

Electoral administration in the United Kingdom – the Electoral Commission's assessment



The Electoral Commission is the independent statutory body set up by the UK Parliament in 2000. Following seven years of monitoring and assessing elections, we set out in this report a series of fundamental issues and challenges facing electoral administration in the UK.



The Electoral Commission's aim is integrity and public confidence in the UK's democratic process. In support of that goal we want to see complete and accurate electoral registers supported by a well-run electoral registration process, and well-run elections and referendums which produce results that are accepted.

We have outlined here our views on three key issues that we believe need to be addressed to support public confidence:

- the delivery structure for elections¹
- the integrity of elections, and
- legislation for elections

The Electoral Commission has a statutory duty to report on the administration of elections. We have reported on elections across the UK since 2001. Our reports have covered a full cycle of elections, including two UK Parliamentary general elections; those examining the May 2007 elections considered the implementation of large scale electoral administration reform following the Electoral Administration Act 2006.



We have produced this status report to summarise our views about the key challenges facing those who manage elections and referendums, and to help governments and legislators, political parties, Returning Officers and Electoral Registration Officers across the UK in considering the health of current electoral processes and the legal framework for elections.

The most important challenge facing all of those involved in running elections and referendums is to reaffirm a shared commitment to putting electors at the heart of electoral policy and decision making.

Background

The independent Electoral Commission, established in 2000, has powers to provide advice and assistance to Returning Officers and Electoral Registration Officers, but no power to direct them in the conduct of their duties. Since 2006, we have also had powers to set performance standards for elections and electoral registration, and to monitor the performance of electoral officers against those standards.

We may make recommendations for changes to electoral law, but the development, enactment and implementation of policy and legislation is the responsibility of the relevant governments and legislators.

Since 2001, we have reported on the conduct and administration of:

- two UK Parliamentary general elections
- the 2004 European Parliamentary elections
- two sets of elections each to the Scottish Parliament, the National Assembly for Wales and the Northern Ireland Assembly
- local government elections across the UK
- a regional referendum in the North East of England

Across this full cycle of UK elections we have provided guidance and training support for those who run elections and referendums, as well as working with police and prosecutors to support the integrity of our elections. We have also evaluated more than 150 local electoral pilot schemes, and developed close relationships

with international electoral management bodies.

Alongside significant reform of the UK's election legislation, the last seven years have seen increasing and sustained public interest in the way electoral registration, elections and referendums are run and delivered.

At this stage in a period of reform and modernisation of electoral administration that has included the establishment of the Electoral Commission itself, now is a useful time to reflect on the key issues of electoral administration practice and legislation that we and others have identified in recent years.



Our assessment

The Electoral Commission wants to ensure that the UK has well-run elections and referendums which produce results that people accept. We need a concerted effort to improve performance. We want to see significant improvements to ensure that elections are run to consistently high standards across the UK.

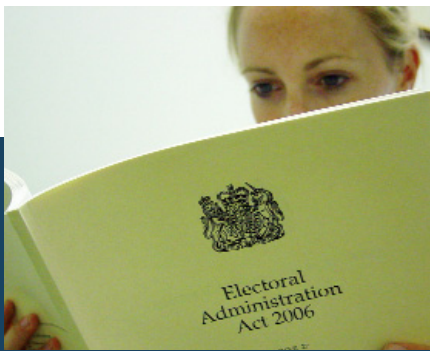
We want to see improvements to long-established procedures and processes as well as to new and amended procedures that have followed recent legislative change. We are taking steps to support improvements in practice across the UK on:

- explaining to people how to get on the register of electors, and how voting systems work
- making sure all stages of elections and referendums are fully accessible
- organising and managing vote counts
- dealing with candidates/the nomination process

The Electoral Commission will monitor progress on these issues through our election reporting and performance standards assessments.

We must also grasp and resolve some significant structural and strategic issues in order to ensure that the UK's crucial, but often undervalued, electoral administration function is given a solid footing for the future.

Most importantly, we call upon all those involved in elections – including governments, legislators, political parties, Returning Officers and Electoral Registration Officers, and the Electoral Commission itself – to reaffirm a shared commitment to putting the interests of electors firmly at the heart of electoral policy and decision making. For its part, the Electoral Commission commits itself to do so.



