

Written evidence from The Association of Electoral Administrators¹ (TEB 12)

Public Administration and Constitutional Affairs Committee The Elections Bill inquiry

Consultation Background

The UK Government has introduced the [Elections Bill](#), which covers a wide range of areas in relation to the administration and conduct of elections, including:

- provisions on voter ID
- the Electoral Commission and membership of the Speaker's Committee on the Electoral Commission
- undue influence and electoral intimidation
- the regulation of expenditure for political purpose
- information to be included in digital election material
- overseas voting
- voting and candidacy rights of EU citizens
- changes to postal and proxy voting

The Committee is only inviting evidence that is directly related to the provisions of the Bill or tangential matters on which the Bill is silent.

Our response for each area is detailed below.

Provisions on voter ID

Careful consideration is crucial to ensure voter identification is deliverable and does not lead to disenfranchisement, particularly for voters from already underrepresented groups.

Voter identification must not negatively impact on people who wish to vote, and must avoid unnecessarily adding to election bureaucracy, costs and risk. Sufficient lead-in time for legislation, administrative planning, delivery, and voter education is vital to ensure any scheme is successful.

Given the [Dissolution and Calling of Parliament Bill](#), we have concerns about the planned introduction of these changes by the next UK Parliamentary general election. The date for this is unknown and while it may be May 2024, we are concerned that the changes could be implemented without sufficient time for necessary training and adjustments to existing plans. We believe the Gould Principle should apply and voter identification only enacted if all necessary legislation is made at least six months before the election.

¹ 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 over 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.

We are nervous that the introduction of voter identification could see many polling station workers no longer wishing to undertake the role. It is imperative that Returning Officers are provided with sufficient funding to train these vital members of staff. There also needs to be a review of the rates of pay and conditions of employment for these roles given the additional complexity, greater responsibility and enhanced training required.

In the absence of national provision, the responsibility for producing the proposed electoral identity document must be carefully considered as Returning and Electoral Registration Officers are already stretched to their limits, particularly in pre-election periods. We have concerns as to the time for the production of the electoral identity documents. At the pilots, such identification was provided very close to polling day.

We believe in the run-up to a UK Parliamentary general election a similar deadline would bring significant risk to the delivery of the entire election, given the high levels of 'late' registration. Very careful consideration therefore needs to be given to avoid issues in such circumstances, while also ensuring electors are not disenfranchised.

The electoral identity document issued should not be for one election only – it must be for an extended period to cover, for example, by-elections and other scheduled polls. This will assist electors wishing to vote in all elections and reduce the burden on Electoral Registration Officers and the electors themselves.

It is also crucial that full national funding is available, with no additional cost burden pushed onto councils.

The Electoral Commission and Membership of the Speaker's Committee on the Electoral Commission

We are strongly of the opinion the Electoral Commission should remain an independent body, overseeing the democratic process and providing guidance and support to electors, electoral administrators, candidates, political parties and relevant others.

Undue influence and electoral intimidation

At present, alleged electoral offences are too often not taken forward to prosecution. This undermines trust in the electoral process and is not a sufficient deterrent.

We welcome the strengthening of measures around undue influence, and the broader emphasis on tackling and preventing electoral fraud. We hope police forces and the Crown Prosecution Service will be supported to take reported offences more seriously.

However, we are disappointed that electoral officials are not included in the Bill along with candidates and elected members. The additional layer of protection should be afforded to those delivering the process alongside those being elected. Electoral Registration Officers, Returning Officers and their staff are regularly exposed to inappropriate and abusive behaviour and it is disappointing that the scope of this clause does not include them despite our recommendations that they should.

The regulation of expenditure for political purpose

We have no specific comment on the regulation of expenditure as this area does not fall directly in the remit of electoral administrators.

However, we do believe a full review of the processes that deal with the recording of candidates' expenses is needed, including:

- **Consideration of the return, and subsequent reporting of, expenses to Returning Officers**

Candidates and their agents are required to submit an election expenses return and declaration to the appropriate officer (the Returning Officer or council's Proper Officer depending on type of election) after an election, even if it is uncontested. This seems unnecessary and bureaucratic, especially for parish and community council elections.

