

Report



Cabinet Member for Licensing and Regulation

Part 1

Date: 24 October 2017

Subject Welsh Government Consultation – Electoral Reform

Purpose To seek Cabinet Member approval of the proposed Council response to the Welsh Government's Consultation on Electoral Reform in Wales

Author Head of Law & Regulation

Ward General

Summary The Welsh Government has published a Consultation Document on Electoral Reform in Local Government in Wales in the light of the proposed transfer of this function from central Government under devolved powers.

The Consultation Document puts forward a number of proposals for comment, with the underlying objective of increasing public engagement and participation in elections and improving the democratic system. The consultation paper deals primarily with the way in which people register and cast their vote in elections. It focuses on the franchise for local elections, the registration of electors, voting procedures and systems, standing as a candidate and the returning officer function. Where appropriate, the Welsh Government intends to include provisions within forthcoming local government legislation on local government electoral reform when the opportunity arises.

Proposal To approve the proposed response to the Welsh Government Consultation on Electoral Reform in Wales

Action by Head of Law & Regulation

Timetable Immediate response to Consultation document

This Report was prepared after consultation with:

- Leader of the Council
- Chief Executive
- Electoral Registration Manager
- Head of Finance
- Head of People and Business Change

Signed

Background

1. The Welsh Government has published a Consultation document on Electoral Reform in Local Government in Wales in the light of the proposed transfer of this function under devolved powers. A copy of the full consultation document can be seen at: https://consultations.gov.wales/sites/default/files/consultation_doc_files/electoral_reform_-_a_consultation_document_v2.pdf
2. The Wales Act 2017 contains provisions which have the effect of transferring to the National Assembly the power to legislate on matters relating to the administration of Assembly and local government elections in Wales. In addition, legislative competence for the registering of electors eligible to vote in these elections and the franchise applying to them are also devolved. An exception to this is the digital registration system operated by the UK Government.
3. Previously, the Assembly had very limited powers in relation to local elections or registration of electors and its powers in relation to Assembly elections was confined to the appointment of Returning Officers (where constituencies crossed county boundaries) and regional Returning Officers, as well as the financing of these elections through providing funds to Returning Officers and the costs of distributing candidates' literature. However the transfer of legislative competence by the Wales Act, once the relevant provisions are brought into effect, will provide an opportunity for the Welsh Government to review the current framework of legislation that applies to all Welsh local elections.
4. With this in mind, the Consultation Document puts forward a number of proposals for comment, with the underlying objective of increasing public engagement and participation in elections and improving the democratic system. The consultation paper deals primarily with the way in which people register and cast their vote in elections. It focuses on the franchise for local elections, the registration of electors, voting procedures and systems, standing as a candidate and the returning officer function. Where appropriate, the Welsh Government intends to include provisions within forthcoming local government legislation on local government electoral reform when the opportunity arises.
5. However, the Welsh Government also recognises that increased participation in elections cannot be achieved solely by legislation and requires all of the key stakeholders within the electoral system to work in partnership to inspire people to engage in the process, increasing the levels of turn-out at elections and reducing the numbers of uncontested seats.
6. The Consultation Document sets out a number of proposals and asks a number of specific questions relating to electoral reform in Wales. The proposed responses to the consultation and questions are set out at [Appendix 1](#).
7. Many of the issues raised in the documents are operational in nature and relate to electronic voting, remote voting, identification checks and security measures. These proposals are broadly welcome insofar as they seek to modernise the electoral systems to allow greater flexibility in registering and voting at elections. However, any systems of electronic registration and voting would have security and costs implications. Therefore, it is suggested that any electronic systems should only be introduced in conjunction with central Government and used for General Parliamentary elections, as well as local government elections in Wales, with direct grant funding being provided to cover the associate costs.
8. Some of the other key questions raised in the Consultation Document relate to:-
 - (a) **Whether the qualifying age for voting in elections should be lowered to 16.**

The extension of the franchise to include all those aged 16 on polling day in Welsh local government elections would be the biggest change to the franchise since 1970, when 18-year-olds were able to vote for the first time. However, younger voters are already able to

vote in Scottish local elections and elections to the Scottish Parliament and participated actively in the Scottish independence referendum.

