

## Appendix 1

### Consultation response form

#### Consultation on Electoral Reform

Please return this form to reach the Welsh Government no later than 10 October 2017

If you have any questions, please email:

RLGProgramme@wales.gsi.gov.uk

<b>Consultation on Electoral Reform</b>	
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#### Consultation questions

##### **Q1 – Do you agree that the qualifying age for voting in Welsh local government elections should be lowered to 16?**

Comments: Yes. Young people are asked to make numerous decisions about their life and lifestyle but cannot have an input into Local Authority democracy. Lowering of the qualifying age would help to engage young adults while still in mainstream education. It would allow them to feel part of the community and encourage them to participate in democracy. It may also lead to them hopefully continuing to participate later on in life.

It would be necessary to consider how to address the potential for confusion among 16-18 year olds where they are allowed to vote in a 'Wales' election but not in a UK wide one.

Any large scale change to the franchise should be funded and sufficient time allowed to plan registration / canvass activities.

**Q2 – Should EU citizens who move to Wales once the UK has left the EU continue to acquire the right to vote?**

Comments: Yes, but there should be a residential qualification of a least one year.

Residents paying (or liable to pay) local taxes (e.g. Council Tax), should be entitled to have a say on how that money is spent, regardless of nationality. Those who use public services should have a say on how they are designed and delivered, regardless of nationality.

Elections to the NAW are currently run on a 'local' franchise so under existing rules if EU citizens were allowed to vote (once the UK has left the EU) they could remain eligible to vote at these elections as well. However, there is an argument that a 'local' franchise should not extend to Parliamentary elections, as individuals might still have the right to cast a vote in Parliamentary elections in their home state and it would fly against tradition and convention to be able to vote in more than one Parliamentary domain. Consideration should be given to the future franchise for NAW elections.

Also Police and Crime Commissioner elections currently carry a "Local" franchise, however this is over-seen by the Home Office and as policing matters are not devolved, is likely to be excluded from any Wales-only changes, including the lowering of the voting age. Inevitably this, plus any changes to the NAW and Council election franchises, will increase the complexity of elections for administrators and the potential for voter confusion.

**Q3 – Should voting rights be extended to all legal residents in Wales, irrespective of their nationality or citizenry?**

Comments: Yes. They should not be excluded from the democratic process due to nationality.

**Q4 – EU and Commonwealth citizens can stand for election to local government in Wales, Should this continue and be extended to all nationalities made eligible to vote?**

Comments: Yes. Subject to a one year residential qualification for eligibility to vote. It would be wrong to deny an individual the right to seek election to a body, when they had the right to vote at elections for that body.

**Q5 – Should Electoral Registration Officers have a greater range of sources available to them to assist citizens to be added to the register?**

Comments: Yes. The current system results in a large number of residents not registered.

**Q6 – Which data sources do you think should be used by Electoral Registration Officers?**

Comments: The Electoral Registration Officer already has access to datasets held by the local authority. Access to schools records would be necessary if the franchise were to change to include 16-18 year olds. UK Government data sets (National Insurance, DVLA, passport office) utility companies and social landlords could also prove useful – particularly to target under represented groups.

**Q7 – Should a wider range of local authority staff be empowered to assist citizens to obtain registration through access to the local government register and have the ability to amend it?**

Comments: Yes. A requirement to be registered to vote prior to accessing other services could be introduced. For example, when applying for housing / council tax benefit, a blue badge, smart card etc. you must either be registered already or at that point make an application. This can be delivered using the existing Individual Electoral Registration Digital Service (IERDS), which gives applicants online access to electoral registration and the identity verification process and help to eliminate potential fraud. As all electors on the Register of Electors have to be Identity Verified, this would give a degree of assurance to other service providers regarding the eligibility of applicants.

This would require a change to the rules governing access to the register by the local authority and should be coupled with robust controls to monitor new or amended entries. Whilst allowing properly managed access could be beneficial, the additional administrative burden on those other services should be considered so as to ensure that it does not impact upon their ability to fulfil their core tasks.

