

Electoral Commission response to the Ministry of Justice consultation *Election day – weekend voting*

1 Introduction

- 1.1 The Commission is disappointed that this consultation has been undertaken in the absence of the development of a coherent strategy from the Government on electoral modernisation, which we have called for since 2003¹.
- 1.2 Furthermore, we are concerned that electronic voting (e-voting) has been included within the scope of the consultation. We believe that e-voting is a complex issue which requires separate and detailed consideration, as part of an electoral modernisation strategy, before any decision on whether it might constitute an acceptable alternative for those who would not wish to vote at the weekend.
- 1.3 Our response to the Gould report recommended that the Government consult on the provision of advance voting facilities at all statutory elections in the UK, with a view to early legislation. Such advance voting should be by normal polling and not require additional declarations or processes. It should be made available at the office of the Returning Officer and at any other appropriate venue in the electoral area between one and seven days before the close of the poll². We are therefore pleased that the Government has included advance voting as part of its consultation.
- 1.4 A key priority for the Commission is to ensure that the interests of electors come first. Any change to polling day would only be justified if it could clearly be demonstrated that it would improve access and opportunities for voting. At present, we do not believe that there is evidence to demonstrate that weekend voting would do either. In addition, a number of major practical challenges would need to be resolved before any such change could be considered viable. On that basis, we recommend that polling day should continue to fall on a weekday.

2 General principles

- 2.1 The stated aim of the consultation is to promote debate on the merits of moving election day from Thursday to the weekend and to consider ‘the best way to do this’.

¹ The Electoral Commission (2003) *The shape of elections to come*.

² The Electoral Commission (2007) *Taking forward the Electoral Commission’s independent review of the 2007 Scottish Parliamentary and local government elections*.

- 2.2 While the consultation primarily covers weekend voting, it also seeks views on how some of the potential issues created by weekend voting might be addressed, e.g. by introducing remote e-voting and/or advance voting, both in person at a polling station and remotely. While these innovations are related, it is important to remember that they are fundamentally different innovations which would have markedly different implications if implemented.

Weekend voting

- 2.3 As the consultation points out, the day of poll for elections in the UK is, either by tradition or legislative provision, a Thursday. There are no legislative provisions which prevent polling day from being held on another weekday unless that day is defined as a dies-non (non-working day) in legislation.
- 2.4 In principle, the Commission is not opposed to weekend voting. However, we believe that such a change should only be made if there is clear evidence that it would be of significant benefit to the voter, and if it would not compromise the integrity of the poll. At present, there is very little evidence that voting on a Thursday is one of the reasons why people do not vote, or that moving to weekend voting would remove a significant barrier to voting.
- 2.5 Moreover, as the consultation itself highlights, weekend voting would raise a number of potential issues – for example, in relation to resources, availability of venues, security, exit polls and the timing of elections.

E-voting and advance voting

- 2.6 We have stated on a number of occasions that before consideration is given to further piloting or the implementation of any electoral modernisation proposal – including weekend voting and e-voting – it is essential for the Government to develop and debate a robust electoral modernisation strategy that would review progress, propose a new way forward and instigate a public and policy debate. This holistic consideration of the benefits and drawbacks of new methods of voting must take into account the impact new methods will have on the existing system. Any electoral modernisation proposal should be well-researched and proposed within a strategic framework, rather than in a piecemeal fashion.
- 2.7 The Commission's experience of evaluating a significant number of e-voting pilot schemes over several years has led us to conclude that e-voting should not be implemented or further piloted until an effective framework of qualified suppliers is in place to support and exploit them, and until the range of issues identified in our pilot reports have been

addressed³. This would include the introduction of individual electoral registration and an electoral modernisation strategy, together with sufficiently tested and approved solutions that can be selected by local authorities. This could be achieved either through an accreditation and certification process or through a more robust procurement framework than is currently in place.

