

The National Assembly for Wales General Election

Report on the administration of the 5 May
2016 elections to the National Assembly
for Wales

September 2016

Translations and other formats

For information on obtaining this publication in another language or in a large-print or Braille version, please contact the Electoral Commission:

Tel: 020 7271 0500

Email: publications@electoralcommission.org.uk

We are an independent body set up by the UK Parliament. We regulate party and election finance and set standards for well-run elections. We work to support a healthy democracy, where elections and referendums are based on our principles of trust, participation, and no undue influence.

Contents

Foreword	4
Executive summary	6
1 Introduction	13
2 Were the National Assembly for Wales elections well-run? The voter experience	19
3 The administration of the poll	29
4 Candidates and campaigners	41
5 Public awareness	52
6 Looking ahead	59
Appendix A: Police force areas, local authorities and Assembly constituencies	61
Appendix B: Research Methodology	62

Foreword

In Wales, Thursday 5 May 2016 saw National Assembly for Wales and Police and Crime Commissioner elections as well as a UK Parliamentary by-election in the Ogmore constituency.

This report is our account of the administration of the National Assembly for Wales elections. The Commission has published a separate report that looks solely at the Police and Crime Commissioner elections held in England and Wales.

From our data, based on the experience of voters, elections staff and campaigners, we have been able to make the assessment that overall the Assembly elections were well-run with few problems.

The report does find that the combination of the National Assembly for Wales and Police and Crime Commissioner elections in Wales posed significant challenges for Returning Officers, their staff and those involved in campaigning at the elections. This included separate regulated periods for campaigners and different electoral systems, incorporating two methods of voting and three ballot papers.

To address these challenges, the Commission established a Wales Delivery Group which aimed to further improve and streamline planning for May 2016. We recommend that this group should continue to assist with the successful planning of future electoral events.

Additionally, the report notes that electoral administrators continue to be hampered by publication delays and inaccuracies in Welsh language regulations, legislation and prescribed forms. As a result we propose establishing a separate group focussing on Welsh language legislation and continue to recommend that governments should manage the development and approval of legislation so that it is clear at least six months before it is required to be implemented or complied with.

Looking forward, given the additional powers provided on Assembly and local government elections through the Wales Bill, we will further develop our relationship with the National Assembly for Wales by formalising new accountability arrangements and establishing an Assembly Advisory Group.

Beyond this, we will continue to focus on various UK-wide issues relating to improving elections and the registration process.

We are recommending that the UK Government should continue to develop the online registration service by allowing users to check whether they are already correctly registered to vote before they submit a new application to register. This not only reduces the burden of processing duplicate applications on electoral administrators but will also make it easier for voters to be able to update their details and reduce confusion about whether someone is registered or not

We also continue to support the Law Commissions' review of electoral law which would simplify and improve electoral law across the UK thus enabling elections to be run much more efficiently and cost-effectively than at present.

The Law Commissions' review requires the approval of the UK and Scottish Governments before they can move onto the next and final stage of the project, which will consist of drafting new electoral legislation. We continue to urge both Governments to support the work of the Law Commissions to enable the project to move on to the next stage.

It is also worth noting that as it currently stands, Wales will see a combined UK Parliamentary general election and Police and Crime Commissioner elections in 2020. This combination will present a very real challenge to the electoral community in effectively managing the process and communicating the key messages and differences to voters. It is important therefore that the impact of these elections is assessed by the UK Government well in advance of them taking place.

Finally, on behalf of the Commission, I would like to thank all those who ensured that these elections in Wales were well run. This includes the Wales Delivery Group, Returning Officers, elections staff, political parties, candidates, the police and voters in Wales.



Gareth Halliwell
Electoral Commissioner, Wales

Executive summary

About the elections

On 5 May 2016 there were a number of different polls held across the UK. This report looks specifically at the administration of the elections to the National Assembly for Wales.

These elections were combined with the Police and Crime Commissioner elections in Wales, and in Ogmore a UK Parliamentary by-election was held on the same day.

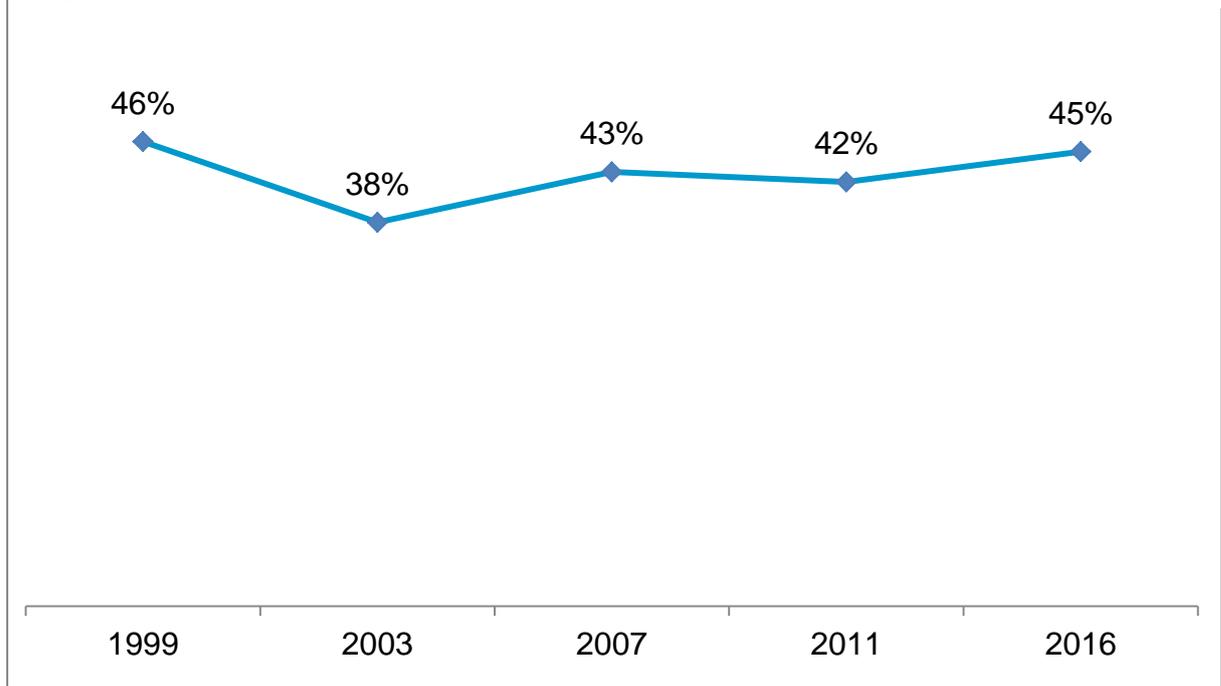
Whilst there were some issues, which the report will look at in greater detail, overall, our assessment is that the National Assembly for Wales' elections were well-run with few problems. Voters were generally satisfied with the process of voter registration and of voting whether in person at a polling station or by post or proxy.

Registration and turnout

A total of 2.246 million people were registered to vote in the National Assembly for Wales elections on 5 May 2016. This was fewer than in 2011 and fractionally lower than in 2007. Over 1.02 million voted in the elections.

Overall turnout at the elections was 45.6% in the constituency election and 45.4% in the regional election. The highest turnout was 56.8% in Cardiff North and the lowest 34.6% in Alyn and Deeside. This is the second highest recorded turnout at elections to the National Assembly for Wales.

Figure ES.1: Turnout at National Assembly for Wales elections 1999 - 2016



By comparison, turnout at the Scottish Parliamentary election was 55.6% and at the election to the Northern Ireland Assembly was 54.9%. Section 2.13 shows turnout for all the polls held on 5 May.

In total, 17.6% of the electorate had a postal vote for this election. This compares to 17.0% in 2011, 12.2% in 2007 and 6.9% in 2003. 73.9% of postal votes in the constituency election and 73.8% of postal votes in the regional election were returned. Postal votes accounted for 27.6% of votes cast in the constituency election and 27.5% of votes in the regional election.

The administration of the poll

The National Assembly elections in Wales were held over 40 constituencies, which mirror UK Parliamentary constituencies, and five electoral regions, those being:

- North Wales
- Mid and West Wales
- South Wales West
- South Wales Central
- South Wales East

The voter experience

Our public opinion research suggests that most voters believed the elections were well-run and were satisfied with the process of registering to vote and voting. There remains a low level of awareness on how the registration process works however. Most notably, more than one in three (35%) people believe you are automatically

registered if you are of voting age and almost one in three (27%) say you can register to vote until the day before the election.

In terms of the election itself, the majority of respondents said that they knew a great or a fair amount about these elections with 81% agreeing that they had enough information on how to cast their vote.

Political parties and candidates

Table 1: Candidates and parties that took part in the 2016 elections as compared to 2011

	2011	2016
Constituency candidates	176	248
Political Parties on regional lists	13	17
Independent candidates on regional lists	1	2

From the numbers of candidates and regional lists nominated by political parties, the following trends are apparent:

- Once again, the Welsh Labour Party, Welsh Conservative and Unionist Party, Plaid Cymru, and the Welsh Liberal Democrats, nominated candidates in all 40 Assembly constituencies and all five electoral regions.
- The UK Independence Party (UKIP) stood candidates in 38 of the 40 constituencies, and in all five regions, compared to 2011 where they did not nominate any constituency candidates.
- The Welsh Green Party, Abolish the Welsh Assembly Party, and Freedom to Choose, nominated candidates in constituency and/or regional elections, but not in every constituency or region.
- A total of 12 parties nominated constituency candidates, and 17 parties contested regional seats.
- In addition, eight constituencies and two regions were contested by independent candidates.

Our post-election survey of candidates suggests that the majority of candidates agreed that it was easy to find out what to do to become a candidate, and nearly half agreed that the rules on spending and donations are clear.

Election results

Table 2: National Result

Political Parties	Percentage of vote	Constituency seats	Regional seats	Total seats
Welsh Labour	33.1%	27	2	29
Plaid Cymru	20.7%	6	6	12
Welsh Conservatives	20%	6	5	11
UKIP	12.7%	0	7	7

Liberal Democrats	7.1%	1	0	1
Other	3.2%	0	0	0
Green Party	2.7%	0	0	0
Independent	0.5%	0	0	0

Recommendations

Legislation

Recommendation 1: Timely and accurate legislation in Welsh and English

To ensure greater accuracy, we recommend that a wider discussion is had on the most effective way to check draft regulations for elections in Wales before they are laid leading to establishing a user group to consider any Welsh language regulations during the drafting period. The group should include, but not be limited to, Electoral Commission staff, and representatives of the Wales electoral community.

We would also re-emphasise that all legislation relating to electoral events, including funding legislation is clear (either by Royal Assent to primary legislation, or by laying secondary legislation for approval by the Assembly / Parliament) at least six months before it is required to be implemented or complied with– this would include accurate and timely prescribed forms in both English and Welsh. Any delay to the publication of Welsh language forms puts elections teams and voters in Wales at a significant disadvantage and can pose a risk to the relevant election.

Wales Delivery Group

Recommendation 2: Wales Delivery Group

A permanent Wales Delivery Group should continue to meet in order to further improve and streamline planning for future electoral events, and to provide opportunities for discussing key areas of common concern. The Commission will draft terms of reference and seek views from all key partners, with this work beginning by the end of 2016

Recommendation 3: Colour of the ballot paper

For future elections the Wales Delivery Group should consider the colour of the ballot papers to be used for each election and issue an appropriate recommendation, thus providing ROs and their staff with clarity from an early stage.

Recommendation 4: Regional and cross-authority working

Working on a regional level represents a significant challenge for Regional Returning Officers, Constituency Returning Officers and electoral administrators and it is important that there are strong communication networks and systems in place to facilitate the planning process.

For future regional elections we will facilitate discussion, through the Wales Delivery Group, on how Returning Officers and electoral administrators could work on a cross-authority basis to improve decision making and operational effectiveness.

Candidacy

Recommendation 5: Commencement of candidacy

The relevant Government should ensure that the date of publication of notice of election should fall on the same day as the dissolution of the Assembly, to avoid a period of time where spending is not regulated.

Campaign costs

Recommendation 6: Costs relating to an individual's disability and translation from Welsh to English and vice versa

Governments with legislative competence over elections within the UK should amend the definitions of political party and candidate spending so that reasonable expenses that can be attributed to an individual's disability are exempt, (as was recently set out in the revised Political Parties, Elections and Referendums Act 2000 rules for non-party campaigners).

As the PPERA non-party campaigner rules now exempt the costs associated with translating Welsh to English and vice versa, we recommend that equivalent legal provisions should be introduced by the relevant Government/s into the election rules covering campaign spending by political parties and candidates.

Party registration

Recommendation 7: Registration of party names and descriptions for use on ballot papers

We continue to recommend that where a candidate represents a political party on a ballot paper, it should be clear to voters which party the candidate represents. The legal provisions for registration of party descriptions present risks of confusion for voters and restrict the participation of political parties. The Welsh Government and other Governments of the UK should work with the Electoral Commission to reform the provisions on party descriptions.

Candidate spending

Recommendation 8: Transparency and accessibility of candidate spending

To improve transparency and accessibility of candidate spending returns, we have previously recommended that Returning Officers should be required to publish spending returns online as well as through the existing methods of public inspection. We support recommendation 12-5 of the Law Commissions' review 12 of Electoral Law which proposes a method for implementing this change through legislation¹

The Commission's powers

Recommendation 9: Extending investigative and sanctioning powers

We continue to recommend extending our investigative and sanctioning powers at major elections for offences relating to candidate spending and donations, including at National Assembly for Wales elections. It will be important for Governments and Parliaments across the UK to work together on introducing the Commission's new powers for different sets of elections.

Social media

Recommendation 10: Reporting use of social media at future elections

We will give further consideration to how campaigners should report spend on social media at future elections. As spend in this area grows, there is the potential for less transparency if expenditure on social media is not easily identifiable within the spending returns, because social media is not a specific reporting category. This will need to be considered as part of reviewing all of the expenditure reporting categories to ensure that they remain proportionate and relevant to future trends in campaigning. In case any of these changes would need to be implemented through legislation, we recommend that the UK Government and Welsh Government and legislatures should consider the timing needed for implementing changes before the next major elections².