**Q8 – What controls should be put in place to ensure the Electoral Registration Officer maintains overall control of the register?**

Comments: New or amended entries should be held off the register until authorised by the Electoral Registration Officer. All applications, whether made via the Individual Electoral Registration Digital Service (IERDS) or via paper/telephone channels of communication would continue to be determined by the ERO, as at present. Where necessary EROs would continue to gather supplementary evidence to support identity verification and change of name etc..

**Q9 – Should the individual registration rules be relaxed to allow for block registrations in certain circumstances, protecting the right to vote for populations otherwise at risk of exclusion?**

Comments: Yes. Subject to checks. The recruitment of 16 – 18 year old to the register would involve capturing data for individuals as young as 14 years old as part of the annual canvass process (assuming that continues in its present form), who would not have been allocated their National Insurance Number (NiNo). Schools could however be responsible for providing block data, which would include the full name, home address, date of birth and nationality. The school would in effect “attest” the identity of its pupils, in the same way as an individual can attest to the identity of another individual who has failed verification with the DWP and is unable to provide suitable evidence. Minors would obviously not be able to provide either NiNo or suitable evidence (apart from passport, but only if they had one) as they would not have access to bank accounts, credit cards, utility bills etc., in the same way as older adults, therefore attestation would be an appropriate tool, albeit bulk-attestation would be a new form.

Electors who have had to relocate to Residential Care have been high-lighted in the past of having difficulty with the Individual Electoral Registration Digital Service (IERDS) requirements to submit either a NiNo or evidence. Block registrations could be appropriate in a similar way to that highlighted above.

**Q10 – Should we place a duty on Electoral Registration Officers to consider whether any individual groups within their electoral area should be specifically targeted in registration campaigns?**

Comments: Yes. This will ensure completeness of the Register. The Electoral Registration Officer already has a statutory duty to complete a full and accurate register.

**Q11 – Should we introduce arrangements so that agencies who are aware of people moving have a duty to inform the Electoral Registration Officers?**

Comments: This would need careful consideration.

EROs already make extensive use of Council tax and Local Land and Property Gazetteer records to identify house movers. In addition the ERO carries out an annual canvass to ascertain any other register changes that have not been picked up. There will always be an element in society who will, for whatever reason, resist the call to register and it remains to be seen if multiple agencies forwarding change of address details to the ERO could make much difference to the current situation, plus adding to the administrative burdens of both EROs and agencies. There could however be scope for better cooperation between social housing / registered landlords, in the event that service delivery were not linked to registration.

The burden that this might place on the agency must also be considered. Social Services are mentioned in the this section, for example, and the concept of placing a *duty* on a social worker to inform Electoral Registration seems disproportionate considering their core responsibilities to protect and support vulnerable people.

In relation to 3.21, the suggestion that electoral registration forms are sent to people along with notice of their responsibility to pay council tax presents several difficulties in practice:

1. Not every council tax bill is issued due to a change of address; it may be that a change in entitlement to council tax reduction (formerly council tax benefit) a discount or exemption has caused the bill to be issued – in such cases an electoral registration form would not be required. This means that manual intervention would become necessary which would create a new administrative burden.
2. Some local authorities have already moved to issuing council tax bills electronically and CCBC may move that way in future. Electronic bills are issued by specialist council tax software systems and currently there is no ability to tailor the output to include additional forms, such as an electoral registration form in certain circumstances.

In summary, as things stand it is not feasible to send electoral registration forms to people along with notice of their responsibility to pay council tax.

## **Q12 – What are your views on the development of a single electronic register for Wales?**

Comments: The UK Government has twice tried to establish a single electronic register platform. Both LASER and CORE were eventually discarded as being too difficult to administer and without offering any substantial benefits, over and above the current system. The introduction of the Individual Electoral Registration Digital Service (IERDS) in 2014 was therefore not under-pinned by a national electronic version of the register, or

indeed linking to the locally held register electronically. The absence of this underpinning has led to electors making multiple applications for registration at election time, causing major problems for administrators. Unfortunately, whilst it is clear that a national UK electronic register could bring benefits to EROs with regards to multiple registrations, a Wales only version would not be linked to the IERDS and would not bring any substantial benefits to administrators or electors alike, but would come at considerable cost to the tax-payer.