- 2.8 We believe that advance voting via normal voting could improve access to the voting process without harming the integrity of the ballot, and that the Government should, as part of a wider electoral modernisation strategy, decide whether advance voting should be mandatory, optional or discontinued. If the Government does decide to introduce advance voting, it should be by normal polling and should not require additional declarations or processes. It should be made available at the office of the Returning Officer and at any other appropriate venue in the electoral area between one and seven days before the close of the poll.

The priority for electoral administration

- 2.9 We believe, however, that the Government's immediate priority in relation to electoral administration should be to improve the integrity of the electoral process by introducing individual electoral registration with personal identifiers in Great Britain. The Government should also take forward the recommendations for change in our recently published report *Electoral administration in the United Kingdom*⁴. These changes are necessary in order to clarify roles and responsibilities for the delivery of elections, improve coordination of Returning Officers and Electoral Registration Officers, and strengthen leadership and accountability for electoral administration professionals.

3 Responses to questions arising from consultation paper

- 3.1 Below we set out our responses to each of the questions asked in the consultation paper.

Question 1 – Do you think that polling day should be a weekday, a Saturday, a Sunday or take place over both Saturday and Sunday?

- 3.2 We do not believe that the consultation paper provides enough evidence that would justify changing polling day from the traditional Thursday to the weekend. The principal advantage cited by the consultation paper is that voting at weekends would arguably be more convenient for electors and so could increase turnout. However, the evidence on this issue is

³ See, for example, the Electoral Commission (2007) *Electronic voting: May 2007 electoral pilot schemes*, Summary Paper. Available at www.electoralcommission.org.uk

⁴ The Electoral Commission (2008) *Electoral administration in the United Kingdom*, August.

muddled. For example, while the consultation paper refers to work published by Professor Mark Franklin in 1996, which shows that turnout is generally up to 6% higher in countries that hold elections on a Sunday compared to countries that go to the polls on weekdays, a later study by the same author found that, in a range of countries which have adopted weekend voting since 1948, turnout did not appear to increase as a consequence, and that there is no reliable evidence that weekend voting is an effective cure for low turnout.

- 3.3 In addition, a list of countries that vote on different days is given, but this is not supported by evidence of average turnout in each country, any details of recent changes to polling day and the effect that this might have had on turnout.
- 3.4 The consultation paper does, however, identify a significant number of serious challenges posed by weekend voting, which lead us to conclude that polling day should continue to take place on a weekday, normally on a Thursday. These issues are discussed in detail in our responses to later questions.

Question 2 – Who would be affected by changing the voting day to a weekend and how?

- 3.5 It is difficult to state definitively who would be affected by changing the voting day to the weekend. While many electors may be negatively affected by the change, others will have no real preference for a Thursday, Saturday or Sunday and will vote (or choose not to vote) irrespective of the day of the poll.
- 3.6 Having said that, we comment below on the people who may be affected by weekend voting.

Those with childcare responsibilities

- 3.7 The consultation paper suggests that those balancing family and childcare responsibilities, particularly ‘women who remain the principal childcare providers’, may find weekend voting more convenient than voting on a weekday. It should also be remembered that many schools will be closed on traditional polling day, which could boost the case for weekend voting.
- 3.8 On the other hand, it is likely that these direct responsibilities will for many extend to the weekend, arguably making weekend voting no more convenient than voting on a week day. In addition, access to childcare for some may be greater during the week, given the availability of crèches at work, child minders and nurseries.
- 3.9 Assessing the precise impact of weekend voting on those with childcare responsibilities is therefore difficult to determine.

Those with religious beliefs that would prevent voting on a certain day

- 3.10 Many members of the Jewish community observe the Sabbath between sun-down on Friday and nightfall on Saturday. It is clearly not for the Commission to determine whether voting would be included in the activities that are forbidden on the Sabbath. However, it is worth noting that if weekend voting were introduced, there would still be opportunities for observers of the Sabbath to vote late in the day or in advance of polling day (either in a polling station, by post or electronically). The Commission would be interested to hear the views of Jewish organisations on this issue.
- 3.11 In addition, it is likely that many Christians would not wish to vote on a Sunday. In Northern Ireland, due to the high level of religious observance and the lack of postal voting on demand, this could be a potentially serious issue. Again, we would be interested to hear the views of relevant religious organisations on this subject.

