

# The Association of Electoral Administrators



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## Response to the request for written evidence to the Joint Committee on the Fixed-term Parliaments Act

### Organisation:

Association of Electoral Administrators (AEA).

### Summary of Organisation:

Founded in 1987, the AEA is the professional and qualifications body of electoral administrators in the United Kingdom. It is non-governmental and non-partisan with just under 2,000 members, the majority of whom are employed by local authorities to provide electoral registration and election services. There are eleven regional branches of the Association covering the United Kingdom.

### Request for Evidence Questions:

**Question a:** Why, in 2013, it was considered that the statutory election period of 17 working days was considered insufficient?

Following the introduction of rolling registration in 2001, it became clear that a statutory election period of 17 working days did not allow sufficient time to administer and deliver a UK Parliamentary election, and certainly did not put the elector first. The Act therefore sensibly made provision to extend the UK Parliamentary election timetable from 17 to 25 working days. This allowed Returning Officers vital additional time to administer increasingly complex polls as well as giving electors time to register and make any necessary absent voting arrangements.

The timetable pressures have since been increased with the introduction of Individual Electoral Registration (IER) in 2014. This has resulted in an increase in electors registering online immediately prior to an election, not just during the annual canvass in the autumn of each year.

Following the introduction of IER and proposed changes to overseas elector eligibility and voter ID, rather than reduce the time available, we urge the UK Government to extend it further than 25 working days for the reasons outlined in this response. It is our professional opinion that this will reduce the risk for electors, candidates and Returning Officers without detrimentally affecting the process.

As an absolute minimum, the 25-day timetable must be maintained.

**Question b:** Why a statutory election period of 25 working days was preferred?

The statutory election period of 25 working days was preferred as it generally harmonised the UK Parliamentary election timetable with most local government elections. The additional days also allowed Returning Officers vital extra time to administer increasingly complex polls and gave citizens time to register and make any necessary absent voting arrangements, for example to allow sufficient time for postal ballot papers to be sent to them.

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**Question c:** What the administrative implications would be if the statutory election period were to be shortened from 25 working days?

It is our view that it would be catastrophic for everyone involved – electors, candidates and Returning Officers – if the statutory election period were to be shortened from 25 days. It would create a significant risk of the election failing and not being delivered and increase the risk of disenfranchising potential electors, particularly those voting from overseas. The proposed repeal of the Fixed-Term Parliaments Act 2011 already brings significant challenges for electoral administrators, as well as other key stakeholders, to deliver a general election with little time to plan and prepare. It undermines the ability of Electoral Registration Officers and Returning Officers to serve and assist the electorate in the democratic process. A minimum statutory timetable with no lead-in time does not put the citizen first. An extremely short timetable often leaves electoral administrators having to explain to electors why they are too late to register or are unable to vote.

As demonstrated by the late notification of the 2019 European Parliamentary elections and unexpected December 2019 UK Parliamentary General Election, a 25-working day statutory timetable imposes significant pressures on already stretched electoral administrators. At the 2019 UK Parliamentary General Election the number of registration applications made before the deadline was significantly higher than at the 2017 general election – 3.85 million people applied to register to vote, including 660,000 who applied on the last day to register, putting intense stress on those responsible for running electoral registration and polls. In both cases, the elections were confirmed ahead of the timetable beginning. For the Parliamentary election, MPs voted to hold the poll five working days before Parliament was dissolved. These extra days were vital to Returning Officers.

The last scheduled UK Parliamentary general election was held on 7 May 2015. The two UK Parliamentary general elections since have both been unscheduled. In 2017 the poll was announced on 18 April and ran on 8 June – 51 days for electors, potential electors, administrators, printers, software suppliers, postal providers and key government officials to run a project of the highest profile, interest and scrutiny. In 2019, *the Early Parliamentary General Election Act 2019* gave Returning Officers just 42 days to deliver a poll that saw over 32 million people cast a vote.

While the previous two general elections were successfully delivered, 2017 was notably far less frantic, even with the overlapping local government election timetable. The additional week on top of the 25-working day statutory timetable was a vital opportunity for key tasks to be performed well.

Proposed Government manifesto commitments before the next UK Parliamentary general election include the introduction of Voter ID and extension of the numbers of overseas electors eligible to register to vote. These, coupled with the repeal of the Fixed Term Parliaments Act 2011, creates a significant risk to

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election delivery and further disenfranchisement of electors even with a 25-day statutory timetable.

Reverting back to a 17-day timetable would significantly jeopardise a Returning Officer's ability to manage a poll and would constrain citizens' opportunities to engage in the democratic process.

