

Consultation response form

Consultation on Electoral Reform

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

If you have any questions, please email:

RLGProgramme@wales.gsi.gov.uk

| Consultation on Electoral Reform | |
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Consultation questions

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

Yes. We support the principles of recognising and respecting the rights of young people, of promoting active citizenship amongst young people, and of widening access to participation in democracy. The proposal would fit well with developments within the school curriculum and with our strategies for inclusion and youth engagement.

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

This is a fundamental constitutional question which should be resolved at a United Kingdom governmental level as part of the negotiations for future relations with the European Union and member states.

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

As Q2 above.

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?

As Q2 above.

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

Yes. Please refer to the responses of Solace Wales and the Association of Electoral Administrators (AEA) as the specialist professional bodies for electoral administration and management. We concur with their responses.

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

Yes. Please refer to the responses of Solace Wales and the Association of Electoral Administrators (AEA) as the specialist professional bodies for electoral administration and management. We concur with their responses.

Q7 – Should a wider range of local authority staff be empowered to assist citizens to obtain registration through access to the local government register and have the ability to amend it?

No. Please refer to the responses of Solace Wales and the Association of Electoral Administrators (AEA) as the specialist professional bodies for electoral administration and management. We concur with their responses.

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

As Q7 above.

Q9 – Should the individual registration rules be relaxed to allow for block registrations in certain circumstances, protecting the right to vote for populations otherwise at risk of exclusion?

Yes. Please refer to the responses of Solace Wales and the Association of Electoral Administrators (AEA) as the specialist professional bodies for electoral administration and management. We concur with their responses.

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

Q10 – Should we place a duty on Electoral Registration Officers to consider whether any individual groups within their electoral area should be specifically targeted in registration campaigns?

Electoral Registration Officers (EROs) already have a duty to maintain a complete and accurate electoral register. There is no necessity to extend or redefine this duty.

We should also recognise that it is the responsibility of citizens to register themselves, both legally and morally. Some citizens choose to evade registration. Attention should be given to promoting citizen responsibility alongside the enforcement of expectation around the performance standards for EROs.

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

Yes. Refer to Q5.

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

We support the concept of developing and maintaining a single electronic register for Wales.

A single register would enable more convenient re-registration for electors moving from one part of Wales to another, would be the basis for experimentation with more flexible forms of voting, and could be more cost effective administratively.

Welsh Government investment in software development, transition and training, and cyber security would be essential. UK Government agreement would be required for integration with the national portal for Individual Elector Registration (IER). Alternatively, a separate portal for IER in Wales could be created as part of the software development.

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

No. Please refer to the response of the Welsh Local Government Association (WLGA). We support the WLGA response as our representative body.

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

See Q13 above.

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

Yes. This would consolidate current practice in law and meet the expectations of both principal councils and town and community councils.

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

Yes.

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

We have no particular suggestions to make. The list of options from within the consultation paper is comprehensive.

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

Solace and the AEA make reasoned observations on this option.

Prior to any experimentation with alternative or singular voting systems we first need to decide what type of elections system we wish to migrate to over time. For example, do we foresee a time when all voting will be digital? If so, will we combine remote and polling station based digital voting or migrate to remote only?

If we do not set a vision for voting in the future then there is a risk that we experiment without purpose.

Any voting system should meet the principles of accessibility to all voters, convenience, simplicity, reliability, security and cost-effectiveness. All postal voting might not meet at least several of these principles and might not have sufficient public confidence. More specific consultation with electors would be advisable.

Q19 – Should it be subject to pilot exercises first?

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

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

No. The system within any one council should be uniform.

Q21 – Should electronic voting be enabled at local elections?

Yes, in principle, as part of developing digitisation.

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Any voting system should meet the principles of accessibility to all voters, convenience, simplicity, reliability, security and cost-effectiveness. All postal voting might not meet at least several of these principles and might not have sufficient public confidence. More specific consultation with electors would be advisable.

Investment in systems development and cyber security would be a prerequisite alongside investment in transition planning and training for administrators.

The electorate is at risk of becoming confused and agitated by a decision to introduce a modernistic form of voting for one election (local elections) which would not apply to other types of elections which are not within the jurisdiction of Welsh Government.

Q22 – Should remote voting be enabled at local elections?

As Q21 above.

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

Only if part of the modernisation of elections as explored in Q21 above.

The manual system for counting votes is both safe and reliable if managed competently. It is also visible to those who scrutinise the process on behalf of candidates and parties. Similarly, it is visible to the media. If we are to continue with paper based ballot papers then we would advocate retaining the system of manual counting.