It has been Welsh Government policy for several years to reduce the voting age to 16 and, indeed, the National Assembly by a clear majority voted in favour of this move in May 2013. Furthermore, the policy was included in the manifestos of the Labour Party, Plaid Cymru and the Liberal Democrats at the last General Election. Therefore, there is cross-party support for lowering the age limit. Most of the 16 and 17-year-old cohort are at school or in continuing education, where citizenship and political education is a recognised part of the curriculum.

Therefore, it is recommended that this proposal should be supported in terms of increasing engagement with young people and improving the democratic process.

(b) EU Citizens and citizens of other countries

The consultation paper raises the issue of EU citizens who move to Wales once the UK has left the EU and whether they should continue to have the right to vote in Welsh elections. This also raises the question of whether citizens of other countries, who live in Wales, should be treated any differently.

Once the UK has left the EU, then there appears to be no justification for treating EU and Commonwealth nationals any differently. It would be more consistent if anyone lawfully living in Wales (and paying local taxes) was entitled to vote in local elections in order to have a say on how that public money is spent and how public services are delivered, regardless of their nationality.

(c) Improving Registration – data sharing and electronic registration

These proposals are broadly accepted, as this is primarily an extension of existing arrangements. However, levels of registration could be improved if this was a requirement before people could access other systems, including applying for housing and council tax benefits. The establishment of a single electronic register needs to be linked to the Individual Electoral Registration Digital Service (IERDS), to avoid electors having to make multiple applications for registration at election time, and this really needs to be established at a national level rather than just for Wales.

(d) The voting system

The Consultation document raises the question of whether individual local authorities should be able to choose their own voting system and whether the current voting system should be reformed to encourage greater participation in elections.

However, it is recommended that there should be a consistency in the voting system across Wales and it should not be left to individual choice. While Wales has 22 Principal Councils, there is mounting pressure for more joint working and service delivery between these councils. Therefore, a vote cast in one Principal Council should be seen to carry the same weight as a vote cast in a neighbouring Principal Council, which may deliver many of its services on a joint basis with its neighbour. On the same basis it would not be equitable for Assembly Members in one constituency to be returned using a different voting system as the next constituency, even though both might be in the same NAW Region.

If there was clear evidence to demonstrate that electoral reform would encourage greater voter engagement and participation, then this would be an acceptable reason for changing the voting system. From experience of other elections, where a more complicated voting system has been used (e.g. PCC and NAW), as opposed to the first past the post system, this has resulted in voter confusion and there has been a reduced turnout. Therefore, care would need to be taken to ensure that a more complex voting system was not counter-productive in deterring more people from participating in elections

(e) The voting process.

The principle of electronic voting and more flexible arrangements for remote voting, without fixed polling days and polling stations, is to be supported in principle, but subject to there being satisfactory security safeguards to maintain the integrity of the voting process.

(f) Standing For elections.

It is recommended that Councillors should not be able to serve as Assembly Members, as this is a full-time job. Therefore, the rules should disqualify serving Councillors from becoming AM's, but they should be able to stand down as a Councillor to take up the AM seat, if elected. It is also recommended that the proposal to allow junior staff to stand as Councillors in their own local authority should not be allowed on the basis that there would be a clear conflict of interest.

(g) Returning Officers

The proposal to include the statutory Returning Officer duties within the role of the Chief Executive, as Head of Paid Service, and for all election payments to be included in the salary for the post is supported.

Financial Summary

9 There are no financial implications at this stage. However, if a separate system of electronic voting is introduced in Wales or a separate national register, without specific grant funding, then this will have significant financial implications for the Council.

10 Risks

Risk	Impact of Risk if it occurs* (H/M/L)	Probability of risk occurring (H/M/L)	What is the Council doing or what has it done to avoid the risk or reduce its effect	Who is responsible for dealing with the risk?
Not responding to the Consultation would mean that the Council's views are not considered when any legislative changes are formulated	M	L	By responding to the consultation, the Council's views on the proposed electoral reforms can be taken into account when formulating the proposed legislative changes.	Head of Law & Regulation/Cabinet Member

* Taking account of proposed mitigation measures

Links to Council Policies and Priorities

Any improvements to the electoral system which results in greater voter engagement and participation will improve the democratic process, ensure fairness and equality and assist in the development of resilient communities, aspirational people and a modernised council.

Options Available and considered

- (1) To approve the proposed Council response to the Welsh Government's Consultation on electoral reform in Wales as set out in Appendix 1
- (2) Not to approve the consultation response.

