

Speech to the Association of Electoral Administrators' Conference
3 March 2014
Jenny Watson – Chair, Electoral Commission

Opening remarks

Thank you.

It's good to have the chance to speak to you all today.

It will not come as a surprise that I'd like to talk to you all about three key areas. They are, however, three areas that are quite clearly unified by just one word. Challenges.

There is a huge amount of change coming over the next couple of years. We can all see the challenges this change represents.

That includes challenges we face at the Electoral Commission and those that the Government faces. I know the Minister touched on some of these when he spoke to you earlier today. But as ever, whilst we work closely with the Government across a significant number of areas, there are also some areas where we approach things from a slightly different perspective!

And I would like to conclude by then looking at some of the key challenges that particularly affect all of you.

And as I look at each area, I want to focus in particular on how we can work together to overcome these challenges.

Context

We all have a shared interest in ensuring that our electoral system has the confidence of, and works for, the voters that use it.

And I want to take a moment to reflect on the fact that we are already pretty good at this. 90 per cent of voters we talked to said the elections last May were well-run. And that has been a consistent message from voters over the past two or three years now. It is a testament to the hard work that you and your teams put in each year. Something I would like to thank you for.

But the changes that are coming over the next couple of years - if they are implemented and managed effectively - should help us improve the system even further.

It won't surprise you that the issue I will return to throughout is the implementation of Individual Electoral Registration. It begins this summer and carries on until at least December 2015. But there are also other challenges that we should not lose sight of that I would also like to touch on.

For instance, as IER is being implemented across a staggered timescale, we have a succession of May elections that are likely to see the highest turnouts we have had for 3 or 4 years. Then of course the independence referendum in September. And in May 2016 where, on top of local elections in parts of England including the Greater London Authority and Mayoral elections, we have elections to the Scottish Parliament and the National Assembly for Wales. And this date is due to include the second round of Police and Crime Commissioner elections, which, on a positive note, it is probably fair to say will enjoy a higher level of turnout than the first PCC polls given everything else that is happening that day!

Alongside these events, we have also set ourselves a challenging target to see 25,000 overseas voters download registration forms by May this year and continue to work hard with the armed forces to ensure that service personnel can exercise their democratic rights. We are also crafting and issuing guidance to implement the 'Lobbying Act' which will mean a much wider range of non-party campaigners coming under our regulatory wing for the first time.

So the scale of the challenge in 2016, as well as that in 2015 with the next UK General Election, is certainly not lost on us. And it is important that, as everything else is going on, our planning assumptions and preparations are in the right place to ensure we can deliver what is needed at these polls.

There are also other issues that we need to remain conscious of. Our recent review into electoral fraud indicated that public concern about the security of the system remains, so we must continue to work to address this. Not just in respect of actual cases of fraud, but the perception of the scale of fraudulent activity, which can be just as damaging to voter confidence in the system.

And of course, with higher profile elections also comes a higher level of media interest and scrutiny about what is happening and how we are all performing. A clear and consistent approach in both anticipating and dealing with problems as they arise is therefore critical in effectively responding to the scrutiny we will all face – and I'm grateful to those of you who tip us off about problems as you hear them, such as paid for electoral registration services where we were able to act fast to stop the problem.

Challenges for the Commission

So, in light of all this activity, what are the key challenges I think we face at the Commission?

Well first of all we need to ensure that as we monitor how effectively the system is coping with the change imposed upon it, we are doing so in a way that supports, rather than gets in the way, of the work that you do.

Ensuring that the guidance we produce and how we monitor performance reflects this is essential.

Since we introduced our performance standards in 2008 things have changed a lot. Performance has improved year on year, and most ROs and EROs met most of the

standards in 2012 and 2013. Again, this is something that you and your teams should be proud of.

As a result, you asked us to review our approach to make sure we took account of that improved performance, and focused more effectively on areas where the risk of poorer performance remains. We listened to that feedback and thought carefully about our approach.

And we've made changes to reflect the points you have all raised. We think we have now developed an approach that focuses on the key information that you would anyway want to be monitoring. And importantly, the new standards – and the supporting guidance – have been endorsed by the Electoral Advisory Board, reflecting a shared approach to what 'good' looks like, across the electoral community.

The new standards are meant to strike a better balance. A balance between ensuring we have the consistent, professional approach in place across the UK that voters – and candidates – have the right to expect; and the need for local accountability for local decision-making, in light of local circumstances.

We now aim for an approach where unless there's a clear rationale for doing something in a particular way in the interests of voters, we'll be less prescriptive about the way things should be done.

And if there's no reason to think you'll struggle to meet the standards, we will take this into account with our monitoring. Though we will continue to undertake a small, randomised sample of limited checks. And where we do check, the emphasis will be on providing support where it's most needed.

But we don't want to just monitor what is happening. We also need to get better at working with you to ensure that the best practice which clearly exists and should be celebrated, is shared across the electoral community – and more widely given the interest in this from local councillors and MPs in the run up to IER. We are looking at different ways to do this, including making sure that we use all possible communication channels to allow you and your audiences to see where things are working well, as well as how problems are being tackled as they arise.