Copies of the returns are provided to the Electoral Commission. The returns are also held by the appropriate officer and made available for public inspection.

At some polls, the appropriate officer is required to publish the availability for inspection of candidates' election expenses returns in local newspapers. This process needs to be modernised, with the requirement to publish in a newspaper being revoked and replaced with a new obligation to publicise their availability online.

- **The introduction of online reporting and inspection mechanisms**

The election expenses returns are made in paper format. The process needs to be modernised and an online facility for the submission of candidates' election expenses returns directly to the Electoral Commission should be developed. It should include provision for both a candidate and agent to signify secure approval of the return. Such a system should also provide a means for inspecting returns, declarations and associated papers.

- **Enforcement for failure to return expenses**

It is an offence if a candidate or agent does not comply with the requirement to submit an election expenses return and declaration to the appropriate officer after an election. The Crown Prosecution Service have continually failed to prosecute cases where candidates and agents fail to comply. If the requirement to make such returns is maintained in its current or an adapted format, it should be properly enforced.

Information to be included in digital election material

We have no specific comment on information to be included in digital election material as this area does not fall directly in the remit of electoral administrators. However, whatever changes are introduced need to be enforceable and enforced by the appropriate authorities. Returning Officers and their staff must not be responsible for advising on or 'policing' alleged breaches.

Overseas voting

We agree improvements are needed to electoral registration and voting processes for British expatriates and citizens living overseas.

Three-year registration periods are welcome, but an expected initial peak of registrations must be carefully planned for and centrally resourced. A mechanism to supplement the current reliance on local authority data and encourage renewals will also be crucial.

Sufficient lead-in time for these changes is vital ahead of the next UK Parliamentary general election.

We remain concerned the focus is on registering overseas electors, not on ensuring they can cast their vote. It raises the question as to whether alternative voting methods for those living overseas should be investigated.

Regardless of the proposed changes, voter education is needed to inform overseas electors about the different ways available to them to cast their ballot. A reliance on postal votes has led to some electors being disenfranchised at previous general elections, with insufficient time in the current election timetable to receive and return ballot papers.

Voting and candidacy rights of EU citizens

We look forward to working with the UK government to ensure all eligible UK residents can register to vote. Our members work tirelessly to enable democracy and this will include managing changes to voting and candidacy rights for EU nationals.

When alterations are made to the eligibility of EU citizens, it is imperative there is sufficient time to inform electors and the electoral community of the changes and any impact they have. This will also be the case if additional reciprocal arrangements are made in the future, when ensuring newly enfranchised electors can register ahead of a poll.

Changes to postal and proxy voting

We have long been calling for campaigners to be prohibited from handling and/or assisting with the completion of postal ballot papers. We welcome measures to prevent this, and to limit the number of voters a proxy can act for.

We would also welcome further restrictions on the handling of absent vote applications to prevent political parties and candidates collecting forms from electors.

Reapplying for an absent vote every three years rather than renewing every five will bring additional burden to Electoral Registration Officers, creating more regular peaks of demand. While this change is administratively manageable, we continue to call for a review of the absent vote application process and a move away from the current paper-based system.

We also have concerns if the three-year end date is during the period of a UK Parliamentary General election timetable especially with the repeal of the Fixed-term Parliaments Act. Consideration should be given to including a clause along the lines of: *'In the event of a poll being required at a relevant election in the month of February following the application period referred to in sub-paragraph (1A) above, the application period shall be extended to the end of that February.'* This would help avoid voter confusion ahead of a poll at which the postal vote might otherwise be cancelled after it had already been issued.

We also call for central funding to cover the impact of these changes so the cost is not borne by local authorities.

The Committee is only inviting evidence that is directly related to the provisions of the Bill or tangential matters on which the Bill is silent.

We have regularly reported on electoral matters and remain concerned that the many technical issues identified have not been addressed. We believe if they were, significant risk would be removed from the electoral process and efficiencies introduced to the benefit of electors, candidates, political parties and those who deliver the electoral process.

Our [Blueprint for a Modern Electoral Landscape](#), submitted to the UK and devolved governments in July 2021, provides further information on our concerns and suggested improvements.

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