

Electoral Commission Chief Executive Peter Wardle speaks at SOLACE Election Conference – 19 January 2012

## **The challenges of the next 5 years**

### **Intro**

Good morning everyone. Thank you for inviting me back to the SOLACE Elections Conference.

What I'd like to do today is share some reflections on the past year, and my thoughts on the challenges ahead, both short term and longer term. I suspect I'll touch on some of the same ground as the Minister has, but I hope my remarks will be complementary (and you can spell that either way!)

And I'm sure the Minister and I would both agree that it's also very important to hear your views and about concerns and opportunities, and lessons to be learned. So I'm looking forward to your questions at the end.

SOLACE has recently announced the establishment of a new Elections and Democracy network, chaired by Dave Smith from Sunderland. This is a really important development, and I think it positions SOLACE in a more influential and strategic place in discussing all aspects of elections and democracy, from policy to delivery. I look forward to working with the network in the future, and I hope that you will all support and contribute to its work.

It did strike me when I was thinking about these remarks, that there's a bit of a theme to what I say to you at these Conferences. Every year we talk about a set of new and challenging elections in the coming months. This year, for good measure, we're looking at two sets of elections in most of England and in Wales – in May and in November.

But it's still worth taking time to think about the lessons we've learned; the fresh challenges in 2012; and the impact of changes in the wider environment we work in.

And one of our biggest challenges is making sure that we don't just focus on the immediate, short term issues, but that we also take time:

- First, to reflect on the past year, the lessons we've learned, and what we can do to respond to those lessons; and
- Second, to think about what's coming down the track in the next few years and how we'll need to manage it.

I'll also touch on the continuing need to identify and promote changes to the system that we think will ensure that the system works as well as it can for those standing for election, or campaigning on issues - and most importantly for voters.

### **Reflections on the past year**

So, let me start with a few thoughts on 2011.

Apart from all the by-elections during the year, we started 2011 with the referendum in Wales on the powers of the Assembly in March. Then we saw a pretty interesting clutch of polls in May. Elections to 279 English local authorities, and all the local authorities in Northern Ireland. Elections to the Scottish Parliament, the National Assembly for Wales and the Northern Ireland Assembly. And a referendum on the voting system for Westminster. A very complex combination of rules and procedures.

The Chair of the Commission, Jenny Watson, was the Chief Counting Officer for both the Wales and the UK-wide referendums. With a single result, built up from all the local totals, there needed to be a consistent, co-ordinated approach to counting the votes. And the Chief Counting Officer also wanted to ensure that the polling process was managed consistently. So for example, she asked you to organise polling stations so as to ensure none had too many voters to deal with, and all had sufficient staff - to make sure we didn't have the problems with queues that we saw at the 2010 general election. The Chief Counting Officer also ensured that the Commission and Counting Officers worked together to provide high-quality, well-designed materials for voters in and around polling stations.

Did it work? Well, voters told us their experience was positive – 85% of people were confident that the May referendum was well run, compared to 69% who were confident about how the elections were run in 2010. Disability rights groups were

particularly supportive of the steps we took to make sure that voter information, ballot papers and polling stations were all accessible.

Polling and counting generally went well at all the polls in March and May 2011. Many of you showed that you could quite easily wear two hats at once – Returning Officer and Counting Officer! And you and your staff delivered not just an important set of elections, but also a referendum across the UK for the first time since 1975. I'd like to repeat the Commission's thanks to all the Regional Counting Officers, the Counting Officers, the Returning Officers and their staff for what you've achieved in the interests of democracy over the past year.

What did we learn?

I think there's a good case for someone having the ability to 'direct' the work of Returning Officers or Counting Officers – especially where there's a single result that needs to flow from consistently-organised polling and counting. We had that at the referendums. But we also have it at elections – Regional Returning Officers in each European Parliament region; the Greater London Returning Officer for the London Assembly and Mayoral elections; Police Area Returning Officers for the forthcoming Police and Crime Commissioner elections. In Northern Ireland, there's a single Returning Officer – the Chief Electoral Officer. And in Scotland we now have an Electoral Management Board involving all the Returning Officers, and an Elections Convener overseeing things.

But what about other elections? One of the medium-term debates I'd like to have with the SOLACE network is around how – where elections are in the hands of local Returning Officers only – Returning Officers can ensure the same high standards of service to candidates and voters. I'd be interested in your views on that and how the debate develops.

And we did come to the conclusion, with the benefit of hindsight, that there were probably too many Chief Counting Officer directions at the 2011 referendums. There were reasons for why we did things the way we did – the legislation was settled late in the day, and we were all conducting a UK-wide referendum for the first time in many people's memory – but the Commission has been clear publicly that it would

do things differently next time, now that we have much more evidence about what the key issues were.