We are also investing a lot of time in ensuring that the materials we generate to raise public awareness about IER have the maximum possible impact with the public and that they are available to you at the point you need them.

We will be running a mass-media public awareness campaign to coincide with your write-out to voters – this summer in England and Wales; and after the referendum in Scotland. This is meant to encourage people to respond to your letters and complement the work you'll be doing locally.

We know that the people most likely not to be confirmed at the outset are young adults and students; people that have recently moved home; and people that live in private rented accommodation. So, in support of your essential partnership work at the local level, we are working with a range of national partner organisations from a

broad range of sectors who have good links with people in these demographic groups and who can help pass on the message to them. And of course online registration has the potential to really help us reach young people for whom paper and an envelope are rather a thing of the past!

To ensure that our approach works, we have already tested all the messages we will use in our awareness material with the public. And we published these materials at the end of February in a form that you and any potential partners can use.

Finally, we also need to ensure that we are working consistently with central Government so that the guidance, support and information we produce is consistent and complimentary, not confusing or conflicting. This obviously includes a whole new suite of guidance to implement the so called 'Lobbying Act'. We think we're managing this quite well at the moment, but whilst I'm fairly sure that you won't be shy about doing this I should stress that we also want you to tell us where we aren't!

Challenges for the Government

This last point also of course applies to the Government and we are working hard together to achieve it. But there are also other challenges that they face separately.

Having given the final go ahead for IER the Government now has a crucial part to play in its delivery both now and in the long term. I don't want to go over everything that the Minister touched on when he spoke to us earlier. But following our 2013 report on the progress to implement IER, we were delighted the Government's rapid response was to confirm that ERO's would receive the funding that they need to enable them to get the job done.

And we are now in the crucial stage for ensuring that the IT that will support IER works effectively. Delivering this is, if anything, the most pressing immediate challenge.

But there are other longer term challenges that the Government faces. And we will continue to both press them on and work together with them to address these.

We maintain our view that legislation for elections needs to be settled 6 months ahead of polling day. While the UK Government took steps towards this target for the elections on 22 May this year, getting the main European Parliamentary regulations in place six months in advance of the polls, other legislation did not follow until later, including the fees and charges order and Welsh forms order for the European elections and key amendments to the English and Welsh local government election rules.'

We remain absolutely clear that six months should be the target adopted as the standard approach by Government for all future elections. And we look forward to maintaining a constructive influence upon the Cabinet Office until they achieve it.

There is more to be done, however. A consistent, forward looking and timely approach to the changes that may look small, but which matter significantly to you in managing your work, are also important. So the secondary legislation that changes

the fees, charges and other parts of the system that affect your work need to be managed in a way that better helps you plan and deliver what is needed.

We were also disappointed at the lack of firm commitments in the Government's initial response to our report on the first set of Police and Crime Commissioner elections. Following the problems we identified in the development of the legislative framework for the last set of elections, we asked for clarity on how the Home Office will work with the Cabinet Office and the Welsh Government to implement legislative changes ahead of the 2016 polls.

So I'm relatively confident that I speak for everyone who lived through the last PCC elections in saying that we warmly welcome the recent news that moves are currently afoot through a Transfer of Functions order to allow the Cabinet Office to make secondary changes to the relevant election provisions previously owned by the Home Office. And look we forward to seeing a full transfer of responsibilities from the Home Office to the Cabinet Office in time – hopefully in good time - for the next PCC polls in 2016.

We recommended that the Minister responsible for the elections should set out a plan no later than May 2014 about how they intend to progress policy development, legislation and the management and coordination of the May 2016 PCC elections. We are delighted that the Government has listened to our request but will continue to press for this plan to be published in the next couple of months to meet the timeframe we set.

And then there are the bigger picture issues.

We think it is important that the Government supports the important work being conducted by the Law Commissions of the UK on the reform of our overarching electoral law framework. We also hope they will engage constructively with others, such as the Speakers Committee on Digital Democracy, as they develop other options for change.

But this support should not be to the exclusion of the Government developing its own clear strategy for the modernisation of our electoral system. Something that we would hope to play a key role in helping to develop. Crucially we would hope to do this working closely with you and drawing on your enormous experience and expertise – and I'm really pleased that the Electoral Advisory Board has expressed its willingness to help us as we do this.

Challenges for administrators

Finally, there are the challenges that you all face as you deliver the changes that are needed for voters. And we fully appreciate that you, as we, are managing these demands at a time of shrinking resources. We know that this can impact massively on how you are able to manage your work and we therefore want to support you as much as we can.

This again is where we believe our new ERO performance standards can help, indicating where local teams might be struggling with preparations for the transition

that begins this summer. Our standards are aimed at providing support, not highlighting 'failure'. And we will also be working to pick up the good ideas and good practice that I mentioned earlier so that we and the Cabinet Office can share these with the electoral community more widely.

There's a big focus on plans – and plans that respond to local needs – in the ERO standards. The challenges that you face will vary significantly. So as you know, and we recognise, the key to getting local residents to take action where they need to, is high-quality local engagement, based on sensible analysis of your local context.