¹ Law Commission's Review of Electoral Law, Recommendation 12-3, page 161 http://www.lawcom.gov.uk/wp-content/uploads/2016/02/electoral_law_interim_report.pdf and recommendation 37 of the Electoral Commission's Regulatory Review of Party and Election Finance 2013 http://www.electoralcommission.org.uk/_data/assets/pdf_file/0008/157499/PEF-Regulatory-Review-2013.pdf.

² We made the same recommendation in relation to the UK Parliamentary Election spending categories, and for Scottish Parliament and Northern Ireland Assembly elections in our post-election reports in 2015 and 2016.

Electoral registration

Recommendation 11: Providing an online registration status check

Providing a way for electors to check their registration status at the beginning of the online registration application process would reduce the action required by voters to keep their register entry up to date, and would also reduce the impact on EROs of processing duplicate applications.

The UK Government should develop an online service to allow people to check whether they are already correctly registered to vote before they complete a new application to register.

Any such service would need to carefully manage and protect voters' personal information.

1 Introduction

About our role and this report

Our role

- 1.1 The Electoral Commission is an independent body which reports directly to the UK Parliament. We regulate political party and election finance and set standards for well-run elections. We put voters first by working to support a healthy democracy, where elections and referendums are based on our principles of trust, participation, and no undue influence.
 - **Trust:** people should be able to trust the way our elections and our political finance system work
 - **Participation:** it should be straightforward for people to participate in our elections and our political finance system, whether voting or campaigning; and people should be confident that their vote counts
 - **No undue influence:** there should be no undue influence in the way our elections and our political finance system work
- 1.2 We want people across the UK to be confident that electoral registration and electoral events are well-run, and that they will receive a consistently high quality service, wherever they live and whichever elections or referendums are being held.
- 1.3 It should be easy for people who want to stand for election to find out how to get involved, what the rules are, and what they have to do to comply with these rules. We provide comprehensive guidance for anyone who wants to stand as a candidate or be an agent, which covers the whole process, including the main steps towards standing as a candidate, the campaign and election periods, the declaration of the result, and election spending. We also register parties and non-party campaigners and provide comprehensive guidance for political parties and non-party campaigners, including practical advice and assistance.

This report

- 1.4 This report provides our assessment of how well the fifth set of elections to the National Assembly for Wales were administered.
- 1.5 Our analysis reflects the experience of voters, based on public opinion research and electoral data provided by Constituency Returning Officers (CROs) and Regional Returning Officers (RROs), as well as feedback and views about the administration of the election from candidates and agents, those responsible for delivering the poll, and other participants.
- 1.6 The Wales Bill, introduced into the UK Parliament on 7 June 2016, provides the National Assembly for Wales with legislative competence for the administration and regulation of National Assembly for Wales and local

government elections. Any recommendations within this report relating to legislative changes for these elections would, following Royal Assent of the Wales Bill, therefore be the responsibility of the Welsh Government.

About the elections

1.7 On 5 May 2016, the following elections were also held alongside the National Assembly for Wales elections:

- Scottish Parliament
- Northern Ireland Assembly
- Police and Crime Commissioners (England and Wales) – excluding London and Greater Manchester.
- London Assembly and the Mayor of London
- Local government across parts of England and Mayoral elections (Bristol, Liverpool and Salford)
- UK parliamentary by-elections in Ogmore (Wales) and Hillsborough and Brightside (England).

1.8 Our reports on the other elections taking place on the same day, including the Police and Crime Commissioner elections in Wales, can be found on our website [here](#).

1.9 In Wales, the National Assembly for Wales elections were combined with Police and Crime Commissioner (PCC) elections. A UK Parliamentary by-election was also held in Ogmore following the resignation of the sitting MP.

1.10 From 2011, elections to the Assembly were to be held on a fixed term basis every five years having initially been fixed to four years for previous elections. The first set of elections to the Assembly were held in May 1999 with subsequent elections in 2003, 2007 and 2011. We reported on the elections in 2003, 2007 and 2011.

1.11 The combination of these elections with the PCC elections created additional challenges for Returning Officers and their staff, including:

- Two different electoral systems in use, incorporating two methods of voting, with three ballot papers.
- The need to provide clear and tailored information for voters on how to cast their vote.
- Even though the PCC elections were administered on Assembly constituency boundaries, a number of Assembly constituencies crossed local authority boundaries and not all police areas were coterminous with an Assembly region, adding a layer of complexity to the processes to be carried out.
- Close cooperation required between Police Area Returning Officers, Regional and local Returning Officers to ensure that voters received a consistently high quality of service irrespective of where they lived and to minimise any voter confusion.

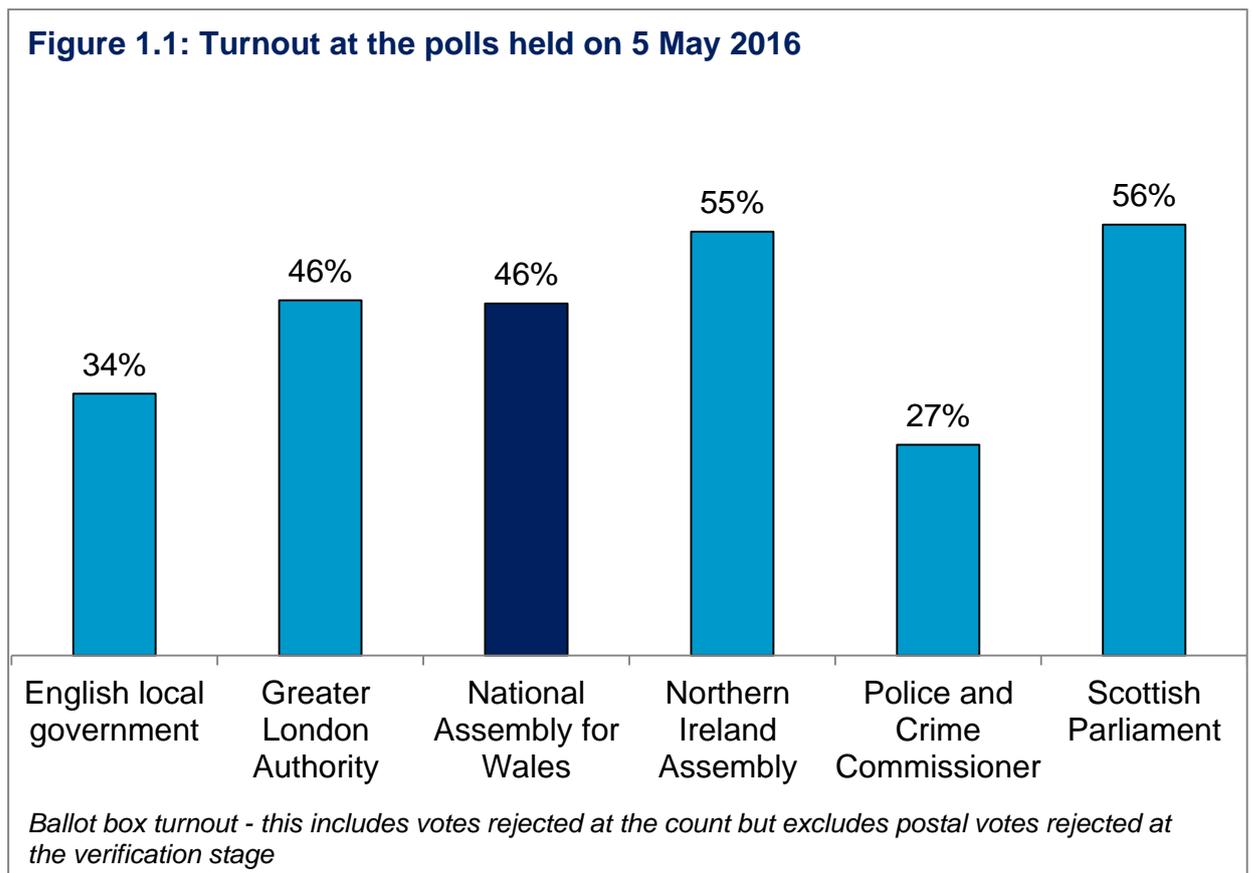
1.12 In our report on the [PCC elections in 2012](#), we made clear that the UK Government needed to carefully consider these challenges if it were decided to go ahead with combination.

Registration and turnout

1.13 A total of 2,247,377 people were registered to vote in the National Assembly for Wales elections on 5 May 2016. 1,035,002 votes were cast in the constituency elections, representing a turnout of 46.1%. 1,032,854 votes were cast in the regional elections, representing a turnout of 46.0%.

1.14 The incidence of rejected ballots remains very low. Indeed both the numerical and percentage totals for 2016 are the lowest since our records began. A total of 5,509 (0.5%) constituency ballot papers and 6,491 (0.6%) regional ballot papers were rejected. This time there were marginally more rejected ballots (0.1% of the total) at the regional than constituency level.

1.15 The chart below shows percentage of registered voters turnout at all the different polls held on 5 May. Turnout was lowest in PCC elections (27%). In areas where the PCC elections were not combined with another poll in England, turnout was even lower – around 20%.



Roles and responsibilities for managing and delivering the National Assembly for Wales elections

- 1.16 Elections to the National Assembly for Wales are held on a fixed-term basis every five years. The additional member system (AMS) is used to elect Assembly members.
- 1.17 Forty Assembly Members are elected from single member constituencies, using the first past the post system.
- 1.18 Twenty Assembly Members are elected at regional level using the closed party list system. Independent candidates may also stand for election on the regional list. There are five electoral regions, each electing four regional Assembly Members. Regional seats are allocated according to a mathematical formula (the d'Hondt method), which involves the total number of regional votes received by a party or independent candidate being divided by the number of constituency seats already gained in that region plus one.
- 1.19 The electoral system means that voters have two votes in these elections, each on a separate ballot paper. To vote in a constituency election voters mark a cross (X) in the box opposite the name of one candidate. To vote in a regional election, voters mark a cross (X) in the box opposite the name of one political party or an independent candidate.

Electoral Registration Officers

- 1.20 An Electoral Registration Officer (ERO) is responsible for maintaining the register of electors and absent voters' lists for their area. The ERO is normally a senior officer of the council, who in some instances is employed directly by the council - there are 22 EROs in Wales.

Constituency Returning Officers

- 1.21 At the National Assembly for Wales elections, the administration of the election is the responsibility of the Constituency Returning Officer (CRO) who is a senior officer of a local authority - there are 22 CROs in Wales.
- 1.22 The CRO is responsible for administering the nominations of candidates at the constituency contest, the conduct of the poll, the counting of votes for both the constituency election and that part of the regional contest included within the constituency and the declaration of the constituency result. The CRO is supported by a team of electoral administrators.

Regional Returning Officers

- 1.23 The Regional Returning Officer (RRO) is responsible for administering the nominations of parties and individual candidates at the regional contest and calculating / declaring the regional result. The RRO will also be a CRO, and is designated by Welsh Ministers. Since the National Assembly for Wales elections were combined with the PCC elections the RRO in four out of the five cases was also the Police Area Returning Officer (PARO).

- 1.24 A map setting out the police force areas, and local authority and Assembly constituencies is included at Appendix A.

The Wales Delivery Group

- 1.25 We established the Wales Delivery Group in 2015 to ensure a co-ordinated approach to election planning ahead of the May polls.
- 1.26 The group brought together the five RROs in Wales with colleagues from the UK Government, Welsh Government, the National Assembly for Wales Commission and the Association of Electoral Administrators Wales.
- 1.27 Further information on the work of this group is included in section 3.29 - 3.36.

AEA Wales

- 1.28 The Association of Electoral Administrators (AEA) provides help and advice for UK professionals involved in electoral administration. There are 11 regional branches covering the UK. The Electoral Commission's Wales office meets with representatives from AEA Wales on a quarterly basis to discuss matters relating to the conduct of elections and voter registration.

Political parties, candidates and campaigners

- 1.29 Political parties, candidates and campaigners are essential elements of a healthy democracy as they put their arguments to voters and encourage people to participate in elections. The Assembly Parties Panel is a body which draws membership from senior political party officials of those parties represented in the National Assembly for Wales. Convened by the Commission, it provides the opportunity for campaigners to be briefed on the electoral process, from nominations through to reporting after the election. The Commission also attended briefing sessions for candidates and agents held by local authorities, and provided them with written and face to face guidance regarding the nominations process, spending and donations, and post poll reporting. We also provided non-party campaigners with a series of campaigner bulletins and facilitated a briefing session prior to the regulated period commencing on 5 January 2016.

The Police

- 1.30 Following their creation within each police force in advance of the 2007 Assembly elections, dedicated officers, or SPOCs (Single Point of Contact) again acted as a focal point for both police officers and electoral offices in relation to electoral fraud, and allegations of offences. SPOCs attended seminars with electoral staff across Wales in the spring of 2016, in preparation for the 2016 elections, and contributed to our post-election review in order to take forward lessons learned.
- 1.31 As in 2011, the South Wales Police SPOC was tasked with leading and liaising with other police forces in Wales to act as 'Lead SPOC'. This led to a coordinated approach to preparations for the May elections and the EU referendum, and facilitated the distribution of advice and guidance.
- 1.32 The Electoral Commission also organised an integrity seminar that took place in March 2016, where all SPOCs in Wales were provided with a briefing session, and time to discuss handling plans for the 2016 elections.

Royal Mail

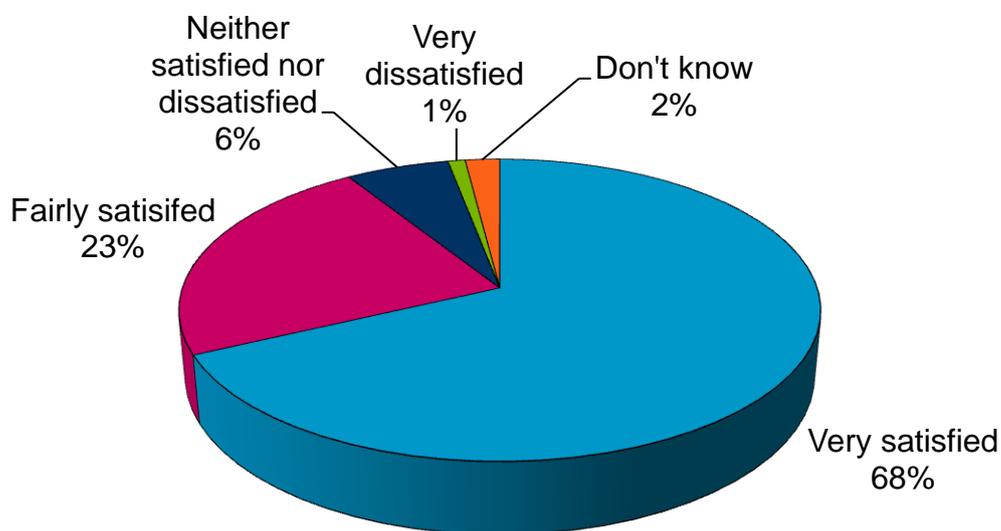
- 1.33 Royal Mail worked closely with the Commission, Returning Officers and the political parties/ independent candidates to deliver millions of leaflets and poll cards and postal vote packs to electors across Wales during the course of a Welsh general election. They also worked with the political parties and individual candidates on the freepost mailings sent to electors before these elections.

