

## Annex A: Electoral Commission position on preparedness for the spring elections and proposed referendum 5 May 2011

### **Embargoed until 00.01 Thursday 11 November**

In our July 2010 statement, we made clear our view that it should be possible to deliver the different polls proposed for 5 May 2011 if the key practical risks to the successful conduct of the scheduled elections and the proposed UK-wide referendum are properly managed.

The Commission is broadly satisfied that sufficient progress has presently been made to enable the local Returning and Counting Officers to run the polls well and that voters will be able to participate in them. We note that there may be changes made to the Bill during the remainder of its passage through the UK Parliament. This addresses each of the key practical risks we identified in turn:

- **The UK Government must support the Commission in putting in place a robust process to ensure that planning for 5 May 2011, across the whole of the UK, takes full account of the implications of the different polls due to take place on that date**, so that the interests of voters across the UK are considered as a priority.

The Commission has established and chairs a Steering Group to coordinate and monitor the planning and delivery of the spring 2011 elections and the proposed May referendum on the voting system for the UK Parliament.

The Steering Group includes the Chief Counting Officer for both referendums, and the 12 senior Returning Officers (including the Convener of the Electoral Management Board in Scotland and the Chief Electoral Officer in Northern Ireland and, in the case of the March referendum in Wales, the Deputy Chief Counting Officer) who will be appointed as Regional Counting Officers for the proposed May referendum.

It also includes UK Government officials from the Cabinet Office, Scotland Office, Wales Office and Northern Ireland Offices, officials from the Welsh Assembly Government, and representatives from the Association of Electoral Administrators. The Group has met every month since September 2010, and will continue to meet monthly until after the May 2011 elections and referendum.

The Commission has also continued to convene a working group of electoral administrators which provides the Commission and the Chief Counting Officer

with advice and support in the development and delivery of referendum and election instructions, guidance and resources.

The UK Government has also established its own group of officials to coordinate and monitor the progress of the legislation required for the 2011 elections and referendums, again involving representation from across the relevant departments. This group currently meets every fortnight.

- **The rules on how the referendum will be conducted must be clear from at least six months in advance**, so that campaigners, Returning Officers, Counting Officers and the Commission are not left with uncertainty about their respective roles and responsibilities and can undertake the necessary planning and preparation for the May 2011 polls.

The Parliamentary Voting System and Constituencies Bill sets out the overarching legal framework and the detailed rules for the proposed May 2011 referendum. The provisions set out in the Bill are based on existing rules used for elections in the UK, including UK Parliamentary general elections. The Bill completed its passage in the House of Commons on 3 November 2010.

Following amendments tabled and accepted during Committee stage consideration of the Bill, it now includes detailed provisions for combination of the referendum poll with the poll for the scheduled May 2011 elections. The Commission was not provided with adequate prior consultation to check that the provisions will be effective in practical implementation. However, we have begun - and will continue - to work through the detail, providing comment to government.

We are also disappointed, however, that the Government has not taken the opportunity of this Bill to implement our May 2010 recommendation to change the law to allow eligible electors who are entitled to vote at a polling station and who are in the queue to enter the polling station at the close of poll will be allowed to vote. Without such a change, we are concerned that there remains an risk that voters will be affected by similar problems at the 2011 polls.

The Chief Counting Officer for the proposed May 2011 referendum will also set out this week a number of assumptions which will underpin her approach to issuing instructions to Counting Officers for the referendum. This will enable Counting Officers to begin detailed planning for the conduct of the referendum with a greater degree of certainty about the processes which they will be required to deliver.

- **Adequate provision must be made for appropriate public awareness activities to support understanding of the elections and referendum processes by voters**, so that different ballot papers and voting systems used on polling day do not lead to confusion, so that voters are informed about the choices they can make and can cast their votes with confidence.

The PVSC Bill will require the Electoral Commission to take steps to promote public awareness about the referendum and how to vote in it, and also to provide information about each of the two voting systems referred to in the referendum

question. This requirement would apply alongside the existing duty for the Commission to promote public awareness of current electoral systems for the scheduled elections.

The budget which the Commission put forward for public awareness activities for the spring 2011 elections and referendums was approved by the Speaker's Committee on the Electoral Commission in October 2010, and we are satisfied that adequate provision has been made in this area.

- **Appropriate levels of funding must be made available for the delivery of the referendum and the scheduled elections together**, so that Returning and Counting Officers can ensure all the polls on 5 May 2011 are well-run.

The UK Government has indicated that it intends to build on the funding framework used for the 2009 European Parliamentary elections and the 2010 UK Parliamentary general election to provide funding for the proposed May 2011 referendum. This is a framework which has been implemented by Returning Officers for two successive UK-wide elections, which we believe should be sufficient and which is now well understood. The funding framework and approach for the May referendum will also complement the approach to funding the scheduled May elections to the Scottish parliament, National Assembly for Wales and Northern Ireland Assembly.

The Government has also sought input and feedback from the Commission and members of the Elections and Referendums Steering Group on a set of assumptions which will underpin the calculation of fees and charges for the proposed May referendum.

We understand that the Government intends to finalise and lay the Order providing for Counting Officer and Regional Counting Officer fees and charges immediately once the Bill has received Royal Assent. We expect that these will provide sufficient funding to deliver the polls.

Finally, however, we must note that the successful delivery of the scheduled 2011 elections and referendums will also be dependent on the work of local authority electoral administration professionals, and other senior staff experienced in elections. Some members of the Steering Group have highlighted the particular risks that could arise from the fact that the local authorities are facing a phase of intense pressure in the period between now and 5 May. It will be essential to ensure that core professional management skills are maintained and available to deliver the key administrative functions required for the 2011 elections and referendums.

The Chief Counting Officer for the proposed May 2011 referendum has written to local authority leaders to remind them of their legal duty to place the services of their officers at the disposal of Counting Officers for the referendum. The Commission will continue to monitor the availability of key professional election management resources during the months leading up to the May polls, and will make clear if at any point we think this becomes a significant risk to the delivery of the polls.

- **The legal framework for the proposed referendum must make provision for formal combination of the referendum poll with the scheduled elections, including establishing clearly which rules would apply in relation to any combined polls**, so that the voting process is as straightforward as possible for voters and those who will administer the polls.

The Parliamentary Voting System and Constituencies Bill now includes detailed provisions for combination of the referendum poll with the poll for the scheduled May 2011 elections. We are currently reviewing the technical and operational implications of these provisions, and we will ensure Parliament is informed of any specific issues that we believe need to be addressed during the remaining stages of consideration of the Bill.