

**Local Government and Public Services Committee  
Scrutiny of the Electoral Administration Bill 2005**

**Final Report**

**December 2005**

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## **1. Introduction**

1.1 The National Assembly for Wales' Local Government and Public Services Committee scrutinised the Electoral Administration Bill in November 2005. This report contains a series of recommended amendments to the Bill, based on the evidence received. It also includes the identification of several issues relating to the Bill and electoral arrangements in general, based on evidence received on the Bill and on the Committee's scrutiny project Electoral Arrangements in Wales<sup>1</sup>.

1.2 The Committee urges those scrutinising the Bill in Westminster to consider the amendments recommended in this report during the passage of the Bill.

## **2. The Bill**

2.1 The Electoral Administration Bill was published on 12 October 2005. At its meeting on 13 October, the Local Government and Public Services Committee unanimously agreed to scrutinise the Bill with a view to influencing its passage through Westminster.

2.2 The Committee took written and oral evidence on the Bill at 2 meetings (see Annex 1 for transcripts and papers)

## **3. The Committee's views on the Bill**

3.1 The Committee broadly supports the measures proposed in the Bill. Comments on specific parts of the Bill can be found below.

3.2 The Committee feels, however, that, given the amount of Parliamentary time being given to the Bill, there has been a missed opportunity to introduce more sweeping reforms to the way in which elections are run. We feel that the Bill can be seen as 'tinkering around the edges' of the Electoral System.

3.3 During our evidence gathering for our scrutiny of Electoral Arrangements in Wales, we became convinced of the need for changes in the way in which electors in the UK register and vote.

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<sup>1</sup> Terms of reference for the Committee's scrutiny project can be found at: <http://www.wales.gov.uk/keypubassemlocgovpubsvs/content/elect-tor-e.htm>

3.4 We visited The Netherlands, Denmark and Belgium in September of this year to gather evidence for our scrutiny project on Electoral Arrangements in Wales. Whilst we were in the three countries, we saw examples of the automatic registration of all electors when they reach polling age. This was done by different means in each country, but each was based on information which is readily available in this country (such as date of birth, address, unique number allocated at birth for social security). It is then up to individual citizens to inform their local authority of any change of address.

**3.5 We strongly urge that, as information on dates of birth and eligibility to vote (e.g. through attaining British citizenship) are readily available, the UK Government should bring forward proposals which pave the way for the automatic registration of electors.**

3.6 We were also shown, in The Netherlands and Belgium, various systems of electronic voting at polling stations. The systems used were simple to use (even with the national list system used in The Netherlands), secure and provided instant results of the poll at the end of polling. The systems were also popular with voters in the two countries.

**3.7 Although the possibility of different channels of voting are referred to in the Explanatory Notes to the Bill, we strongly urge that the UK Government should bring forward proposals for the piloting of electronic voting systems in polling stations.**

**3.8 Proposed amendments and issues to the Bill (all clause, page and line references refer to the revised Bill published following amendments in the House of Commons Committee of the Whole House and Standing Committee B)**

3.9 The Committee feels that the role of the National Assembly, especially in respect of consultation on matters affecting Wales and Welsh Local Government, has not been sufficiently addressed in the Bill. Many of the proposed amendments seek to clarify the role of the Assembly.

3.10 The Committee also feels that the issues of bilingualism and the way in which electoral services in Wales are arranged are not sufficiently addressed in the Bill. We propose several amendments that seek to deal with these issues.

#### **4. Part1 – Co-ordinated On-line Register of Electors (CORE)**

4.1 The Committee welcomes the proposal to introduce a modernised centrally held, computerised registration system.

4.2 The current Register of Electors in Wales is held in both English and Welsh as it is a document which is accessible to Members of the Public. The Electoral Commission's Welsh Language Scheme commits the Commission to treating the English and Welsh languages equally within Wales. We believe that, as keepers of the CORE scheme, the Electoral Commission's commitment would be extended to cover the CORE scheme.

**4.3 We recommend the following amendments to clarify the role of the Welsh Language and National Assembly for Wales in the CORE system:**

Clause 1, page 2 line 27, at end insert –

'(12) Any CORE scheme which relates to all or part of Wales should be in English and Welsh.

(13) The National Assembly for Wales shall be consulted before a CORE scheme which relates to all or part of Wales is established, varied or terminated.

Clause 6, page 5, line 34, at end insert –

(3) An order establish or vary a CORE scheme which relates to all or part of Wales must not be made unless it is approved by the National Assembly for Wales

**Issues in Part 1**

**4.4 We strongly urge that a separate core scheme be established for Wales**

4.5 We received evidence from the Association of Electoral Administrators (AEA) in Wales and they reported that have not been consulted during the drafting of the Bill.

**4.6 We urge that the AEA in Wales should be consulted before any CORE scheme is established for Wales.**

**5. Part 2 – Registration of Electors**

5.1 The Committee recognises the importance of the role of Electoral Registration Officers (EROs) in ensuring that the Register of Electors is as complete and correct as possible.

5.2 We have received evidence, however that the duty on EROs to call on a house at least twice to ensure registration is both impractical and not cost effective.

5.3 The Welsh AEA told us that, in many areas, visiting properties is difficult in respect of the security of those visiting and the disturbance caused to those being visited (especially older people).

5.4 The Welsh Local Government Association (WLGA) stated that the predicted increase in costs for conducting two person calls at a property was around 30%. The predicted increase in overall numbers registered would be between one and two percent.

**5.5 We therefore recommend the following amendment:**

Clause 9, page 6, line 22 delete - (b) making on more than one occasion house to house inquiries under subsection (5) of that section.

5.6 We received evidence from the Disability Rights Commission (DRC) that people with disabilities may be unable to register as they cannot access the registration documentation.

**5.7 We therefore recommend the following amendment:**

Clause 9, page 6, line 31, at end insert -

(f)

If a person with a disability has expressed a wish to be communicated with in a particular format, then in so far as is practicable, the ERO should communicate with that person in that format.

**Issues in Part 2**

5.8 The DRC gave us evidence that better provision for disabled voters could be made at polling stations if they were able to declare their accessibility needs when registering.

**5.9 We therefore urge that the Bill provides for any form used under section 10 (4) of the *Representation of the People Act 1983* for the purpose of a canvass shall require the access needs of an elector to be included.**

**6. Part 3 – Anti Fraud Measures**

6.1 The Committee welcomes the introduction of measures to increase the security of the voting system, although we share the Electoral Commission's disappointment that individual registration and the use of personal identifiers are not being introduced immediately.

## **6.2 We recommend the following amendments to clarify the role of the National Assembly for Wales:**

Clause **13**, page **11**, line **20**, at end insert - -  
(4D) The Secretary of State must consult the National Assembly for Wales before making any regulations under subsection (4C) in connection with to any elections relating only to all or part of Wales.

Clause **15**, page **14**, line **26**, at end insert -  
The Secretary of State shall not make any pilot order relating to all or any of Wales unless he first consults the National Assembly for Wales.

Clause **16**, page **15**, line **27**, at end insert -  
(a) The Secretary of State may direct the Electoral Commission to report to the National Assembly for Wales as to the operation of a pilot order under section 15 which covers all or part of Wales.

### **Issues in Part 3**

#### **6.3 We support the Electoral Commission's suggestion that the requirement for personal identifiers should be introduced immediately but their completion should be voluntary for a trial period.**

6.4 We received evidence from the AEA about the potential increase in workload associated with individual registration forms (especially if the requirement to call at least twice at each address were enforced). There were also concerns expressed that this would lead to a reduction in the number of electors registered to vote.

#### **6.5 We urge that individual registration be carried out on a householder form, rather than on a separate form for each individual.**

6.6 We are concerned that the bilingual nature of the way in which EROs operate in Wales has not been fully appreciated.

#### **6.7 We urge that a pilot should be carried out in a Welsh local authority to highlight any bilingual issues before any system of personal identifiers is introduced into England and Wales.**

6.8 We received evidence from the DRC that the privacy of personal identifiers for some vulnerable groups (e.g. those in residential care) could be compromised through mass registration by care workers.

#### **6.9 We are concerned that the issue of the privacy of personal identifiers for vulnerable groups has not been sufficiently addressed in the Bill.**

6.10 The DRC was also concerned about the way in which the mental capacity to register and vote was assessed both by those assisting with the registration process (electoral administrators and those caring for vulnerable people) and presiding officers at polling stations.

**6.11 We the DRC's call for the Bill to be amended to reflect the general assumption contained within the *Mental Capacity Act 2005* that all potential electors have the capacity to register and vote.**

**6.12 We urge that Section 13(e) of the *Representation of the People Act 1983* be amended to ensure that there is flexibility in personal identifiers for voters with a disability to enable them to register and vote with an identifier that they are able to replicate and are familiar with.**

## **7. Part 4 – Review of Polling places.**

7.1 The Committee welcomes the need to review polling places on a regular basis.

7.2 During our evidence gathering in Europe for our scrutiny project on Electoral Arrangements in Wales, we found several examples of good practice. One example was from The Netherlands where Presiding Officers in each polling station are required to prepare a report for the Returning Officer at the end of each poll. The report outlines any issues that have arisen during the course of the poll. These reports include issues of access as well as listing any difficulties with registration and voting procedures encountered on the day.

**7.3 We urge that the Bill contains a provision requiring the Presiding Officer at each polling station to produce a report at the end of each poll outlining any issues (e.g. access, registration) that have occurred during the poll. Each Returning Officer should subsequently be responsible for dealing with the issues raised.**

7.4 We received evidence from the DRC that strongly supported the inclusion in the Bill of the requirement for statutory standards of access to polling stations to be produced and adhered to.