2 Were the National Assembly for Wales elections well-run? The voter experience

- 2.1 This chapter sets out the key findings from our public opinion research, which provides an important part of our assessment as to whether the elections were well-run. It examines people's experience of registering to vote, participation at the polls, including why people did not vote and whether people felt that they had received enough information about the elections and candidates to be able to make an informed choice.
- 2.2 Overall the evidence from our public opinion research suggests that most voters had a positive view of the electoral process and most (83%) were confident that the elections were well-run. Our research amongst candidates also shows that most candidates (88%) were satisfied with the administration of this election. In the past two UKPGEs satisfaction levels amongst candidates was 84% in 2015 and 80% in 2010.

Experience of registering to vote

Figure 2.1 How satisfied are you with process for registering to



May 2016 elections - Post-polls survey. Source: BMG/The Electoral Commission. Base: 701 (unweighted).

Q: How satisfied or dissatisfied are you with the procedure for getting your name

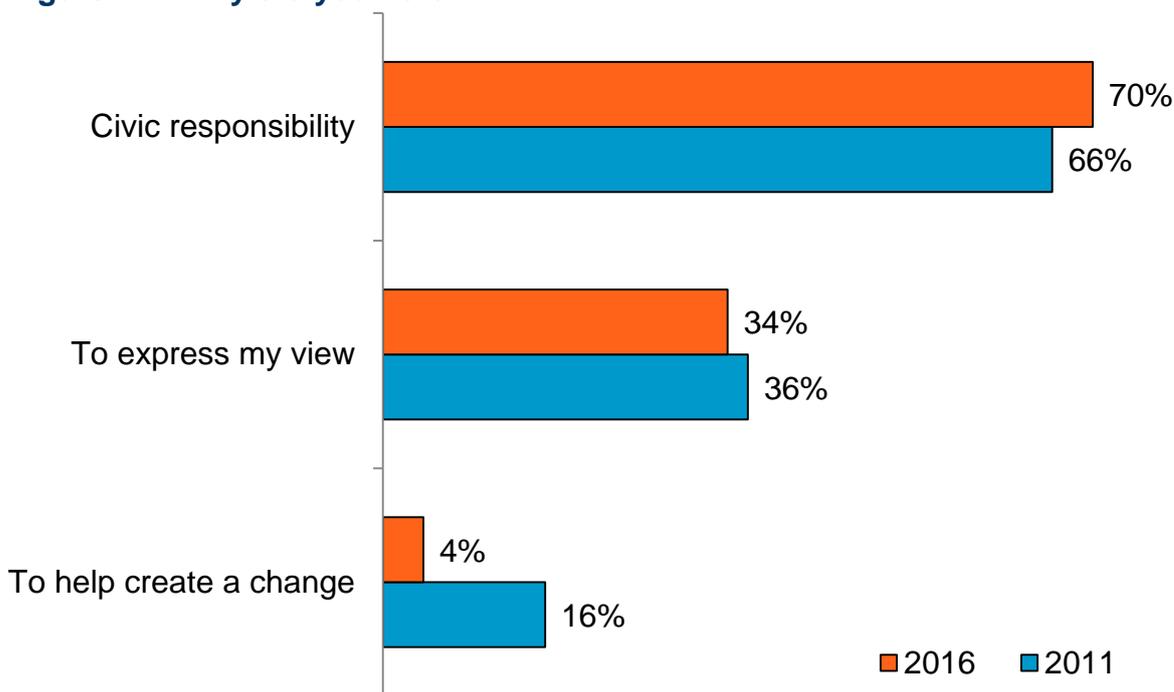
2.3 Nine in ten respondents to our public opinion survey (91%) claimed to be satisfied with the procedure for registering to vote, with 68% being 'very satisfied'. Only 1% said that they were dissatisfied.

2.4 We noted however that there remains a low level of awareness as to how the registration process works. Most notably:

- More than one in three (35%) incorrectly believe you are automatically registered if you are of voting age;
- Almost one in three (27%) incorrectly say you can register to vote until the day before the election;
- Only 12% of respondents are aware of the risk of receiving a fine for not registering to vote;
- Two in three (67%) are aware of online registration;
- Young people are more likely to be aware of online registration and that they are not automatically registered when they turn 18.

Reasons for voting

Figure 2.2: Why did you vote?



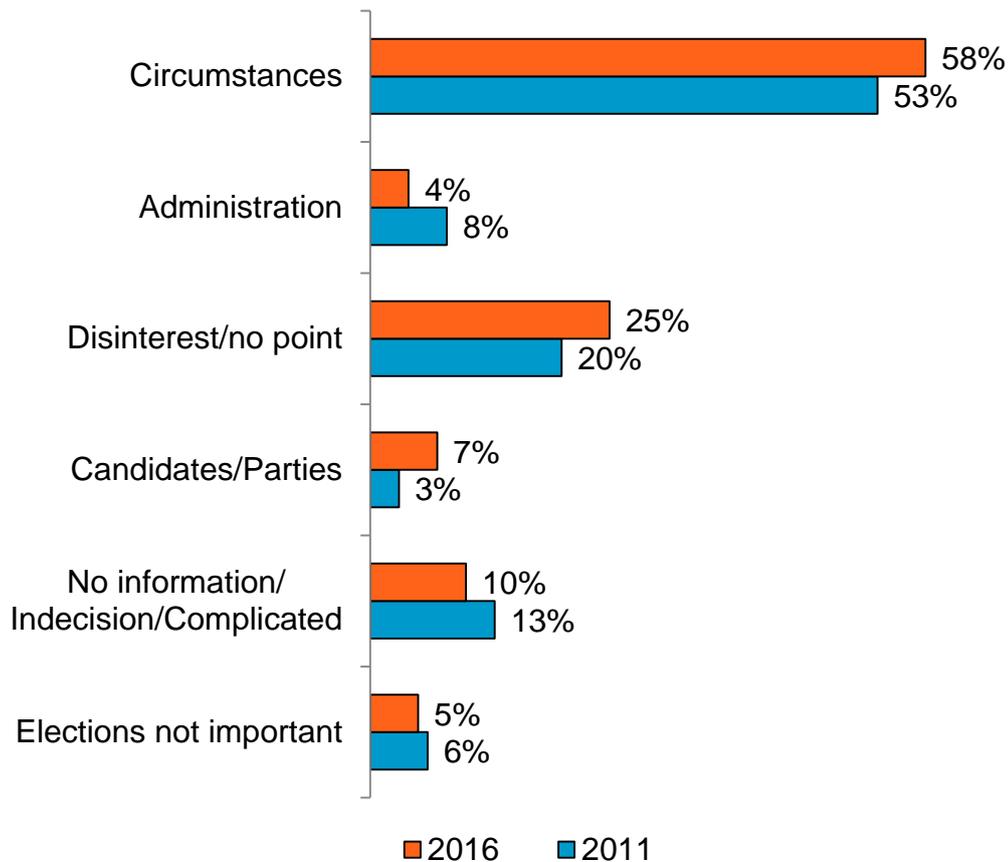
May 2016 elections - Post-polls survey. Source: BMG/The Electoral Commission.

Base: 551 (unweighted).

Q: People had many reasons for not voting in the elections. Why did you vote in National Assembly for Wales elections on Thursday 5 May?

- 2.5 As shown in Figure 2.2, the most common reasons for voting at the 2016 NAW elections related to 'civic responsibility' (70%), which is often the most common reason for voting, with the second most common responses related to 'expressing my view' (34%).
- 2.6 In line with previous surveys, the most common reasons for non-voting related to 'Circumstance' (58%) such as 'Lack of time/Too busy' (31%) and 'I was away' (9%). One in four non-voters (25%) reported 'Disinterest/No Point' as a reason for not voting.

Figure 2.3 Why did you not vote?



May 2016 elections - Post-polls survey. Source: BMG/The Electoral Commission.

Base: 145 (unweighted).

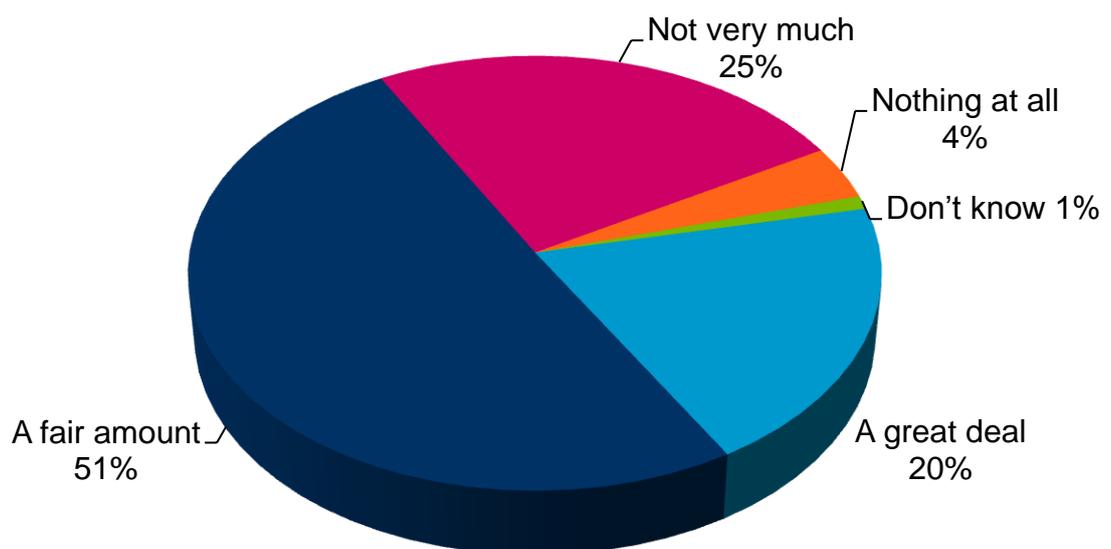
Q: People had many reasons for not voting in the elections. Why did you not vote in the National Assembly for Wales elections on Thursday 5th May?

Knowledge and awareness about the elections

Did people feel informed about the elections?

- 2.7 Our public opinion research asked people how much they felt they knew about the elections on 5 May 2016.
- 2.8 More than 7 in 10 respondents (71%) said they knew a great deal or a fair amount about the NAW elections with 20% saying 'a great deal'. Eight in ten respondents (80%) agreed they had enough information on how to cast their vote at the NAW elections – 47% strongly agreed. Knowledge of the NAW election was significantly higher than for the PCC elections (27%), which took place in Wales on the same day.
- 2.9 We also asked respondents about coverage of the NAW elections: 69% agreed that 'there was a lot of media coverage on the NAW elections' (21% disagreed) and 47% agreed that 'the NAW elections were overshadowed by coverage of the EU referendum' (35% disagreed).

Figure 2.4: How much did you know about the National Assembly for Wales election?



May 2016 elections - Post-polls survey. Source: BMG/The Electoral Commission.

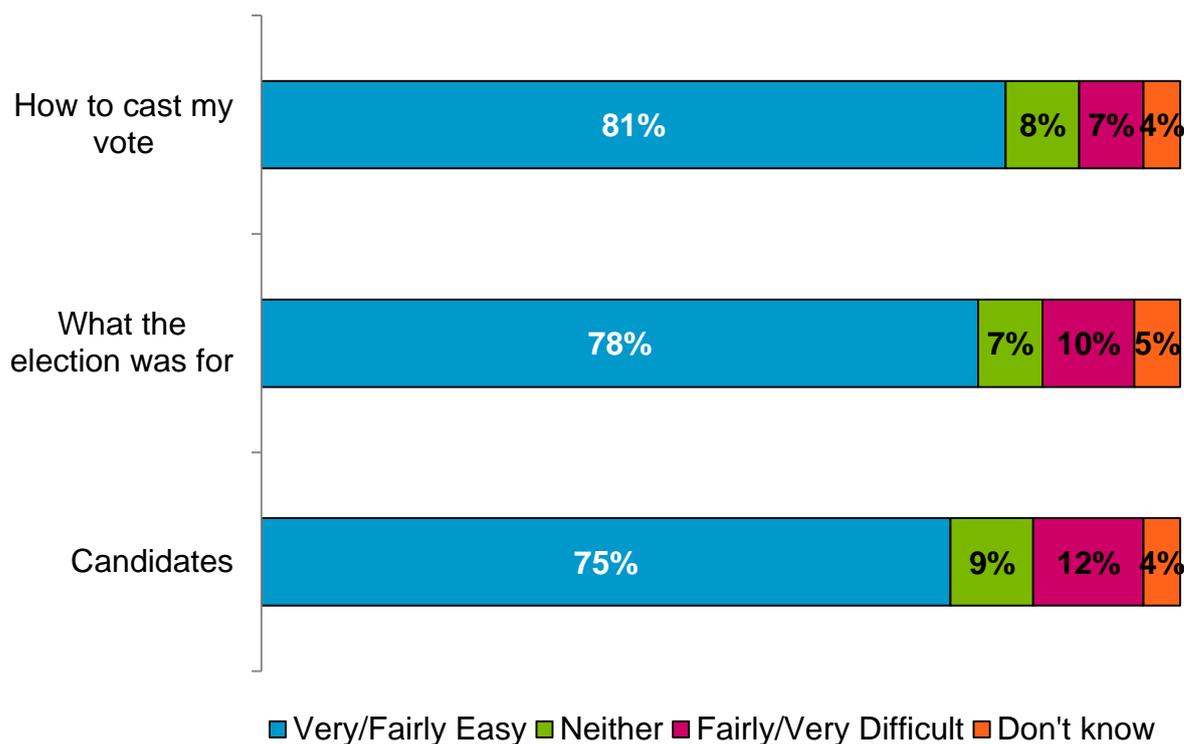
Base: 701 (unweighted).