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

Options for more flexible voting should be explored in the interests of voter convenience and to promote participation. A single electronic register for Wales would be an essential facility (see Q12 above).

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

Yes. As Q24 above.

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

Yes. The extent of a polling period will depend on the voting system used. For example, if voting is entirely digital then it would be feasible to operate digitised polling stations over a longer period e.g. Thursday – Sunday if in an accessible and available place such as a library. However, if paper ballot papers were involved then there would be major questions over ballot paper security. Requiring schools, community centres and other operational public buildings to be given over to elections already causes disruption to public and community services; any move towards extending the polling period would have to take into account the availability of accessible and available polling stations.

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

Yes. This is subject to ongoing review at UK and Welsh Government levels. The current legislation can inhibit progress with simplification.

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

A full review is suggested.

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?

This is a question of civil liberties over and above safe and secure elections management. This is no evidence of widespread or organised fraud in elections conduct.

There are to be pilots in England where the production of ID will be required. We should await their evaluation.

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

As Q29 above.

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

Yes. In the interests of candidate personal safety. This should be extended to the inclusion of the promoter details in the candidate publicity imprint where the candidate is self-promoting.

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?

Yes, in principle, to assist candidates in communicating their campaigning stance and to improve voter knowledge. However, this could cause a significant administrative burden for elections administrators in a condensed period during the elections process. An alternative would be that candidates are required to create their own web page and publicise the website address as part of the imprint on their published materials. Candidates could be supported and guided in doing this.

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

The Welsh Local Government Association (WLGA) has made a response on this question on behalf of the member councils. We offer no other view.

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

The Welsh Local Government Association (WLGA) has made a response on this question on behalf of the member councils. We offer no other view.

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

As Q34 above.

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

No. We strongly reject this option. Whilst we understand the desire to broaden participation in democracy and to achieve more representative elected memberships, this is not a solution. Encouraging overt political activity and

loyalties within council workforces would be counter to the principles of professional conduct and good governance, and could cause relationship tensions and conflicts between council employees and with serving and prospective candidates.

The Welsh Local Government Association (WLGA) has made a response on this question on behalf of the member councils. We fully support the collective position.

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

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

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

If the role of chief executive were to be made statutory then the separately contracted roles of Electoral Registration Officer (ERO) and Returning Officer (RO) could be incorporated within the role. The ERO and RO roles are independent, for good reason, and safeguards would need to be in place to ensure against risk that the employing body of the council, made up of elected councillors, did not interfere with the statutory roles and lead to a loss of confidence in impartiality in the conduct of elections.

This option will need careful and sensitive consideration.

The Welsh Local Government Association (WLGA) has made a response on this question on behalf of the member councils. We fully support the collective position.

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?

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

The Returning Officer acts as the employer of staff for each election and does this in an independent capacity. If the RO role were subsumed in the Chief

Executive role then the council would become the employer of the elections staff. This would extend the right of auto-enrolment in the Local Government Pension Scheme to elections staff and could significantly increase the employer exposure to employment costs through employer pension contributions. This would be an additional cost burden which would not represent value for money for such ad hoc contracted employment.

The above should not apply to all other elections where the RO is engaged by Governments to act for their own elections and referenda. ROs should be appropriately reimbursed for the full costs of conducting such elections including their own role.

The Welsh Local Government Association (WLGA) has made a response on this question on behalf of the member councils. We fully support the collective position.

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

The system for calculating the full costs of elections, and for accounting for expenditure, should be subject to review. It is both inconsistent across types of elections, and unnecessarily bureaucratic e.g. the election accounts claims submission and review procedures.

Q41 – Should Welsh prisoners be allowed to register to vote and participate in Welsh local government elections? If so, should it be limited to those sentenced to less than twelve months, four years, or any sentence length?

The Welsh Local Government Association (WLGA) has made a response on this question on behalf of the member councils. We offer no other view.

Q42 – By what method should prisoners cast a vote?

As Q41 above.

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

As Q41 above.

Q44 - We would like to know your views on the effects that electoral reform would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favorably than English.

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

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

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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.

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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:

As an over-riding point we are concerned over the risks to elector participation and the safety of electoral registration and elections management should Wales diversify from the United Kingdom. There is already evidence of voter confusion and error rates with differing voting systems, and voter entitlements, for different elections. Combined elections with differing elector entitlement and voting systems should be avoided to lower the risks of voter confusion and error rates.

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

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