**7.5 We strongly urge that the Bill contains the requirement for statutory standards for accessibility of polling stations to be produced.**

## **8. Part 5 – Standing for Election**

8.1 The Committee welcomes the proposals to change and clarify the rules for standing for election.

8.2 Section 23 (2) (2) (b) proposes the term “Annibynnwr” as the Welsh form of the word Independent. The word Annibynnwr is a masculine word in Welsh, so referring to a man. It also has religious connotations and is also used to describe a Welsh Congregationalist.

8.3 The word Annibynnol is generally accepted as a non gender/religion specific translation of Independent.

#### **8.4 We therefore recommend the following amendment:**

Clause **23**, page **25**, line **7** delete Annibynnwr and insert Annibynnol

#### **9. Part 6 – Conduct of Elections etc**

9.1 The Committee welcomes the provisions of Part 6 of the Bill.

#### **9.2 We recommend the following amendments to clarify the position of the National Assembly for Wales and the Welsh language:**

Clause **33**, page **43**, line **44** , at end insert – or in the case of elections relating to all or part of Wales, the National Assembly for Wales  
Clause **36**, page **47**, line **12**, insert: and in Wales, Welsh after: English

#### **Issues in Part 6**

9.3 We received evidence from the DRC that they were concerned that none of the draft ballot papers that they had seen to date had been suitable for visually impaired people to use.

#### **9.4 We urge that any change in design of the ballot paper is done in conjunction with disabled groups to ensure that the information on the ballot paper is readable for those with sight difficulties.**

9.5 We are concerned about the design of new ballot papers and any implications for the bilingual versions used in Wales.

#### **9.6 We urge that the Welsh Language Board be consulted on the design of any ballot papers to be used in Wales.**

#### **10. Part 7 – Regulation of Parties**

10.1 The Committee welcomes the provisions of Part 7 of the Bill.

#### **10.2 We recommend the following amendments to clarify the position of the National Assembly for Wales:**

Clause **49**, page **60**, line **2**, at end insert -  
and the National Assembly for Wales

#### **11. Part 8 – Miscellaneous**

11.1 The Committee welcomes the provisions of Part 8 of the Bill.

11.2 There are some concerns, however, about the setting of performance indicators for Local Authorities. The Welsh Assembly Government is currently conducting a comprehensive review of Local Government performance indicators with a view to rationalising the requirements placed upon local authorities.



**11.3 We strongly urge that, the proposed new Section 9A of the *Political Parties, Elections and Referendums Bill 2000* in Clause 63 should ensure that:**

**There should be a separate set of performance indicators for Wales.**

**The indicators should be determined in conjunction with the National Assembly for Wales.**

**There should be indicators for the Welsh Language included in any set of performance indicators for Wales.**

### **General comments on the Bill**

#### **12. Costs and funding**

12.1 Concerns were expressed by several witnesses about the way in which the costings contained in the Regulatory Impact Assessment had been estimated and whether enough consideration had been given to the additional costs incurred in Wales due to bilingualism.

12.2 The WLGA expressed concern that local authorities in Wales had not been involved in the estimation of the cost implications of the Bill.

12.3 The Electoral Commission expressed the view that there should be recognition of the need for specific financial provision for bilingual needs in Wales. They also stated that they were not satisfied that the Regulatory Impact Assessment takes sufficient account of the statutory requirement in Wales for bilingualism.

**12.4 We strongly urge that the regulatory Impact Assessment be revisited to ensure that the additional costs incurred in Wales because of the requirement to operate bilingually have been sufficiently taken into account (especially the costs incurred in a bilingual CORE scheme).**

12.5 All witnesses expressed concern about the funding implications of the Bill and how additional funds would be allocated to Welsh local authorities. Concern was expressed that electoral management has been viewed as a 'Cinderella Service' in the past with very little acknowledgement of the professionalism needed to run the services.

**12.6 We strongly urge that adequate funding be put in place to ensure the effective implementation all the provisions in the Bill.**

**LOCAL GOVERNMENT AND PUBLIC SERVICES COMMITTEE**

**Transcript of written evidence**

**Wednesday 9 November**

Roger Morris

**Wednesday 17 November**

**Transcripts of Oral Evidence**

Bob Screen - Association of Electoral Administrators

Kay Jenkins - Electoral Commission

Steve Thomas - Welsh Local Government Association

Gwilym Morris - Disability Rights Commission in Wales

Geraint Edwards - Isle of Anglesey County Council

## **Report of R.J.B. Morris on the Electoral Administration Bill 2005**

1. May I start by thanking the Committee for the opportunity to report on this Bill and assist with your Members' deliberations. I hope that I can be helpful in that process. After brief preliminary comments, I turn to consideration of the individual clauses, as I was asked to do, to draw out issues which I consider may be of particular interest or significance in the Welsh context.
  
2. SOLACE, the Society of Local Authority Chief Executives and Senior Managers, has already welcomed "that there is a Bill" in evidence to the House of Commons Constitutional Affairs Select Committee, but noted its limitations "in that it only incrementally changes the current system." This is my own starting point, to express some disappointment that the urgently needed more radical measure for which returning officers ("ROs") have been calling for some years (and well before the public attention brought onto the election process in the last eighteen months or so) has not appeared, but to welcome what proposals there are. While it may appear unhelpful to say that you wouldn't start from here, I think it is relevant to remind the Committee at the outset of the overall impetus for wider reform. The extent to which this Bill may be regarded as an interim measure may affect the Committee's approach to the provisions it contains, and to the risks and implications of any possible difficulties with, or threats to, the eventual enactment of the Bill as it passes through a crowded Parliamentary session.
  
3. Furthermore, its timing means that it is not expected to have full application in time for the 2006 local elections in England, and if the problems experienced in 2004 and 2005 are repeated they can be expected to have a further eroding effect on everyone's confidence in the election process which, once diminished, is extremely hard to recover. It will be recalled that the formal 2006 election procedures will begin only about four and a half months after the Committee's meeting on 9<sup>th</sup> November, and that the electoral registers on which they will be run have effectively already been compiled.
  
4. The Committee may want to urge the Government not to treat this interim Bill, if you agree with that point, as lessening the likelihood that Parliamentary time will be found for a more fundamental reform Bill in the near future, or indeed for the consolidating Act and Regulations which are so necessary now to remove the confusing and time-wasting intricate patchwork of this part of the statute-book. It may be underlined in passing that the Bill is titled "Electoral Administration" rather than "Electoral Management" and this, though preferable to the familiar but rather dated "Representation of the People" style, may say

something about how this increasingly demanding and professional work is still viewed in Government.

5. I now turn to consideration of the individual clauses.

### **Part 1 - Clauses 1-8**

6. These clauses introduce the Government's standardised electoral register scheme. CORE stands for Co-ordinated On-line Register of Electors, was heralded in a consultation paper published by ODPM (before transfer of the relevant functions to the DCA) in May 2004, and replaces the earlier abortive LASER scheme approach.
7. Clause 1 provides for the Secretary of state to appoint one or more schemes whereby a "CORE keeper" (probably the Electoral Commission) will keep a centralised record of standardised electoral register and related information supplied by local electoral registration officers ("EROs"). Clause 1(11)(c) and (d) include jury service information and whatever else the Secretary of State thinks "necessary or expedient to facilitate the operation of the scheme." Neither the Bill's Explanatory Notes nor the final Regulatory Impact Assessment dated 1<sup>st</sup> October 2005 ("RIA") are explicit again on the reasons for the CORE approach directly, but it is part of the Government's wish to see a more consistent level of electoral services nationally and co-ordinated voter records. Some observers may be concerned whether the Bill will thereby also in principle allow easier data matching or collating of identity or similar information of a sensitive civil liberties nature, but any such additional use would, as noted earlier, have to be "necessary or expedient to facilitate the operation of the scheme", i.e. the CORE scheme itself.
8. Most of what follows clause 1 is of course supplemental to this primary purpose. Clause 2(6) would allow the CORE keeper to tell an ERO where someone was registered twice or trying to break the law in relation to postal and proxy voting. The cost of achieving that must be measured against the scale and significance of the mischief to be prevented: great care will need to be taken to avoid individuals misusing the right to confirm other householders' details under clause 2(10)(b) or duplicating their registrations in the first place. As the SOLACE evidence referred to above says, "Registration is the building block upon which all else rests."
9. There can be no exact cost of the introduction of the CORE concept. The Government will meet the expenditure by grant under clause 3, and EROs will be able to recover the costs they incur in turn from the CORE keeper. An interesting provision under clause 5's supplemental heading is the possibility of 5(2)(c) that the Secretary of State's scheme can provide for an ERO's functions to be exercised by the CORE keeper. Presumably this could be used to transfer what is currently a local authority function (as opposed to the separate personal liability of

the election returning officer) away from local government, whether as a default power for perceived poor performance or for other reasons. Clause 5(6) also envisages the possibility of requiring a “personal identifier” other than a signature, while 5(10) enables outsourcing of aspects of the work notwithstanding (clause 1(10)) that “The person designated as a CORE keeper must be a public authority.” The Committee may consider that the Welsh Assembly should also be specifically consulted as of right by the Secretary of State under clause 6(4) before a CORE scheme is made or varied.

