

Response to the Welsh Government's 'Electoral Reform in Wales' consultation

1. Introduction

The devolution of powers over elections gives Wales a significant opportunity to do things differently for the benefit of voters and potential voters across the country. We are really pleased to see so many innovative proposals within this consultation that will make Wales agenda setting when it comes to how we run our elections.

While we have responded to this consultation in the context of local elections we would urge the Welsh Government to consider how these changes might impact on other elections. Many of these changes, for example a single electronic register and a change in voting places, could also improve participation in Assembly elections.

Encouraging greater, and more meaningful, participation should absolutely be the cornerstone of electoral reform and we look forward to seeing improved elections take place across Wales.

2. Building the franchise

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

The Electoral Reform Society has long supported the lowering of the voting age to 16, and believe that this should take place for the Welsh local government elections.

Evidence from the Scottish independence referendum, substantiated by research from Austria and Norway, shows – aided by the encouragement of families and schools – 16 and 17 year-olds have higher rates of turnout than 18 to 24 year-olds¹.

Whilst there is no silver bullet for improving citizen participation in formal politics and no singular cause, the way young people come into contact with politics in their formative years is crucially important for the future of representative democracy.

If young people are registered early and get into the habit of voting, we will see lasting improvements in turnout. If they vote early in life, they keep voting in later life.

The next generation of voters are the first to have received citizenship education, yet are being denied their full rights as citizens. Giving 16 and 17 year olds the right to vote would allow a seamless transition from learning about voting², elections and democracy to putting such knowledge into practice.

Any moves to undertake an extension of the voting age in Wales would ideally come for all elections, including Welsh Assembly elections, but the failure of the UK Government to consider this for General Elections and Police and Crime Commissioner elections should not stop us from pursuing lowering the voting age for elections within Welsh Government control.

We believe the context is ideal for this extension, particularly given the increased turnout among 18-24 year olds at June's General Election.

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

No view

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

No view

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?

No view

1. The Electoral Commission, *Scottish Independence Referendum*, December 2014

2. Lindsay Paterson & Jan Eichhorn, *Young Scots Survey*, June 2014

3. Improving Registration

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

Our research prior to this year's General Election estimated that 350,000 were not on the electoral register. Increased registration is vital to ensuring higher turnout and greater representation of a diverse range of voters' views.

We believe that ERO's having access to a greater range of sources available could ensure a much more efficient process resulting in more people across Wales being registered.

We would also support the idea of automatic registration, meaning that voters were able to register when they interact with other areas of governance, for example when applying for a passport or driving licence.

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

When considering data sources it is vital that the data sources accessed are used by as many people as possible from different communities across Wales. We would suggest that NHS data, passport information, university registrations, DVLA applications, public utilities, information from schools (concerning attainees) and welfare information would be useful. While data protection is obviously a concern we believe that appropriate mechanisms could be put in place to ensure this sharing of data is compliant with restrictions.

Another related issue for voters is that it is very difficult to currently check if you are registered. We would support the idea of some kind of official website where voters can easily check if, and where, they are registered.

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?

We would support this in theory, particularly with relevance to automatic registration but measures would have to be taken around data protection, with extensive consideration as to exactly who would have access to the register.

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

We have no specific view on the types of controls needed.

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?

Examples of where individual registration rules have been relaxed, such as in Sheffield University³, have demonstrated that there are significant advantages to thinking differently about how to register voters in certain circumstances.

In Wales this could be particularly useful in universities, tower blocks, care homes and houses of multiple occupation.

In addition the Electoral Commission estimate that 17% of eligible voters from black and ethnic minority communities are not on the register. Block registrations particularly within BME communities could counter this issue.

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?

Given that particular groups are far less likely to be registered than others, including young people, people from ethnic minorities, care homes and HMOs, we believe that measures to allow ERO's to address inequality in the register could be a particularly positive move.