Q: How much, if anything, did you feel you knew about the NAW elections on Thursday 5 May? Would you say you knew?

Access to information

- 2.10 A large proportion of respondents (81%) said it was easy to access information on how to cast their vote at the NAW elections with 35% saying it was very easy.
- 2.11 Almost eight in ten (78%) said it was easy to access information on what the National Assembly for Wales election was for, whilst 75% said it was easy to access information on candidates.

Figure 2.5: How easy or difficult was it to access information on...?



May 2016 elections - Post-polls survey. Source: BMG/The Electoral Commission. Base: 701 (unweighted).

Q: For each of the following statements, would you say it was very easy, fairly easy, neither easy nor difficult, fairly difficult or very difficult to access information on...

- 2.12 Our public opinion survey also explored whether voters agreed that they had enough information about the elections and the candidates standing in the election.
- 2.13 Seventy five percent said that they had enough information on the candidates to make an informed decision on who to vote for: 36% agreed strongly and 38% tended to agree. This compares to 26% of respondents in Wales who said the same about the candidates for the PCC elections – 11% agreed strongly and 15% tended to agree.

People's experience of voting

- 2.14 In general, our public opinion research indicates respondents were very positive about the voting experience with 97% of polling station voters being satisfied with the process. 83% of people were also confident that the elections were well-run which is higher than the figure in 2011. Nearly three quarters of candidates, (72%) agreed that the election was well run.
- 2.15 Voters were also happy with the support provided by polling station staff with 84% stating that they found this to be useful. 75% also found the written material in polling stations useful.
- 2.16 Ninety three percent of postal voters were satisfied with the process of voting by post.

Rejected ballot papers

- 2.17 Before being counted, ballot papers go through a sorting process. There will be 'valid' ballot papers on which the voter has marked their ballot paper exactly following - or closely following - the instructions. These will be included in the count and allocated to the relevant candidate or party. Then there will be those ballot papers on which the voter has not followed the instructions for marking it. Those ballot papers are called 'doubtful ballot papers' and are given to the Returning Officer for adjudication.
- 2.18 Those ballot papers that are not adjudicated as 'valid' are rejected by the Returning Officer. The reasons and categories for rejected ballots are shown in the table below.

Table 2.1: Reasons for rejection of ballot papers at the National Assembly for Wales election.

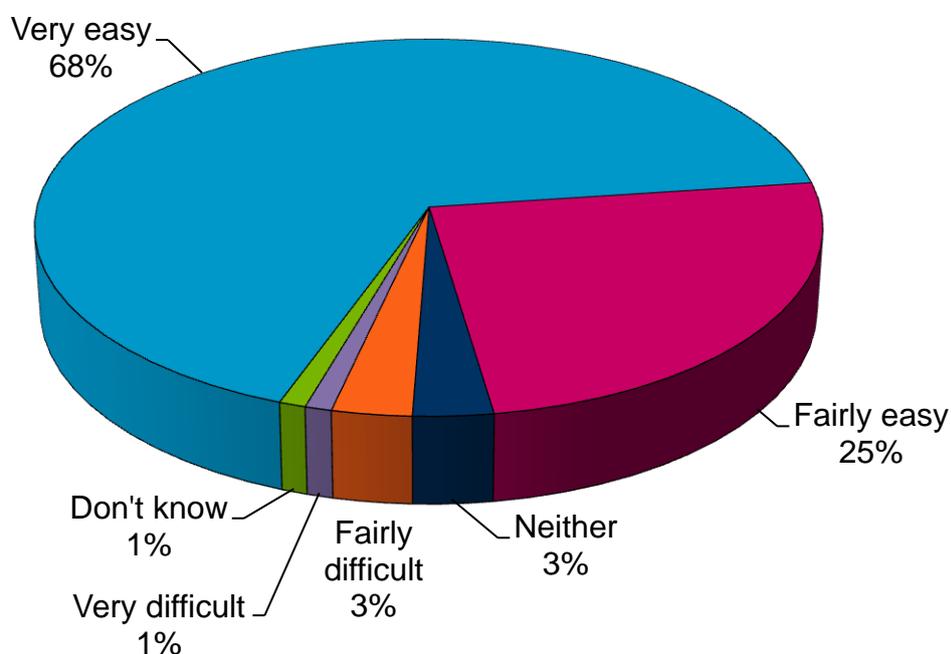
Reason for rejection of ballot paper	Constituency		Regional	
	Number of rejected ballot papers ³	%	Number of rejected ballot papers	%
Unmarked or void for uncertainty	3,461	62.8	4,391	67.6
Voting for too many candidates or parties	1,607	29.2	2,052	31.6
Writing or mark identifying voter	88	1.6	48	0.7
Want of official mark	137	2.5	0	0

2.19 The number of rejected ballot papers remains very low with 5,509 ballot papers rejected at the constituency counts and 6,491 ballot papers rejected at the regional counts. The numerical and percentage totals for 2016 are the lowest since records began. There were marginally more rejected ballots (0.1% of the total) at the regional election. By far the most common reason for rejection was a paper being unmarked or there being uncertainty as to the voter's intentions.

³ There is a difference of 162 between the breakdown of rejected constituency ballot papers provided in the table and the total number of ballot papers rejected overall due to some constituencies only providing the total number of rejections rather than a breakdown by category.

Completing the ballot paper

Figure 2.6: How easy or difficult was it to fill in the ballot paper?



May 2016 elections - Post-polls survey. Source: BMG/The Electoral Commission. Base: 552 (unweighted).

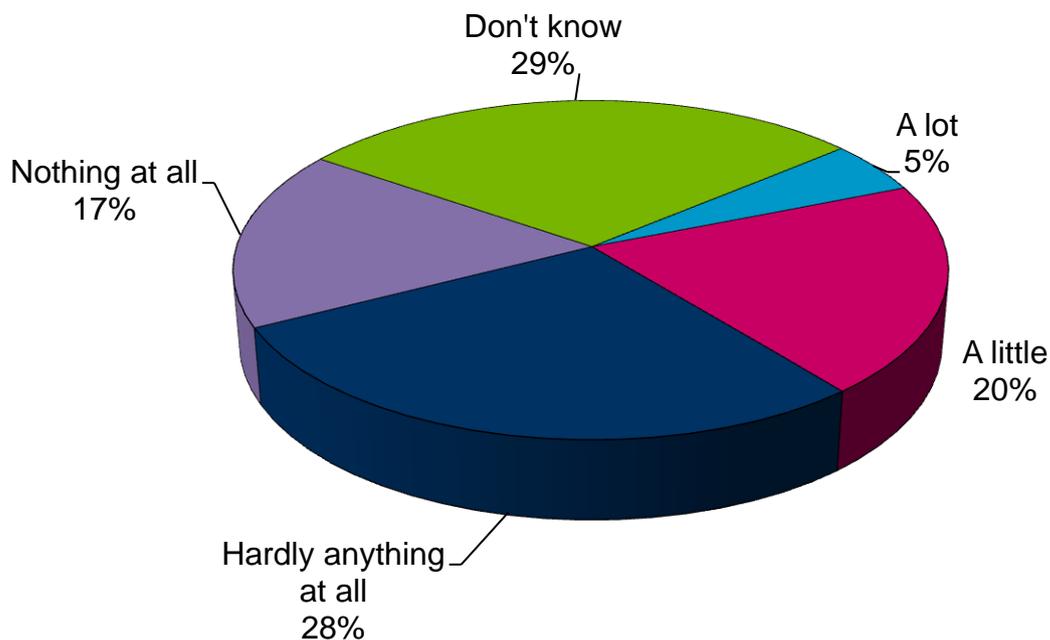
Q: Some people said it was difficult to fill in the ballot paper when voting in the general elections. How easy or difficult did you find it to fill in the ballot paper for this election? Was it.....

- 2.20 As explained in paragraph 1.17 the additional member system (AMS) is used to elect Assembly Members.
- 2.21 More than nine in ten (93%) of those surveyed in our public opinion research said it was very or fairly easy to complete the ballot papers at these elections; 68% of these said it was very easy. In addition to this respondents found it easy to find the candidate or party they wanted to vote for on the ballot papers, 87% saying it was easy on the constituency ballot paper, 88% saying the same for the regional ballot paper.
- 2.22 These elections were combined with PCC elections which meant voters in Wales would be faced with three ballot papers and two electoral systems. When asked how confusing it was to use these two systems, 77% of voters did not find it confusing with 45% saying 'Not confusing at all'.

Electoral integrity

2.23 Despite there being no history of electoral fraud in Wales, there remains a perception by a proportion of the public that electoral fraud is a problem, with 25% of respondents believing that some fraud took place at the NAW elections. In the research amongst candidates, 10% believed some fraud took place at the NAW elections although many (78%) said that they thought voting was safe from fraud; 13% felt it is not safe.

Figure 2.7: How much fraud do you think took place at the National Assembly for Wales elections?



May 2016 elections - Post-polls survey. Source: BMG/The Electoral Commission.

Q: How much, if at all, do you think that electoral fraud took place at the NAW election on 5 May 5 elections? Would you say that it happened?
Base: 701 (unweighted).

2.24 When asked why they thought fraud took place, the most common responses were:

- 'Identity fraud is on the increase' (56%);
- 'People are registering other voters at the same address' (48%);
- 'General impression fraud is a problem' (41%)
- 'Postal vote is not secure' (41%);
- 'People are registering multiple times' (40%).

2.25 Having said this 81% see voting in general as safe with 25% saying 'very safe' – 89% say that voting at polling station is safe, compared with 60%

who say postal voting is safe. These figures are in line with previous surveys.

- 2.26 The response from candidates was that 78% feel voting was 'Safe', with 30% saying it is 'Very safe' and 48% saying voting is 'Safe'.

Allegations of electoral fraud

- 2.27 Between 1 January 2016 and 31 July 2016, 153 cases of alleged electoral fraud have been reported to the police across the UK. Two of these related to the NAW elections.
- 2.28 One case related to a nomination offence where a false statement was given on the nomination form which is still under investigation at the time of writing. The other was a campaign case where a false statement was allegedly given about another candidate. This was resolved by South Wales Police as 'no further action – no offence'.
- 2.29 We expect to publish full data for cases of alleged electoral fraud reported during 2016 across the UK, including outcomes where available, by March 2017.

3 The administration of the poll

- 3.1 The combination of the NAW election with the PCC election on 5 May meant an intense period of planning and preparation for all those concerned with the administration of the elections in Wales to ensure that the right level of coordination and consistency was achieved. Our conclusion is that these challenges were met and this ensured that the polls were professionally and efficiently administered and well-run.
- 3.2 During the election period, however, there were several issues that impacted on some voters, candidates and political parties. These issues are outlined in this chapter. Where appropriate, we make recommendations for future National Assembly for Wales elections.

Legislation

- 3.3 The rules governing the conduct of the National Assembly for Wales election are contained in secondary legislation, which is the responsibility of the Secretary of State for Wales. In practice, the statutory instruments are drafted by the Cabinet Office and the Wales Office following consultation with the Electoral Commission.
- 3.4 As noted earlier, following Royal Assent of the Wales Bill, the National Assembly for Wales will have legislative competence for the administration and regulation of National Assembly for Wales and local government elections.
- 3.5 We continue to recommend that the UK and Welsh Governments who have legislative competence over elections within the UK should manage the development and approval of legislation so that it is clear at least six months before it is required to be implemented or complied with. While there may be unexpected developments or exceptional circumstances in which legislation is required later than this, it is not acceptable that poor planning has routinely resulted in late legislation in recent years.
- 3.6 A six-month period ensures that the guidance that we publish to Returning Officers and their staff can be timely and accurate. This in turn ensures that the electoral event is properly resourced and effectively planned and also enables any necessary public awareness work to take place.
- 3.7 Despite repeated recommendations to the UK Government that all Welsh forms, notices and ballot papers should be made in a timely and consistent manner to assist administrators in Wales, the National Assembly for Wales (Representation of the People) (Amendment) Order 2016 was laid in the UK Parliament on the 17 December 2015, just under five months before polling day. This can result in a delay in the design and production of election stationery which in many cases needs to commence well in advance of polling day.

- 3.8 Furthermore, the National Assembly for Wales (Returning Officer's Charges) Order 2016, which sets out maximum recoverable amounts available to Returning Officers for recovering costs for their expenses, and the fees for their services, was made on 15 March 2016 and came into force on 16 March less than two months before polling day. This resulted in a level of uncertainty for ROs planning the elections who could not know the amounts that they would be able to claim for certain activities.

Welsh Forms

- 3.9 On 1 March a second amendment Order was laid concerning the administration and conduct of the National Assembly for Wales elections in 2016.
- 3.10 The National Assembly for Wales (Representation of the People) (Amendment) (No2.) Order 2016 corrected some errors that appeared in the Welsh versions of the forms issued in the original Order mentioned previously which included corrections to the wording on the regional ballot paper, and other amendments to ensure consistency between forms.
- 3.11 While Cabinet Office corrected the errors promptly and laid the amendment order as soon as possible, the existence of two orders led to greater confusion amongst electoral administrators in Wales.
- 3.12 An additional issue was that many of the prescribed forms contained within the original order included errors (including spelling and grammatical errors) which were queried by Returning Officers. This caused problems for ROs who wanted their forms to be correct, but also had to follow the prescribed wording included within the order.

Recommendation 1:

To ensure greater accuracy, we recommend that a wider discussion is had on the most effective way to check draft regulations for elections in Wales before they are laid leading to establishing a user group to consider any Welsh language regulations during the drafting period. The group should include, but not be limited to, Electoral Commission staff, and representatives of the Wales electoral community.

We would also re-emphasise that all legislation relating to electoral events, including funding legislation is in place six months before it is required to be implemented or complied with – this would include accurate and timely prescribed forms in both English and Welsh. Any delay to the publication of Welsh language forms puts elections teams and voters in Wales at a significant disadvantage and can pose a risk to the relevant election.

Polls on the same day

- 3.13 Polls taking place on the same date can either be held concurrently as separate events or, if legislation allows, they can be combined. This enables ROs to combine some elements common to both polls in order to simplify

matters for voters. For example, ROs can decide to combine the issue of postal voting packs for the polls taking place on the same day rather than sending out separate packs for each election.