## **Part 2 – Clause 9-12**

10. Clause 9 contains one of the two sets of provisions (the other being concerned with personal identifiers in Part 3 of the bill discussed below) likely to be regarded by most EROS and their staffs as potentially the most burdensome (and, pro rata, costly) in the whole Bill. The Committee will note that the basic section 9 of the Representation of the People Act 1983 (itself substituted into that Act only fairly recently by the Representation of the People Act 2000), requiring the maintenance of an electoral register, had merely made it in section 9(6) a “duty to take reasonable steps to obtain information required,” and section 10 required the conducting of an annual canvass. Clause 9(2) of the new Bill now sets out to define what “reasonable” shall mean in future by setting out five steps which must be taken.
11. Committee members will no doubt have had their own experiences of door-knocking and working with electoral registers, to be set against the good reputation for accuracy and completeness which, until recent years at least, I believe the electoral registration process overall has generally enjoyed. Most EROs will already take most of the steps which clause 9 will require, but are likely to question the wisdom of making them a universal duty. Recently declining public willingness to be, or acquiescence in being, registered have several causes, no doubt – the poll tax era discouraged some, as have a greater antipathy to various kinds of invasions of privacy or to party politics or creeping bureaucracy or whatever, balanced only to some extent by an appreciation that credit reference agencies use the published registers for their purposes too.
12. The duty of clause 9(2)(b), of “making on more than one occasion house to house inquiries,” is likely to be particularly onerous if indeed it means two visits at least to every dwelling. (House to house visits are currently discretionary, though normal, under section 10(5) of the 1983 Act.) My own experience in four towns over thirty years was that the canvassing work was traditionally generally treated as a source of useful extra money by people who often canvassed the same area year after year. EROs in recent years, however, have gradually become less able to recruit suitable people willing to do it at the price paid; in densely urban areas the resistance is even greater, and growing awareness of risk makes it less tenable to ask staff to go singly into

situations where they may be unwelcome or, in extreme but by no means unknown cases, even at risk of violence. Even though the canvass is undertaken currently in the light summer months, finding an increasingly mobile population at home is not easy, and the jokes about the deterrent effect on registration of popular TV programmes like *Coronation Street* and *East Enders* have some truth to them. Requiring home visits, the ironic opposite end of the scale in an age increasingly used to the internet and remote contact, is bound to be expensive; there is a likelihood of having to double up canvassers in some situations as well as having to pay more for the employment costs of increasingly unpopular work, with the risk that if the canvass is done by untested casuals the opportunities for lessening of completeness and accuracy increase. A sensible amendment might involve making it clear that further inquiries, or second visits, need not be made where the ERO has a response already from the initial approach which appears to be accurate and complete.

13. There is also the broader point that under current legislation the onus is on the individual to register, and whether or not anyone is ever prosecuted, the canvass form A reminds them that it is an offence not to register. Inevitably there seems scope under clause 9 for someone to claim that they were denied a vote, or that they have a defence to a prosecution for failing to register, because the ERO's staff failed to visit twice or whatever. The ERO will have to keep much more elaborate records of the visits or researches undertaken in order to demonstrate compliance with the statutory duty.
14. Perhaps a general point for the Committee to reflect on over clauses 9-12 is that a duty laid on local government over so many years, and redefined only in 2000, is now to be redefined again with close prescription when there seems to be little evidence of EROS failing to do it well according to their knowledge of their areas. House to house visiting is clearly a very different activity from the denser older areas of Cardiff, say, to the rural spaces of the Radnor Forest. Will the cost increases in registration be proportionate, or be of diminishing return in the ultimate Parliamentary goal of trying to improve voter turnout?
15. Clause 10 provides for anonymous registration. EROS have in the past listed certain voters at the end of the register without specific addresses, to protect the families of probably absent service voters, known victims of violence and so on. That does of course still confirm that A.N. Other is present in the local authority area somewhere. What will be section 9B(2) of the 1983 Act (clause 10 of the Bill) will require the ERO to make a subjective and difficult judgement whether someone's safety would be at risk – a decision with serious consequences if wrong, and which it is difficult for the potential voters to challenge without drawing attention to themselves. I hope it is too pessimistic to envisage what might happen in a community with heightened social tensions if whole sections of that community perceived themselves at risk, but it is relevant to ask how any law

would work under severe strain beyond the context for which it was originally intended. The case for an anonymous registration is understandable in many cases, but the principle of a public register, and hence a transparent electorate, is an important one for democracy. Any erosion of it can only be justified where the balance in particular instances tips so that the case for enabling someone to vote who is in real fear, and whose right to go openly and peaceably about their business is currently compromised, outweighs the more conceptual general right of all of us to know who it is who may vote in any election.

16. Keeping public understanding of, and more likely therefore confidence in, the way the register is compiled may not be easy: note for instance the new para. 10(1A) inserted into schedule 2 to the 1983 Act by para. 15(7) of Part 1 of schedule 1 to the Bill, which states that “The edited version shall not omit anonymous entries.” Whether that is conducive to a transparent electorate is hard to say, perhaps, but it does show just how complex a once relatively simple and seemingly basic democratic requirement has become in recent years. Incidentally the drafting of clause 12 is a good illustration of how urgently a consolidating Act is needed, even of the present law. The intricate weave of amendments, many of them quite recent, makes these provisions needlessly difficult to assimilate in terms of substantive changes and technical or cost implications.

### **Part 3 – Clauses 13-18**

17. The concerns previously aired in this Committee and elsewhere about security and vulnerability to fraud clearly cannot be addressed without improved measures to combat that fraud, and those concerns have been of course much more about postal voting than individual “personation,” as it is called, at the polling station. My example of the outdated current position is about buying a train ticket at the station using a credit card: your identity is verified independently, yet who you are is really unimportant as it is only whether you can pay (i.e. travel) that matters to the train company’s employee. At the polling station, however, who you are is crucial but is not generally checked or indeed checkable, while conversely the nature of what you are there to do (i.e. vote in a particular way) that is of no relevance to the polling officer.
18. These clauses borrow from established procedures in Northern Ireland in introducing “personal identifiers” to England and Wales. (The Committee will note, though, that those procedures were developed to counter personation problems rather than the postal vote concerns in Great Britain in the last two years.) Personal identifiers are currently signatures and birth dates, but can in principle include other (presumably biometric) characteristics by subsequent prescription: clause 14, inserting section 13E(2)(c) into the 1983 Act.
19. Dates of birth do not vary, but signatures do, particularly according to the writing implements and surfaces, despite the wording of what will

become section 13E(6). These requirements, however, are of course not about absolute security but about deterrence, and about the idea that a few simple steps can at least largely close an otherwise wide open gap. The proposal for piloting identifiers is a sound one, as is learning more about the experiences and costs in Northern Ireland. (Their Chief Electoral Officer Denis Stanley is very experienced in these issues.) The Secretary of State can reimburse the costs of a pilot order, but the wider costs of operating these provisions could very great and I have not seen them estimated fully. A key point here is not only cost in money but also cost in time: the pressures on election staff are great at election time, particularly for the shorter Parliamentary timetable when higher turnouts are usually experienced. The need to check a given proportion of signatures or whatever, or indeed all of them, will be very labour intensive, often difficult to mechanise, and bound to have implications for the running of the election overall. The Committee may want to urge that the Secretary of State should be required to consult the Welsh Assembly under clause 15(3) before any personal identifier piloting takes place here, and similarly that the Electoral Commission should report also to the Assembly on any such Welsh pilots under clause 16(1).

20. Few will doubt that greater security is necessary for voting procedures: the Government has an understandable reluctance to put people off voting by making those procedures more cumbersome, especially since regular voters will probably vote anyway and it is the others who have to be persuaded that they should vote. Yet there is an obvious trade-off between security and process. The questions with any proposed reform must include proportionality – will the changes be worthwhile for the costs or implications of their introduction? Granted that absent vote applications already go through the ERO's office anyway, could polling station security be sufficiently improved, for example, by requiring voters to give up their official poll card-type permit to vote instead of the present approach? Even if lost cards had to be able to be replaced, how would the costs and outcomes of such a change compare with any other method? Any change is going to cost appreciably more than does the present system: none of the issues discussed in this report is likely to save rather than spend money, which sets in context the relative low cost of the traditional system – you get what you pay for, and at the moment, so far as security is concerned, we are not paying for much.

#### **Part 4 – Clause 19**

21. The Committee will be more familiar than most with the differences between polling districts, polling places (both determined by the relevant local authority) and polling stations, the latter determined by the returning officer. The changes to be brought in by clause 19 involve a much more prescriptive procedure for reviews, and a greater significance to be given to the needs of disabled or less mobile voters,



many of whom still prefer to vote at a polling station even if they could on demand vote by post.

22. My own practice over the years was to keep the polling districts, places and stations all under review, and to do as matter of good practice much of what will now be formally required. Obtaining a consensus view on these matters is not always easy; new developments in particular tend to lack the halls, pieces of spare land and miscellaneous places where polling can easily take place. The requirement for reviews at least every four years, which will become section 18C(4) of the 1983 Act, will incur costs, but there is another point here to which I would draw attention.
23. Polling districts depend in turn on local authority, parish/community, ward and county electoral boundaries, and the process for amending these is slow, with the Electoral Commission struggling with its large workload. Minor amendments to ward boundaries cannot be made in isolation in case a change creates a ripple effect across an authority's area which leads to unfairness. Yet out of date or mismatched boundaries at this level can create consequential great difficulties: I worked at one time where there had to be polling districts that would relate to an out of date set of county electoral division boundaries as well as a new set of borough ward boundaries. That at least cannot occur in unitary Wales, but developments soon render former boundaries questionable (particularly of community councils), and the Committee may want to urge that the necessary resources are also put into keeping up with these and, perhaps, statutorily providing a way of making minor changes so that wholesale reviews need to be undertaken less often.

