

Putting voters first: the General Election and beyond

(Jenny Watson, Chair Electoral Commission: speech to the AEA National Seminar – 4 September 2009)

Introduction

Thank you for your introduction, Liz, and for inviting me to speak at what is a timely annual event in the calendar – for your members, and for all of us involved in the electoral system. I'd like to start by thanking you all for the work you do in making democracy a reality: after all it is an abstract ideal until you make it concrete. It is too easy for this to be taken for granted: and it should not be the case.

Today's event is more critical than ever. Not only is it the last National Seminar before the next General Election, but it comes in what are challenging circumstances for the democratic process.

I don't think we can over-estimate the damage the issue over MPs' expenses has done to public trust.

It's clear all parties and candidates have got a tough job ahead convincing voters not simply who they should vote for, but why they should go to the polls at all.

But they're not the only ones with their work cut out.

All of us here in this room have a critical role in building public confidence, and in defending democracy.

There is no alternative to democratic politics. It is a public good. It enables us to settle our differences peacefully. And political parties play a crucial role by setting out alternative policy positions from which we can choose as voters.

But, we have a part to play too. We need to make sure registers are as complete as they can be, that votes are safe, that they are counted.

So that voters can have faith in the process, and in the results.

Because, after all, that's who democracy is all about.

Putting voters first

It's easy to forget, perhaps, as we become caught up in the planning, exactly who it is elections are there to benefit.

We forget that they're not aimed at helping governments, or parties, or individual candidates.

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They're there for voters. To give them a voice. To help them effect the change they want to see.

So we need to make sure we always put voters first.

So that we are constantly reminding ourselves, "There's a voter at the end of this".

And asking ourselves, "Is there a way we can make it work better for them?"

So how are we going to do it? How are we going to put voters at the heart of the system?

Well, as I see it, we need to think about it in terms of two phases.

Today is about the immediate challenge of a General Election, which as you know could also be combined with local elections in England.

Clearly I have no insider information but even I can say with confidence that we've got nine months at the most generous. And if you believe some of the talk around Westminster, maybe fewer.

It's clear we can't put in place everything we want or need to in that time. So later on I want to talk to you about some of the longer term changes we need to make for voters.

But let's start with the big one. The General Election.

Lessons from last time

It's tempting to think that it's simply a case of "doing what we did last time".

And, yes, there will be similarities. But there will also be serious differences.

Each election is unique: the context is always different. To get the best experience for voters, we need to learn from past mistakes, as well as look to see what logistical problems we can pre-empt this time.

So the first step is to see what lessons there are from June's European and County Council elections.

Overall they went pretty smoothly and there were no problems that had a significant effect on a large number of voters.

The General Election will not have the benefit of Regional Returning Officers. We know that opinion varies about how well this worked in June, but they helped achieve a degree of consistency and of course there was the need to collate results across each region. At the General Election it will be down to individual Acting Returning Officers, so there'll be no formal structures to help co-ordination and consistency within regions.

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We'll build on what works. And I look forward to hearing first hand some examples of that today.

In terms of **Absent Vote Identifiers (AVIs)**: a small number of Returning Officers didn't check 100 per cent of the AVIs due to either funding or practical constraints. As you are aware we strongly believe there should be 100 per cent checking: this is an important safeguard in assuring voters that their vote is safe and we know this matters to them.

And in Wales elections were administered on a constituency rather than a local authority basis. So issues about the compatibility of the software systems used by Electoral Registration Officers and Returning Officers to check AVIs had to be overcome. This will have significant implications for the General Election, and potentially affect many more authorities. Lessons can be learnt from the solutions that worked in Wales but the top tip is that early planning by Returning Officers to deal with postal votes in constituencies that span local authority boundaries is essential.

There were admin problems too at the elections, in many cases arising from outsourcing aspects of the process and the nature of the oversight this received.

Problems with printers, from poll cards with the wrong postal vote deadline to printers failing to meet contractual deadlines.

Problems with the length of the ballot paper, and voters not being aware of candidates named below the fold.