Delivery structure for elections

The pattern of electoral systems across the UK has become steadily more complex during the last 10 years, as devolution has increased the number of elected bodies.

Before 1999, the only sets of elections which did not use the first-past-the-post system were local government elections in Northern Ireland and elections to the European Parliament in Northern Ireland. In 2007, there are five different electoral systems in operation across the UK. Only three sets of elections use first-past-the-post: elections to the UK Parliament, and local government elections in England and in Wales.

The legal and administrative arrangements for running electoral services – including electoral registration and the conduct of elections – vary considerably across the UK.

In England and Wales, compiling the register of electors is the

responsibility of Electoral Registration Officers, who are normally senior local government officers, based in and funded by each local authority. In Scotland, Electoral Registration Officers are appointed and funded by each local authority, but in all but one instance the role is carried out by Assessors who are also responsible for property valuation for council tax.² In Northern Ireland, responsibility for the register of electors lies with the Chief Electoral Officer for Northern Ireland, who is an independent statutory office holder appointed by the Secretary of State and funded by the Northern Ireland Office.

In England, Scotland and Wales, conducting elections is the responsibility of Returning Officers, who are appointed by individual local authorities.³ In Northern Ireland, this too is the Chief Electoral Officer's responsibility.

When undertaking these roles, both Returning Officers and Electoral Registration Officers are acting as independent officers of the Crown.

Funding and oversight arrangements vary between

different sets of elections. The costs of running UK Parliamentary elections, elections to the European Parliament and elections to the Scottish Parliament and the Northern Ireland Assembly are met by the UK Government. Elections to the National Assembly for Wales are funded by the Assembly itself. The costs of running elections to local authorities, including the Greater London Assembly, are met by the relevant authorities themselves.

At elections to the European Parliament, 12 Regional Returning Officers are appointed to coordinate the management of the elections. At elections to the Greater London Authority, a Greater London Returning Officer is appointed and funded by the Authority to be responsible for London-wide procurement and training as well as coordination of Local Government Returning Officers. The Chairman of the Electoral Commission is responsible as Chief Counting Officer for the overall conduct of any national or regional referendum and for certifying the result. In each of these instances, the Regional Returning Officers, Greater



London Returning Officer and Chief Counting Officer have been given explicit powers to direct the work of Local Government Returning Officers.

Over the past few years, the Electoral Commission and professional associations including the Society of Local Authority Chief Executives and Senior Managers, the Society of Local Authority Lawyers and Administrators in Scotland, and the Association of Electoral Administrators have observed and highlighted the fact that this complexity leads to significant difficulties, including:

- problems in following all the requirements of electoral law completely or correctly, and in achieving consistency in the administration of election processes and procedures
- loss of control by Returning Officers who have outsourced the delivery of their statutory responsibilities to external contractors
- late delivery of postal ballots

It is increasingly clear that the current structure for running elections cannot always be relied on to cope effectively

with the demands of a modern electoral system. Although we continue to see examples of excellent electoral management, we also continue to identify evidence of electoral services being delivered in a disjointed and inconsistent manner. We have noted that some Returning Officers and Electoral Registration Officers have not been able to provide their electoral services teams with sufficient support or resources to discharge their functions effectively; and some of these teams are not properly equipped in terms of their staffing, skills and support.

With the increasing complexity of the election process in recent years, the division of responsibilities between Returning Officers and their external suppliers has in many cases become seriously unbalanced. Many Returning Officers outsource responsibility for carrying out administrative processes to suppliers such as software companies and printers, but they must not do so in a way which leaves them unable to properly discharge their legal responsibilities for the overall management of the election. However, given the small number of suppliers

currently able to deliver complex electoral products, Returning Officers often feel it is difficult to put pressure on their suppliers to deliver what is required.