#### **Part 5 – Clauses 20-23**

24. I have no comment to make on the policy approaches of clauses 20 and 21, but welcome the attempt in clause 22 to mitigate some of the rigidity of the nomination procedures. There will still be room for some problems, no doubt, over the electronic transfer of money, since the personally accountable RO will still need to be sure of its receipt, and there will be scope for argument over what is a "minor error" under clause 22(8) for rule 14A. I draw attention less comfortably to the requirement in what will be rule 14A(4) for the RO here to "have regard to any guidance issued by the Electoral Commission" (a point which also arises under clause 23 in relation to what will be rule 6B(4)). Prudent ROs do that anyway, but need to be free to make their own judgements in these cases, and often very quickly. For one thing, dare I say that the Electoral Commission has not so far accumulated the experience possessed by the ROs' network; for another, the personal liability is that of the RO, not the Commission, and if a court finds that the RO got something wrong it will be no defence to say that the Commission's advice or direction was being followed. So long as "have regard" has the sense of awareness and consideration, rather than of mandatory

adherence, the RO's present personal authority and responsibility will be maintained.

25. Clause 23, with its greater flexibility for independent candidates to describe the essence of their campaign or stance in English or Welsh, including the six-word translation point in rule 6B(8), will no doubt be welcomed by those who find restrictive and cumbersome the elaborate rules on political parties introduced in 1998. A consequence of these changes may be to reduce the use of the political party procedures, and particularly the minor party procedures, if candidates who want to campaign on the lines of "Stop the Bypass" or "Save Our Cottage Hospital", and are independent of the main political parties, have another and simpler approach open to them.

#### **Part 6 – Clauses 24-45**

26. The large number of detailed changes here reflects, no doubt, the greater interest in electoral detail of both the DCA and the Electoral Commission, and much more regular and systematic contact between ROs' representatives and these agencies in recent years. It may be some thing of a contradiction in terms to refer to the Bill's greater prescription of flexibility, but clarification of some of the rigidities of past years is to be welcomed, so that the election process can be as much as possible about the process of getting the public at large to vote on the people or issues put before them, rather than the very detailed processes under which that happens. Nevertheless, new rules may have unintended or unforeseen consequences, or exchange a new set of potential problems for the old.
27. The greater flexibility in the use of names allowed by clause 25 will be welcomed. Nevertheless it is important to avoid if possible the difficulties which arise when candidates deliberately change their names or choose names for obvious confusing or promotional effect (which it will risk even less money to do, if as proposed the minimum percentage to retain a deposit is reduced from 5% to 2% – see para. 70 of the RIA, though I do not think that this proposal is currently included in this Bill). The named examples in para. 132 of the Bill's Explanatory Notes do not include the capacity of the public to produce more debatable varieties. It might help if it were also to be an offence under the provisions of clause 26 either to use any name (other than following marriage) which had not been the candidate's legal name for, say, a year beforehand, or to falsely claim anything as a commonly used name. The Explanatory Notes refer to a stage name, a phrase which does not appear in the Bill, but one does not have to regard the electoral platform as a stage of a kind to foresee the prospect of mischief here.
28. A further small point is that clauses 25(2) and (5) use the terms "in addition" and "also" to refer to using the commonly used name as well as the legal or not normally used one. The need for this is

questionable, as likely to add detail without any greater identification: it does, however, only refer to the nomination paper, and not to the ballot paper itself, where only the candidate's preferred name will appear (unless rejected under clause 25(3)).

29. Clause 27 seeks to remove ambiguities in the current law and, with a relatively small exception, to restrict the ability to spend money on campaigning to those people who are part of what may be regarded as the official processes of the election. Where para. 140 of the Explanatory Notes refers to "issuing advertisements, circulars or publications" it implies that these would appear in traditional ways, whereas the impact of internet campaigning – effectively at no cost – may be significant, and outside the scope of what this kind of legislation can achieve for freedom of speech and wider human rights reasons. (The first line of Part 1 of schedule 4A to the 1983 Act printed in clause 29(5) does refer to advertising "whatever the medium used", but this seems an obvious weakness.) It is also often doubtful whether provisions of this kind have or should have relevance for community polls: should a developer, for instance, seeking to build a housing estate be able to spend large sums where a local poll is taking place on the principle of whether that is acceptable to local residents?
30. Clause 30 and 31 of the Bill, about the Electoral Commission observing and reporting on elections appear largely mechanistic. The processes must be transparent, though at times of great pressure during elections it will be important for Electoral Commission observers to recognise where the RO's priorities must lie, and that requests for detailed information of an auditing or record-keeping character cannot always be met immediately. The Committee may consider that the Welsh Assembly should be consulted also under section 6A(4) of the political Parties, Elections and Referendums Act 2000, to be inserted by clause 31 (preparation of a code for the attendance of observers).
31. The design of ballot papers, addressed by clause 32, has become harder in recent years, and there is no substitute for producing mock-ups of required formats to see if they work in practice. I recall that in the all-postal pilot European elections of June 2004 (for which I was the East Midlands Regional Returning Officer) it proved impossible to produce the papers exactly as specified, and the requirement to accompany the ballot paper itself with a long and very bureaucratically worded text yielded a result which was undoubtedly off-putting to many voters. So rules to improve the clarity of layout and allow for two columns of names, etc. are welcome (as is anything which makes it easier to find a range of printers willing to quote to do this kind of work with the deadlines involved). Clause 33 represents a significant break with tradition in abolishing counterfoils and replacing them with a numbered issuing list against which the voters will have signed. The procedure is referred to in para. 172 of the Explanatory Notes. Recent experience – and the public attention focussed on the postal voting system – has tended to suggest that voters are more inclined to be

suspicious of the numbered counterfoils than once they were, believing that they provide an easy way for their vote to be traced, and unmollified by assurances of the rarity of court procedures via election petitions. (They are also wary of barcodes, because they do not know what information the barcode is recording.) It is bound to increase this wariness and suspicion to require a signature in return for a ballot paper, particularly at a time of increased debate on identity cards and other data recording issues justified by the Government in the context of public safety. The significance of a change such as this is easily underestimated, and the Committee may feel that it will need to be accompanied by careful public awareness measures if public misgivings are not to grow – perhaps to the point of deterring some people from voting altogether.

32. Clause 34 augments the powers to publish in documents other than English, as does also clause 35(2). Graphics can also be used to some extent to aid clarity.
33. Clause 36 seeks to address the concerns of those people who find that, contrary to their expectations, when they attend a polling station they are turned away because they are recorded as having already received a postal (or postal proxy) vote. They can now be issued with a tendered ballot paper. This is at best a palliative, it being widely known that tendered votes are not counted – indeed clause 36(3) acknowledges that purporting to vote a second time, having already marked a postal vote, is not to be an offence. It might be thought that someone who does this ought to be guilty of some offence, even if not that of voting twice. For anyone who is actually deprived of their vote by the fraud of another, the loss of that vote is a serious matter: it was as early as 1703 that it was decided in *Ashby v. White* (2 Ld. Raym. 938) that the voter had a property in his right to vote, and that to deprive him of it was a great injury. That principle makes the change to be introduced by clause 38 (depriving or trying to deprive someone else of their vote) welcome, though clause 38 does not cover an individual trying to vote more than once in the circumstances envisaged in clause 36(3).
34. Parliamentary ballot papers have traditionally been stored in the cellars of the House of Commons by the Clerk of the Crown. Clause 39 transfers that duty to the relevant ERO, and will no doubt save transport costs for the Government on the one hand while incurring storage costs locally (it is not clear whether recovery of these costs will be a legitimate claim from the Government in recovering the overall costs of national elections and referendums etc.). Clauses 40-43 are essentially supplementary and provide operational detail. I do not propose to dwell on that detail except to use it to illustrate a question of wider general significance in election law, with particular reference to its current confusing amended and re-amended state.

35. What level of detail belongs in statute as opposed to subordinate legislation? The latter is easier to amend, of course, but part of the reason for the bulk of election law at present is that often the rules about particular aspects – the supervision of polling stations, for instance – are needlessly repeated in almost exactly similar terms in statutory instruments separately made for each of the eleven different kinds of elections or polls now possible in Wales (thirteen in England). Minor variations are usually without much significance, but can pose problems where combined elections are involved as is nowadays increasingly likely. The problem is compounded by the fact that the Parliamentary Elections Rules – and there are other examples – which sound like subordinate legislation are in fact statutory, comprising schedule 1 to the Representation of the People Act 1983. The opportunity of consolidation could be taken to draw a clearer line between what is appropriate in election law for statutory provision, and what level of detail, more susceptible to evolving correction and amendment, could more appropriately be left to subordinate legislation. That in turn could have some implications here in Wales for the Assembly, bearing in mind its present constitutional powers.
36. The power under clause 44 to correct procedural errors is sensible and overdue. The power does not include the possibility of a re-count in this context, and nor should it: clause 44(2).
37. Clause 45 imports a variety of fairly minor changes into the election rules via Part 5 of schedule 1 to the Bill. I see no real need to address most of these except to draw attention again to the rule about signing for ballot papers already discussed above in relation to clause 33 – that is in para 71, substituting rule 37(1)(d).

#### **Part 7 – Clauses 46-60**

38. Part 7 is concerned with the registration of political parties. The Committee will no doubt want to note the greater flexibility for Welsh language names contained in clause 47(1) referring to what will become section 28C(5) and section 30(4D) of the 2000 Act; Members may also consider, repeating a similar point already made more than once, that the Welsh Assembly should have a statutory right to be consulted under section 28A(7) of the 2000 Act, proposed to be added by clause 47(1). In considering clause 50, the difficulty for ROs in ascertaining reliably the position of political parties registered at the last possible time is considerable, and any extension at all of the time available by making the registration deadline earlier is to be welcomed. I have little to add on the rules in clauses 51-56, which are concerned with regulating the parties etc, rather than the election processes as such, except to repeat the point made earlier in relation to clause 23 that greater flexibility in candidates' descriptions may perhaps reduce the numbers of political parties seeking to be registered in future, and to draw attention to what seems the useful relaxation of clause 56, covered in paras. 238-240 of the Explanatory Notes, relating to

donations to political parties in the form of sponsorship. Clause 58(3) extends to Welsh Assembly elections rules currently applicable in Parliamentary elections to campaign expenditure where a candidate stands for more than one party, and clause 59 usefully gives more time for expenditure claims. Clause 60 refers to the publication of referendum and election material and has particular reference to list elections, but appears to carry no wider implications than process clarification.

