

Meeting of Executive Members for City Strategy and Advisory Panel

7th June 2006

Report of the Head of Civic, Democratic and Legal Services

The Electoral Administration Bill and Secondary Legislation

Summary

1. This report seeks to update Members on the Electoral Administration Bill and secondary legislation and puts forward a bid for future Government funding,

Background

2. The Electoral Administration Bill is currently before Parliament and introduces significant changes to the administration and conduct of electoral registration and elections. Proposals in the Bill will improve access to voting together with safeguards for the security of electoral processes.
3. The Government's stated aim of the Bill is to improve the effectiveness of electoral administration for the benefit of the electorate and is accompanied by secondary legislation which was laid before Parliament in December 05. These measures are currently being debated in both Houses and it is expected that all measures will be introduced in time for the May 2007 local government elections.
4. The Government recognises that the measures in the Bill and the regulations will impose new burdens on local authorities' elections offices in the administration of elections and registration services. The Department of Constitutional Affairs has therefore committed £19.9m funding in 2006/07 and 2007/08 to cover the costs of these activities which equates to approximately 53p per elector. York's share therefore is £62k.
5. The proposals within the Electoral Administration Bill indicate the Government's clear intention to improve access to and the integrity of electoral processes. There are apparent and significant cost implications connected with the implementation of these proposals both in the primary and secondary legislation.
6. **Summary of key provisions:**
 - A new duty on the electoral registration officer to take all necessary steps to ensure comprehensive registers, including the following specific measures:
 1. Sending the canvass form more than once to any address
 2. Making house to house enquiries on more than one occasion

3. Making contact by such other means as the Electoral Registration Officer thinks appropriate with persons who do not have an entry on the register
 4. Inspecting any records held by any person which the Electoral Registration Officer is permitted to inspect
 5. Providing training to persons under the direction or control of the Electoral Registration Officer in connection with the carrying out of the duty
- Moving back the last date for registration enabling people to register to vote after an election has been called
 - Opening polling stations at local elections from 7 am to 10 pm in line with parliamentary elections
 - Providing pre poll information to be sent to all electors, including those on the absent voters list with details about their vote
 - Providing anonymous registration to electors who meet certain criteria
 - Printing new security measures on ballot papers including barcodes as well as serial numbers and a watermark or under printing instead of perforators
 - Conducting reviews of polling places every 4 years to ensure they meet accessibility criteria
 - Producing a marked register of postal votes returned
 - Requiring voters to sign for their ballot papers at polling stations

7. Summary of Secondary Legislation

- Reason to be given for a re-direction of a postal vote
- Closing date for postal votes to be 11 days before polling but proxy votes allowed up to 6 days before
- Emergency proxy votes for incapacity after the sixth day allowed up to day of poll
- All postal vote applications to be acknowledged in writing
- Replacement postal vote papers available up to 5.00 p.m. on polling day
- Allowance for postal votes delivered to polling stations to be collected during polling day
- Clarification of the power to check signatures for postal vote applications
- Standardising polling hours to 7 am to 10 pm
- Various measures in connection with access and sales of the full register
- A new duty for Returning Officers to promote participation at elections
- Establishes performance standards to promote best practice in the administration of elections
- Introduces a requirement for Returning Officers to submit to the Electoral Commission annual statements of elections expenditure ensuring greater transparency

8. CORE – Co-ordinated on line Register of Electors Project

The Bill also introduces a framework for the Co-ordinated Online Register of Electors to improve the accuracy and integrity of electoral registers and support national access.

The Government's CORE project was launched in January 2004 with the aim of giving electoral registration officers and other authorised users national on line access to national electoral registration data.

The project is seen by Government as part of their proposals to enhance security by improving the accuracy of electoral registers and is in two distinct phases. Phase one seeks to import and export data from local authorities' electoral registration systems and phase two will establish a national system to provide authorised users on-line access to the data.

These reforms are expected to assist electoral registration officers in carrying out rolling registration by providing electoral data to other users, ultimately saving time and expense. National access to this data may also provide in the future a way forward for electronic voting methods in national elections.

Software systems are currently being revised to ensure all data is compatible and all electoral registration officers will be expected to take part in the rolling out of the project. Whilst details of the roll out and individual commitments are yet to be clarified there is already a duty for each local authority to ensure that electoral records and data are maintained accurately. Roll out of the system is expected in the very near future.