Those who would be away at the weekend

- 3.12 Many people who spend the week at one location for work would not be at that same location over the weekend. This group might include people with second homes and people who often visit friends or family members at the weekend. Also, cheap air travel means that people increasingly go away for weekends, with early May (whether the first or second weekend) being a popular time to take a holiday.
- 3.13 Again there would be options available to those who could not attend their allocated polling station at the weekend. However, all current forms of absent voting can only be used if an application is made at least one to two weeks prior to polling day. It could be argued that typical weekday plans involving work are usually known well in advance, whereas weekend plans, typically a holiday or a leisure activity, are often made much closer to the time. Moving polling day to the weekend could therefore mean that less people would be in a position to take advantage of postal or proxy voting.

Those living in rural areas

- 3.14 In rural areas, transport to a polling station can be a significant issue. Many rural areas have particularly poor transport links on Sundays and reduced services on a Saturday, which clearly could disproportionately impact on electors living in those areas.

Carers

- 3.15 It is possible that some people who require the assistance of a carer would not be receiving such support at the weekend and so would find voting less convenient.

Shift workers

3.16 Some shift workers, by definition, could be required to work at the weekend, as could with workers in the retail and customer service industries. It is therefore possible that they could be inconvenienced by weekend voting.

Taxpayers

3.17 Elections are funded via a number of different routes, but ultimately the money comes from the taxpayer. The additional cost of running a weekend election has been estimated by the Government to range between £38million and £58million per national election, depending on whether an election is held on a Saturday, a Sunday or both. It might reasonably be argued that this is a high price, particularly given that there is no clear evidence at present that the change would bring about positive benefits for the elector.

Political parties

3.18 Many party workers are volunteers and so may be less inclined to give up their leisure time to attend polling stations and counts. On the other hand, party workers may find it more convenient to undertake these voluntary activities at the weekend as opposed to during the week, when taking time off work might be necessary. Clearly, however, political parties would be best placed to elaborate on these issues.

Electoral administrators

3.19 Those running the elections would also be significantly affected by the move to weekend voting. These issues are discussed further in our response to question 7.

Question 3 – Do you think that greater access to advance voting in polling stations should be made available alongside weekend voting? Please explain why.

3.20 The Commission's evaluations of electoral pilot schemes have demonstrated that advance voting in polling stations has the potential to enhance the accessibility and convenience of the electoral process, at least as far as voters' perceptions are concerned. However, actual take up of advance voting has been low. For example, when advance voting was piloted in 2007, use of this facility ranged from a high of 7% of voters to a low of 0.7%. Furthermore, the majority (74%) of those surveyed who used the advance voting service stated that they would have voted in any case.⁵

⁵ The Electoral Commission (2007) *Advance voting: May 2007 electoral pilot schemes*.

- 3.21 As noted above, we continue to believe – quite apart from the issue of weekend voting – that the Government should decide, as part of a wider electoral modernisation strategy, whether advance voting should be mandatory, optional or discontinued. If a decision is taken to implement advance voting, the choices of times and locations will be key factors in determining convenience, turnout and value for money.
- 3.22 It is worth pointing out that there are already mechanisms available for voters who are unable to vote in person on polling day. Any elector can apply for a postal vote up until 11 working days prior to polling day or, with good reason, for a proxy vote up until six working days prior to polling day. However, we are aware that absent voting, especially postal voting, can place additional strain on the electoral administration system. Advance voting at a conveniently located polling station, which could include the office of the Returning Officer, may be a suitable alternative to absent voting. Such a facility would allow people who are unable to vote on a Thursday to cast their ballots in person and may cost less than moving polling day to the weekend.

Question 4 – Do you think that greater access to remote voting (whether through traditional postal voting or by electronic means) should be made available alongside weekend voting? Should such arrangements be explored even if polling day were not moved to the weekend? Please explain why.