## **Part 8 – Clauses 61-65**

39. Clause 61, on the setting of performance standards, requires some careful consideration. As the author (with my colleague David Monks) of three editions of a handbook on *Running Elections* I will be seen to support the notion of well and efficiently run electoral processes. There are, however, some points to which I must draw attention.
40. First, the clause treats similarly electoral registration officers and returning officers. In some instances, but of course by no means all where Parliamentary and local authority boundaries are different, these two descriptions will involve the same person, but it is important to differentiate the two roles. Registration officers (“EROs”) are appointed in Wales by councils under section 8(2A) of the Representation of the People Act 1983. Registration is both a council function and a statutory duty paid for by each council concerned. The ERO is an employee and so a direct servant of the authority, and performance will inevitably be influenced by resources and staffing as well as personal factors. Evaluation by the Electoral Commission will need to take this into account. The returning officer (“RO”) on the other hand is technically only indirectly appointed by the local authority, since it is statute which designates which office holder will act as returning officer. This enshrines an important constitutional principle, namely that the body whose membership is to be elected shall not directly appoint the person whose role it is to run that election process and make a return of the outcome. It also means that the liability of ROs is personal, that their acts are not those of their employing authorities (so that those authorities will not be legally liable for them), and that they alone are responsible for the performance standards they achieve. It is unlawful for an authority to seek to influence or interfere in the running of an election by an RO who is their employee.
41. A less significant point, but one already made before in relation to this Bill, is that community elections and polls are outside the scope of what will be section 9A(5) and (6) of the Political Parties, Elections and Referendums Act 2000. This is clearly deliberate: whether it is appropriate is for the Committee to decide. More immediately, this is another area where the Electoral Commission must consult the Secretary of State – section 9A(3)(a) and are likely to include ERO and RO representatives under (b). The Committee may yet again feel that

there should be a specific reference to the Welsh Assembly also here, as circumstances may differ in Wales.

42. What will be sections 9B and 9C of the 2000 Act (also inserted by clause 61) are supplementary to this new provision. There are bound to be costs involved in making the returns, depending on how elaborate the requirements are. Whereas registration is a council function directly, elections are not. The drafting of clause 62 does not refer to Electoral Commission demands under sections 9A-C, and the Committee may consider that if clause 62 is to rewrite the rules on recovering expenditure, it should also be provided either that the expenses of providing information to the Electoral Commission about elections other (than local ones) should be recoverable similarly, or that the Commission should be enabled and required to reimburse these costs. In the case of local elections, similarly ROs will need to be able to command the resources to provide what is necessary, since they will have no means of doing so otherwise.
43. It would be easy just to welcome clause 63, on encouraging electoral participation, as confirming what has been increasingly widespread practice over recent years. The drafting of the clause is interesting, however, in that the power to take such steps as thought appropriate is given to local electoral officers – EROs and ROs – rather than to local authorities, whereas up to now, except in the context of an actual election, that publicity would have been regarded as being technically that of the authority, even where developed in practice by officer initiative. Authorities could use different powers for this, such as section 142 of the Local Government Act 1972, or perhaps more recently section 2 (the well-being power) of the Local Government Act 2000. It might be thought unfortunate if the existence of the specific power contained in clause 63 of the Bill were interpreted as removing by implication the general powers of other enactments, but this perhaps not a significant issue. Once again community polls (but not community elections) are excluded from the scope of clause 63, which seems unfortunate, but they are not within the 1983 Act's definition of local government elections as referred to in clause 63(9) and (10).
44. The extension of time for prosecutions provided by clause 64 is helpful; in relation to clause 65, questions will be asked whether, if polling station staff can still arrest for public order offences in their stations – and I believe that they can under section 24A of the Police and Criminal Evidence Act 1984 inserted by section 110 of the Serious Organised Crime and Police Act 2005 – personation should not be included (granted that a regular police presence at polling stations is generally a lot less common than once it was). This is part of a wider review of the powers of arrest which goes well beyond our scope here, but para. 264 of the Electoral Administration Bill's Explanatory Notes does not cover the point. (Even where someone is arrested in a polling station, it should be noted, they are not to be prevented from voting; see para. 113 of Part 6 to schedule 1 of the Bill.)

**Part 9 – Clauses 66-71**

45. These six clauses are the customary technical provisions to be found in most Acts, but there are three particular points to note. First, apart from setting up the CORE project (most but not all of Part 1, clauses 1-8), and permitting pilot trials of the personal identifiers (clause 15), the Bill will not come into force until one or more dates are set. The Parliamentary timetable, as noted at the outset, means that the majority of the impact of the Bill will not be felt in elections themselves until 2007 – not very pertinent when the next Welsh Assembly elections are due then anyway, I appreciate – although it is likely that work towards the new systems will be underway during summer 2006 unless there are unexpected Parliamentary or other delays.
46. Secondly, the Bill applies to Wales effectively wherever the existing legislation which it is augmenting and amending already applies here, though it is only special to Wales in the context of the Welsh language candidate and party description provisions of clauses 23 and 47 (see para. 41 of the Explanatory Notes), and also para. 118 of Part 6 to schedule 1. When the Bill is enacted it will be necessary to check whether its detailed amendments require consequential amendments also of any statutory instruments made by the Assembly – for example, the National Assembly for Wales (Representation of the People) Order 2003, S.I. No. 284, dealing not only with the Assembly’s own elections but also with the adjusted rules for combined elections.
47. Thirdly, the detailed amendments made by Part 6 of schedule 1 to the Bill contain consequential or tidying-up provisions. All will apply in Wales except obviously those specific to Scotland, Northern Ireland or London, but only para. 118, as noted above, permitting “Annibynnwr” as an alternative to “Independent”, is specific to it. Schedule 2 sets out the repeals: the relatively short list, with no previous Act other than the Election Act 1707 wholly repealed, demonstrates how much this Bill builds on and supplements the existing law, and enables me again to underline the urgent need for consolidation if the applicable provisions with which election staff, candidates, agents and others have to comply are not to become totally unmanageable.

\* \* \* \* \*

48. I conclude by once again thanking the Committee for the opportunity to prepare this report; hoping that its references to the structure and provisions of the Electoral Administration Bill will prove helpful; and stating my willingness to answer questions on, and follow up, what I have written.





**Cynulliad Cenedlaethol Cymru  
Pwyllgor Llywodraeth Leol a Gwasanaethau  
Cyhoeddus**

**The National Assembly for Wales  
The Local Government and Public Services Committee**

**Dydd Mercher, 9 Tachwedd 2005  
Wednesday, 9 November 2005**

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These proceedings are reported in the language in which they were spoken in the committee. In addition, an English translation of Welsh speeches is included.

*Aelodau o'r Cynulliad yn bresennol: Ann Jones (Cadeirydd), Glyn Davies, Sue Essex (y Gweinidog Cyllid), Alun Ffred Jones, David Lloyd, Val Lloyd, Jenny Randerson, Gwenda Thomas, Brynle Williams.*

*Swyddogion yn bresennol: Mike Chown, Pennaeth Is-adran Cyllid Llywodraeth Leol; Frank Cuthbert, Tîm Democratiaeth Llywodraeth Leol; David Fletcher, Is-adran Cyllid Llywodraeth Leol; Robert Hay, Is-adran Cyllid Llywodraeth Leol; Lisa James, Is-adran Cyllid Llywodraeth Leol; Hugh Rawlings, Cyfarwyddwr Grŵp Llywodraeth Leol a Diwylliant.*

*Eraill yn bresennol: Roger Morris, Arbenigwr ar Drefniadau Etholiadol; Stephen Thomas, Ysgrifennydd, Cyngor Addysg mewn Dinasyddiaeth Byd—Cymru.*

*Gwasanaeth Pwyllgor: Virginia Hawkings, Clerc; Claire Morris, Dirprwy Glerc.*

*Assembly Members in attendance: Ann Jones (Chair), Glyn Davies, Sue Essex (the Finance Minister), Michael German, Alun Ffred Jones, David Lloyd, Val Lloyd, Jenny Randerson, Gwenda Thomas, Brynle Williams.*

*Officials in attendance: Mike Chown, Head of Division, Local Government Finance Division; Frank Cuthbert, Local Government Democracy Team; David Fletcher, Local Government Finance Division; Robert Hay, Local Government Finance Division; Lisa James, Local Government Finance Division; Hugh Rawlings, Director, Local Government and Culture Group.*

*Others in attendance: Roger Morris, Electoral Arrangements Specialist; Stephen Thomas, Secretary, Council for Education in World Citizenship—Cymru.*

*Committee Service: Virginia Hawkins, Clerk; Claire Morris, Deputy Clerk.*

12.01 p.m.

### **Mesur Gweinyddu Etholiadol The Electoral Administration Bill**

**Ann Jones:** I invite Roger Morris to join us at the table for this item. Roger has prepared a paper on this, and Members will know that we have agreed to scrutinise this Bill quite rigorously because we feel that much of what we have been discussing in our scrutiny review will fit into this. I am grateful to Roger for agreeing to assist the committee with his vast knowledge of elections and the way forward; Roger is not here as a witness, but very much as someone who is going to help us through these issues. We need to discuss with him the main issues arising from the Bill and who we then should ask to come forward to give us evidence before we write our report and make recommendations to the House Committee. Perhaps Members should know that this was on the floor of the Committee of the Whole House yesterday, of which there is a Hansard record. Sarah, who is now part of our team for this Bill, will circulate a summary of that discussion, and, for those of you who are interested, Hansard is available. Roger, would you like to open up your paper for discussion, and we

will see where we go?