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

We would be very supportive of better mechanisms for agencies to notify EROs of people's change of addresses. However, while we support the idea of much better processes around notification of a voter moving, we are not convinced that a duty is necessary.

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

The development of a single electronic register for Wales would be a very positive step in terms of efficiency for the way elections in the country are managed and run. We would be wholly supportive of this measure.

4. The voting system

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

ERS Cymru warmly welcomes the inclusion of STV in this consultation, and commends the Welsh Government for including the voting system in this debate.

A fairer voting system for local government – which would allow voters to rank their candidates by preference – would be a big step forward. Moving away from the Westminster winner-takes-all system across the board would mean everyone's vote counts in local elections, drawing to a close the era of wasted votes and 'holding your nose'. It is a normal part of life for voters in Scotland and Northern Ireland, reducing the number of uncontested seats, and ensuring that all votes count.

In May's election nearly 130,000 voters found themselves with no choice as 92 seats in Wales were uncontested. At the first local STV election in Scotland, the average number of candidates standing per ward went from 3.4 in 2003 under FPTP to 7.1. In 2012 under STV, and the proportion of people seeing their first choice candidate elected soared from 52% in 2003 to 77% in 2012.

Currently, FPTP makes for unfair results and strongly monocultural councils. Under the current system, those who finish third in terms of share of the vote can go on to win the most seats. The starkest example from 2008 was Cardiff, where the Liberal Democrats came first in terms of seats but third in terms of votes. June's General Election showed further problems with the current voting system used at both general and local elections in Wales, with a quarter of voters being forced to vote tactically as first past the post failed to make their vote matter.

We also agree that STV provides the most suitable alternative to FPTP on the basis of its not disadvantaging independents and its retention of a strong local link. Moreover, it provides an incentive for all parties to reach out beyond their current 'target voters', as they seek to gain second preferences.

We do however believe the 'permissive' PR model proposed has some serious flaws arising from where its powers will lie, and would recommend an alternative model where FPTP would be wholly replaced by STV.

A patchwork of voting systems at local elections level would likely cause confusion, and make educating the public on the system in their area more complex. This is exacerbated by the fact we currently have different voting systems at different elections in Wales already.

It is undesirable to have different voting systems in a patchwork across 22 councils in Wales. They would provide inconsistency in governance, make for confusion for voters and parties, and would often place the powers over scrutiny with those who have an interest in maintaining the status quo.

A move to STV uniformly would be a better means of arriving at a good governance model. As noted above STV would provide pluralism at local authority level to ensure better scrutiny of the regional representatives and ensure the retention of a stronger local link and voice.

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

In terms of local elections we would support all of these proposed changes being presented as part of the upcoming Local Government Bill and following the normal legislative process. In Scotland STV was introduced without the need for a two thirds majority and we believe Wales should be consistent with this.

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

Having a set term for elections is helpful in advanced planning and attempting to move these elections away from others. We know that multiple campaigns running at the same time can often overshadow other elections. For example 2016's Assembly election featured extensive discussion on EU as it took place just a month ahead of the EU referendum. The 2017 local elections took place a month ahead of the General Election, we would suggest that this meant much less press attention and scrutiny was therefore given to the local elections.

While we do support the idea of five year terms, maintaining the current timetable would once again put the local elections in Wales in line with 2022 General Election. It would be worth considering whether this current term should be changed in order to avoid a clash, although as we saw with this year's snap election some elections are unforeseeable.

5. The voting process

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

Reducing the barriers to participation should be one of the primary goals of electoral reform, alongside a fair and representative system. We very much welcome the efforts of this consultation to look seriously at how we can improve participation, particularly among often ‘missing’ groups.

Yet, greater participation is not a simple goal to reach and will take much more to achieve at scale than electoral measures alone.

In July, ERS Cymru launched *Missing Voices*, a project to understand what the barriers are to voting in Wales.