Preferred Option and Why

- (1) To approve the proposed response and submit the comments to the Welsh Government, so that the Council's views on the proposed electoral reforms can be taken into account when formulating the proposed legislative changes.

Comments of Chief Financial Officer

There are no financial implications at this time.

Comments of Monitoring Officer

Set out in the Report.

Comments of Head of People and Business Change

There are no specific staffing or policy implications at this time.

Equalities Impact Assessment and the Equalities Act 2010

The submission of this consultation response will have no implications in terms of the Council's public sector equality duty, although the increased flexibility offered by electronic voting and registration should improve voter engagement and participation within all groups with protected characteristics.

Children and Families (Wales) Measure

There are no specific implications, although the proposed reduction in the age limit to 16 will greatly extend the engagement and participation of young people within the democratic process.

Wellbeing of Future Generations (Wales) Act 2015

The electoral reforms are consistent with the sustainability principle and the well-being objectives. The objective of increasing voter engagement and participation in elections is consistent with the well-being principle of involvement.

Crime and Disorder Act 1998

There are no Crime and Disorder implications

Background Papers

Welsh Government's Consultation on electoral reform in Wales

Dated: 24 October 2017

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	
Date	
Name	
Organisation	
Address	
Email address	
Telephone	

Consultation questions

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

Comments: Yes, a lowering of the qualifying age would help to engage young adults while still in mainstream education. They would be more likely to feel part of their local community, if they have a say in how/who represented that community. Sixteen year olds while still an active part of their peer group network will most likely share and debate issues, which could lead to positive participation in the democratic process, rather than feeling unwanted / unrecognised, as they do at present. It would follow that there would be far greater likelihood of that participation continuing into adult life, than it would at the moment.

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

Comments: There is an argument that this should not extend to Parliamentary elections, as individuals might still have the right to cast a vote in Parliamentary elections in their home state and it would fly against tradition and convention to be able to vote in more than one Parliamentary domain. At the moment, elections to the National Assembly of Wales (NAW) carry a local franchise, so existing EU residents are able to vote at any election with the "Local" franchise. NAW may want to consider extending a franchise to future non UK / Irish / Qualifying Commonwealth citizens which would encompass Community and Principal Council elections only (Police and Crime Commissioner elections currently carry a "Local" franchise, however this is over-seen by the Home Office and as policing matters are not devolved, would almost certainly be excluded from any Wales-only changes, including the

lowering of the voting age). The franchise for the NAW elections could still be restricted to UK, Irish and qualifying Commonwealth citizens. Alternatively a provision could be considered that would involve citizens of other states being able to make a declaration that they are unable to vote in their home state and would choose to exercise their "National" franchise at NAW elections. It is unlikely that the UK Parliament would want to extend such a right to elections for Westminster and this could create a bureaucratic jungle for electors and administrators, alike, but is nevertheless, worthy of debate and consideration.

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

Comments: Yes, for the reasons outlined above and it would also mean that all citizens of non UK / Irish / Qualifying Commonwealth countries, regardless of whether they are EU citizens would be treated the same. In addition, having a full picture of who is living in an area can directly feed into service design and delivery, this could have particular benefits to Education (language development) and health services

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?

Comments: Yes – it would be difficult to separate the franchise from the eligibility to seek election. It would be difficult to deny an individual the right to seek election to a body, when they had the right to vote at elections for that body. It would further include the rights of those that use services to have a say in how those services are designed and delivered

This however also demonstrates why NAW might wish to create a franchise for its own elections more broadly in line with the UK Parliament, should it wish to restrict membership to UK, Irish and qualifying Commonwealth citizens, or indeed if it felt such a restriction was appropriate.

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

Comments: The Electoral Registration Officer already has access to a considerable number of data sets to assist in their task of compiling the electoral register, these data sets are however of differing value in allowing a determination to be made. There is no one data set that contains all the information that would allow an ERO to make a full determination, for example the Department of Works and Pensions National Insurance data set does not contain information regarding Nationality. Work has been done looking at the value of data sets such as DVLA, however results were not promising.

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

Comments: At the moment the ERO has access to all data sets held by the Principal Council, however access to national (government) data sets is not available, neither is there any access to commercial data sets held by utility companies, etc. Social Housing Landlords are also not prepared to share data with ERO's and this could be a valuable source of information, particularly with difficult to register groups. That said, if links were made between the register and the availability of certain benefits, this would be an easier way of resolving this issue.

