to electoral services over the past two years and future impending legislation, it is of vital importance that proper evaluation and reporting of all aspects of registration and voting are carried out. There has been an unfortunate frequency of poorly drafted legislation over the past few years which has resulted in inconsistent and sometimes dubious practice. Ordinarily, the time taken to rectify the mistakes is lengthy and the Electoral Commission is faced with trying to offer sound advice on good practice against contradictory and poorly drafted legislation. Issues of fraud are important but should not overshadow the issues

mentioned above. Such reports should be wide ranging and cover all aspects of process and outcomes. By formally raising the issues, more focus can be applied to correcting the errors and, the sooner the arrangement is introduced, the better.

## **R26**

This recommendation should cover English local elections as well as those in Northern Ireland, Scotland and Wales.

## **Governance (R27)**

The Association supports this recommendation.

## **R28**

The Association supports this recommendation and believes this will provide an opportunity for the Electoral Commission to apply an improved and dedicated approach across the country particularly with regard to regional coordination.

## **R29-R33**

As outlined in the written and oral evidence given to the Committee, the Association has reservations over this proposal. It is a widely held view amongst our members that political interference could jeopardise the impartiality of the Electoral Commission as defining political inactiveness could well prove difficult. Whilst the Association has the above reservations, the introduction of restrictions would be essential. It might be appropriate to include a further restriction disallowing any active campaigning or support to candidates during an election by an Electoral Commissioner. As a minimum, the AEA would strongly support the restrictions recommended in the Electoral Commission's response to this recommendation.

## **Accountability (R34-R38)**

The Association supports the proposal to hold evidence gathering meetings in public as it displays further openness and transparency. The AEA also supports the recommendations relating to an annual debate and scrutiny.

## **Integrity of the electoral system (R39)**

The work that the Electoral commission has done in conjunction with ACPO and the "Integrity Strategy" that has been developed has been a major step forward in recent years. There is though a diversity of perceptions towards electoral fraud, particularly in registration. Fraudulent registrations are not solely committed for electoral gain. Most are designed to attempt credit fraud and the various authorities should work together to address this. Any detailed research therefore should be wider than the effect on the ballot.

## **R40**

The new legislation introduced for postal voting has resulted in considerable financial and human resource implications for Councils. The 2007 elections will be conducted within an arrangement untested in all electoral areas. The implications for staff and reliance on information technology systems will be immense. There is already evidence that significant problems are emerging in terms of the effect of the new requirements. Proper and robust assessment of the outcomes is essential and above all, where problems are identified, recommendations for swift and appropriate actions are made and implemented.

## **R41**

The Association considers this to be a sound and sensible recommendation and should assist in identifying conflicting legislation or drafting which could result in difficult practical implications.

## **R42**

The Association strongly supports this view as was demonstrated in the evidence submitted to the Inquiry and in its response to the DCA consultation paper on Electoral Registration published last year. Registration underpins the whole electoral process and the current system gives ample opportunity for anyone wishing to abuse the system. The current registration process is loose and largely uncontrolled as no supporting information is required to register an elector. Many of the new arrangements introduced by the Electoral Administration Act 2006 are compromised by the failings of the current registration system. The AEA would welcome an immediate and detailed investigation into the practicalities of this proposal.

## **R43-46**

The recommendations contained in 43-46 are sensible and focussed. The Northern Ireland model is an appropriate arrangement to build on. Government needs to not only address the need to tackle under registration but also assist the proper cleansing of the current registers. Most are inaccurate because of the effects of the existing legislation. Individual registration will undoubtedly result in an initial decrease in the electorate but, set against appropriate performance standards and appropriate funding, the situation can be resolved.

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