While the project is currently ongoing, our early impression is that information is a key barrier to people voting, with both voters and non-voters citing the fact that they aren’t sure what they are voting for (particularly in Assembly and local elections) as a key issue.

We agree wholeheartedly with the principle of reforming elections – both to ensure every vote counts and to strengthen the connection between citizens and democratic institutions in Wales – and we commend the Welsh government for initiating this process.

Finally, none of the recommendations within this consultation are a silver bullet for participation: these reforms will have most impact as part of a package of positive changes to revitalise Welsh democracy, including better political education for young people as well as more extensive provision of electoral information across Wales from government, politicians and the media.

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

In addition to the research outlined above through our ‘Missing Voices’ project, a significant factor in the success of the initiatives suggested in this consultation depend on the public’s awareness of these changes. Ultimately when formally passed, a large scale public awareness campaign should be launched around around the new shape of local government elections in Wales.

These changes also give the Welsh Government an option to update the citizenship education programme in Wales, particularly if the vote was extended to 16 and 17 year olds in local, and subsequently, assembly elections. Our *Welsh Power II* report⁴ highlighted the importance of political education and we would suggest there are considerable improvements to be made still in this area.

In a recent roundtable we ran on political education there was strong agreement that citizenship education should be issue-led; that young people need to see reasons why active citizenship works. Getting people practised at doing democracy is important and needs to start as young as possible, and the presence of devolution in Wales actually shows how this can take place closer to home. In addition, skilling young people to look at news sources more critically is particularly important in the current ‘post-truth’ context.

A further recent undertaking of the Society’s is the ‘Democratic Schools Initiative’ led by ERS Scotland. Students can get the best experience of democratic participation by seeing it affect one of the most important parts of their lives: their school day. Across the world there are hundreds of examples of democratically run schools, where students make collective decisions about the way that their classes, their curriculum and their school buildings are run.

Improving political education alongside these important electoral changes would be a very strong approach in terms of increasing participation, particularly among young people.

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

While the pilots around all postal voting, undertaken by the Electoral Commission in 2004, showed a 5% increase in turnout we would heavily caution against any such moves for future Welsh local government elections.

It is likely that over time turnout would once again decline, particularly as all-postal voting would not cater to all audiences, particularly younger audiences.

Ultimately to increase turnout across a broad spectrum of voters a number of options need to be provided to allow voters to choose the right method for themselves.

Q19 – Should it be subject to pilot exercises first?

Not applicable.

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

This would be likely to cause confusion and be very difficult to manage.

Q21 – Should electronic voting be enabled at local elections?

There are a number of issues at present with electronic voting, particularly within polling stations. While security is a factor, there are also issues with systems crashing. The cost of installing a number of electronic screens in each polling station would be prohibitive and there is also evidence to suggest a possible reduction in turnout. In addition not everyone is comfortable with using computers, so there could be some issues with accessibility in this regard.

5. Regis Dandoy,
*The Impact of e-Voting on Turnout:
Insights from the Belgian Case*

Evidence from Belgium⁵, for instance, has shown a drop in turnout in municipalities using electronic voting machines, despite that country's use of compulsory voting.

However, given the pace that technology is developing we would caution against saying electronic voting should never be used. With the right developments and information to voters, there could be a case for trialing electronic voting at a later date.

Q22 – Should remote voting be enabled at local elections?

While there are currently big issues with remote voting and a lot of cynicism around security, we do believe that this might be an option in the future. We would recommend that remote voting be piloted in Wales, particularly if the systems to support it can be improved.

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

Evidence from Scotland suggests that electronic counting has been successful in elections there, particularly given that the voting system used for local and Scottish Parliament elections (STV) does take longer to count.

In Wales we would endorse a cost benefit analysis, and given our support for the adoption of the single transferable vote in local elections, would suggest the introduction of electronic counting if the voting system were to change.

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

Evidence from our 'Missing Voices' project has shown that in rural areas access to polling stations can prove difficult. One participant in our focus groups told us about being forced to hitch a lift to go and vote. With young people perhaps less inclined to use postal voting this could present a good alternative in relevant areas.