**Q13 – Do you agree that individual principal councils should be able to choose their voting system?**

Comments: No. The existing system should be retained.

**Q14 – Do you agree that a constitutional change such as this should be subject to a two-thirds majority?**

Comments: The existing voting system should be retained, but if the opportunity to change the system in individual Councils was introduced then it should be subject to a two-thirds majority.

**Q15 – Do you agree that the term of local government in Wales should be set at five years?**

Comments: Yes, it brings the length of local government terms in line with the UK Parliament and National Assembly for Wales.

**Q16 – Do you agree in principle with the desirability of reforming the voting system to encourage greater participation?**

Comments: No. We do not agree that reforming the voting system would encourage greater participation.

**Q17 – Are there other initiatives not covered below which might be taken to enable greater participation in elections in Wales?**

Comments: Many initiatives have been introduced to promote greater participation in elections without notable success and therefore the Australian system of compulsory voting should be explored.

**Q18 – Should councils be able to choose to use all-postal voting at council elections?**

Comments: Yes, but removal of personal identifiers would increase the potential for electoral fraud.

**Q19 – Should it be subject to pilot exercises first?**

Comments: Yes. In order to iron out difficulties so that a tested system which works will give voters confidence.

**Q20 – Should councils be able to operate all-postal voting in an individual ward or a number of wards within a council area?**

Comments: No, this would be potentially confusing and selective voting could be used for political gain.

**Q21 – Should electronic voting be enabled at local elections?**

Comments: Yes, subject to appropriate safeguards regarding fraud. The devolved administrations should work with the UK Government on finding a secure, cost effective way of introducing electronic / online voting.

**Q22 – Should remote voting be enabled at local elections?**

Comments: Yes, subject to appropriate safeguards regarding fraud. This would be facilitated using a national electronic register, therefore the preceding comments apply. An online voting platform would be the preferred option over polling station based electronic voting machines.

One question that would need to be examined, if a remote platform were established, would it be necessary to continue with postal voting, or could this be phased out, offering considerable cost savings?

**Q23 – Should electronic counting be introduced for local elections in Wales?**

Comments: Yes, if it was demonstrated to be cost effective. Experience at both Scottish and GLA elections has not been particularly encouraging to support the merits of electronic counting. While there can be

no doubt that electronic counting can bring time and cost benefits (in the long term), this comes at a price. Count centres are normally regionally based, removing much of the “local” element from the count process. There are currently some constraints on ballot paper design to make them suitable for electronic counting, which could mean they are less user friendly for the elector.

**Q24 – Should mobile polling stations be enabled at local elections?**

Comments: Only if electronic voting were introduced.

**Q25 – Should we enable returning officers to make use of polling places in addition to fixed polling stations?**

Comments: Logistically this would be difficult with polling station needing to stock ballot papers of numerous wards. Again, this would be facilitated if electronic voting were introduced.

**Q26 – Should we enable local elections to be held on more than one day and on days other than a Thursday?**

Comments: There is no requirement for local elections to only be held on a Thursday, however currently a Saturday or Sunday may not be used. That said, many conventional polling stations would not be so readily available on a Saturday or Sunday. For example religious premises may be required for their primary use as places of worship.

It could be possible to spread voting over a longer period, using existing systems but this should only be available at a limited number of premises. Early voting could be available at local council offices and larger libraries from the Wednesday before polling day. The processing of Individual Elector Registrations prevents voting earlier than this as polling station registers cannot be produced until this process is complete.

The additional costs of holding local elections over more than one day would need to be addressed.

**Q27 – Should consideration be given to simplifying postal voting procedures and literature?**

Comments: Yes, but any attempt to simplify the current procedures and literature could have a detrimental effect on both fraud and voter secrecy. The current procedures not only serve to help prevent fraud but also to protect the anonymity of the elector. Stationery and processes are designed in such a



way that it is almost impossible for a member of staff or an observer to identify how an individual has cast their vote.