**Mr Morris:** Thank you, Chair, and good morning everyone. I was asked to go through this Bill looking for trouble, if you like, and for observations, particular problems and issues of practical significance, particularly from a Welsh standpoint, and that is what I have tried to do. I have made one or two reflections, to which I will briefly allude. One of which is that this is a welcome starting point in the process of reform, but there is always a danger in having an interim Bill of this kind in that it perhaps puts back a time for a more significant measure of reform, which most of my professional colleagues consider is urgently needed. It puts that back perhaps because parliamentary time is always at a premium, and it is clearly difficult to find that time in the current session. A Bill of this kind is going to be seen by the public, and perhaps many of the Members of Parliament concerned, as having done perhaps most of the immediate work.

There is also the growing issue of the sheer complexity and difficulty of looking at the legislation. In this audience, many of you have many years of experience of using parts of the electoral statute book—you will know what I am referring to—and, particularly in the last 10 years, the amount of amendment, reamendment and intricate weaving in has become extremely difficult to follow. That is obvious from what I have written, and, in this Bill, it is another case of the same; it is not talking about removing the previous provisions for the most part and reprinting them, but it is largely about amending a text that is already there. That is perhaps not affecting the state of the law as such, but it is certainly affecting the accessibility and the danger of making a mistake through unfamiliarity with the provisions. I mention in one of my paragraphs what ought to be the boundary between statute and statutory instrument. You might broadly think that that is the difference between principle and detail, but it is not like that in this field of law—it is not that simple in any field of law—but there is a significant issue for you here because of your constitutional role and the opportunity to make statutory instruments in Wales that may differ, for good reasons, from those that apply in England, or indeed Scotland or elsewhere.

The only other point that I would make—which is a repetitive one in my report, and is small in some respects but quite significant in this context—is that the Bill has a number of provisions that are about consultation, mainly with the Electoral Commission, but sometimes elsewhere and, generally speaking, the Assembly does not get a special mention. You will probably feel that you ought to have a special mention, at least in most of the cases that are relevant to issues where there could be a difference in Wales, or where there may be some particular angle, which may not necessarily be Welsh in itself, but which you think is significant, bearing in mind your constitutional role, to which I have just referred. So, I have tried to pull those out—I do not know if I have found every one—and draw those provisions to your attention, because that is the sort of thing that you might want to make a simple point of and then list half a dozen things where you consider they occur in the Bill.

For the rest of it, I have done what Miss Hawkins asked me to do, I hope, which was to go through the Bill, looking for implications, the largest of which, by far, is

the change in the electoral register. The second largest, and most troublesome, is probably the issue about personal identifiers. When I last came to this room, we were discussing the need for greater security, so, in a sense, we ought not to grumble. That is a system which has been tried and tested in Northern Ireland, but we can see the difficulties that there will be in ensuring that the system, the staffing and the costs are geared up to that major change, which, as I said, is likely to be regarded with suspicion, unfortunately, by the public. I say this based on the experience that we have had recently with bar codes, and so on. Nevertheless, if you are going to venture into the area of security, you have to do something like that in order to change the situation that we were all discussing in the wake of the European elections and, even more so, the parliamentary general election last summer.

**Ann Jones:** We are much obliged to you for that, Roger, and for your comprehensive paper. Thank you for doing it and at such short notice.

**Glyn Davies:** I admit immediately that I have not had anything other than a cursory glance at the paper. I want to read it in detail, and since what you are doing is preparation for our consideration, I can see already that it is going to be a help. My question is whether or not, in your view, this Bill has been drawn up granting the maximum amount of devolution possible under framework legislation to the National Assembly for Wales. Your presentation today suggests that it might not have been, as there is so little reference to the Assembly, but the Government's intention at the moment is that every Bill that affects Wales should be drawn up in a way that allows the maximum element of devolution to the Assembly. One of the things that have worried me, generally, is whether or not anyone was looking at this and reporting to us on it. However, in your view, does the Bill meet this criterion?

Mr Morris: I am not an expert in the niceties of the constitutional position; I have already made the point that there are several instances where the Assembly has clearly not been in the mind of the draughtsman in the particular section or clause that has been put in. The general point that I would make, however, is that there ought to be a good reason why the law or the rule in any individual case is different in Wales, England or, increasingly now, in Scotland and Northern Ireland, where we are seeing electoral practice come together, whereas the ability to make laws is more separate than it was some years ago. My experience is that there is often little appreciation, particularly in national parties, of the kind of differences that can apply on the ground, whereas, if we are going to look at good practice and encourage uniformity of standard, we ought to have, in general terms, rules that are equivalent and understood across the whole field. However, if there is an instance where the situation in Wales is genuinely different, or there is a language connotation, or the nature of the units are different, then, clearly, that needs to be properly reflected in a way in which the Assembly will feel that it has a principal voice, if not the only voice, in framing those rules and having the last legislative word.

12.10 p.m.

**Ann Jones:** The issue of electoral administration is not devolved to the

Assembly. That is one of the other reasons, but there is no reason why we should not be consulted, as Roger has said, on issues that affect us.

**Mr Morris:** The starting point on this is that you normally picture parliamentary constituencies in your mind when you read rules of this sort, which means that they will come from Westminster, because they are about their elections. The rest of our elections—there are now 11 different kinds in Wales—tend to follow on from that starting point.

**Glyn Davies:** To respond to Roger's comments, I agree with him, but, while I am terribly interested in maximising devolution with regard to any of the new Bills, there is often a strong case for not doing anything different. It is quite a nice point that I want to maximise devolution to the National Assembly, but I think that in exercising that devolution, the National Assembly has to be careful before it does something different to England. It must take into account its implications and effect because part of the equation that you must consider when you decide whether you are going to do something different is how it impacts on the public mind and the appreciation of policies. In a sense, I absolutely accept your response to what I said.

**David Lloyd:** I have brief initial comments to welcome Roger on board. I want to consolidate where we, as a committee, are coming from with regard to input into the Electoral Administration Bill. Our input is cross-party and our individual political parties will feed in certain party-political points through our MPs at Westminster. The background to this, as you will have seen from the previous agenda item, is that the committee is undertaking a review project of electoral arrangements. That is why this committee has some expertise on the matter, it would be fair to say, as we have gone to other parts of Europe to see how they encourage voter participation and how the nuts and bolts of the electoral systems are managed. It is with that sort of backdrop that we felt obliged to get involved in providing input into the Electoral Administration Bill although, as you said, there is precious little mention of the National Assembly for Wales in it. In terms of the way forward for us in providing input, timescales being what they are, of necessity that input would have to be focused. We could have a series of not very many bullet points on which we can agree, cross-party, to feed into the process come the new year, otherwise we will miss any opportunity to influence anything at all. We have a comprehensive report from you in front of us, to kick-start the situation, but we need to water it down into a way forward on which we can all agree.

On individual registration, things regarding the involvement of the National Assembly, which you have teased out here, are the main issues. The backdrop for me, from the Electoral Administration Bill and from reading your paper, is that I feel that the Bill is a missed golden opportunity to do something radical about voting in this country, for example, using electronic voting, which seems to have taken off in continental Europe, and proportional representation and so on. That is the big stuff, but this Bill seems to focus on the minutiae of the day-to-day handling of electoral processes—you can now pay your deposit by credit card, as opposed to cash, for example. As a lot of everyone's time, here and in Westminster, has been devoted to having a Bill of this sort, and it is a missed

golden opportunity to achieve something far more radical, given that we are using a substantial amount of time, paper and energy. I will confine my comments to that, as we start this process. We are taking more oral and written evidence over the next few weeks and Roger is here to help us to pull it all together into something focused and sensible, which, doubtless, it will be.

**Ann Jones:** I have to agree with Dai. We have to sit down and decide whom we want to take evidence from. Before we do that, however, we have to decide what we want to get out of this Electoral Administration Bill, and, like you, Dai, I think that it has missed an opportunity on electronic voting, for example. Registration is another area, and if we were just to concentrate on those two issues, and look at amendments that would satisfy what we as a committee want to do, that is probably the way in which we can do it within the timescale. However, that is just my little plug, and I should really do it at the end rather than now, because other people want to speak. That is my little bit.

**Alun Ffred Jones:** Mae gennyf ddau gwestiwn. Gan gyfeirio at y CORE keeper hwnnw—

**Alun Ffred Jones:** I have two questions. In reference to this CORE keeper—

I see that you are having problems with the translation equipment, so I will carry on in English. In the reference to the co-ordinated on-line register of electors keeper, does that mean that there will be one UK-wide central list, or does it envisage a separate set-up in Wales? I would imagine that, perhaps, it would have been better if there had been some reference to Wales with regard to that CORE keeper, or is that impractical? Perhaps I could have an answer to that question before I ask my next.

**Mr Morris:** The clause is currently drafted in a way that leaves that open. It is clear that there can be more than one CORE scheme, and therefore more than one CORE keeper, but it is not necessarily so. I think that it is envisaged that the Electoral Commission will be the, or a, CORE keeper, but I do not know the intention in relation to either the commission or Wales. Quite clearly, I suppose, the commission could, of necessity, divide that into two parts within a single role that it had as a public body, but the opportunity is there to take either course.