It cannot be stressed enough that delivering polls in the 21st century is significantly different to those of just twenty years ago. The introduction of rolling registration and postal voting on demand ahead of the 2001 general election fundamentally changed the nature of an election. In 2017, 8.4 million postal votes were issued, compared to less than a million in 1997<sup>1</sup>. Postal voting is in many ways the biggest challenge for electoral administrators to deliver. Ballot packs need technically complex and secure printing and must be sent in time for electors around the globe to return. From a standing start, we believe it would be impossible to deliver postal voting in 17-days – it is difficult enough within the 25-day framework.

There remains an unrealistic expectation that elections will always be delivered regardless of the landscape, timing, funding, or capacity of the professionals administering them. There is a requirement for there to be a two-week notice period prior to the dissolution of Parliament to provide Returning Officers, political parties and other stakeholders sufficient time to prepare before Parliament is dissolved and the nomination period and other statutory processes commence.

**Question d:** What is the shortest potential statutory election period that could reasonably be adopted, given existing administrative capacity and limitations?

We feel that a 25-day timetable is achievable but only where additional advance notice is given so that preparations can commence before Writs are issued. We do not believe a 17-day timetable could be achieved unless there was a further notice period longer than has been experienced at the last two unscheduled general elections. We also believe a 17-day timetable would disenfranchise electors, especially those living overseas who the UK Government is currently working hard to assist to vote.

The Fixed-term Parliaments Act 2011 included provision to extend the UK Parliamentary election timetable from 17 to 25 days. This extension was vital to ensure Returning Officers have sufficient time to administer increasingly complex polls. It also allows citizens additional time to make sure they are registered to vote and to make arrangements for an absent vote if they need one.

It is imperative that the additional days, which harmonised the UK Parliamentary election timetable with most local government elections, are carried forward in any new legislation. Reverting back to a 17-day timetable would significantly jeopardise a Returning Officer's ability to manage a poll and constrain citizens'

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<sup>1</sup> <https://researchbriefings.files.parliament.uk/documents/CBP-7529/CBP-7529.pdf>

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opportunities to engage in the democratic process. Our professional opinion is that elections would fail in such circumstances because of the technicalities introduced since 2001. Elections are bound by rules originally written in the 19<sup>th</sup> century, which are not necessarily compatible with the changes made in the 21<sup>st</sup>.

While the matter of election timetables is being considered for UK Parliamentary elections, we would also urge the UK government to consider the recommendation we made in our [2017 post-election report](#) election report:

*'A full and thorough review of all election and electoral registration deadlines should be undertaken as a matter of urgency, specifically considering those that apply to the registration of electors, overseas electors and absent voting'.*

There are thousands of UK citizens living overseas who are disenfranchised by the current 25 working day election timetable and absent voting arrangements. Many argue there is insufficient time from the close of nominations (16:00 19 working days before poll) to print and post ballot papers and for them to be returned in time. This is especially the case for short notice polls, with many electors registering to vote less than two weeks before polling day.

Consideration must be given to how UK citizens living overseas register and cast their vote, especially given future proposals to remove the 15-year rule for overseas electors.

**[We welcome any other comments you may have on the Draft Fixed-term Parliaments Act \(Repeal\) Bill published by the Government in December](#)**

**Section 20 of the Representation of the People Act 1985** provides that in the event of the demise of the Crown after a Proclamation summoning a new Parliament, polling day is postponed by 14 days. The draft Fixed-term Parliaments Act (Repeal) Bill changes this provision – paragraph 7 of the draft Bill provides that the polling day may, by Proclamation on the recommendation of the Privy Council, move by up to seven days either side of this default 14-day postponement. We question why the change from the 14 days postponement to seven days either side of this default 14-day postponement? We also doubt that if the option of seven days earlier was chosen whether there would be time for polling and counting arrangements to be changed.

**Statutory election timetable** – we are pleased to note that the draft Bill makes provision for the statutory election timetable period to remain at 25-working days, and the changes made to the timetable about interpreting the receipt of the writ.

We remain concerned that 25-working days is not sufficient time particularly due to the significant numbers of electors now register prior to an electoral event. This is further complicated by proposed changes to increase the numbers of overseas electors eligible to vote and to introduce Voter ID. As highlighted

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**Format of Writ** –we would also urge the UK Government to consider a further recommendation made in our [2017 post-election report](#) election report:

*An electronic system for the delivery, receipt and return of the Writ at UK parliamentary elections should be introduced.*

**Angela Holden**

**Policy Manager on behalf of the AEA**

**5 February 2021**