It is however unclear, for reasons already stated above, how useful other data sets could be. What would be beneficial to ERO's would be a requirement for other data holders to cross-reference the electoral Register before providing services, so for example before claiming Housing / Council Tax benefits, applicants would have to be registered, or in the process of applying, to be included on the Register of Electors.

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?

Comments: Yes – as mentioned above, applying for the Electoral Register could form part of the process for applying for any other council service. This can easily be delivered using the Governments IERDS, which gives applicants online access to electoral registration and the identity verification process, which would help to eliminate potential fraud from services such as housing benefits. As all electors on the Register of Electors have to be Identity Verified, this would give a degree of assurance to other service providers regarding the eligibility of applicants.

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

Comments: All applications, whether made via the IERDS or via paper/telephone channels of communication would continue to be fed via the ERO and would be determined as at present, where necessary ERO's would gather supplementary evidence to support identity verification and change of name, as at present.

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?

Comments: Yes – up to a point. The recruitment of 16 – 18 year old to the register would involve capturing data for individuals as young as 14 years old as part of the annual canvass process (assuming that continues in its present form), who would not have been allocated their National Insurance Number (NiNo). Schools could however be responsible for providing block data, which would include the full name, home address, date of birth and nationality. The school would in effect “attest” the identity of its pupils, in the same way as an individual can attest to the identity of another individual who has failed verification with the DWP and is unable to provide suitable evidence. Minors would obviously not be able to provide either NiNo or suitable evidence (apart from passport, but only if they had one) as they would not have access to bank accounts, credit cards, utility bills etc., in the same way as older adults, therefore attestation would be an appropriate tool, albeit bulk-attestation would be a new form.

Electors who have had to relocate to Residential Care have been highlighted in the past of having difficulty with the IER requirements to submit either a NiNo or evidence. Managers of residential care establishments should however have access to the NiNo, either from administering their client's affairs directly, or indirectly via the client's next of kin or some other person with power of attorney. It is unclear therefore, whether bulk registration would be appropriate in such cases.

A final consideration should attempt to take into account major incidents such as the recent Grenfell Tower disaster, where large numbers of individuals lost all their possessions, along with the ability to verify their identity for registration purposes. If the delivery of services is to be linked to an entry on the register, it follows that there would have to be a fast-track system to bulk register electors in similar circumstances, as they would not be able to access any other services.

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?

Comments: One of the reasons that ERO's are appointed locally and the Register of Electors is compiled on a local basis is that the local ERO is best placed to identify specific areas / groups for special attention at canvass time. Existing duties to ensure the completeness and accuracy of the register encompass the above proposal already and there is no need to add a further duty.

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

Comments: ERO's already make extensive use of Council tax and Local Land and Property Gazetteer records to identify house movers. In addition the ERO carries out an annual canvass to ascertain any other register changes that have not been picked up. There will always be an element in society who will, for whatever reason, resist the call to register and it remains to be seen if multiple agencies forwarding

change of address details to the ERO could make much difference to the current situation, plus adding to the administrative burdens of both ERO's and agencies. There could however be scope for better cooperation between social housing / registered landlords, in the event that service delivery were not linked to registration.

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

Comments: The UK Government has twice tried to establish a single electronic register platform. Both LASER and CORE were eventually discarded as being too difficult to administer and without offering any substantial benefits, over and above the current system. The introduction of the Individual Electoral Registration Digital Service (IERDS) in 2014 was therefore not under-pinned by a national electronic version of the register, or indeed linking to the locally held register electronically. The absence of this underpinning has led to electors making multiple applications for registration at election time, causing major problems for administrators. Unfortunately, whilst it is clear that a national UK electronic register could bring benefits to ERO's with regards to multiple registrations, by underpinning the IERDS, a Wales only version would not be linked to the IERDS and would not bring any substantial benefits to administrators or electors alike, but would come at considerable cost to the tax-payer.

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

Comments: No – there should be a consistency in the voting system across Wales. While Wales has 22 Principal Councils, there is mounting pressure for more joint working and service delivery between these councils. While this scenario continues, it is only right that a vote cast in one Principal Council should be seen to carry the same weight as a vote cast in a neighbouring Principal Council, which may deliver many of its services on a joint basis with its neighbour. On the same basis it would not be equitable for Assembly Members in one constituency to be returned using a different voting system as the next constituency, even though both might be in the same NAW Region.