Problems at polling stations, with voters being asked for ID, and, in some cases, not enough ballot boxes.

And problems at some counts, with some IT systems not working as planned on the night, and the number of candidates and length of ballot papers meaning it took longer than expected. There were also big variations within regions about how long the counts took. For us the issue is not how quickly can you get the results out. It's about how accurate you can be in knowing you've got it right.

We'll publish a full report on lessons from June next month, alongside the first assessment of Returning Officer performance against the new standards.

We will work with Returning Officers to improve the service they offer.

New pressures

Because, as I said, the issues won't all be the same, but, be in no doubt, there will be issues. And the pressures will be greater at a General Election:

There are new constituency boundaries in England and Wales for a start.

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The fall out from MPs expenses means new candidates and agents, from within and outside the established parties, who may not know the rules. Volunteer canvassers and activists who haven't done this before and don't know what not to do. So I think we need to consider how best to deal with the new participants.

At the Commission we are looking at redrafting our guidance to make clear the important parts that need to be looked at by people who are standing for the first time, and may not be able to rely on a party infrastructure.

And there will be new rules, including an additional regulated period for candidate spending, covering the period before Parliament is dissolved. We are about to publish our initial guidance on this for candidates and agents, including the extra information they will have to report to local Returning Officers in their spending returns after the election.

This will also be the first General Election with Absent Vote Identifiers being checked across local authority boundaries on a national scale.

Then there's the time pressure. A General Election can be called with just seventeen working days' notice before polling day. So everyone here, as well as candidates, parties and, above all, voters, will only have limited time to make sure they are able to play their part.

Lastly, we can expect a much higher turnout at a General Election than we saw in June. Even in the current climate.

Electoral registers

Getting the registers right will be a crucial part of building confidence. They need to be complete and accurate so that everyone who is eligible to vote can do so.

We published standards for Electoral Registration Officers in April this year.

More than eight out of ten either met or exceeded the targets, of making sure registers are complete and accurate. That's something to be proud of. But it still means one in five need to do more and you will hear us say more about this in the future.

And as previous research has shown up to nine per cent may be missing from the register in England and Wales, so there's a lot of work to do, particularly with young people and those from some ethnic minority groups.

We're in the middle of the Autumn canvass and this is a big opportunity.

So we're going to make sure we meet every ERO that didn't reach core standards to ensure an action plan is in place for the General Election; and

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with others where we're concerned about aspects of their performance to agree how improvements will be made.

Our role at the Commission isn't to chastise. It's to support you, as you support voters. And it's to make the case with for this to be properly resourced : to make sure that everyone who wants to can always participate in democracy, even when funds are tight.

But we can only support you if we have the confidence of voters – and that means speaking out more clearly if things are not as we'd like them to be.....

Getting everything in place

That's the thinking behind our checklist.

We've sent this to all Returning Officers, and it does what it says on the tin: It's a list of things you should be thinking about over the next few months, or weeks.

Things like: "What's new at this election?" Polling stations may have moved or boundaries changed. And you'll need to think how you'll manage the additional pressures we can expect at a General Election.

Things like: "What's the plan?" I don't need to tell you that running an election is complicated. Effective planning has never been more important. And Returning officers will need to sign off those plans. This is an important part of meeting the performance standards.

Things like: "Do you have decent contingency plans and the right insurance in place?" and "How will you manage the count?", including the possibility of public order issues – I think you will hear more from Douglas Bain about this later on today.

Things like: "You're only as good as your team". So make sure you've identified qualified and experienced staff. And train others up if you need to.

The list goes on.

We have guidance to help, and there are sessions later today where you can ask questions. We appreciate your feedback on the tools we provide – please keep giving it.

I can't stress enough that getting the process right is key. Voters need to know that their ballot paper is accurate. They need to know when and where to vote.

And ultimately it's the people in this room who will deliver that.

So I urge you to do all you can to be ready and to remember the performance standards against which you'll need to deliver.

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Security

So, voters need to know the system is running smoothly. But they also need to know it's secure.

I am happy to say that cases of electoral fraud are relatively rare.