Key issues for the future – delivery structure for elections

In 2007, two significant independent reviews – the Eleventh Report of the Committee on Standards in Public Life⁴ and the Commission's own independent review of the Scottish elections conducted by Ron Gould CM⁵ – have identified significant structural issues that hinder effective and consistent management of key electoral administration functions. These have included:

- the fragmentation and complexity of the legal framework for elections
- concerns about inconsistent application of electoral legislation by statutory office holders
- lack of transparency and unclear lines of accountability for the actions of Electoral Registration Officers and Returning Officers
- lack of timely and effective planning, coordination and project management capacity



- complicated, opaque and inconsistent funding arrangements for elections and electoral registration

In many areas across the UK we have noted concerns that the current structure for the delivery of electoral administration is stretched to breaking point, and we believe it is insufficiently robust and coordinated to meet the challenges of elections in the twenty-first century. We have noted both the degree of variation inherent in the current structure and the growing calls from political parties, candidates and electoral officers for more consistency and direction across the UK. Elections are inconsistently resourced and supported, and we do not believe that the current structure provides a suitably robust mechanism for effectively delivering high standards of service for electors.

We will continue to provide comprehensive guidance and advice to Returning Officers and Electoral Registration Officers, and will strengthen our role providing oversight and assurance across the electoral administration process. We are developing a performance standards framework that will

be designed to support self-improvement. Our approach will continue to be guided by the principle of putting the elector first.

However, the important issues highlighted here and by others have far-reaching implications for the delivery of elections across the UK. Failure to accept and address the concerns set out above will only increase pressures on electoral administration structures. It is time to conduct a wide-ranging and open debate on the structure of electoral administration, encompassing all parts of the UK, rather than considering individual elements of the electoral process in isolation.

The Electoral Commission therefore plans to lead a detailed examination of the structure of electoral administration in the UK, to identify the fundamental principles and requirements for electoral administration and explore how they might best be delivered. In particular, we expect this work to address the key structural issues identified above. We will seek to undertake this examination in a consistent and impartial manner across the UK, and will

seek to reflect the views of all those who have a stake in the delivery of electoral services: central, devolved and local government; elected representatives, legislators and assemblies; Returning Officers and Electoral Registration Officers; political parties and others who take part in elections; and above all electors.

We will also take account of established international standards and principles for the conduct and administration of elections, and examples of current effective practice from across the UK.

We aim to publish our initial findings by the summer of 2008, and expect this to provide the basis for further discussion and decisions about the future of electoral service delivery across the UK.



Integrity of elections

Since the Electoral Commission was established in 2000, we have contributed to and reflected on the wide public debate about declining levels of participation in elections. We have delivered coordinated nation-wide public awareness campaigns to support electoral registration and effective participation in elections. We have supported efforts to identify and remove unnecessary barriers to voting, but we have made clear our view that the most significant drivers for participation relate to the strength and effectiveness of political party and candidate campaign activity.

We support efforts to increase participation, provided that any changes are demonstrably secure and well planned, and retain public confidence. However, we have consistently made clear our view that the need to maintain public confidence in the integrity of elections means that security must not be sacrificed for the sake of convenience.

As the Commission and many other commentators have

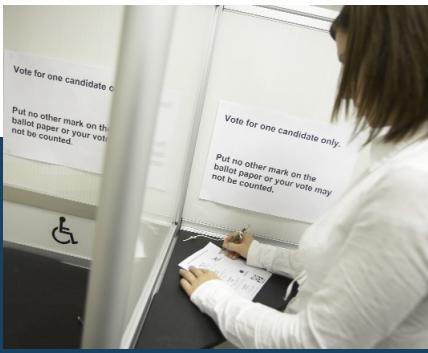
highlighted on numerous occasions, the UK's electoral systems are rooted in nineteenth-century practices and legislation. Many of these practices have provided the basis for historically high levels of public confidence in the integrity of elections. However, this confidence has been dependent on a significant degree of trust in, and from, individual participants – electors, political parties, candidates and electoral administrators. Increased scrutiny and focus on the mechanics and processes of elections mean that trust alone is no longer sufficient to secure confidence in the integrity of elections.

The development and widespread acceptance of international standards for running elections which command public confidence has also highlighted the need for individual countries to ensure their own voting processes and laws measure up well against these standards.

Recent reforms, most notably to the postal and proxy voting system, have begun to improve the integrity of some of our electoral processes.

In Northern Ireland, the Electoral Fraud Act 2002 introduced individual voter registration, where electoral registration applications are made by individuals rather than by the head of the household, and also introduced requirements for photographic identification at polling stations. These changes have improved public confidence in the integrity of electoral processes in Northern Ireland, and since 2002 we have noted there a more accurate and robust register of electors and elections largely free from allegations of fraud.