**Alun Ffred Jones:** Ym mharagraff 47, mae cyfeiriad penodol—nid wyf yn siŵr a ddeallais ef yn iawn—at y defnydd o'r gair 'Annibynnwr', sy'n gyfieithiad am wn i o 'Independent'. Mae 'Annibynnwr', wrth gwrs, yn cyfeirio'n benodol at berson gwrywaidd, ac efallai y bydd gan Gwenda Thomas rywbeth i'w ddweud am hynny. Efallai ei bod hi'n annibynwraig ei hun. Dylech naill ai roi dau ddewis, annibynnwr ac annibynwraig, i gynrychioli'r gwrywaidd a'r benywaidd, neu—a

**Alun Ffred Jones:** In paragraph 47, there is a specific reference—though I am not sure whether I have understood it correctly—to the use of the word 'Annibynnwr', which as far as I know is a translation of 'Independent'. 'Annibynnwr' of course refers specifically to a male person, and perhaps Gwenda Thomas will have something to say about that. Perhaps she is an independent woman herself. You should either give both options of 'Annibynnwr' and 'annibynwraig' to represent male and female, or—and

dyma'r ateb callaf—dylech ddefnyddio 'annibynnol'. Nid wyf am hollti blew, ond ansoddair yw 'annibynnol', ac nid wyf yn siŵr ai enw yw 'Independent' ychwaith, ond yn sicr, nid yw 'Annibynnwr' yn dderbyniol.

this is the most sensible solution—you should use 'annibynnol'. I do not want to split hairs, but 'annibynnol' is an adjective, and I am not sure whether 'Independent' is a noun either, but 'Annibynnwr' is certainly unacceptable.

**Mr Morris:** Some of the niceties of Welsh suffixes are not familiar to me. All that I can say is that I have always assumed that 'Independent' was meant to be an adjective. Of course, in the current law, the word 'Annibynnol' and another phrase that I cannot repeat, but which means the speaker seeking re-election, are of course already in existing rules, as I am sure Members know.

**Alun Ffred Jones:** I am just making the point that the word 'annibynnwr' refers specifically to a male person, so I presume that that would not be acceptable.

**Gwenda Thomas:** The word could denote a religious denomination as well.

**Ann Jones:** Right. Dai's point was quite relevant. I think that we need to decide how we will take this forward, because it is a massive piece of work and we will not be able to go through it line by line and amend each line. We need to consider what we are going to do. Our scrutiny report, I believe, will be the interim report that we were hoping to send to the House of Lords and to those who will eventually be members of the standing committee. It will be ready almost in draft form by the end of this week, so we will be able to look at that.

12.20 p.m.

However, we have already written and started to ask people to come, including, obviously, the Electoral Commission and the WLGA, but also the Disability Rights Commission, One Voice Wales, the returning officers and the Association of Electoral Administrators. We have already put them on standby, letting them know that we would like to talk to them, but they are already finding it difficult to do so given the timescales that we must impose. We need to get this piece of work finished by mid December, or before the Christmas recess.

**Alun Ffred Jones:** May I make a suggestion on that point? Rather than inviting them in to give a general overview of what they think of the Bill, they should confine their remarks to specifics that they want to see changed. Otherwise, we will get bogged down and lose our way. If they do not wish to change anything, there is no point in their coming.

**Ann Jones:** That is a very good point, and we also need to ask them whether they have anything specific to say. We also need to know, referring to Dai's earlier comments, what consensus we can reach as a committee as a way forward, on issues such as registration, electronic voting or similar issues. We can then formulate our questions to get the best out of the witnesses who come before us, so that we can question whether it is the right way forwards. Perhaps we need to look at that issue ahead of the evidence session, which is next Thursday. Roger, do you have any suggestions as to how we go about doing



that, other than by just pulling out those clauses, as Alun Ffred referred to?

**Mr Morris:** It is clear that there will be three or four thematic areas for discussion in the Bill, by which I mean the principles of the CORE scheme, the idea of changing the nature of the ballot paper, issues about wider publicity—with the responsibility given to the officer rather than the council—and the principle of improving, or bringing in, formal requirements for performance management. That kind of issue is rather different from technical issues, such as ‘You forgot to mention the Welsh Assembly in paragraph 42(3)(4) or whatever’ or that you did not get a particular phrase correct or whatever. If there are some issues in my paper or subsequent witnesses’ papers that you feel are worthy, but not worthy of full discussion in this kind of setting, my advice would be to ask people to give you a list of them, for you to reflect on those which you think are relevant, and post them off to Westminster.

It is more significant for the committee to have a view on the areas in which the law is being changed in terms of principle, rather than just detailed process, which is a question of improving, hopefully, what we already have, which is not a change per se.

**Gwenda Thomas:** On paragraph 33, I wondered about the palliative nature of the tendered vote. What purpose is there in issuing a vote if it will not be counted in any case?

**Mr Morris:** It has always been part of the rules that tendered votes were issued, traditionally on pink papers, in circumstances in which someone appears at a polling station and tells you that they are whoever they are, but that person has already been marked off the register as having voted. This is a rule which goes back many years—it is not a recent innovation, as people will know. I have always assumed that it was because of the constitutional right that a person has to exercise their choice. You cannot count the vote, because, within the polling station, you do not know who the genuine voter is, and you have already accepted a vote, which was genuine on the face of it. The vote has gone into the box, and there is no way that you can do anything about it because you cannot retrieve it, or at least you cannot normally retrieve it without a court order, but that is an extreme situation.

In those circumstances, you allow a person to exercise their democratic choice, but, unfortunately, you cannot take a second purported vote into account. It sometimes happens inadvertently through clerical error, but the Act is more concerned with a deliberate attempt to take somebody else’s vote away from them. Clearly, that should be a matter for investigation, but it does not meet the point that Ms Thomas raises about the value of that voting act. Clearly, people are aware that their tendered paper will not be counted.

**Ann Jones:** Perhaps we could look at that.

**Gwenda Thomas:** I just wondered whether the tendered vote could be counted if it was ascertained that the postal vote, or whatever, had not been used, so if the person attending the polling booth and being given a tendered vote had not

voted before.

**Mr Morris:** That would require some amendment of the existing rules. Some of these intricacies with postal voting were trialled in pilot Orders last year, which are not part of the permanent rules. However, I am not aware of any circumstances under the current law where a tendered vote can ever be counted. Part of the problem is that it is very difficult to unravel what has happened without getting into the identity of the voter and there is then the danger that other principles will be transgressed on the confidentiality of the voting system. So, it is not easy, but the way in which rules are coming in is intended to provide greater safeguards against the obvious cases that we have all read about of people turning up at polling stations and finding that their postal vote has apparently been cast in circumstances where it is alleged that something fraudulent has been going on. So, it is not that an individual is trying to vote twice; it is somebody else who has attempted to steal their vote. That was the sort of issue that was very much at the root of the Birmingham court case some months ago, and that fear was accentuated in the general election earlier this year.

**Ann Jones:** I do not know whether Members have any more questions or comments, but given that Dai raised registration and electronic voting, and I happen to agree that we should look at those issues, would Members let the clerk know by the close of play tomorrow if they want any specific points teased out of this Bill and if there are any witnesses that they think would help us to do that? We will start on those sessions then.

**Val Lloyd:** I was going to suggest personal identifiers, but I am conscious that I can make very few of the meetings, so unless anybody else is keen on that—

**Ann Jones:** We will put personal identifiers in. Perhaps Members could have a think and let Virginia know by the close of play tomorrow. If there any suggestions—and I know that Members have suggested some witnesses to come forward—we will take them forward.

**Gwenda Thomas:** I would like to take up Alun Ffred's point on gender-neutral descriptions.

**Ann Jones:** Yes. We could ask the returning officers or the Association of Election Administrators what their views are on that. Are Members happy with that as a way to go? We will find out which areas we think we can usefully address in the Bill.

**Mr Morris:** I mentioned Denis Stanley's name in the report. He is about to retire as Chief Electoral Officer for Northern Ireland. They have existing practical experience of signatures and personal identifiers that the rest of us do not have, so it might be useful if someone from the Northern Ireland office, or Denis in particular, could come to speak to you if you are interested, or at least give you a paper.

**Ann Jones:** We will follow that up. That is very helpful, thank you very much. Is

there anything else? I see that we are happy. Thank you, Roger, for coming and sharing your expertise with us. We look forward to seeing you at future meetings.

**Daeth y cyfarfod i ben am 12.30 p.m.  
The meeting ended at 12.30 p.m.**



**Cynulliad Cenedlaethol Cymru  
Y Pwyllgor Llywodraeth Leol a Gwasanaethau  
Cyhoeddus**

**The National Assembly for Wales  
The Local Government and Public Services  
Committee**

**Dydd Iau, 17 Tachwedd 2005**

**Thursday, 17 November 2005**

## Cynnwys Contents

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ogystal, cynhwysir cyfieithiad Saesneg o gyfraniadau yn y Gymraeg.

These proceedings are reported in the language in which they were spoken in  
the committee. In addition, an English translation of Welsh speeches is  
included.

*Aelodau o'r Cynulliad yn bresennol: Ann Jones (Cadeirydd), Glyn Davies, Michael German, Alun Ffred Jones, David Lloyd, Val Lloyd, Gwenda Thomas, Brynle Williams.*

*Swyddogion yn bresennol: Frank Cuthbert, Tîm Democratiaeth Llywodraeth Leol.*

*Eraill yn bresennol: Geraint Edwards, Rheolwr Gyfarwyddwr a Swyddog Canlyniadau, Cyngor Sir Ynys Môn; Kay Jenkins, Pennaeth Swyddfa Cymru, Y Comisiwn Etholiadol; Gwilym Morris, Cyfarwyddwr, The Pollen Shop Ltd; Bob Screen, Rheolwr Gwasanaethau Etholiadol, Cyngor Bwrdeistref Sirol Caerffili; Steve Thomas, Cyfarwyddwr, Cymdeithas Llywodraeth Leol Cymru.*

*Gwasanaeth Pwyllgor: Virginia Hawkins, Clerc; Claire Morris, Dirprwy Glerc.*

*Assembly Members in attendance: Ann Jones (Chair), Glyn Davies, Michael German, Alun Ffred Jones, David Lloyd, Val Lloyd, Gwenda Thomas, Brynle Williams.*

*Officials in attendance: Frank Cuthbert, Local Government Democracy Team.*

*Others in attendance: Geraint Edwards, Managing Director and Returning Officer, Isle of Anglesey County Council; Kay Jenkins, Head of Office Wales, Electoral Commission; Gwilym Morris, Director, the Pollen Shop Ltd; Bob Screen, Electoral Services Manager, Caerphilly County Borough Council; Steve Thomas, Director, Welsh Local Government Association.*

*Committee Service: Virginia Hawkins, Clerk; Claire Morris, Deputy Clerk.*

### **Y Mesur Gweinyddu Etholiadol Electoral Administration Bill**

Ann Jones: This is the main item on today's agenda. We will receive evidence and views from a range of people on the Electoral Administration Bill, which is currently going through the House of Commons. We have decided as a committee to consider this and to put our views forward.