To support this, the Commission and the Cabinet Office are already providing guidance, most of it already published, – and we'll do everything we can to provide good templates and other materials that have been tested and that work – but how they are used is down to your local knowledge.

And we believe that some things that may initially seem like a challenge are actually an opportunity.

For instance, at the end of last year, the Cabinet Office announced that we will be moving to a new - bigger - format for IER forms. That decision was based on the Commission's recommendation, which was informed by research with the people that at the end of the day would be expected to use the new forms, as well as taking account of the implications of changing the format.

We know that this is a significant additional change, and that for some of you it will also mean new equipment. But our research with voters and others indicate that the benefits will mean it is worth it. In particular, the initial challenge of the change should be offset by reducing the number of queries and clarifications you have to do as the new, clearer forms are filled out by voters. Something that a simple system of online registration should also help with.

Another key challenge is ensuring that your engagement strategies and implementation plans stand up to the scrutiny they will face. The best examples we have seen are informed by good analysis of the Confirmation Dry-Run results, backed up by local knowledge and information to help identify key target groups and how you are going to work with them. This includes understanding the groups in your local community that you need to focus on and having the plans in place to reach these via all the means available to you, including through wider community group engagement.

And of course it doesn't stop with the initial plans. Monitoring how your local plan is working, and responding to issues that get thrown up, will be a critical part of managing the transition to IER and ensuring that it stands up to scrutiny at both the local and national level further down the line.

We don't underestimate the challenge of the transition to IER. But it brings some real opportunities with it – for cross-authority working, for mutual support between authorities, for a real modernising step forward with the introduction of online registration applications; and of course, for a modern, more secure system of electoral registration.

We are also aware that IER is not the only challenge you face. The independence Referendum will once again put all of us in the electoral community into the spotlight, and I have already touched on the polls that are coming up over the next two to three years. Planning for these effectively at the same time as IER is implemented will be crucial. And we welcome the changes that the Government made to the close of poll arrangements that should help you manage this element of your plans.

Given the proximity of the May elections, I also want to highlight the importance of ensuring that everyone is alive to the potential for any fraudulent activity in their area.

There is no evidence to suggest that fraud is widespread or systemic. But, voters are nevertheless worried about fraud, and are looking for reassurance that those of us responsible for the system are making sure their vote is safe. And one of the points we make in our report is that the majority of people in communities affected by electoral fraud are victims rather than offenders. And it's an obvious point but worth stressing: fraud is committed not by voters, but by unscrupulous campaigners.

In our recent fraud review, we made clear that for the elections in May, we all need to show what we are doing to combat fraud.

We have identified some areas of England where there is a greater than usual need for determined anti-fraud vigilance, especially in the run-up to important local elections this May; and we'll be focusing particularly in those areas to make sure all the necessary steps are taken.

The sort of things we want to see in place include you taking targeted preventative measures like reviewing applications to register, based on historic analysis including analysis of alleged fraud. Whilst we would also expect that you would work closely with the police as they review their own plans, including where they believe there would be merit for policing any higher-risk polling stations. Talking about this prevention work can help to reassure voters – and deter potential fraudsters. So I am particularly grateful to those of you who are responding to this challenge – and please ask if there is more we can do.

A glimpse further forward

Finally, I'd like to glimpse beyond 2016 and what I think the future challenges we will all face may be.

Perhaps the most significant likely challenge will be the debate about levels of participation at elections and how the system can be modernised both to make it more accessible for voters and to streamline the way it operates. You may have all seen that the Political and Constitutional Reform Committee in the House of Commons are already looking at this issue from one angle. As is the Speaker's Committee on Digital Democracy that I have already mentioned.

I have also already made reference to the three Law Commissions' reviews of electoral law, which I think is a crucial piece of work. This is a real opportunity to

make our electoral law framework more flexible and responsive to a modern, not Victorian, society's needs and I would encourage all of you to feed into this work as the opportunity arises.

We will also want to talk to you about the options we think should be pursued for modernising the system more generally. This will include getting your views on those areas we have already identified for the future, such as how a system of voter ID at the polling station could be made to work in practice to help further strengthen our system against fraud. This is a system that is already in place in other areas, including Northern Ireland from where we will draw on valuable evidence of what has worked since 2003

And I'd like to thank you for your hugely helpful engagement with our recent examination of the rules around Standing for Election which will be published at the end of this month with some constructive suggestions for change.

Closing thoughts

So in conclusion there is a huge amount for us all to deliver over the next couple of years. There certainly appears very little risk of us getting bored at any stage.

The challenges we face certainly go beyond those we have faced previously. With a flurry of major elections over the next three years occurring alongside the biggest change to the electoral system itself for decades and a consultation that has the potential to rewrite the entire legislative framework within which we work.

But I firmly believe they are challenges that will help make the system better. Not just for those of us that work in it, but the voters that use it. As long as we focus on this and put their needs at the heart of all that we do, whilst it may be a challenging period, it should also be a hugely rewarding one – and one where we can all be proud of our work together to deliver that chance for voters to have their say.

Thank you all for listening. And good luck for May this year.