From 2007, there has been a requirement in England and Wales to collect individual signatures and dates of birth from electors wishing to vote by post or by proxy and to check the details on a sample of returned postal votes; this has led to a decrease in the scale of allegations of malpractice being made in connection with postal voting. We look forward to the introduction of this requirement in Scotland as soon as possible.



This legislative change has been supported by continued proactive policing and good cooperation between the Commission, electoral administrators, police forces, the Associations of Chief Police Officers in England, Wales and Scotland, and the relevant prosecution agencies.

However, we are not satisfied that sufficient steps have been taken to systematically and comprehensively address potential weaknesses across the electoral administration process. In particular, we have strongly argued since 2003 that individual voter registration should be made mandatory in Great Britain as it is now in Northern Ireland, to ensure that the wider electoral process is underpinned by a robust and accurate register of electors. Despite acceptance by the UK Government of the principle of individual registration,⁶ following extensive debates in both Houses of Parliament during the passage of the Electoral Administration Bill in 2006, no such change has yet been introduced. We continue to call for the Government to take this issue forward.

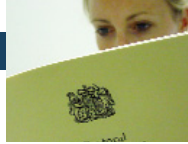
Key issues for the future – integrity of elections

To ensure that levels of public confidence in the integrity of elections are maintained, we need action to demonstrate objectively and beyond question that all parts of the electoral process are secure and safe from fraud, including: electoral registration; voting – whether in polling stations, or by post or by proxy; and counting the votes.

We will continue to ensure that findings and lessons from the experience in Northern Ireland – where individual registration has been in operation since 2002 – can be used to inform a realistic and robust plan for implementing individual registration in Great Britain. We acknowledge that the process of moving towards a consistent and coherent system of individual registration across the UK will require significant changes, not least for electors themselves, and will not be entirely free from risk, including risks to overall registration levels. Translating in-principle support for reform into an effective operational system will require detailed and robust planning, and appropriate long-term resource commitment.

Meanwhile, we call on the Government to consolidate recent improvements to the absent voting process by moving to 100% checking of returned postal ballots to require that personal identifiers are checked on all returned postal ballots. In Scotland, this checking of identifiers should be introduced at 100% after May 2008.

Any improvements to ensure confidence in electoral integrity should consider UK electoral administration as an integrated whole, from electoral registration to the count and declaration of result, rather than as individual isolated processes. We will continue to scrutinise both established practices and new proposals, to ensure that mechanisms for protecting the secrecy and integrity of the ballot and for effectively establishing electors' identities are in place from registration through to the voting and counting process. We will seek to ensure that future changes to electoral processes take account of international standards and obligations.



Legislation for elections

The structure for the delivery of elections is most obviously tested through the implementation of new legislation and procedures. Some degree of procedural change has been introduced in every year since 2004, and in each of these years we have reflected on the implications of late legislation and disjointed implementation. Legislation, particularly more detailed rules and regulations established in secondary legislation, has often been finalised so late that guidance has had to be changed or withdrawn, and key administrative decisions have been delayed or rendered impossible to achieve.

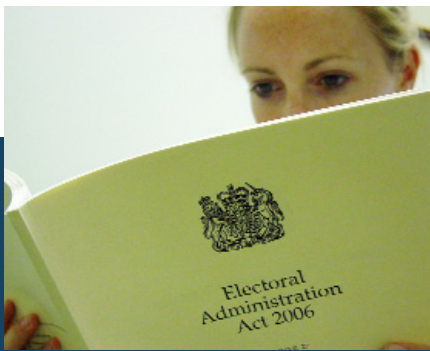
The implications of fragmented, ambiguously drafted or poorly planned legislation have also been highlighted in recent years, including problems implementing the policy of requiring electors to sign before being issued with a ballot paper in polling stations, and potential difficulties holding elections during the annual electoral registration canvass period.

Key issues for the future – legislation for elections

Following the significant reforms of recent years, we recommended a ‘no-change’ period of at least one year until after May 2008, to help embed recent changes and give those who run our electoral processes a chance to ensure that proper resources are devoted to planning and managing the new procedures.