**Q28 - How do you think the process could be simplified?**

Comments: The current system is off putting to those who cannot attend the polling station. This Council receives complaints regarding the inclusion of both English and Welsh languages on the same stationery, as required by the Representation of the People Act (Welsh Forms Order), as this makes the stationery cluttered and more difficult to understand. The size of postal voting stationery is also governed by Royal Mail "Large Letter" rules and the cost of postage. It would help therefore if electors could indicate their choice of language for their postal packs, rather than be issued with a standard bi-lingual pack.

Of course this introduces the possibility for error when issuing.

**Q29 – Should electors attending a polling station be required to produce ID before they are allowed to vote? If so, what types of identification should be accepted?**

Comments: No. A large number of voters do not possess a driving license or a passport. There is a possibility that voters would be declined a ballot paper due to lack of ID.

**Q30 – Do the advantages of requiring ID outweigh the risk of deterring voters?**

Comments: No.

**Q31 – Do you agree that it should no longer be necessary to publish a candidate's home address in election literature, including anything published electronically?**

Comments: No. All election literature should include the name and address of the candidate in whose behalf it is distributed to ensure that anyone seeking redress in relation to the accuracy of any of the content will be clear as to who is the responsible person.

**Q32 – Do you agree that each candidate should be required to provide a personal statement for inclusion on a website provided by the authority to whom they are seeking election?**

Comments: Yes. It would help administrators when they receive calls from electors asking who their candidates are, to be able to point them towards a website. The cost of administering the website would need to be addressed.

**Q33 – Do you agree that it should not be permissible to serve both as an Assembly Member and councillor?**

Comments: Yes. To serve as both may compromise the ability to fulfil both roles satisfactorily.

**Q34 – Do you agree that candidates should be required to disclose a party affiliation if they have one?**

Comments: Yes.

**Q35 – What sort of evidence should be required to suggest there is an undisclosed party affiliation?**

Comments: Candidates should be required to make a sworn statement in front of a Commissioner of Oaths.

**Q36 – Should any council staff below senior level be able to stand for election to their own authority?**

Comments: No. Lifting such a restriction is unlikely to have a significant impact in encouraging more candidates to stand but would have a disproportionate impact on good governance and employment relations with increased employer-employee tensions, potential conflicts of interest and team dynamics and relationships undermined.

**Q37– Is there still justification for councils to keep a list of those other than senior officers who should be politically restricted?**

Comments: No. All other citizens have political freedom which should be extended to Local Authority officers. The requirement that employees should not allow their own personal or political opinions to interfere with their work is included in our Employee Code of Conduct.

**Q38 – Do you agree that the statutory chief executive role should include that of returning officer?**

Comments: Yes.

**Q39 – Do you agree that any addition to salary in recognition of returning officer duties should be a matter for the local authority to determine?**

Comments: No, there should be a prescribed approach.

**Q40 – Should Welsh Government move to a system of calculating Assembly election costs on an agreed formula, based on the size of electorate?**

Comments: Yes, but this needs to reflect local circumstances e.g. rurality.

**Q41 – Should Welsh prisoners be allowed to register to vote and participate in Welsh local government elections? If so, should it be limited to those sentenced to less than twelve months, four years, or any sentence length?**

Comments: Yes. Prisoners serving a sentence of one year or less should be allowed to vote.

**Q42 – By what method should prisoners cast a vote?**

Comments: Postal vote under the supervision of prison management.

**Q43 – At what address should prisoners be registered to vote?**

Comments: Home address.

**Q44 - We would like to know your views on the effects that electoral**

**reform would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English.**

**What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?**

Comments: As the Welsh language in law has an equal status to English, voters should be given a choice of language in which to vote. We ensure that all our documentation and processes are bilingual and that voters can use the Welsh language in the voting process.

**Q45 - Please also explain how you believe the proposed options could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.**

Comments: All official documents and ballot papers should be bilingual.

**Q46 - We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:**

Comments: No issues have been omitted from the consultation.