- 3.14 The National Assembly for Wales (Representation of the People) (Amendment) Order 2016 made provision for a poll at a NAW election to be combined with a poll at a PCC election when the polls are held on the same day. The Order designated the lead Returning Officer for the combined polls, ensured that voters would cast their vote at the same polling station for all the polls, and that a different coloured ballot paper was used for each poll. Returning Officers were also able to issue a single poll card to electors for all the polls, and could issue postal voters with one postal ballot pack with all three ballot papers inside, instead of a separate pack for each election.
- 3.15 The Order also included a provision that when the PCC and NAW elections are combined, the voting areas for the purposes of the PCC elections in Wales are NAW constituencies instead of local authority areas. This ensured that both polls were administered on the ground using the same voting areas (i.e. NAW constituencies) and that the Constituency Returning Officer would be responsible for the conduct of both polls within his / her designated area.
- 3.16 Electoral administrators in a number of authorities reported that the late introduction of the combination Order made scheduling and completing tasks difficult and placed additional pressure on the printing and production of postal ballot packs.
- 3.17 A UK Parliamentary by-election also took place in the Ogmore parliamentary constituency on May 5 but there was no legislative provision for a UK parliamentary by election to be combined with the Assembly and PCC elections. In practical terms, this meant that voters in Ogmore received an additional ballot paper, and poll card, with postal voters receiving a separate postal voting pack and polling station voters going to two polling stations within the same building. Whilst this placed additional pressure on the administration of the election the effective planning and communication meant that all polls in this constituency were well-run with no complaints.

Regional ballot paper

- 3.18 Up to and including the National Assembly for Wales general election in 2007, the regional ballot paper showed the names of the parties contesting the regional election, plus the names of the candidates on each party list. Each party is entitled to nominate up to 12 candidates.
- 3.19 In practice, this meant that the size of the ballot paper was problematic for voters in some electoral regions. In 2007, up to 13 parties nominated candidates. This resulted in very long ballot papers which voters found difficult to complete and submit, either at polling stations or through the post. At election counts, the large ballot papers were awkward for count staff to open, flatten out again and manage, slowing the count process.

- 3.20 Because of these difficulties, and having received views from stakeholders about options for change, the Secretary of State for Wales revised the legislation, so that candidate names were not shown on regional ballot papers for the Assembly elections in 2011.
- 3.21 The regional ballot paper used in 2011 contained only the names of the political parties who had nominated candidates and any independent candidates standing. The legislation required Returning Officers to display a list of party candidates' names in polling stations.
- 3.22 There were some problems with this decision; the display of the required information was not consistent and postal voters complained that they did not have access to a list of regional party candidates in their postal voting packs. However the reduction in the size of the ballot paper did make the administration of the election easier and generally meant that the regional ballot paper was easier for voters to use.
- 3.23 In our statutory report on the 2011 elections to the National Assembly for Wales we did commit to reviewing the regional ballot paper ahead of the next Welsh general election. In 2014 we published a consultation paper setting out the different options available and inviting comments from all interested parties, including voters.
- 3.24 In December 2014, based on the findings of this consultation, the Commission made a series of recommendations, the main one being that candidate names should not be reintroduced to the regional ballot paper.
- 3.25 The Secretary of State for Wales considered these recommendations but decided in his view that it was right that candidates' names should be included on the ballot paper and this decision was confirmed in the 2015 Order.
- 3.26 In practice the decision to include the names of candidates (up to twelve names in some cases) meant an increase in the size of the ballot paper in May 2016. This once again caused problems for some voters who found the ballot papers awkward to complete, and in the case of postal voters difficult to fold and insert into postal ballot packs.
- 3.27 At the count, the ballot papers were cumbersome for count staff to open and flatten out again, which slowed the count process. Some voters were also confused as to why some parties had more candidates on the regional ballot paper than others did.
- 3.28 Given the questions and queries put to the Commission by electoral administrators and voters in the pre-election period, the Commission's view

remains as set out in 2014⁴, that is t the statutory Order for the 2021 elections to the National Assembly for Wales should provide for a regional ballot paper that does not include candidate names. The relevant rules should also state that a large size list of regional candidates should be on display in each polling station and a similar list provided to postal voters.

Planning

Wales Delivery Group

- 3.29 Given the complex nature of the combined polls, careful planning was required at an early stage to ensure that these crucial elections were well run.
- 3.30 In 2011 the timing of the count became a controversial issue when it emerged that Returning Officers in Wales would be counting votes at different times in different regions. In 2012 we recommended that existing national planning forums should be used to seek views on the timing of election counts and that the default position should be that RROs and ROs in all five Assembly electoral regions should plan to begin counting votes at the same time.
- 3.31 To help achieve this, and to look at wider planning issues, the Commission established the Wales Delivery Group whose membership comprised of:
- The Electoral Commission
 - Senior (Regional) Returning Officers
 - Welsh Government
 - UK Government
 - AEA Wales
 - National Assembly for Wales
- 3.32 The key aim of the group was to discuss the most effective methods of election planning and provide RROs with a platform where they were able for the first time to agree a consistent approach to national (Wales) issues.

Recommendation 2:

A permanent Wales Delivery Group should continue to meet in order to further improve and streamline planning for future electoral events, and to provide opportunities for discussing key areas of common concern. The Commission will draft terms of reference and seek views from all key partners, with this work beginning by the end of 2016.

- 3.33 The Wales Delivery Group agreed that there should be a consistent approach across Wales as to the timing of the election counts. Agreement

⁴ Candidates' names on the regional ballot paper
http://www.electoralcommission.org.uk/_data/assets/pdf_file/0007/179548/Regional-Ballot-Paper-NAW-Papur-Pleidleisio-Rhanbarthol-CCC.pdf

was reached that the verification of votes for NAW and PCC elections would take place at close of poll and that counting of votes cast at the elections to the National Assembly for Wales would take place immediately following the verification.

3.34 In terms of counting the votes for the PCC elections, it was agreed to seek the views of stakeholders on a proposal to count on Sunday. The reasons for this were:

- ensuring that key members staff would be well rested having worked overnight on the Welsh general election count; and
- that many count venues were not easily available to Returning Officers to use on the Saturday due to pre-planned activities.

3.35 Proposals were published locally in the autumn of 2015 and this approach was confirmed in January 2016 with no objections from any interested parties.

3.36 Other issues also discussed by the Delivery Group included legislation, preparations for the poll, guidance and training and public awareness.

Seminar

3.37 In February 2016 the Commission hosted a national seminar and invited all relevant partners with an interest in the May polls including:

- Regional Returning Officers
- Constituency Returning Officers
- Electoral Services Managers
- The Wales Assembly Parties Panel
- Welsh Government
- UK Government
- The National Assembly for Wales
- Police Single Point of Contacts

3.38 The seminar included a session delivered by the RROs which set out the key challenges facing CROs in planning for and delivering the polls and highlighted what they would need to consider in order to meet these challenges. There were also sessions on planning the count delivered by the AEA, the Electoral Commission's public awareness activity and National Assembly for Wales campaign.

Guidance

- 3.39 We once again worked closely with the Elections, Referendums and Registration Working Group⁵, to develop guidance and support package for all the May 2016 polls. We also produced guidance for political parties, candidates and agents and non-party campaigners.
- 3.40 The bulk of our core guidance was published by the end of December with the last of the guidance and resources available by early March.
- 3.41 While the publication of the guidance was prioritised to ensure that ROs had what they needed when they needed it, we were, regrettably, not able to make all of our products available in full as early as we would typically aim to for the National Assembly for Wales elections. The complex set of polls taking place across the UK in May 2016 and the complex and fragmented legislative framework created particular challenges for the development of our guidance and resources, with over 500 unique products published to support the various elections taking place on 5 May. We recognise that some materials were late and will take this into account when planning activities for future electoral events.
- 3.42 Given the complexity of the legal framework, we also welcome the Law Commission's recommendation that the current laws governing elections should be rationalised into a single, consistent legislative framework governing all elections.
- 3.43 This will have benefits for all involved in elections as it will make the law easier to understand and use.
- 3.44 At the 2015 UK Parliamentary General Election a number of inconsistencies in the way the bilingual declaration was made at each count were reported by the media, political parties and commentators in Wales. This issue was also addressed by the Office of Welsh Language Commissioner in [their post-election report](#).
- 3.45 We developed a resource using best practice that we had noted from local authorities and this was distributed to ROs. It included a suggested script that CROs could use as a basis for their announcements at various stages of the count as well as an example script for the declaration of the result that ROs were encouraged to use.

⁵ The Elections, Referendums and Registration Working Group (ERRWG) provides the Commission with advice and support in the development and delivery of election and electoral registration guidance and resources and articulates the needs of electoral registration and elections staff, ensuring that their needs are reflected in the development of guidance and resources. Membership includes an appointee of each Regional Returning Officer in Great Britain, an appointee of each Police Area Retuning Officer regional representative and an appointee of the Greater London Retuning Officer. The Cabinet Office, the Home Office, the Association of Electoral Administrators and the Scottish Assessors Association are also represented on the group.

- 3.46 Our key aim was to ensure that the declaration was delivered in a consistent way across Wales given the nature of the election and the media attention, and that the Welsh declaration should always be made by a fluent Welsh speaker.

Returning Officers

- 3.47 Despite a lack of certainty as to some aspects of the legislation we published guidance and resources for Returning Officers on a phased basis from October 2015 to help ROs and administrators in planning for the polls. The relevant legislation was laid in late December and the bulk of the core guidance package for Returning Officers was made available by the end of that month, with all guidance and supporting resources related to the administration of the elections available on the Commission's website by March 2016.

Candidates and Agents

- 3.48 The first parts of the guidance and relevant resources were published in early October to help potential candidates establish whether they were entitled to stand. The bulk of the guidance concerning the nominations process was published at the end of December after the relevant legislation was laid and the final parts followed in January 2016.

Performance monitoring

- 3.49 We set, monitor and report on performance standards for ROs in England, Scotland and Wales.⁶ Our performance standards framework is designed to support ROs in delivering a consistent high-quality service for voters and those standing for election.⁷
- 3.50 The framework reflects what we and the Elections Coordination Advisory Board (ECAB)⁸ agree ROs need to do to prepare for and deliver well-run elections. The standards focus on the key outcomes from the perspective of voters and those who want to stand for election and in particular, whether ROs are taking the necessary steps to deliver the following objectives:
- Voters are able to vote easily and know that their vote will be counted in the way they intended.

⁶ The performance standards framework does not currently extend to Northern Ireland, although the Northern Ireland (Miscellaneous Provisions) Act 2014 includes a provision for it to be so extended. We are working with the Chief Electoral Officer on the introduction of electoral registration and electoral event performance standards.

⁷ More information about our performance standards framework for ROs is published on our website. The Electoral Commission, *Performance standards*, www.electoralcommission.org.uk/find-information-by-subject/performance-standards, accessed 10 July 2010.

⁸ ECAB is an advisory group convened by the Electoral Commission and the Cabinet Office and made up of senior Electoral Registration and Returning Officers, and also attended by representatives from the Society of Local Authority Chief Executives (SOLACE) and the Association of Electoral Administrators (AEA). ECAB gives the Commission and the Cabinet Office strategic advice about elections, referendums and electoral registration.

- It is easy for people who want to stand for election to find out how to get involved, what the rules are, and what they have to do to comply with these rules, and they can have confidence in the management of the process and the result.
- 3.51 The standards cover the range of activities carried out by ROs in preparing for and delivering well-run elections including, for example, setting up and staffing polling stations, and delivering timely and accurate verification and count processes. The RO performance standards framework does not relate to the work of EROs, which is covered by a separate framework.
 - 3.52 The framework also includes a standard specifically covering the role of statutory office holders with a power of direction which covers their coordination and management of the poll.
 - 3.53 A risk-based sample of RROs and CROs were selected for detailed monitoring, taking into account factors such as the experience of the RO and any previous issues.
 - 3.54 In a small number of instances in the build up to polling day, we recommended minor improvements to Returning Officers' plans (in relation to, for example, overall planning for the delivery of the polls and arrangements for the verification and counting of votes), and where issues were identified in the course of our monitoring we worked with ROs to manage these.

Colour of the ballot paper

- 3.55 The colour of the ballot papers for a NAW election is not prescribed in regulations and the decision on the colours to be used is made by the RRO/ CRO. For the PCC election the PARO decides on the colour of the ballot paper. The RO should, however, consider carefully the practical implications and risks associated when deciding the colour and the impact of the decision on voters, candidates and observers. Given the combined nature of the polls this was a particularly important consideration.
- 3.56 In Scotland the Electoral Management Board recommended that for the May 2016 Scottish Parliamentary elections, which are held using the same electoral system, the ballot papers should be peach (regional) and lilac (constituency). They also recommended that the colours should conform to certain Pantone colours, while understanding that print production methods could vary between suppliers.
- 3.57 In Wales, following established practices, each RRO/PARO made a decision on the colour of the regional election/ PCC election. In the three regions in South Wales and the North Wales region the colour of the ballot paper was white. In Mid and West Wales the regional ballot paper was grey, lilac or tan (due to the need to re-issue postal ballot packs in this region). CROs were left to choose any other colour for the constituency election ballot paper.

- 3.58 Particularly affected was the local authority of Merthyr Tydfil which is split over the two Police Areas of Gwent and South Wales. The Merthyr Tydfil constituency also includes part of the Caerphilly local authority area.
- 3.59 Discussion about the colour of the ballot papers was therefore achieved by various means – meetings, telephone calls and emails, but this resulted in electoral administrators having difficulty keeping abreast of decisions.
- 3.60 There is merit in the approach taken in Scotland and we see no reason why a decision of this kind cannot be taken at future elections to the National Assembly for Wales.

Recommendation 3:

For future elections the Wales Delivery Group should consider the colour of the ballot papers to be used for each election and issue an appropriate recommendation, thus providing ROs and their staff with clarity from an early stage.