So, with hindsight, we needed to focus on fewer key things, and give earlier warning of what would be required.

Having said that, the approach to monitoring how well people coped with the directions – checking in advance of the poll, rather than relying on post-event reports – worked. And the Commission has changed its approach to monitoring against the performance standards for Returning Officers this year, so that we'll try to focus on whether you're confident that you're preparing to deliver a good poll, rather than asking you how it went after the event.

And we learned some lessons about the 'fees and charges' process too. With your support, all the expenses claims for the referendum came in to the Electoral Claims Unit by the early January deadline. And the ECU are working through them now. The Commission will be reporting in some detail in autumn 2012 on the whole process of funding a national poll, and I'm sure we'll have some recommendations for changing the existing process.

Also, we learned some important lessons about how to make the process more straightforward and a better experience for voters.

For example, the importance of undertaking proper user testing of the proposed referendum question – to ensure people understand what they are voting on. And allowing time to do that testing properly.

And the real benefits of using properly tested information and ballot papers for voters right across the country.

### **The year ahead**

So what about 2012? Another interesting set of elections and referendums are coming up, probably combined in some cases. And including some polls that will be new to candidates, voters and Returning Officers.

In May we have local elections in Scotland, Wales and most of England. We have the London Mayor and Assembly elections. And we have local referendums in some English cities on whether or not to have elected Mayors – and potentially also, on the level of council tax.

And then in November there will be new elections across England and Wales for Police and Crime Commissioners, and quite possibly (if there are ‘Yes’ votes in the referendums), elections in some English cities for mayors.

Some of these polls will be run with someone co-ordinating the work of all the Returning Officers involved; some won’t. In Scotland and London, votes will be counted electronically. This will be another year that’s likely to throw up a range of wider lessons for us all.

I’d like to say a few words about the elections in November.

#### *Police and Crime Commissioner and Mayoral elections*

The Commission’s got concerns about the proposed November polls. Remember that the Police and Crime Commissioner elections were originally proposed for May 2012. Partly in response to our concerns about the legislation not being settled 6 months in advance, the date has now moved to November.

But we still need to see all the rules settled by May 2012 – which isn’t that long away. There are still uncertainties in some areas – especially around the rules that will apply to campaign spending.

And there’s a pretty important point still to be worked out. The constituencies in the PCC elections are big, with over a million voters in some cases. There’s currently no provision for candidates to have free postage facilities to deliver their election addresses to voters. Nor is there a provision for any sort of booklet for voters that would include candidates’ election addresses. Alongside the PCC elections, of course, there may well be elections for Mayors in the larger English cities. And candidates for Mayor will, as far as I understand it, be able to pay a fee to have their election address included in a booklet delivered to voters across the city. So we’re worried that we’re currently heading for an odd situation, both for candidates and for

voters. Let alone the potential confusion that may arise in voters' minds between the roles of big-city Mayors and Police and Crime Commissioners (remember that in London, the Mayor is the Police and Crime Commissioner, but this won't be the case elsewhere); and the challenge for candidates for the 2 separate roles of distinguishing the issues in their respective campaigns from one another. Oh, and for most voters it'll be a new voting system that they've never tried before.

Watch this space to see where this ends up! But it is a good illustration of where there needs to be better co-ordination across Government. Returning Officers can't resolve this sort of confusion at the point of delivery.

### **Beyond 2012 – changing the electoral registration system**

And now, I'll need you to do a bit of quick-change as we look beyond 2012.

With your Returning Officer hats on, we're looking at:

- An entirely new role, in managing the petition process that could trigger a by-election for certain MPs who have got into trouble. Otherwise known as 'recall'
- Discussion of elections to the House of Lords – possibly in 2015, alongside the General Election to the House of Commons
- A referendum, potentially on Scottish independence
- A very welcome review of electoral law by the Law Commission – with which I hope SOLACE will engage vigorously. This is a once in a lifetime opportunity about principles – I hope we get somewhere. As the Minister says, this is worth doing, and doing well.

And if you can now just swap hats and go into Electoral Registration Officer mode...we're expecting legislation before long to introduce the new approach to changing from household to individual electoral registration.

So there's no sign of the elections agenda slowing down. And we all face this agenda with reduced and reducing resources.

In the time available I couldn't possibly do justice to all of these issues. Instead I want to focus on just one: individual electoral registration.

## *Individual Electoral Registration*

Let me be very clear about our position. The Commission believes that moving to IER is the right thing to do. Everyone should own their right to vote.