The May 2008 elections were free from major incidents. And, while police recorded 103 cases of alleged malpractice:

- The majority of cases – 81 per cent – required no further action by the police.
- One case has led to prosecution and conviction.
- Nine cases resulted in formal cautions.

That's from elections at which nine million people voted.

And this year? The 2009 elections saw 46 cases of alleged malpractice. We'll report in full later in the year.

So allegations of fraud are uncommon. But one case is one case too many.

The size of constituencies at European elections means that fraud is less likely to make a difference to the result. But the risk may be greater at a General Election, particularly in areas of small majorities and hard fought contests where the unscrupulous might consider the risk worth taking. Recent sentences handed down by the courts are a strong deterrent and I thank all those involved in successfully prosecuting these offences. But some might still take the chance.

There will also be a big spotlight on security in the run-up to the General Election. So we need to reassure voters we are doing our bit to tackle it.

So what is "our bit", exactly?

Well it's making sure parties, candidates and voters know that electoral fraud is a crime and that you and the police are vigilant.

It's attending regional events with police and returning officers.

It's making sure you know who your "single point of contact" is in the local police force and are in touch with them to agree an approach to tackling electoral fraud.

It's talking to parties and candidates in your area to make sure they know and are committed to the rules.

All of these will make a big difference in the short term.

But there's another way I believe we can help tackle fraud and boost confidence.

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And this brings me to the first of our longer-term challenges.

Individual Electoral Registration

If you look closely at the history of electoral fraud, a pattern emerges.

Before 2004, most cases involved false proxy voting.

This was followed by postal voting abuse, which peaked around 2004-5.

Now the focus of cases and allegations is moving to earlier in the voting process, with an emphasis on fraudulent registration to vote.

The Commission has been calling for individual electoral registration since 2003. It's something I'm passionate about.

And we're not alone. The Parliamentary Assembly of the Council of Europe, the Committee on Standards in Public Life and the Joseph Rowntree Reform Trust all support individual registration. As do many of you here today.

And many voters.

Research carried out last year by the Committee on Standards in Public Life found that nearly two-thirds of respondents thought the system of individual registration used in Northern Ireland was preferable to ours.

So I'm delighted that it's now in the Political Parties and Elections Act 2009. This is a massive milestone passed.

But it's only the beginning.

- From next summer we expect you'll start the process of collecting personal identifiers – signature; date of birth; national insurance number.
- We'll report annually
- And in 2014 there'll be an assessment
- Subject to that, the 2015 canvass could then mark the start of the requirement to get registered individually

This is a huge undertaking, and not just in administrative terms, but in terms of ensuring voters are aware of the change and what it means for them.

So we need to look at and learn from comparable events like the digital switchover of radio and TV signals, or the introduction of Chip and PIN to our financial system.

We're carrying out research with the public to find out what process will make the collection of identifiers simple and how to explain what individual electoral registration means in a way that builds support, not resistance.

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And we know we'll need to work to support Electoral Registration Officers as the system changes. It's clear from the changeover in Northern Ireland that we'll have to do more to make sure people can and do provide identifiers.

At the same time, we need to make sure you can get to hard-to-reach groups - the new legislation will allow you to use other data sources to help you identify them. We look forward to working with the Ministry of Justice on data matching pilots.

We'll also be making sure we and the Government keep you involved and updated as the project progresses during the autumn.

This will be a profound shift. And it can't happen overnight - though I know that some of you might wish it were more of a big bang. I disagree. We're asking for every voter in Great Britain to re-register themselves with personal identifiers. We have to overcome people's resistance, even inability, to fill in forms. We have to overcome people's resistance to government holding personal information.

And we have just under 47 million potential voters to reach – 47 million people, not 47 million pieces of paper.

We need everyone here to help make this happen. But by 2015 we will have a register that is more comprehensive, more accurate, and more secure.

And, importantly, a register that's fairer – reflecting reality for those who live in flat or house shares, in bedsits, in student accommodation.

Registration by household was brought in in a different era. And it belongs to a different era.