Conduct of elections

Reissue of regional postal ballot backs in parts of the Mid and West Wales region

- 3.61 We were alerted on 19 April 2016 that there was an error in the regional ballot paper issued to around 30,000 postal voters in Pembrokeshire and Ceredigion which included the incorrect instructions to voters.
- 3.62 The ballot papers had been printed by Pembrokeshire County Council print unit for the constituency areas of Preseli Pembrokeshire, Carmarthen West and South Pembrokeshire, and Ceredigion. The ballot paper should have said “vote only once” but instead said “vote for only one candidate”.
- 3.63 As soon as the error became apparent we were contacted by the Regional Returning Officer for Mid and West Wales. The Commission’s view was that the inclusion of an incorrect instruction could have potentially been misleading to voters as to the effect of their vote and that this would not have been in compliance with the relevant direction for printing and there would therefore be a risk of challenge to the election.
- 3.64 CROs have the power to take such steps as they think appropriate to remedy any procedural errors that arise in connection with any function of the elections and that are not in accordance with the rules. On that basis, we agreed with the RRO that the regional ballot paper should be reprinted and reissued in a different colour along with separate voter instructions and a covering letter explaining the position to affected voters.
- 3.65 We also advised that the new regional ballot papers should be accompanied by a new postal voting statement so that the constituency and PCC ballot papers could be returned with either the original or a new postal voting statement.
- 3.66 The RRO advised CROs that a full re-issue of the regional ballot papers should be carried out in the affected areas in Pembrokeshire and

Ceredigion. Both authorities also ensured that the public were made aware of the error by:

- Council website, social media and radio announcements;
- A letter to those voters affected by the issue;
- A letter to all political parties and agents affected by the issue.

3.67 Putting the corrective measures in place required a significant effort by all authorities involved and the error clearly led to additional costs being incurred.

3.68 The action carried out by the RRO and each CRO following the discovery of the error was timely, robust and well managed. We are aware that as a result of this incident project management practices in Pembrokeshire County Council are being further developed and refined. In addition, a full review of the matter is being undertaken by the RRO.

Recommendation 4

Working on a regional level represents a significant challenge for RROs, CROs and electoral administrators and it is important that there are strong communication networks and systems in place to facilitate the planning process.

For future regional elections we will facilitate discussion, through the Wales Delivery Group, on how CROs and electoral administrators could work on a cross-authority basis to improve decision making and operational effectiveness.

Performance standards assessment

3.69 For each set of elections we set, monitor and report on performance standards for ROs in England, Scotland and Wales. Where issues arose with the administration of the polls, we firstly worked closely with affected ROs to resolve the issue with the minimum impact on voters and those standing for election. In assessing the performance of those ROs included we:

- consider the details of the issue;
- consider whether the RO had the necessary processes in place to be able to deliver well-run elections;
- consider whether the issue was due to the processes followed by the RO, or was an unforeseeable matter that was out of the control of the RO and could not reasonably have been anticipated;
- consider what remedial action was taken by the RO and the timeliness of this action;
- consider the impact of the issue on voters and those standing for election.

3.70 Subsequent to our provision of advice and guidance to support ROs in managing issues encountered, we contacted ROs to confirm our understanding of the issue and any mitigating action taken. We also invited ROs to provide us with any relevant additional information as well as their

assessment of the impact that the issue had upon voters and those standing for election.

- 3.71 We will confirm and publish a final decision in due course once the full assessment process has been completed.

Transparent reporting on the cost of elections

- 3.72 In October 2014, we wrote to Welsh Government asking that the Accounting Officer responsible for funding elections to the National Assembly for Wales should consider publishing clear information on the costs of future polls. This was based on the recommendations made relating to the transparency of costs for elections and referendums contained in the Commission's report on the costs of the May 2011 referendum on the UK Parliamentary Voting system⁹.
- 3.73 The Permanent Secretary at Welsh Government replied to the Commission on 14 November and agreed that this analysis detailing the costs of future elections would be undertaken.
- 3.74 We look forward to working with Welsh Government to ensure that this work is completed in a timely manner.

⁹ http://www.electoralcommission.org.uk/_data/assets/pdf_file/0009/153000/Costs-of-UK-May-2011-UKPVS-referendum.pdf

4 Candidates and campaigners

- 4.1 In this chapter we consider the experiences of those involved in campaigning at the elections to the National Assembly for Wales
- 4.2 There is a framework of rules covering campaigners' spending, donations and loans in the run-up to elections, which is set out in the Political Parties, Elections and Referendums Act 2000 (PPERA) and which we regulate. We also comment on the operation of the candidate campaigner rules which are set out in the Representation of the People Act 1983 (RPA), and the National Assembly for Wales (Representation of the People) Order 2007, which applied to the National Assembly for Wales elections in 2016. We have a duty to monitor and take all reasonable steps to ensure compliance with the candidate rules, but any breaches of the RPA are a matter for the police.
- 4.3 The regulatory framework applied to campaigners during the following 'regulated periods', during which spending limits and reporting requirements for the 2016 election applied:
- Political parties: 5 January to 5 May 2016
 - Non-party campaigners (Under PERA): 5 January to 5 May 2016
 - Candidates: 7 April to 5 May 2016
- 4.4 You can find a summary of candidates and campaigners that stood at the National Assembly for Wales election in the "Summary of key facts and recommendations" section of this report on pages 3-4.

Legislation

Disqualification

- 4.5 In September 2015, Welsh Government published the National Assembly for Wales (Disqualification) Order 2015 which listed some of the positions prohibited from standing as a candidate at the elections to the National Assembly for Wales, and this Order was to accompany the disqualifications already set out in the Government of Wales Act 2006.
- 4.6 To raise awareness of this important piece of legislation, we:
- published a link to the legislation on our website;
 - referred to this in all relevant guidance material for the 2016 elections; and
 - circulated the Order directly to all political parties on our registers, to electoral administrators, and to colleagues at the Welsh Local Government Association.
- 4.7 In February 2016, we issued advice on whether the office of Member of the European Parliament (MEP), which was not referred to in the Disqualification

Order 2015, would disqualify an individual from standing as a candidate at the upcoming elections to the National Assembly for Wales.

- 4.8 A European Council Decision stated that, *“the office of member of the European Parliament shall be incompatible with that of a member of a national Parliament”*. The Government of Wales Act 2006, states that if a person is disqualified from being an MP, they are also disqualified from being an Assembly Member. So, taking these two directives together, we advised that holding the office of MEP would disqualify an individual from standing at the National Assembly for Wales elections, and made this position publically known.
- 4.9 However, after further consultation with the National Assembly for Wales, Welsh Government, UK Government and the relevant devolved legislatures, and after taking legal advice from counsel, we revised this position and advised that an MEP should be able to stand at the National Assembly for Wales elections.
- 4.10 Should the position of MEP be relevant in 2021, the Government at that time should give careful consideration to the question of whether a person holding this position is eligible to stand as a candidate at a Welsh general election.

Commencement of candidacy

- 4.11 The Electoral Commission took a number of enquiries leading up to the publication of notice of election, as to when an individual officially becomes a candidate, for the purposes of declaring regulated campaign spending.
- 4.12 Our guidance states that: *“The regulated period for the National Assembly for Wales elections, begins the day after you officially become a candidate, and ends on polling day, 5 May 2016. The earliest date you can officially become a candidate is the date the National Assembly for Wales is dissolved, 6 April 2016. Therefore, the regulated period begins on 7 April 2016.”*
- 4.13 However, the publication of notice of election in Wales, occurred between 21-30 March 2016, and candidates could submit their nomination papers from the day after the notice of election was published. This meant that candidates would have been able to spend money for campaign purposes from the day after their nomination papers were accepted, until 7 April, and providing they used/distributed any campaign material created prior to the 7 April 2016, they would not have to declare this spending, which could have potentially provided some candidates with an unfair advantage. There also seemed to be confusion from some local authorities in Wales regarding what the official commencement of candidacy date should be.
- 4.14 We advised all candidates during briefing sessions that, *“if you are nominated prior to 6 April, you should follow the spending and donations rules for this period of time. You will have to declare all donations over £50 if spent on campaign material used during the regulated period, even if you received them prior to the regulated period starting”*.

Recommendation 5:

The relevant Government should ensure, that the date of publication of notice of election should fall on the same day as the dissolution of the Assembly, to avoid a period of time where spending is not regulated.

Exclusions for costs which are immaterial to the campaign activity

- 4.15 The Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014, introduced a number of new exemptions to the non-party campaigning rules set out in PPERA, including: spending on translating material from English to Welsh and vice versa; reasonable expenses that can be attributed to an individual's disability; and any public procession or meeting that has received an advance notice under the Public Processions (Northern Ireland) Act 1998. We supported the introduction of these exemptions which are for costs that are immaterial to the campaign activity and are intended to promote inclusion.
- 4.16 There are no explicit equivalent exemptions for disability-related costs or Welsh/English translation costs in the rules covering party and candidate election spending. As the UK Parliament has clearly stated its intention that such costs should be exempted for non-party campaigners, we can see no obvious reason why equivalent legal exemptions should not be introduced for political parties and candidates at the earliest opportunity.

Recommendation 6:

Governments with legislative competence over elections within the UK should amend the definitions of political party and candidate spending so that reasonable expenses that can be attributed to an individual's disability are exempt, (as was recently set out in the revised PPERA rules for non-party campaigners).

As the PPERA non-party campaigner rules now exempt the costs associated with translating Welsh to English and vice versa, we recommend that equivalent legal provisions should be introduced by the relevant Government into the election rules covering spending by political parties and candidates.

The Campaign

Candidate nominations

- 4.17 In order to stand for election in a constituency, a candidate can nominate him or herself by completing and signing a nomination form or the form can be signed by a subscriber.
- 4.18 Candidates must also formally consent to nomination by signing a form, stating that they are aware of what would legally disqualify them from being a candidate and that they are not disqualified from being a Member of the Assembly. Regional candidates are nominated on lists submitted by political parties and candidates must also formally consent to nomination by signing a form.

- 4.19 The Commission provided template candidate nomination forms, and forms for consent to nomination, along with other resources such as checklists for candidates and agents to assist them in completing nomination packs. These were widely used and welcomed, helping to ensure a consistent approach across Wales.
- 4.20 It was brought to our attention that some political parties were using their own version of the certificate of authorisation form, and these did not include the wording prescribed in legislation. As a result, Returning Officers had to request that parties must submit the correct certificate of authorisation that includes the prescribed wording, as set out in Schedule 10 of the National Assembly for Wales (Representation of the People) Order 2007. For future elections, we would once again emphasise that political parties should either use the template provided on our website, or they must use the prescribed wording set out in legislation.
- 4.21 The Electoral Commission carried out a post-election candidate survey. Candidates were asked a series of questions about the initial elements of standing as a candidate. Over three quarters, (77%) agreed that it was easy to find out what they needed to do to become a candidate, and 73% said that they understood the rules for becoming a candidate. Eighty eight percent agreed that the nomination process was straightforward, and the same percentage agreed it was well run.

Candidate spending limits

- 4.22 The candidate spending limits for the National Assembly for Wales elections in 2016 were increased by The National Assembly for Wales (Representation of the People) (Amendment) Order 2016, to take effect for the elections in May 2016.
- 4.23 We recommended that the originally planned spending limits, as per the spending limit for the National Assembly for Wales election in 2011, should be increased to bring the spending limit in line with the short campaign spending limit at the Scottish Parliamentary election, and the UKPGE in 2015. Our recommendations also took into account the significant rise in the cost of postage since 2005. Constituency candidates have a fixed amount, plus a variable amount they add to the total, depending on the number of electors, and the type of constituency where they are standing as a candidate.

Table 4.1: Candidate spending limit 2011 and 2016:

Type of candidate	Type of seat	Spending limit 2011	Spending limit 2016
Constituency candidate	Borough constituency	£7,150 + 5p per elector	£8,700 + 6p per elector
Constituency candidate	County constituency	£7,150 + 7p per elector	£8,700 + 9p per elector

Registration of political parties

- 4.24 We maintain and publish the registers of political parties in Great Britain and Northern Ireland. A political party has to be registered with us in order to field candidates at an election. A party can register up to three emblems and up to 12 descriptions that can be used by party candidates on the ballot paper.
- 4.25 All constituency candidates standing on behalf of a political party, are able to include one registered party emblem, and either the registered party name, or a registered party description on the ballot paper. The candidates must get written permission from the party, and submit this to the Returning Officer.
- 4.26 When using a registered description on the ballot paper in place of the registered name of the political party, the party's identity may not be clear to all voters, as not all party descriptions include the name of the political party.
- 4.27 For candidates standing on a party regional list, the party name is included on the ballot paper, along with the party emblem, and this removes the possibility of causing confusion for the voter.
- 4.28 We have previously recommended that where a candidate represents a political party on an election ballot paper, it should be clear to voters which party the candidate represents. We continue to be concerned that the legal provisions for registration of party descriptions present risks of confusion for voters and restrict the participation of political parties¹⁰.
- 4.29 The legislation on registration of party names, descriptions and emblems is set out in Part 2 of the Political Parties, Elections and Referendums Act and is reserved. In contrast, the use of these party identity marks on ballot papers is determined by election orders. We believe that the legislation in this area needs to be reformed in a joined-up way.

Recommendation 7:

We continue to recommend that where a candidate represents a political party on a ballot paper, it should be clear to voters which party the candidate represents. The legal provisions for registration of party descriptions present risks of confusion for voters and restrict the participation of political parties. The Welsh Government and other Governments of the UK should work with the Electoral Commission to reform the provisions on party descriptions.

Political party spending limits

- 4.30 At the National Assembly for Wales election in 2016, political parties were able to spend up to £10,000 in each constituency, and up to £40,000 in each

¹⁰ Electoral Commission (2015) *The May 2015 UK elections: Report on the administration of the 7 May 2015 elections, including the UK Parliamentary general election, recommendation*
[10http://www.electoralcommission.org.uk/_data/assets/pdf_file/0006/190959/UKPGE-report-May-2015-1.pdf](http://www.electoralcommission.org.uk/_data/assets/pdf_file/0006/190959/UKPGE-report-May-2015-1.pdf)

region that they contested. In Wales, there are 40 constituencies and 5 regions, which would give a party contesting every constituency and region a national spending limit of £600,000.

- 4.31 As the Police and Crime Commissioner (PCC) elections were combined with the National Assembly for Wales elections in 2016, any spending the parties incurred to promote the PCC candidates, would have to also fall within their spending limit for the National Assembly for Wales elections. This could have put some parties at a disadvantage, due to them fielding candidates in both the National Assembly for Wales and the PCC elections, whereas other parties may not have contested both sets of elections.

Non-party campaigners

- 4.32 For the 2016 polls, the Electoral Commission produced guidance for non-party campaigners at the National Assembly for Wales elections in 2016, and all documents were available on our website in both Welsh and English. Non-party campaigners are campaigners who are not a candidate or political party. They can be organisations, or individuals campaigning at elections.