- 3.23 Postal voting is already available on demand to any voter in Great Britain. However, given the high level of religious observance, it is likely that if polling day were to take place on a Sunday, serious consideration would need to be given to making postal voting on demand available in Northern Ireland. This could be controversial, given the comprehensive anti-fraud measures put in place in recent years.
- 3.24 The Government has been exploring options for remote e-voting since 2002 and pilot schemes have been held at local elections in England in 2002, 2003, 2004 and 2007. The Commission has evaluated all of these pilot schemes.
- 3.25 The Commission believes that there are significant security, transparency and cost effectiveness issues that need to be addressed before any further consideration is given to introducing e-voting. We believe that any further consideration of e-voting should only take place within the context of an electoral modernisation strategy, which covers the role of e-voting, including a clear vision, strategy and effective planning, and which outlines how the important issues of transparency, public trust and cost-effectiveness will be addressed.

Question 5 – What do you perceive to be the benefits and the drawbacks of remote e-voting?

- 3.26 The 2007 e-voting pilots provided increased convenience for many of the voters who used the e-voting channels. However, some of the internet and telephone voting systems were poorly designed, causing difficulties for those voters.
- 3.27 While from an operational point of view the 2007 e-voting pilots generally worked, the level of risk placed on the availability and integrity of the electoral process was unacceptable. As noted above, there are clearly wider issues associated with the underlying security and transparency of these e-voting solutions and their impact on the electoral process, together with the cost effectiveness of the technology, which would need to be addressed.

Question 6 – Should the Government pilot weekend voting before introducing it across the UK?

- 3.28 There has never been a pilot of weekend voting⁶, although we note that the 1918 general election took place on a Saturday. In the absence of any evidence for a positive effect on turnout, it would seem sensible to pilot weekend voting before any introduction. However, as previously stated, we recommend that pilots only take place as part of an agreed electoral modernisation strategy. In the absence of such a strategy we would not support piloting of weekend voting.
- 3.29 Furthermore, any change to the polling day would need to be supported by an extensive public awareness campaign to avoid voter confusion. Advertising the change to polling day would be difficult if it was only piloted in a few scattered areas.

Question 7 – What other issues may arise if the polling day is moved to the weekend? What are the issues for resources, polling station venues, security and administration of the election?

Resources

- 3.30 Weekend polling may lead to a much greater staff wages bill to attract the experienced and high quality staff required to run an election to work at the weekend. Even with increased fees there is a greater likelihood that well paid and hard working staff will still refuse to use their weekend rest time to work at a weekend election. In areas where religious observation is most prevalent (e.g. the Western Isles and Northern Ireland) it may not be possible to find the required number of polling staff to run the election. If elections are run over both Saturday and Sunday, it is likely that many staff would be unwilling to work both days, leading to increased training costs to cope with the higher pool of staff required.

⁶ There have been pilots of advance voting that have included polling stations being open at the weekend, but there has never been a pilot of weekend voting where the option to vote on the usual Thursday has not been available.

Election staff are often council staff, but may not necessarily live within the local authority area and may be unwilling to travel at the weekend. Weekend overtime rates are generally higher than those for weekdays, meaning increase the election staffing costs. All polling staff, especially if they are working at the count, would expect a higher pay rate for the unsociable and long hours worked during the election.

Polling station venues

3.31 Polling station venue availability would be different for weekend voting than for weekday voting. Most polling stations are in local authority, educational or private buildings. Local authority buildings would be open in any case and expect not to be able to provide services on election Thursdays. Schools that are used are also aware that the first Thursday in May will be used for polling.

3.32 However, these buildings may be used for alternative events at weekends. Many council buildings used for count preparations and the count would be used for sports events, weddings, civil partnerships and other celebrations,. Religious halls are used for receptions, Sunday schools and other religious events. It would arguably be much more expensive to hire polling venues, as those that charge would generally charge greater fees at the weekend when there is more competition for the venues. Schools and local authority buildings would incur extra caretaking costs for cleaning, allowing access to and preparing the venues, which would need to be met from the election budget. However, weekend voting would have the advantage of not requiring schools to be closed for use as polling stations.