It's absurd that, in the 21st century our democratic process remains founded on the Victorian concept of "the head of the household", who can effectively influence – some might say choose – who else gets to vote.

Everyone who is eligible to vote should have the right to register to vote. Our vote is ours alone. It's personal, and it is powerful. It's right that something so powerful should be a matter of personal responsibility too.

Voting mechanics

So, registration is the foundation. But if we're serious about putting voters first, there's also work to be done to make the mechanics of voting easier.

Not all mistakes are down to fraud.

Too often election materials and processes have been designed without real people in mind – this can result in votes that don't get counted because postal

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ballot packs don't make it to the right address, or ballot papers are accidentally spoiled because instructions weren't clear.

The Commission has been working with voters as part of our Making Your Mark project.

This has included research into how the public respond to the design of ballot papers and postal voting statements. Part of this has involved watching people fill them in and recording what kinds of mistake they make. Sometimes people's confidence in how to vote can be misplaced. During the research, it became clear one man who had voted regularly in all types of elections, did so in a way that may not have counted at a real election.

So we're developing design guidance on voting materials – a commitment we made following the Gould report into the 2007 Scottish elections. We'll be issuing this in the next few weeks, and we expect administrators to use it to make sure ballot papers are printed to the best possible standard, so that people can vote easily and confidently.

Decentralised elections

I've been talking a lot about the importance of putting voters first. But that doesn't mean we can't ignore the strain local government is under.

We know you're facing challenges.

We're asking you to run 21st century elections with 19th century structures.

How can a system designed at a time when the vast majority of the population didn't have the right to vote work in an era when we hope for mass participation?

And that's before we add in innovations like postal voting on demand and AVI checking.

And more frequent elections, with different voting systems in Scotland, Wales, Northern Ireland and London. And potentially more referendums in the future.

It can't continue like this. That's why we published our report on Electoral Administration in the UK.

The report calls for a series of changes that will improve things not just for voters, but for councils too.

Recommendations like establishing Electoral Management Boards to provide co-ordination, leadership and support for elections – building on the Regional Returning Officer role established for European elections. The interim Election Management Board in Scotland is good progress on this.

And like simplifying electoral law.

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Since 1998 there have been 38 pieces of primary legislation about elections. And there will undoubtedly be more to come. Our report makes clear that we want any changes to the law finalised at least six months before an election so that you can plan with confidence.

We recognise that recommendations might not be welcomed universally. Challenge to long-established practices is sometimes difficult.

Change cannot be avoided or postponed. We cannot carry on with the current structure in the long term. But I want to give a commitment that we will always try to work in partnership with others, being clear about the outcomes we want to see and open to different ways of achieving these.

There have been elections which have not shown up major issues of concern but I am sure that all of us in this room know of elections that effectively scraped through. I don't think we should wait for a major election to be questioned because of poor management or administration. New structures would provide the consistency and accountability we need before then.

It doesn't benefit today's voters. And it certainly won't benefit tomorrow's.

Think of a child born today in 2009. What kind of democratic process will they inherit? That's the question I am constantly asking myself. It's one I hope we can answer together.

Conclusion

These are difficult times for politics. Not since the 1990s has there been such overt criticism of politics and the democratic process. Questions are now being asked not just over individual politicians, or one party, but over the whole system.

This is the context we're working in as we gear up for the General Election. And its effects cannot be underestimated.

But I believe we can make a difference, even in the short time we have before the General Election.

By delivering a high quality, professional service for parties and candidates that want to participate, and, above all, for all those who want to vote. Giving them confidence in the process, so they can be confident about the result.

I've said several times that this is a challenge. But I believe this is an opportunity too.

There is a thirst for change on all sides. We need to build on this, to reshape the electoral system around voters' wants and needs.

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By doing that, by putting voters first, I believe we will play no small part in restoring faith in democracy itself.

So that today's children inherit a system that has them at the heart of the process. So that they know, the babies of 2009, when they come to vote in 2027, that elections aren't about politicians, or governments, but all about them.

(Ends)