But the system needs to work. The Government have opened up their approach to a full process of pre-legislative scrutiny, which is very welcome. We hope to see some movement from them as a result of that scrutiny.

First, and at the risk of sounding like a cracked record – there's the time frame. IER is not due to come into effect until late 2015 – but the reality is that it's not that far off.

I like to work backwards.

To have complete and accurate electoral registers in place for the elections in May 2016, we'll need to be sure that people haven't been struck off the registers at the end of 2015. So the transition process needs to have worked by then.

At the UK General Election in 2015, we'll need to be sure that postal voters haven't lost their postal vote because they haven't moved on to the new registration system in time.

Generally, we certainly want to avoid a rush to move 46 million people across Great Britain onto the new system at the last minute.

So – that means EROs will need to be ready by early 2014 to start contacting electors to move them over to the new system.

Which means that you need your systems and lists in a really good state at the start of 2014. And that means that your software suppliers and your own teams will have a good deal of preparatory work to do throughout 2013.

You'll also want to think about enlisting the support of your key local partners, to get the message across to all the electors in your area, probably quite early in 2013.

This will be about re-registering all 46 million people on our electoral registers. Not just trying to reach the 6 million who aren't there at the moment. A lot of local engagement will be needed, not just adverts from the Commission.

None of this can be effective until we're all clear about how the change is going to work in detail. And what the key messages are going to be for electors.

You'll also need to know the details so that you know what it's going to cost.

But – and it could turn out to be a big 'but' – the primary legislation isn't expected to pass in the House of Commons until the end of 2012. With the devilish detail in secondary legislation that won't come until we're into 2013 already.

So – there won't be any opportunity to sit and think about it. Once the legislation passes, we need to get moving.

Is there anything we can be doing now? Yes. One obvious point is that we need our registers to be as good as we can get them before we start the transition to IER. We need to understand the state of our registers.

Just before Christmas, we published new research on the completeness and accuracy of our electoral registers. That research shows that the groups least likely to be registered are still the same:

- 18-24 year olds
- People in private rented accommodation
- People from black and minority ethnic communities

It's not all down to straightforward political disengagement. 44% of people who aren't registered, mistakenly believed they were. So we can all be asking whether there's more we can do, or things we can do differently, to reach these under-registered groups in advance. For example: a lot of people assumed they were registered to vote because they were registered for council tax. Are you making good use of your powers to cross-check information held within your local authority, to help identify people your authority knows are out there, but who aren't on your registers?

But that's just a start. As we move through the transition, we'll need to be thinking very differently about how best to tackle the challenges of moving to the new system.

As far as the design of the transition is concerned, you probably know about some of the major issues the Commission and others, including SOLACE, have been raising as part of the pre-legislative scrutiny exercise.

We have significant concerns about the Government's "opt out" proposal. Both the Deputy Prime Minister and the Minister for Political and Constitutional Reform have indicated that they intend to look again at this proposal.

Great Britain has traditionally had a relatively high level of electoral registration. It's important that the changes that are introduced do not threaten this. That is why we also want a proper canvass in 2014. It's important that the starting point for the transition is a list of electors that is as far as possible accurate, up-to-date and complete.

But as I said before, this is all dependent on primary and secondary legislation being in place in time to allow systems to be properly designed for EROs to have the time they need to get the system up and running. We're pressing the Government to publish a detailed implementation plans at the same that they publish the IER legislation.

And all this will need resources too. The Government needs to ensure that sufficient funding is available for you to implement the changes that the detailed implementation plans call for.

### **Conclusions: lessons for a better system**

So in conclusion – what are the big things emerging from all of this that we really need to grasp?

First, there is a need for consistent high standards in the way we run elections. There are different ways of achieving this – I am sure we can all come up with ideas. But we can't continue to dodge the issue. A confused multiplicity of different ways of doing things is not efficient, it is not sensible, and it is not what voters and candidates want.

Second, we need to see better planning in Government for elections, particularly new ones; and a more joined up approach across government departments. Last

year we all coped well with a variety of different polls, including one very new experience. This year we again face a variety of different polls operating to different systems, several of which will be completely new. I have no doubt we will all work hard to make sure these happen and are well run. But there is a chance of real problems in 2012 if we're not careful.

IER will be a big change and EROs and their teams need to engage with it now – to work out what is best for voters.

Because this isn't all about us, and our organisations, it isn't all about politicians and political parties. It's about people – voters. About ensuring that their voices are heard, and that they trust the system that enables that to happen.

The Commission's strapline is a slightly cheesy double entendre perhaps, but it's something that I, and I'm sure all of you, believe. Democracy matters.