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

Comments: A major constitutional change to the voting system within a principal council area should not be as straightforward as a simple majority vote at a Council meeting. At the very least, this should require a special majority. However, there is an argument for a more democratic process involving greater public engagement and consultation, as with the appointment of elected Mayors. But public ballots for this sort of amendment would be hugely expensive to administer. A ballot could be triggered either by the council itself or on receipt of a petition, bearing a pre-determined number of signatories, in a similar manner to a community poll. But this could also see Principal Councils subjected to polls it would neither want or indeed could afford to pay for.

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

Comments: Yes – In addition to bringing benefits to the administration process, it would help to avoid the unnecessary combination of polls, many of which might utilise a different voting system, causing unjustifiable confusion for electors. The extended term also allows political administrations to produce more meaningful service delivery plans and strategies than a four year term would allow for,

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

Comments: If there was clear evidence to demonstrate that electoral reform would encourage greater voter engagement and participation, then this would be an acceptable reason for changing the voting system. From experience of other elections, where a more complicated voting system has been used (e.g. PCC and NAW), as opposed to the first past the post system, this has resulted in voter confusion and there has been a reduced turnout. Therefore, care would need to be taken to ensure that a more

complex voting system was not counter-productive in deterring more people from participating in elections.

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

Comments: We are repeatedly asked why electors are not offered a voting option of “None of the above”. If “None of the above” were to get the majority of votes, the election should be declared null and void and re-run.

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

Comments: There is clear evidence that there is a higher turn-out for postal rather than polling station voters. This however could be explained with the necessity to make a separate application, which includes personal identifiers, before being able to vote by post. Therefore only committed electors are expected to go through this process. It remains to be seen if that increase in turn-out could be maintained if all electors were sent a postal vote regardless. It would also raise the question of postal voting fraud, as Returning Officers would not hold personal identifiers for all electors, making it highly likely that postal packs would be returned by people they had not been sent to. This would undermine the transparency and confidence in the result obtained.

Q19 – Should it be subject to pilot exercises first?

Comments: Extensive pilot exercises were carried out between 1997 and 2004, albeit they were all in England. There was evidence of fraud in the system, which led to an election court judge describing the UK voting system as being “akin to a banana republic”. Rather than piloting a system that is already discredited, it would be more beneficial to look at alternative voting systems, which could deliver increased participation, but not introduce (or even reduce) the capacity for fraud in the system.

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

Comments: No – for the reasons stated above

Q21 – Should electronic voting be enabled at local elections?

Comments: Ultimately, we need to look towards electronic and online solutions to modernise the voting system at all elections. Increasingly we have to deal with calls from electors who can't understand why they can't cast their vote online. This would help to combat the perception of fraud, however work would be needed to ensure the robustness of systems, following recent allegations of “hacking” of political party data bases and the inherent danger that this could escalate to online systems (it should be emphasised that electronic voting machines in remote polling stations are not necessarily connected via a network, but instead download their “results” on return to the count), that would perhaps not be as secure as they should be. It also has to be pointed out that the costs of introducing new systems would fall on Principal Councils, who are responsible for the cost of their own elections. The cost of traditional election equipment is currently offset by grant from the Cabinet Office Election Claims Unit at each Parliamentary election, even though that equipment is also made available to Returning Officers at local elections. The ECU would not however grant aid equipment not needed at Parliamentary elections.

Perhaps the way forward on this and the next question would be for the devolved administrations to work closely with the UK Government on finding a secure, cost effective way of introducing electronic / online voting.

Q22 – Should remote voting be enabled at local elections?

Comments: This could only be effectively achieved using a national online platform, therefore all the comments above would apply. It is however probably the system that most, particularly younger voters,

aspire to. While development costs of an online platform would be quite high – as were the costs of developing the IERDS, there can be no doubt that people of all ages have engaged with using the online channel and in the long term, if investment is to be limited, this should be the preferred option over polling station based electronic voting machines.

One question that would need to be examined, if a remote platform were established, would it be necessary to continue with postal voting, or could this be phased out, with considerable cost savings?