We call on governments to commit to further improving their capacity to develop and deliver effective legislation, including aligning legislative and administrative schedules and setting out a realistic timetable (in consultation with electoral administrators and the Electoral Commission) for the delivery of significant administrative changes. Governments must also ensure they seek and take full account of the expertise and professional advice of practitioners and others when considering the feasibility of administrative changes. Governments and legislators should also ensure that all legislation for significant changes is in place at least six months before the election (or electoral registration activity) at which it is intended to have effect.

Finally, we again urge governments to undertake a fundamental review of UK electoral law, with a view to simplifying and consolidating the legal framework for elections. We have continually pointed out that efforts to draft twenty-first-century technology into nineteenth-century legislation do not work. The nature of the challenge that the introduction of technology poses to the UK’s electoral norms and practices has been underestimated in the past and cannot be ignored any longer. In particular, given the use of electronic counting technology at statutory elections in Scotland and London in recent years, the UK Government must establish clearly how it will address technical, operational, and security challenges within the overarching legal framework for elections.



Conclusions and challenges for the future

Since the Electoral Commission was established, more than seven years ago, we have taken a proactive role in identifying key issues for elections in the UK. In this report we have set out our assessment of the key issues and challenges for electoral administration that we believe need urgently to be addressed by all those involved in the delivery of elections, including governments, legislators and the electoral administration community.

The Electoral Commission will lead a detailed examination of the structure of electoral administration in the UK, and aim to publish our initial findings by the summer of 2008. It is the responsibility of the government of the day to establish the legal framework and provide funding for the delivery of elections, and we therefore call on the UK and relevant devolved governments to contribute to this examination, and to take an active part in discussion and debate about the future of electoral service delivery across the UK.

Since 2002 we have urged the UK Government to articulate a

strategy for the development and modernisation of electoral processes. We again call upon the Government to make a positive commitment to developing and clearly articulating its long-term vision and strategy for elections, and to provide more immediate assurance about the short- to medium-term direction of electoral administration in the United Kingdom.

Electoral modernisation pilot schemes should not be the Government's priority when much remains to be done to provide a sound legislative basis, address the integrity of the register of electors, and raise the basic standards of our core electoral services; the Commission does not support any further piecemeal pilot schemes in the absence of a robust, public strategy that has been subject to extensive consultation.

Any vision for elections in the UK should reflect international standards and norms of electoral practice, and should focus above all on placing voters at the heart of the system. Its development should be based on cross-party input and expert practitioner advice. It should address all of the issues

identified in this report, and in particular should include:

- an open and wide-ranging debate about the most appropriate and effective structure for the delivery of elections across the UK
- a systematic approach to ensuring public confidence in electoral integrity, addressing the electoral process as a whole
- a commitment by governments to rationalise electoral legislation and to improve their capacity to develop and deliver effective legislation

Electoral administration in the UK is at a cross-road: it is under closer examination than ever before, but it is inconsistently managed, under-resourced and under-supported. The future debate that we aim to support must begin with an acknowledgement of these issues and a willingness to address the challenges constructively. Above all, it must reflect in words and actions a commitment to put the interests of electors and voters first.



- 1 In this report, unless otherwise indicated, use of the terms 'elections' or 'electoral administration' should be taken to include the electoral registration process as well as the conduct of the poll.
- 2 Dundee City Council has appointed one of its own officers as Electoral Registration Officer.
- 3 In England and Wales, at a UK Parliamentary election, an Acting Returning Officer is appointed to carry out the duties of the Returning Officer.
- 4 Committee on Standards in Public Life, Eleventh Report: *Review of The Electoral Commission* (2007).
- 5 The Electoral Commission, *Scottish elections 2007: The independent review of the Scottish Parliamentary and local government elections 3 May 2007* (2007).
- 6 Official Record HC Deb 13 June 2006 Vol. 659 Col. 661. See also: Cm 7272, The Government response to the Committee on Standards in Public Life's Eleventh Report: *Review of the Electoral Commission* (2007).

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We are an independent body set up by the UK Parliament. Our aim is integrity and public confidence in the democratic process. We regulate party and election finance and set standards for well-run elections.

The
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