- 4.33 At the National Assembly for Wales elections, there were two types of non-party campaigns:

- Local campaigns: non-party campaigns for or against one or more candidates in a particular constituency or region.
- General campaigns: non-party campaigns for or against a political party, or particular categories of candidates, including campaigns on policies or issues closely associated with a particular party or category of candidate.

The Electoral Commission regulates the spending for general campaigns.

- 4.34 The regulated period for non-party campaigners began on 5 January 2016, and ran through until polling day on 5 May 2016. Campaigners could spend up-to £10,000 without having to register with us. If campaigners had planned to spend over this threshold, they had to register with the Electoral Commission prior to spending £10,000. The spending limit for registered non-party campaigners at the National Assembly for Wales election in 2016 was £30,000.

- 4.35 In September 2015, the Electoral Commission attended a Public Affairs Cymru conference entitled, “Influencing, Lobbying and Campaigning in Wales”, where we were able to brief potential campaigners on the non-party campaigning rules, and also the legislative changes that had been introduced in 2014¹¹.

¹¹ The changes were introduced by the Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014.

- 4.36 In November 2015 we organised and held a non-party campaigner event in Cardiff, and invited all registered non-party campaigners based in Wales to attend, along with campaigners that had contacted us regarding their activities leading up to the 2016 polls. This event provided greater detail on the rules in place and went through our guidance where relevant.

Spending limits

- 4.37 The spending limit for non-party campaigners at the National Assembly for Wales elections in 2016 was £30,000 for a four month regulated period. The spending limit in Wales at the recent UK Parliamentary General Election (UKPGE) was £44,000 for a seven and a half month regulated period in 2015¹². We suggest that there could be greater consistency between the spending limits for non-party campaigners at elections held in Wales (and also in other parts of the UK). Any changes would have to be considered and made by the relevant Governments and legislatures.

Monitoring and compliance

- 4.38 Voters need to be confident that the law on party and election finance is followed, and that those who break the law are dealt with proportionately and effectively. This transparency enables high levels of scrutiny and debate about how political parties and non-party campaigners are funded and how they spend their money during elections. Political parties, candidates and non-party campaigners are expected to comply with all the rules and controls set out in the relevant legislation.
- 4.39 The Commission produced specific guidance for parties, candidates and non-party campaigners for the election, and we offered an advice service to answer questions that campaigners had about the rules, with just over half of all candidates (55%) agreeing that the Commission was a useful source of advice and guidance during the campaign, with 10% disagreeing, and 18% saying they did not use it.
- 4.40 We took a proactive approach in raising awareness about the rules, including sending the guidance to parties and non-party campaigners, hosting sessions at party conferences in Wales in the autumn of 2015, and again in the spring of 2016, filtering the candidates and agents' guidance to the candidates through their party, and hosting a seminar for non-party campaigners who are based in Wales. This approach supports the Commission's aim of ensuring compliance of the rules through support and guidance.
- 4.41 As part of our risk-based approach to regulating party and election finance, we carried out desk-based monitoring of party and non-party campaigns at the Assembly election. The purpose of this work was to promote compliance

¹² The non-party campaigner spending limits may be lower at future UKPGEs following the Parliamentary boundary review, because the formula in the legislation is based on the number of constituencies.

by gathering information on campaigns which could be referred to when checking statutory returns, and for non-party campaigners who appear to be working together, and either supporting or campaigning against particular parties, or categories of candidates.

- 4.42 Under the Political Parties, Elections and Referendums Act 2000 (PPERA), the Commission regulates political parties and non-party campaigners at the National Assembly for Wales election. Whilst we have responsibilities to monitor and take all reasonable steps to ensure compliance with the rules on candidate expenses and donations under and pursuant to the Representation of People Act 1983, investigations into alleged breaches by individual candidates and related prosecutions under that legislation are the responsibility of respectively the police and public prosecutor bodies.
- 4.43 Where potential breaches or offences of PERA are identified, we consider whether to conduct an investigation. When appropriate, and in line with our Enforcement Policy¹³, we will sanction those who fail to comply with PERA.
- 4.44 In September 2016, we will publish details of what political parties spent where their spending was below £250,000. Those parties were required to submit returns to us three months after the election, by 5 August 2016. We will also publish details of spending by registered non-party campaigners in September 2016.
- 4.45 We will publish details of spending by political parties, who spent more than £250,000, in January 2017. Those parties are required to submit returns to us six months after the election, by 5 November 2016, accompanied by an independent audit of their spending return.
- 4.46 Returning Officers (ROs) are required to make candidate returns available for public inspection for 2 years and to forward copies of the returns and declarations to the Commission, alongside any other related documentation that we request. We have collected headline expenditure and donation information from these returns and will publish the summary data on our website in due course. We do this to ensure that there is increased transparency in how the election was financed and contested. We are also undertaking risk-based checks on donor permissibility and the accuracy of the returns submitted, concentrating our resources on where non-compliance would have the highest potential impact on confidence in the political process.
- 4.47 Currently ROs only make candidate returns available for public inspection in paper form, where anyone interested in inspecting a return can make an appointment to view it. With the growing use of the internet, we have previously recommended that candidates' election returns should also be

¹³ Enforcement – allegations and casework <http://www.electoralcommission.org.uk/our-work/roles-and-responsibilities/our-role-as-regulator-of-political-party-finances/making-an-allegation>

made available for viewing online, and that the legislation should explicitly provide for this. Such a change would improve transparency locally and nationally by making information about spending and donations for election candidates more widely accessible.

Recommendation 8:

To improve transparency and accessibility of candidate spending returns, we have previously recommended that Returning Officers should be required to publish spending returns online as well as through the existing methods of public inspection. We support recommendation 12-5 of the Law Commission's review 12 of Electoral Law which proposes a method for implementing this change through legislation¹⁴.

Campaign issues, trends and developments

- 4.48 During the run up to the National Assembly for Wales election we identified a number of compliance issues that will need to be considered in further detail ahead of future elections. The issues are outlined in the following section.

Imprints

- 4.49 Through campaign monitoring we identified several political parties and candidates, who did not have a complete imprint on their campaign material. An imprint must be added by law to all published material, to show who is responsible for its production. We contacted the campaigners that we were able to identify, to make them aware of the imprint requirements, and also asked the political parties to ensure that their supporters were aware of the requirement.

Regulating candidates' spending and donations

- 4.50 In our public opinion survey we asked to what extent people agree or disagree that 'if a political party or another campaigner is caught breaking the rules, the authorities will take appropriate action'; 72% agreed appropriate action would be taken with 18% disagreeing.
- 4.51 We received a number of queries about potential breaches of the rules relating to candidates' and agents' compliance, including some complaints asking the Commission to investigate alleged breaches of the candidate rules. Since we do not have these powers, we asked complainants to contact the police directly. The existence of two regulatory frameworks for similar offences can cause confusion amongst voters about who is responsible for breaches of the rules. The dual regulatory system also creates different approaches to enforcement between the police and the Commission in dealing with similar offences.

¹⁴ Law Commission's Review of Electoral Law, Recommendation 12-3, page 161 http://www.lawcom.gov.uk/wp-content/uploads/2016/02/electoral_law_interim_report.pdf and recommendation 37 of the Electoral Commission's Regulatory Review of Party and Election Finance 2013 http://www.electoralcommission.org.uk/_data/assets/pdf_file/0008/157499/PEF-Regulatory-Review-2013.pdf

- 4.52 We have previously recommended extending our investigative and sanctioning powers at major elections, for offences relating to candidate spending and donations. We continue to believe that this change would help ensure compliance with the rules and strengthen the voters' trust in the regulatory system¹⁵.
- 4.53 We recognise that there would be an ongoing cost to setting up and maintaining the appropriate structures, including within the Commission, to make an enhanced framework work effectively. As with any significant reform to the regulatory framework, these kinds of changes would require a lead-in time to allow the relevant Governments to restructure the law, and then allow sufficient time for campaigners, the Commission and law enforcement authorities to adjust prior to implementation. It will be important for Governments and Parliaments across the UK to work together on introducing the Commission's new powers for different sets of elections. This would support a smooth transition to a joined up system of regulation and enforcement for candidates and parties across the UK.

Recommendation 9:

We continue to recommend extending our investigative and sanctioning powers at major elections for offences relating to candidate spending and donations, including at National Assembly for Wales elections. It will be important for Governments and Parliaments across the UK to work together on introducing the Commission's new powers for different sets of elections.

Social media and online campaigning

- 4.54 The use of social media used for campaigning at the National Assembly for Wales election has grown significantly since the 2011 election. Accordingly, there is an increasing interest and focus on campaigners' use of social media during the regulated period, as well as ensuring that the rules on campaigning are understood in an online context and compliance is upheld.
- 4.55 Online campaigning can vary from low cost informal activity through larger social media providers, or staff costs associated with updating these communication channels. The majority of campaigners at the National Assembly for Wales election had an "Online" and social media presence.
- 4.56 Although there are no specific controls in the PPERA on the use of social media or digital campaign methods, any such spending would be subject to existing spending and reporting requirements. However, as the use of social media evolves, it will be important to monitor and understand changing campaigning techniques. Currently social media is not a separate reporting category, therefore we will only be able to conduct analysis of spending that is reported and categorised under the existing categories, such as

¹⁵ Electoral Commission, Regulatory Review of Party and Election Finance 2013, Recommendation 43, and Electoral Commission, UK Parliamentary General Election 2015 campaign spending report http://www.electoralcommission.org.uk/_data/assets/pdf_file/0006/197907/UKPGE-Spending-Report-2015.pdf, Recommendation 1

'advertising' or 'unsolicited material sent to voters'. From our experience of analysing returns from the 2015 UKPGE, we were only able to identify what had been spent on social media if the invoices enclosed in the spending returns identified the supplier as a social media provider. We anticipate that this will also be the case for the returns at this election, as the reporting categories are still the same.

Recommendation 10:

We will give further consideration to how campaigners should report spend on social media at future elections. As spend in this area grows, there is the potential for less transparency if expenditure on social media is not easily identifiable within the spending returns, because social media is not a specific reporting category. This will need to be considered as part of reviewing all of the expenditure reporting categories to ensure that they remain proportionate and relevant to future trends in campaigning. In case any of these changes would need to be implemented through legislation, we recommend that the UK Government and Welsh Government and legislatures should consider the timing needed for implementing changes before the next major elections¹⁶.

¹⁶ We made the same recommendation in relation to the UK Parliamentary Election spending categories, and for Scottish Parliament and Northern Ireland Assembly elections in our post-election reports in 2015 and 2016

5 Public awareness

Encouraging registration

Individual Electoral Registration

- 5.1 The challenge of maximising registration ahead of the May 2016 polls took place against the backdrop of the transition to Individual Electoral Registration (IER).
- 5.2 IER was introduced in June 2014 to replace the old household registration system based on the 'head of the household' completing registration forms on behalf of all other members of each household. This is an outdated concept in the structure of today's society and one which was not designed to enable individuals to manage and maintain their own personal registration. The move to this new system was a necessary step towards a more modern and secure system.
- 5.3 The transition period ended with the publication of the revised registers in December 2015.
- 5.4 In June 2015, the Commission reported that 68,042 entries on the May 2015 electoral registers in Wales had been retained from the previous household registers. Following a significant amount of work by EROs and their staff, including a comprehensive household canvass, the number removed from the registers at the end of the transition period in December 2015 was reduced to approximately 33,000. This represented 1.5% of the electorate in Wales, although this varied considerably by local authority.

Online registration

- 5.5 The introduction of IER in June 2014 also made it possible for people to register online for the first time.
- 5.6 Between 1 February 2016, when our public awareness activities started, and by the registration deadline of 18 April, there were 96,036 applications to register made in Wales. 79,458 (83%) of these were made online and 16,578 were paper based applications.
- 5.7 The online registration service has been particularly popular among some of those groups who are typically under-registered, such as young people.
- 5.8 EROs however, have consistently had concerns over the number of duplicate applications that are made using the online facility. There is currently no online provision available for people to check whether they are already on the electoral register before making an online application. As a result, a significant number of online registrations are duplicate applications from people who are already on the electoral register. This can result in additional and unnecessary work for EROs in the busy period before the registration deadline.

- 5.9 EROs have also highlighted that some electors may not have been aware that, although the online service allowed them to apply to register, it did not result in automatic or immediate approval of their application. All applications to register, whether on paper or online, must go through a verification procedure before being entered onto the electoral register. In some cases, where an applicant's data cannot be verified against Department for Work and Pensions or local records, the individual has to provide evidence in support of his or her application before they can be added to the register.
- 5.10 As part of the online application process, applicants are able to tick a box to indicate that they also want to apply for a postal vote once they are registered. The applicant is then sent or emailed a postal vote application form, which they need to complete and return to their local authority. EROs have indicated that there is a high level of confusion over this process. Some electors have not returned the postal vote application form thinking that they have already completed this as part of their online application.
- 5.11 Sending a letter to all households listing who was registered to vote at that address was identified as a key activity which could contribute to helping EROs ensure that their registers were as accurate and complete as possible ahead of the May polls.
- 5.12 As a result of this, a Household Notification Letter (HNL), funded by Cabinet Office, was sent to every household across England, Scotland and Wales before the UK Parliamentary General Election in May 2015.
- 5.13 In February 2016 Welsh Government made £330,000 available towards the costs of distributing a similar HNL in Wales ahead of the May polls. All 22 local authorities in Wales received a share of this funding.
- 5.14 This approach had a number of clear benefits, all of which contributed to helping EROs to ensure that their registers were as accurate and complete as possible, including: prompting those who had not yet registered to do so, helping to register those who had recently moved within or into the registration area, and giving residents an opportunity to check that their details on the register were accurate.

Our public awareness campaign

- 5.15 We ran a campaign to increase people's awareness of the National Assembly for Wales elections and how to take part, including ensuring people knew they had to register to vote by the 18 April deadline and how to cast their vote. Our campaign included: advertising; sending an information booklet to each household; and partnership and PR activities.
- 5.16 We ran advertising across social media and website channels from February and TV and radio from 14 March. We also distributed a booklet to every household in Wales from 4 to 7 April.
- 5.17 The booklet contained information on registering to vote; how to complete the different ballot papers; how to vote (in person, by post or by proxy); and where to get more information. You can [view the booklet on our website](#).