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

Comments: Experience at both Scottish and GLA elections has not been particularly encouraging to support the merits of electronic counting. While there can be no doubt that electronic counting can bring time and cost benefits (in the long term), this comes at a price. Count centres are normally regionally based, removing much of the “local” element from the count process. There also has to be some constraints on ballot paper design to make them suitable for electronic counting, which could mean they are less user friendly for the elector.

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

Comments: If an online platform were established, as stated in the consultation paper, some recognition would have to be given to those who did not wish (or were unable) to engage in the online channel. Mobile polling stations could provide the answer, doing away with the need for fixed polling stations. There would be the key question however as to how these mobile stations would communicate with the online system, to update the voters list, particularly in remote areas where 2G communication is limited, let alone the 4G signal required for secure data transfer. The suggestion of voters pre-registering to cast their vote at a mobile station could provide an interim solution.

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

Comments: Care should be taken with this question as the phrase “Polling Place” has a very different meaning in electoral administration to the context it is used in the consultation paper. As stated in the paper, this would rely on an electronic version of the register, networked back to the main system to prevent multiple voting, so the comments above would apply with regards online systems. There would also have to be some method of producing the myriad of different ballot papers that could be needed, unless electronic or online voting systems were employed.

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

Comments: There is no requirement for local elections to only be held on a Thursday, however currently a dies non may not be used, which would rule out a Saturday or Sunday. That said, many conventional polling stations would not be so readily available on a Saturday or Sunday. For example school premises are not usually available for use on a weekend, while conversely, religious premises may be required for their primary use as places of worship. It could be possible to spread voting over a longer period, using existing systems but using less polling stations. Early voting could be available at local council offices and larger libraries from the Wednesday before polling day. The processing of Individual Elector Registrations prevents voting earlier than this as polling station registers can't be produced until this process is complete.

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

Comments: The current procedures not only serve to help prevent fraud but also to protect the anonymity of the elector. Stationery and processes are designed in such a way that it is almost impossible for a member of staff or an observer to identify how an individual has cast their vote. Any attempt to simplify the current procedures and literature could have a detrimental effect on both fraud and voter secrecy.

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

Comments: Many complaints that we receive relate to the inclusion of both English and Welsh languages on the same stationery, as required by the Representation of the People Act (Welsh Forms Order), as this makes the stationery cluttered and more difficult to understand. The size of postal voting stationery is also governed by Royal Mail "Large Letter" rules and the cost of postage. It would help therefore if electors could indicate their choice of language for their postal packs, rather than be issued with a standard bi-lingual pack.

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?

Comments: The UK Government is planning on running pilots in England next year, trialling different forms of identification. This follows on from a general acceptance that the current system is somewhat old fashioned and is open to fraud, which is undeniable but also an underlying perception that fraud is actively taking place. Due to the very nature of polling station processes, it is extremely difficult to detect or prove fraud on the part of an elector, although there has been an increase in the cases brought to court in recent years and substantial penalties handed down by judges where cases have been found proven. Having stated the above, it follows that it would be very difficult to gauge the effect of any change to process on combatting fraud, when you don't know how much fraud is present in the first instance. There is therefore a danger of using a sledgehammer to crack the proverbial nut. Some proposals would require the presentation of a photo ID, in short this would be a passport or photo driving licence, large numbers of the electorate don't hold these and this would place a substantial barrier to encouraging voters to turn out and vote. Alternatively, other documents such as utility and bank statements could be used, but as mentioned elsewhere, young electors would not have access to these. It would follow that either the Returning Officer would have to issue some sort of entitlement card (similar to a poll card) which would have to be taken to the polling station and surrendered by the elector or alternatively voters would be required to sign against their name in the register and provide their date of birth, even though the ERO might not even hold the date of birth, it would provide a deterrent and would help to dispel the perception of fraud.

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

Comments: No – in the absence of verifiable data quantifying the existence or level of fraud, any requirement to produce ID would prevent or discourage substantial numbers of electors from voting, this would be detrimental to democracy and undermine our system of government.

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?

Comments: Presumably this refers mainly to the ballot paper and the provisions that already exist at Parliamentary and Police and Crime Commissioner elections. As there is no requirement for a candidate to live in the ward in which they are seeking election, it follows that printing the candidates address serves little purpose. That said, where Parliamentary candidates withhold their home address, we do receive large numbers of telephone calls asking where the candidate is from and why they should be able to "hide" where they live. Ultimately, that would be a question for individual candidates to come deal with. Candidates should also remember that if they act as their own agent, they would have to use their home address on the imprint, required on all literature, unless they had supplied the Returning Officer with an "office" address.