Security

3.33 Running a poll over more than one day (either because polling occurs on a Saturday and Sunday, or because advance voting is used) would mean that ballot boxes would need to be securely sealed and stored overnight. Overnight storage of ballot boxes would add to the financial costs of running the election and could lead to the raising of security concerns by candidates and agents.

Administration of the election

3.34 Postal voting would be more difficult to administer with weekend voting. The current practice of voting on a Thursday means that there is an ordinary postal service on polling day. Postal votes sent the day before can reasonably be expected to arrive in time for inclusion in the count. At elections where a Royal Mail 'sweep' of sorting offices is used, all postal votes posted until the last post of polling day itself, usually in the evening, in the area will usually be able to be counted. With polling on Saturday or Sunday, the last post collection would usually be on the Friday before and, even with the sweep being used, it would move the last post collection to the early afternoon of the Saturday.

Question 8 – If weekend voting is introduced for local government elections, do you agree that the normal time for holding these elections should be moved from the first Thursday in May to the second weekend in May? If not, please explain which weekend you believe it would be most appropriate for these elections to be held and why.

3.35 The Commission does not believe that weekend voting should at present be introduced for local government elections. Given the lack of evidence demonstrating the advantages of weekend voting in general, it would be difficult and premature to determine which weekend would be preferable. It seems, however, that the bank May bank holiday weekend would not be best-suited to holding elections.

Question 9 – Are you aware of any barriers which prevent individuals from voting? What are the issues and how can they be overcome?

3.36 The Commission believes that the voting system should be easy and convenient to use, while maintaining high levels of security. The Electoral Administration Act 2006 introduced a number of measures designed to improve access to the registration and voting systems. The Commission will continue to assess the impact of these changes over time.

3.37 There is still room for improvement, however. For example, postal voting could be more accessible for certain categories of electors, e.g. overseas electors, if the postal voting timetable was extended. Also, other than in the case of a medical emergency there is no provision for an absent vote to be cast if electors discover less than a week before the poll that they will be unable to attend. The Government could consider expanding the emergency proxy provision to cover circumstances other than medical emergencies.

3.38 It is suggested in the consultation that a range of people face barriers to voting because polling day is on a Thursday. While the extent to which these barriers prevent people from voting is not clear, many of them might be overcome in a more cost effective manner by introducing advance voting at a small number of locations.

3.39 There are also inclination-related barriers to voting, which could partly be addressed by tackling integrity issues. There are clearly concerns about the integrity of the electoral process that improving the security of the registration and voting process would help to alleviate. Individual electoral registration would create a more accurate register and make the detection of electoral malpractice easier, improving public confidence in the electoral process.

4 Conclusions

- 4.1 In the absence of any compelling evidence that weekend voting would be more convenient for electors, or increase turnout, and given the considerable difficulties that would need to be overcome, polling day should not at present be moved to the weekend.
- 4.2 Before introducing any electoral modernisation proposal, the Government must develop and debate a robust electoral modernisation strategy that would review progress, propose a new way forward and instigate a public and policy debate.
- 4.3 Advance voting deserves further consideration as part of such a strategy, as it could supplement the postal voting system and overcome many of the barriers to voting identified in this consultation without the need to move polling day. There should not be further consideration of introducing e-voting until the significant related security, transparency and cost effectiveness issues have been addressed and individual electoral registration has been introduced in Great Britain.
- 4.4 The Government's immediate priority in relation to electoral administration should be to introduce individual electoral registration and take forward the recommendation for change in our recently published report *Electoral Administration in the UK*.
- 4.5 The Commission would welcome a formal response from MoJ to the points made in this paper. In the meantime, Commission staff would be happy to discuss further any of the points raised above.

The Electoral Commission
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