9. Members recognised in December 2004 the pressures which existed within Electoral Services and the need to make permanent one temporary staff member in the group but no additional funding was provided therefore the group currently has a £22k annual budget overspend. It is expected that this will be addressed in the current re-organisation of the Chief Executive's Department.
10. Local elections are held once every four years in York. There is no annual budget provision so a growth bid is submitted in the financial year prior to each election. It is therefore anticipated there will be a significant increase in the growth bid to be submitted for the 2007 elections than in previous years in order to ensure the duties laid down by the 2006 Bill are introduced. These will include:
 - Additional payments to polling staff working longer hours
 - Training fees for polling and count staff
 - Postal ballot pack processing
 - Additional stationery and postages in connection with postal voting
 - Pre election letter to all voters
 - Publicity and advertising
 - Employment of temporary office staff
11. Electoral procedures are many and complex however it may be helpful to offer a simplified overview of current electoral procedures and additional procedures as anticipated by the Bill:

Pre Bill**Current register procedures**

- Delivery of up to 4 registration forms and one final letter
- Inputting all additions, deletions and amendments
- Checking non responding addresses against council tax when time permits
- Checking other lists such as deceased persons lists
- Checking the final register against original scanned forms when time permits
- Checking absent voters lists
- Rolling registration of on average 600 monthly entries

Current election procedures

- Booking polling stations and count centres
- Advertising and engagement of polling station and count staff
- Advertising the election through press releases and the availability of absent vote facilities
- Checking and processing all absent vote applications and producing lists
- Printing and delivery of poll cards
- Checking all nominations and consents
- Validation of nominations to candidates
- Production and publication of all statutory notices
- Creation, checking and

Post Bill**Additional register procedures**

- Making house to house enquires on more than one occasion
- Making contact by such other means with persons who do not have an entry on the register
- Providing training to canvassers
- Moving back the last date for registration after an election has been called
- Providing anonymous registration for certain electors
- Conduct polling district reviews every 4 years
- Establishment of performance standards

Additional election procedures

- Producing a marked register of postal votes returned
- Pre polling information to be sent to all electors including those on the absent voters list
- Voters to sign for ballot papers at polling stations
- Reasons to be given for re-direction of postal votes
- Emergency proxy votes for incapacity allowed up to day of poll
- All postal vote applications to be acknowledged in writing
- Replacement postal votes available up to 5.00pm on polling day
- Power to check signatures for postal vote applications
- Standardisation of polling hours to 7.00 a.m. – 10.00 pm

<p>production of official ballot papers</p> <ul style="list-style-type: none"> • Issue postal ballot papers <p>Cont.</p> <ul style="list-style-type: none"> • Provision of all polling station stationery • Delivery of all polling station equipment • Polling day • Counting of votes • Declaration of Result 	<ul style="list-style-type: none"> • Duty for Returning Officer to promote elections • Providing training to staff employed <p>Cont.</p> <ul style="list-style-type: none"> • Establishment of performance standards
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12. A breakdown of current staffing within the Electoral Services Group along with roles and responsibilities is shown at Annexe A as well as the time allocated to tasks carried out during the course of the year.

13. The anticipated changes to be introduced by the Electoral Administration Bill, the work anticipated by the CORE project and the continuing effects of the Representation of the People Act 2000 have a significant impact on resource requirements for the provision of electoral services. It is clear there will be a reduction in the level of service in the near future unless a further member of staff is employed.

14. Key Issues

The Electoral Administration Bill will empower the Electoral Commission to define and publish performance standards for the administration of elections by Returning Officers and Electoral Registration Officers. The Commission has already commenced planning for how this clause will be implemented and are seeking to establish a vision for quality electoral services and developing a framework for the setting of performance standards.

It is expected that the Commission's vision of quality electoral services will be published during the course of this year followed by the publication of the performance standards.

15. The Electoral Commission has clearly indicated that it is committed to helping electoral administrators in getting as many members of the electorate registered to vote as possible. It is anticipated that the number of electors registered may well be a future key performance measure. The Commission has recently launched a national campaign to target home-movers to register to vote prior to the 2006 elections and are working with the Royal Mail's Re-direction service by sending a home-movers registration pack to over 200,000 households across the UK. These forms are now being received and processed in York.

One major reason for the non registration of electors in York is the reactive only response to rolling registration during the course of the year. Of the 1200 movements actioned by Council Tax each month Electoral Services deals with on average only 50%. The remaining 50% of house movers are not registered and can remain so during the course of the year. Without the recruitment of a further member of staff within the group the additional workload could not be undertaken.

The Bill now puts an onus on the Electoral Registration Officer to make contact by such other means with persons who do not have an entry on the register. This can be accomplished by a proactive approach to rolling registration and a link up with all Council Tax monthly movements.

16. The annual canvass usually undertaken in York provides for the delivery of up to 4 registration forms to households with one final letter sent out to all non responders in late November. This produced a 92% return of registration forms for the register published on the 1st December 2005. However the Electoral Administration Bill also establishes that Electoral Registration Officers must make house to house enquires on more than one occasion to non responding households. This will re-introduce personal visits to non responding properties but will come at a cost as canvassers are difficult to recruit for this type of personal contact.
17. Providing pre poll information to all electors including those on the absent voters list is a further measure in the Bill to encourage registration and is an anti fraud measure to ensure the accuracy of the information held on the absent voter list. This information should not be confused with a poll card which is sent out prior to an election. This is information which should be sent out annually, ideally after the publication of the annual register. The costs of printing, personalisation and delivery will have to be met.
18. **Consultation** – no further consultation has taken place other than with specialist Officers as mentioned later in the report.