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?

Comments: Candidates should not be required to do this, however it would be very useful if they were ABLE to submit one, in the same way that PCC candidates can. It would help administrators when they receive calls from electors asking who their candidates are, to be able to point them towards a website.

It would be useful if this website could be hosted centrally, as is the case with the findmypcc.org website, with the elector simply asked to insert their post code and select their address. Likewise, Returning Officers would ensure that the text submitted satisfied the website requirements and they would upload to their section of the website. After the declaration, the website could be updated to identify winning candidates, as with the findmypcc.org site.

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

Comments: Agreed. Given the full-time nature of the AM role and also many senior salary posts within local authorities, then it is not possible to fulfil both roles and effectively discharge the public duties of both offices. There are also possible conflicts of interest which could best be avoided by not allowing dual representation.

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

Comments: Agreed. Voters should be aware of any political party affiliations when deciding whether or not to vote for a particular candidate, even if that person has not been selected by that party and is standing on an “independent” basis.

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

Comments: If this was to be a criminal offence and result in an election being declared invalid, then any evidence would need to satisfy the criminal burden of proof and result in a conviction.

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

Comments: No – this would create an unacceptable conflict of interest and undermine the role of their line managers, including head teachers and governing bodies. The employee code of conduct provisions and checks and balances within the system would not be sufficient to preserve public confidence.

However, it should be possible for an officer to stand for election in their own council and only resign if they are elected, as in Scotland, rather than resign before their nominations are submitted.

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

Comments: It is important for the staff concerned to be clear in their own minds as to who is and who isn't politically restricted and what those restrictions actually mean in practice.

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

Comments: Yes – The logistics of holding an election at the moment, let alone in the future, requires the role to be filled by somebody who can command significant leadership and support within the council, ultimately, the Chief Executive will always be best suited to fulfil this role. The Head of Paid Service role already carries personal statutory responsibility, and the election duties would be a natural extension of this role.

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?

Comments: If the duties of RO were incorporated within the contract of employment of the Chief Executive, then this responsibility should be reflected in the salary paid for the job, as determined by the Council in accordance with its pay Policy (but subject to any recommendations of the IRP). There should be no requirement for any separate personal fee or expenses.

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

Comments: Yes – in the absence of NAW Boundary Reviews for a number of years, many constituencies have grown at a rapid rate, so it would be more equitable if a funding formula could be agreed.

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?

Comments: This is difficult in light of the ECJ judgement against the UK with regards to voting rights for prisoners. It might be best to defer this question until we know more about the jurisdiction of the ECJ, post leaving the EU. If we remain bound by the ECJ it would be difficult to resist extending voting rights for prisoners.

Q42 – By what method should prisoners cast a vote?

Comments: By post or proxy

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

Comments: A similar system would need to be used as for service voters, whereby a prisoner makes a declaration with respect to an address they have lived in previously or an address where they would live if not in prison and they would then be included at the end of that Polling District under “Other Electors”.

It would be inadvisable to allow prisoners to register with respect to their prison, as many are detained in prisons outside of their home communities and even outside of Wales.

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 favourably than English.

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

Comments: See answer to Q28. Many complaints relate to the inclusion of both English and Welsh languages on the same forms and stationery, as this makes them cluttered and more difficult to understand. It would help therefore if electors could indicate their choice of language for their postal packs, rather than be issued with a standard bi-lingual pack. Also, the introduction of electronic and remote voting would avoid the need for printing bilingual forms and stationery.

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.

Comments: See answer to Q44.

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:

Comments: The consultation paper contains a number of ambitious and worthy aspirations, however it has to be said that it would be easier to attain some of those proposals on a UK wide basis, with support from all the devolved administrations. Issues regarding funding for many of the proposals could prove difficult, particularly on a Wales only basis, whereas, if implemented on a UK wide basis would be offset by funding from the UK Government. It should also be remembered that any changes to the registration system would probably not be reflected in changes to the IERDS, so it would have to be possible to work around those issues in planning any legislation. This refers in particular to the registration of 16 year olds, who would not be able to use the IERDS and also the changes that would need to be made to local authority Electoral Management Systems (there are three different systems in use in Wales at the present time) to accommodate these changes, which would also be expensive to implement.