- 5.18 We used adverts from our 2015 UKPGE campaign, with updated messages about the National Assembly for Wales elections. This included our 'What?' TV advert, which you can view in [English](#) and [Welsh](#) as well as social and website banner adverts with specific messages aimed at young people, students and home movers.
- 5.19 We formed a partnership with First Radio and Global Radio. This involved using specially created adverts which ran across their range of stations and providing information on their websites.
- 5.20 We also developed our aboutmyvote.co.uk website to include more local information and to make it more mobile-friendly and we created short animated videos showing people how to cast their vote on each of the three ballot papers used at the elections in Wales which we promoted on social media.
- 5.21 We ran Welsh language versions of all of our advertising, which included running our TV advert on S4C and we provided information in both Welsh and English via our booklet, website and call centre.
- 5.22 We identified that young people and home movers would be most affected by the transition to IER and when the UK Government brought forward the end of the transition to IER to December 2015, we expanded our campaign to include: a partnership with Channel 4 to produce an advert featuring some of the cast members from the TV show Hollyoaks, supported by PR and social media activities.
- 5.23 Further information on how we evaluated this campaign can be found in paragraph 5.40 of this report.

Partnership work to target under-registered groups

- 5.24 Working in partnership with other organisations can be a powerful way to help raise awareness about electoral registration. This is particularly important when reaching those people who are least likely to be registered to vote. The groups targeted by us for these elections were younger people, BME communities, students, home-movers and those living in private rented accommodation.
- 5.25 We sought to work with partners to encourage people to register to vote before the 18 April deadline and also to make voters aware of how to complete their three ballot papers on polling day. We built on the successful partnership working from the 2015 UK Parliamentary General election, working with existing organisations and seeking new partners.
- 5.26 Recognising that some people in the groups we had identified as not already registered may be less likely to be registered and to respond to our TV and online adverts, we formed partnerships with 21 organisations in Wales including corporate, voluntary and public sector organisations who could help us reach these people.
- 5.27 Our partners included:

All Wales People's First	Llamau	Pembrokeshire Coast National Park Authority
Brecon Beacons National Park Authority	Mencap Cymru	Royal Welsh College of Music and Drama
Cadwyn Housing Association	Melin Homes	RNIB Cymru
Cambria College	Minority Ethnic Elders Association	Shelter Cymru
Citizens Advice Bureau Cymru	National Assembly for Wales	Snowdonia National Park Authority
Community Housing Cymru	North Wales Police	The Wallich
Learning Disability Wales	NUS Wales	Urdd

- 5.28 Working with partner organisations in Wales allowed us to begin public awareness activities in advance of the main campaign starting on 14 March. We facilitated partners' support by providing guidance, producing resources, arranging PR opportunities and maintaining regular contact through electronic bulletins, phone calls, emails and meetings. A full list of our partners is available on our [website](#).
- 5.29 We produced a number of resources for partner organisations to use in Wales. This included a partnership pack with generic resources such as posters, copy text for newsletters, sample tweets and example activities. They also included a giant inflatable ballot box, an inflatable 'X', large versions of the three ballot papers that voters would receive in Wales and a large version of the household booklet cover



- 5.30 We also worked with specific partners to produce joint resources. We worked with RNIB Cymru to produce a factsheet detailing the assistance available to voters with sight loss, such as the availability of tactile voting devices in polling stations. We also produced an easy read factsheet with Mencap Cymru so that voters with learning disabilities could have all the information they needed to cast their vote.
- 5.31 We produced a factsheet and poster in partnership with a number of organisations who work with homeless people in Wales to remind those without a fixed address that they could still register to vote and take part in the elections on 5 May.
- 5.32 We also produced a poster in 10 languages (other than English and Welsh), with Citizens Advice Bureau (CAB). The languages were based on the most common languages spoken in various areas as noted by CAB.
- 5.33 Activities with partners generated PR opportunities which gained additional media coverage during the campaign. This included a full page article in the Western Mail that detailed a case study provided by The Wallich and included a quote from the Commission. The equivalent cost of placing a full page advert in the Western Mail would have been £1,400 but through partnership work we were able to reach almost 19,000 readers at no additional cost to the Commission.
- 5.34 In addition to this coverage, the inflatable props provided an opportunity for the Commission's registration message to reach a wider audience. The props were used at a number of partner events attended by Commission

staff. This included the high profile launch of the National Assembly for Wales's public awareness campaign at the Senedd where the branded props made appearances on BBC Wales Today and The Sharp End on ITV Wales.

- 5.35 We worked with Facebook to remind voters across the UK on Tuesday 12 April that there was less than one week left to register and directed them to register via the gov.uk portal. On this day there were 127,000 applications to register submitted online making it the most successful day for applications during the campaign. This included 5,600 applications in Wales.

Press and PR

- 5.36 The Commission's targeting of the Welsh media ahead of the National Assembly for Wales and Police and Crime Commissioner elections focussed on registration, voter information and delivery of the information booklet. We saw coverage appearing in Welsh national and local titles steadily throughout the campaign period.
- 5.37 Key milestones such as the launch of the Commission's campaign, 'last chance to register' stories and voter information in the immediate run up to polling day received national and local coverage. This included pieces in the Western Mail, the Daily Post and BBC Online Wales. Commission spokespeople were also interviewed on local and national radio stations in both English and Welsh.
- 5.38 In addition to this the Commission provided local authorities with a suite of template press releases that could be issued at key milestones during the campaign. Each press release could be tailored to the local authority and included a quote from the Head of the Electoral Commission, Wales. These resources helped to gain additional coverage from local media outlets.
- 5.39 The Commission created a media handbook as a key information resource for members of the media. The handbook provided a summary of key information including the key roles during the elections, voter registration, rules for candidates, the voting system and campaigning rules. The English and Welsh versions of the handbook can be found on the Commission's [website](#).

Measuring the performance of our campaign

- 5.40 To help measure the performance of our campaign we set a campaign recognition target of 75% of people recognising at least one element of the campaign. We exceeded this target with a result of 83%.
- 5.41 We set a target of 65,000 applications to register made online in Wales from when our TV advertising started on 14 March to the registration deadline on 18 April. We achieved 49,340 meaning we did not meet this target.
- 5.42 In addition to the number of online applications, we set a target for the number of additions to the register. This is because some applications are duplicates or the applicant's identity may not be verified so they are not added to the register. Our additions to the register target for this campaign

was 43,500. We achieved 46,779 additions to the register meaning we achieved this KPM.

5.43 For more information on our public awareness campaigns view our [evaluation report](#).

Recommendation 11:

Providing a way for electors to check their registration status at the beginning of the online registration application process would reduce the action required by voters to keep their register entry up to date, and would also reduce the impact on EROs of processing duplicate applications.

The UK Government should develop an online service to allow people to check whether they are already correctly registered to vote before they complete a new application to register.

Any such service would need to carefully manage and protect voters' personal information.

6 Looking ahead

The Wales Bill and the Commission's role

6.1 As previously mentioned the Wales Bill provides the National Assembly for Wales with legislative competence for the administration and regulation of National Assembly for Wales and local government elections.

6.2 This means providing the Assembly with new powers relating to:

- The conduct of elections of Assembly members
- The timing of polls for National Assembly for Wales and local government elections
- Secondary legislation for the combination of polls for National Assembly for Wales elections with UK Parliamentary and European Parliamentary elections in certain circumstances
- Registration of electors
- Power to make payments to any political party for the purpose of assisting members of the Assembly to perform their Assembly duties
- Limitations on candidate election expenses and creation of offences
- Certain functions concerning the procedure relating to the Digital Service for applications to the register of electors

6.3 The Bill provides that legislative competence over some of the functions of the Electoral Commission with respect to elections to the National Assembly for Wales and local government elections in Wales would be devolved to the Assembly, and the Electoral Commission would therefore become accountable to the Assembly in respect of these functions.

6.4 The Commission currently has a full programme of work in place for future elections in Wales. It is important for the Commission to be accountable to and scrutinised by the National Assembly for the relevant activities and spending in relation to elections for which the Assembly has legislative responsibility.

6.5 We look forward to working with the National Assembly for Wales and Welsh Government to achieve this in the most effective way.

Wales Advisory Board

6.6 Given the nature of changing devolution, in particular the proposed changes included in the Wales Bill and the resulting impact on the Commission's relationship with the National Assembly for Wales, we propose to establish a Wales Advisory Group in autumn 2016.

6.7 This Advisory Group will comprise of the Electoral Commissioner, Wales, a nominated Member from those parties represented at the National Assembly for Wales and a representative of the Assembly Commission.

6.8 Its aims will be:

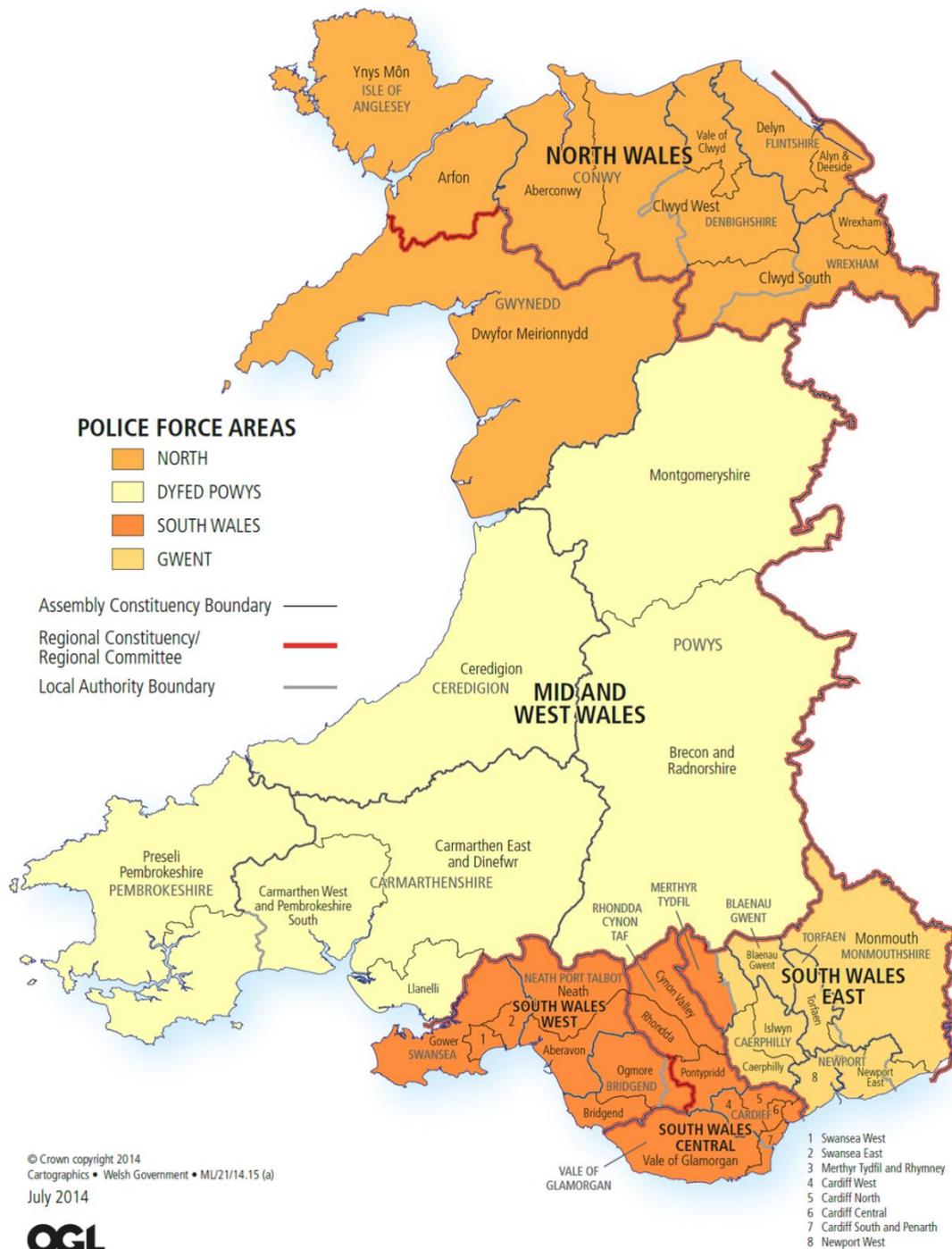
- to ensure that elected members at the National Assembly for Wales are aware of the Commission's work
- To allow elected members the opportunity to provide an opinion on the Commission's programme of work which is then fed to the Commission's Board via the Electoral Commissioner, Wales
- To establish a permanent advisory link between the Commission and members of the National Assembly for Wales

6.9 It is anticipated that the group will meet once or twice a year and we will write formally to party leaders and to the Assembly Commission with further information, including a draft Terms of Reference, in the coming weeks.

Appendix A:

WALES

Police Force Areas, Local Authorities & Assembly Constituencies



Appendix B: Research Methodology

Public opinion survey

Between 6 and 28 May 2016, BMG Research interviewed a sample of 701 adults aged 18+ across Wales. Interviews were conducted by telephone: 80% landline and 20% mobile. Data are weighted to match the profile of Wales.

Where results do not sum to 100, this is due to multiple responses, computer rounding or the exclusion of don't knows/not stated.

Comparisons made between these polls and previous post-elections surveys are indicative and should be treated with some caution.

[More information can be found on our website.](#)

Electoral data

Professors Colin Rallings and Michael Thrasher at the Elections Centre, Plymouth University, collected and collated data from Returning Officers (ROs) in Wales. This comprised form K and an Additional Data form, which included data relating to electoral registration, turnout, absent voting and rejected ballots.

Local Returning Officer and Regional Returning Officer feedback

The Commission issued a feedback form to Returning Officers to comment on their experience of administering the 5 May polls. The survey was conducted on Survey Monkey and was open between 6 May and 10 June 2016. A total of 4 responses were received from Welsh local authorities.

Survey of Candidates

In the week after polling day, the Commission issued a postal survey to every candidate who provided an address on the statements of persons nominated. We issued a total of 220 postal surveys to National Assembly for Wales candidates and received 129 responses (a 59% response rate) on which candidate data is based.

Eighty-one per cent of respondents said they were agents, 81% were candidates, but 19% said they acted as both. The respondents came from across the political spectrum (with 96% standing on behalf of a political party and 4% being independent candidates), and varied in whether they had stood for election or held office before.

The people who returned surveys of this sort are self-selecting, and the characteristics of our sample differ to an extent from those of all candidates. Our sample does cover a broad range of characteristics; however, the findings should not be taken to be representative of the views of all candidates in the same way that public opinion data seeks to be representative of the wider population.