Options

19. Option One – Members may agree to approve the 40K funding set aside for the Electoral registration budget 2006/07

Option Two – Members may not approve the funding

Analysis

20. Approval of funding will allow the implementation of the key provisions of the Electoral Administration Act and secondary legislation as well as an opportunity to provide quality electoral services in York

Non approval of the funding will result in non implementation of the Act and the provision of a lower level of electoral service.

Corporate Objectives

21. Corporate aims 6 (Ensure that all Council services are accessible and inclusive and build strong, proud local communities) and 8 (Transform City of York Council into an excellent customer focused “can do” authority) are applicable in this instance as the funding will allow a more inclusive service and provide an opportunity to work towards a more customer focused service.

Financial Implications

22. Members recognised in the 2006/07 budget that there would be additional costs associated with the new Bill. £40k was included within the growth requirement, subject to future EMAP approval (“Revenue Budget 2006/07” Executive 17 February 2006).
23. Electoral Services has been under significant pressure since the introduction of The Representation of the People Act 2000 and Representation of the People Regulations 2001 and 2002 which introduced rolling registration, the ability for the elector to opt out of a public register and universal absent voting. Current resources are not sufficient to cope with the increased workload brought about by the changes as laid down in the Bill. Therefore it is necessary to employ an additional full time permanent member of staff at scale 1/2 (£15,225 - £17,952 including on costs).
24. In addition there is a further cost of £24,500 broken down as follows:

Pro activity on rolling registration

Paper and printing	£1,000
Return postage pre paid	£2,500

Two personal visits to non responders

During annual canvass	£6,500
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Anti fraud measures

Letter – printing and personalisation	£5,000
Hand delivery	£9,500

- 25 Therefore it is anticipated that the total cost to the Electoral Registration Section resulting from the Electoral Administration Bill will be in the region of £39,725 - £42,452.

26. Human Resources Implications

There will be a requirement to recruit one additional post on a permanent basis in Electoral and Civic Services - Clerical Assistant (Sc 1/2).

There are no significant changes in the roles and responsibilities of existing positions as a result of proposed changes other than the requirement to work

some additional hours, the costs of which are covered in the above financial costing.

27. **Equalities Implications**

The provision of a pro active rolling registration system will go some way to ensuring a more inclusive register by reaching sectors of the community who may otherwise be disenfranchised. The provision of information in accessible formats and community languages to targeted groups and previously identified individuals will help to ensure this. The pro-active registration will be measured to ensure that disadvantaged groups are successfully reached.

28. **Legal Implications** - Necessary to meet legislative requirements

29. **Crime and Disorder Implications** – There are no crime and disorder implications

30. **Information Technology Implications**– The equipment for scanning postal votes was provided for the 2004 election pilot. Liaison with IT will take place over the next few months to ensure all is in order for the 2007 elections.

As part of the easy@york programme the York Customer Centre will handle routine council tax transactions like changes of address and it may be possible to capture the voter registration issue and to capture the house move at the point when the centre is notified. Registration forms could be sent direct from the centre, or an electronic route if available.

31. **Property Implications** – There are no property implications

32. **Risk Management**

In compliance with the Councils risk management strategy. There are no risks associated with the recommendations of this report. However the inability to meet the requirements of the Act will result in non compliance with legislation and produce an inaccurate and ineffective register of electors. It will also affect the Returning Officer's duty to provide accurate and efficient local and national elections.

Measured in terms of impact and likelihood, the risk score has been assessed at Greater than 8 (Low) less than 16 (High), This means that if the recommendation is not approved the risk will need to be monitored to ensure it does not provide a threat to Council in terms of breach of regulations.

33. **Recommendation**

That the Advisory Panel advise the Executive Leader to approve Option One for the £40k funding set aside for Electoral Registration in the 2006/07 Budget.

Reason – In order to comply with and introduce the measures which will be introduced by the Electoral Administration Bill and secondary legislation

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Report Approved

Yes

Date 16th May 2006

Specialist Implications Officers:

Financial – Katherine Finnie – Accountant
Human Resources – Janet Neeve – HR Business Partner
Equalities – Julian Horsler – Equalities Officer
Legal – Suzan Hemingway - Head of Civic, Democratic & Legal Services
Information Technology – Tracey Carter – Head of ITT
Risk Management – David Walker – Risk & Insurance Manager

Wards Affected:

All Yes

For further information please contact the author of the report

Background Papers

Electoral Administration Bill

Annexes

Annex A – Electoral Services Group