6. CEC of Ukraine,
Voting at the Place of Stay,
September 2015

In Ukraine mobile polling stations have proved successful with mini polling booths being taken into houses, where necessary. The International Foundation for Electoral Systems and Ukrainian Electoral Commission produced a video in 2015 demonstrating how this worked⁶.

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

7. Rallings and Thrasher,
*Changes in the probability of voter
turnout when resiting polling stations: a
case study in Brent, UK*,
January 2011

The introduction of polling places could be useful at a local level. There is some evidence to suggest that in local elections (rather than general elections) you are less likely to vote the further you are from a polling station. A study on voter turnout in the London Borough of Brent by planning expert Orford and local government election experts Rallings and Thrasher⁷ found that turnout could be boosted by up to 5 points with careful polling station placement. The study found that turnout in local elections seemed to decrease markedly once polling stations were moved more than 600m from voters. Obviously Brent would have very different circumstances for voters, particularly those within rural areas in Wales, but the argument to keep polling places as close to voters as possible is relatively strong.

In terms of polling places we would recommend transport hubs, supermarkets and GP surgeries in addition to community hubs in places where turnout is traditionally lower.

Obviously cost is a factor in the addition of polling places, so this must be a consideration in planning how many other places can be supported. There would also be a need to properly promote which alternative voting places would be available in each community, to ensure that voters took full advantage of the opportunity. A way to mitigate the cost of additional polling places would be to introduce the ability to vote at any polling station, which would be more than possible with the introduction of a single electronic register. This would likely present a voter with more options as to where they can cast their vote and reduce the need for a large amount of additional polling places. Obviously this would be easier in a larger scale election with fewer candidates so might be more suited to Assembly elections, but we believe it would be worthwhile considering options for how to make this happen in local elections in Wales.

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

There is no particular reason why Thursday should continue to be used as a voting day for elections in Wales.

In fact, weekends would be a strong option for voting in local elections, particularly as countries which utilise weekend voting in general have a higher turnout. As part of our Missing Voices project we have received significant feedback that weekend voting spanning two days would be hugely beneficial to those working long hours or shifts. A combination of a change in day, with voters being able to vote in different places or a range of polling stations would be potentially game changing for voters in Wales.

Obviously any changes would depend hugely on how well they were promoted and running an election over two days could increase costs. However, this has the potential to be offset slightly as running elections over the weekend could reduce issues with schools being used as polling stations.

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

We would in theory support the simplification of postal voting procedures, however there is very limited evidence that there are large scale issues with the process.

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

Any measures to improve the process and reduce the number of rejected ballots are welcome but the integrity of the postal voting process must be upheld.

The Electoral Commission have highlighted confusion around whether voters should put their birth date or date of postal vote completion on the form. We would support the Electoral Commission's call for a separate date of completion box on the form as this would clear up a small complication within the process while maintaining the integrity of the ballot.

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?

We believe that asking voters for ID before they can vote would be detrimental to local elections. Ultimately there is very little evidence of fraud in terms of impersonation. In 2015's General Election across the UK there were just 26 allegations of this⁸.

In fact, rather than solve any issue asking voters for ID could actually present huge barriers. There's evidence that strict voter ID rules in the US disproportionately disadvantage already marginalised groups. Many citizens who can't afford to go on foreign holidays don't have passports, and those that can't drive don't have driving licences. In the 2011 Census, 9.5 million people stated they did not hold a passport⁹, 9 million do not have a driving licence and in 2013/14 1.7 million lack even a bank account¹⁰.

In Wales, we believe that any measures to introduce ID requirements would disenfranchise those from disadvantaged communities, who are less likely to hold a passport or drive.

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

Please see above.

6. Standing for election

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?

Given issues with the online bullying of political candidates, especially with instances of female candidates being particularly targeted at the last election, we would agree that there is no need to publish a candidate's home address. However, a candidate's link with their community is important, so we would argue that the town or village they come from (or area if it's a large city) could be published, replacing the full 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 which they are seeking election?

On balance, it would be worth requiring each candidate to provide a personal statement for a website. It is unlikely that a huge number of voters would access these but the cost and effort of doing this would not be high and it would be well worth it for those voters who did use the information to make their decision.

8. Electoral Commission, *Analysis of cases of alleged electoral fraud in the UK in 2015*, March 2016

9. ONS, *Detailed country of birth and nationality analysis from the 2011 Census of England and Wales*, May 2013

10. Rowlingson and McKay, *Financial Inclusion Annual Monitoring Report 2016*

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

Given the constraints of the current size of the assembly, as outlined in our report *Size Matters*¹¹, we believe that Assembly Members are currently significantly overstretched. As a result of this we would agree that the ability to serve as both an Assembly Member and councillor should be ended.

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

There is a clear case to be made that candidates should be required to disclose a party affiliation. Ultimately it would increase the amount of information available about candidates and improve transparency, which would in turn allow voters to be better informed.

However, despite the positive effects of candidates being asked to disclose party affiliation, in practice this would be very difficult to enforce. In addition it may lead to situations where people accuse candidates of not disclosing their political affiliation with minimal evidence. Ultimately this could also dissuade Independent candidates from standing for election.

There is also a subjective argument to be made where candidates could honestly have left a party and changed their minds on particular issues, whereas others may be standing for other parties as it would increase their chances of getting elected.

While we support the disclosure requirement in theory we have concerns about the practical implications of such moves.

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

Please see above.

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

The current restrictions on council staff below a senior level standing for election are too extensive. There are huge benefits of someone who is passionate about their area, and works to better it, being able to stand for election.

There are arguments to counter this, particularly around the independence of such elected representatives, but to a degree every representative will have their own personal experiences of the issues that are discussed at a council level. For example, one of the arguments against council staff standing is that how could a person working in the local library make an objective decision on its future. However, other councillors may be users of that library and therefore have their own gains from ensuring its future. Objectivity is very hard to ensure, but we should not let that be a barrier.

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

No view.

7. Returning Officers

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

Yes.

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?

We agree that salary should be a matter for each local authority, however if each chief executive of the local authority were to automatically be the returning officer we would question why additional salary should be provided.

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

The size of an electorate is a useful indicator but it is not the only one that should be used. Different constituencies have very different needs. For example, travel costs vary hugely as do the economic indicators of each community.

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?

We have not undertaken any direct research to date on prisoners having the right to vote, however would urge the Welsh Government to properly engage with representatives of the justice and probation sectors on this issue and particularly with third sector organisations who support prisoners.

Q42 – By what method should prisoners cast a vote?

Postal voting is likely to be the easiest method for prisoners to cast their vote, particularly given that Welsh prisoners are very spread out across the UK.

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

We would suggest that if prisoners were to be given the right to vote in local elections in Wales then they should be registered in their home constituency rather than the constituency their prison is situated in to preserve a link with their home constituency. This will offset any impact of a large ‘prisoner population vote’ in one area. It also ensures that female prisoners are not disenfranchised as there are no female prisons in Wales and Welsh female prisoners are sent outside of the country for the period of their incarceration.

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.

No view.

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

No view.

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.

No view.

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:

We broadly welcome this consultation and fully support many recommendations contained within this document. However, the success of electoral reform in Wales will be largely dependent on what happens after these changes are passed.

Ultimately if voters do not know about these changes then they will not be effective. It is vital that the Welsh Government develop a coherent and comprehensive information package about any changes in elections. This is particularly important as the changes will initially be for local elections and increased variation in how different elections run can cause confusion. Despite these challenges, a public awareness campaign presents in itself a significant opportunity to get more voters engaged in local elections, and voicing their opinions on issues that directly affect them.