We are joined for the first session by Bob Screen, the electoral services manager of Caerphilly County Borough Council. Bob has already given apologies from Melvin Humphreys, who is having problems with transport, and will not be able to join us. We are sorry about that. I believe that you have been to this committee before and we were grateful for the views that you shared with us when we considered the scrutiny project. Therefore, we look forward to your evidence session and your paper. Members have copies of the paper from the Association of Electoral Administrators. I propose to go straight into questions, Bob, if that is okay, so that we can make the most of the time that we have.

**David Lloyd:** I commend the written presentation, but I will move swiftly on.

When you said that you wanted declarations of interest, all of us here have some interest in getting elected again, Chair, but I take it that is a given.

9.20 a.m.

**Ann Jones:** I do not think that that counts.

**David Lloyd:** Okay. I have a set of questions on the registration of electors, which is covered in your paper under CORE—the Co-ordinated Online Register of Electors. Specifically with regard to the CORE scheme, what impact will the introduction of CORE have on your work, and what do you consider to be the benefits and drawbacks of such a scheme?

**Mr Screen:** I think that it is essential that we get CORE in place, and not only to help local authorities to challenge fraud and be able to share information. Certainly, if we are looking in the long term at the introduction of e-voting and all those things, it is absolutely essential. My concern is that it is put in place properly. I am loath to say that previous IT installations by Government and Parliament have not perhaps been successful, but we need to get it right. If we put in place something that will fall over, it will just add to the kind of media hype that we have had in the past, so it is essential that it is put in place properly. It will certainly assist the sharing of information, and it will relieve some of the pressures that we have at a very key time of elections to produce for political parties the lists of postal voters and registered voters. It is a tremendously labour intensive for staff to get all those copies out. Many members still cannot deal with computerised records, and ask for hard copies to be printed off. So, there will be a benefit, but it must be put in place properly and must be structured and programmed. I welcome the fact that the keeper of CORE would be the Electoral Commission. I was concerned at some stage—and so were my colleagues—that the local authorities secure electoral register system might be financed and funded by marketing companies and credit reference agencies. I think that that would be a wrong move, and I would certainly welcome the fact that it would be shared with the Electoral Commission, but there is still a lot of work to be done.

**David Lloyd:** Fine. Moving on, you are here to represent the Association of Electoral Administrators. Has your organisation been consulted on how this scheme will operate?

**Mr Screen:** Not in depth. We get briefing sessions, but we have not been consulted in any depth.

**David Lloyd:** Okay. Do you feel that the National Assembly for Wales should be consulted before a CORE scheme is put in place in Wales?

**Mr Screen:** I think that there is a need for you to be in touch with it, yes.

**David Lloyd:** Right. There are a couple of issues just to finish off my section of questioning on CORE. In your written evidence, you say that it is not clear what is meant by

“sharing” functions between the keeper and ERO’s’.

Can you explain your concern there?

**Mr Screen:** I am not aware of exactly what that entails, as I have said, because we have not been consulted.

**David Lloyd:** We will move swiftly on then to my last question. Clause 5(2)(c) allows for the functions of an electoral registration officer to be exercised by the CORE keeper. It has been suggested that this could lead to local authorities having the function of ERO taken away from them for perceived poor performance. Is that a possibility in your view?

**Mr Screen:** These are the things that I would like to be involved in, and to get involved in at an early stage. We need to be involved and be able to see it in the structure, not just to be given a briefing of where we are or where we are not at the moment. I think that we need to be involved right at the beginning in how it is going to operate.

**Alun Ffred Jones:** On this business of the CORE scheme, should Wales have its own CORE scheme separate from England?

**Mr Screen:** I think that it could work, because there is a lot that we could do in Wales with the association and the commission in Wales—more so than our neighbours in England. There is a lot that we could do in Wales.

**Glyn Davies:** I will ask you one or two things about the structure of the electoral services. You say it should be reviewed. What sort of a review do you have in mind, and who would carry it out?

**Mr Screen:** The ideal body for a review of the structure would be the commission. We have a very good relationship in Wales with the commission. We work with it, we have quarterly meetings and we look at best practice papers, and we could build on that. The difficulty in Wales is that our structures are different. You can have one authority where the service is linked with land charges. Very often, the service is linked with licensing, and you have some that are dedicated services. There are advantages to sharing the function, but it takes away from the value of the service if you do not give it a dedicated structure.

**Glyn Davies:** How would the Bill amend the annual and rolling system of registration? How would you see that being amended in the Bill?

**Mr Screen:** The way that we perform electoral services?

**Glyn Davies:** Yes.

**Mr Screen:** My view is that, in Wales, many of us are not ready for the introduction of individual registration. One of the key points that I would like to



make is that if the funding and structure are not right, we will fall over. We are in danger of going down the same path as we did on the 2000 regulations, when there was little consultation or involvement with people like us—the practitioners. There was very little training, yet the regulations had a huge impact. Rolling registration was not geared up, because the structures were not put in place, and we did not have extra funding; many staff did not change their structure to look at rolling registration, they did not register or opt out. Some huge things were put in place under the 2000 regulations and we are still struggling in some areas.

**Glyn Davies:** It seems to me that you see the effect of the Bill as being that the whole system will fall over.

**Mr Screen:** It is a risk in some authorities. I would not say that every single authority is a poor performer; that would be totally wrong. There are differences in the service levels that we all provide. We do things differently to achieve the same aim.

**Glyn Davies:** The next question is about the effect of the Bill on councils and electoral services. Clearly, there is going to have to be a lot of change in electoral service units. What effect will it have in terms of cost, numbers of people and so on?

**Mr Screen:** For Caerphilly, I have three permanent members of staff now; I fought long and hard to get an extra member of staff. They will now be working from September through to 1 December; they are in the office now, struggling to get the register in place to be published on 1 December. That is in a large authority with dedicated and good staff. In smaller authorities there is basically one person and a dog, and you have a structure where, often, for large parts of the year, that person will be looking at democratic services and other functions. There is then an intensive period for the register, which is ongoing with rolling registration, and there is then an election period. Some authorities will struggle.

**Glyn Davies:** Is the house-to-house survey that you are going to be required to carry out, probably more than once, going to be an additional burden? How are you going to handle that? Is it necessary? Is there some way that we can propose that that is changed and reduced in terms of its impact?

**Mr Screen:** Many authorities have long gone away from the house-to-house survey. It was getting more and more difficult to get people to answer the door late at night; it was difficult to get staff. More often than not, it was seen by members of staff from other departments in an authority as a once-a-year perk. It was difficult—we got numbers up to some extent, but the job was really getting out of hand.

Going back to a house-to-house survey is labour intensive and, if we look at the Electoral Commission paper, to do house-to-house surveys we would need to start interviewing staff now to do the job, not just depend on the sons and daughters of members and senior officers. We would need to interview,

we would need the resource. We would need to increase the number of areas that we canvass, because some past canvasses, when I did these three years ago, took on something like 1,000 properties, in a short period of time, to get the forms in.

If you add to that the necessity, as there may well be, to gain personal identifiers, namely signatures, from every single person in the house, it would not be possible to do it. It was difficult to get a household form signed by one person in terms of finding someone in to sign it. If you went to a system where everyone in that household had to sign the form, a canvasser would be going back five, six, seven or eight times. It is not a part-time job; it would be costly. When I was a canvasser, back in my Cardiff City Council days, it was a little perk that you would have. It was not a nice job; there were certain areas where you would not want to go on your own. There are huge issues there. I do not see house-to-house canvassing as a panacea for our ills.

**Glyn Davies:** Is it possible? The degree of negativity in your answer causes me a bit of alarm; an interpretation of what you are saying is that it is not going to be possible to do that.

9.30 a.m.

**Mr Screen:** Not if you add on gathering personal identifiers, not unless you change the whole way that you look at the canvass. You could possibly look at doing a census-type operation, where canvassers went to properties, but you would need a huge number of canvassers. In Caerphilly, I would need at least 100 canvassers, covering smaller areas. You could then collect the forms afterwards, but the problems with collecting personal identifiers on a single form are quite immense. I accept the views of the commission on this. More often than not, at the moment, with a household form, one person in that house—I will not say the head of the household—will ensure that everyone is registered; for example, I will ensure that my children are registered. If we went down to individual registration, I know that my children would not register. We have a captive audience here that is interested in, and feels passionate about, the subject, but the subject is more or less guaranteed to empty a room and kill any party, probably second only to train spotting. I apologise to any avid train spotters who are here. If I talked to my family about it, my wife would go to bed and my children would go out. I know that the Electoral Commission has a view that it will put forward. It would be difficult to do household canvassing on the necessary scale to collect the individual personal identifiers.

**Michael German:** Essentially, we are looking at the issue of personal identifiers. Does your association have a position on whether there should be personal identifiers or not, as a principle?

**Mr Screen:** As a principle, we support it—it will do a lot to prevent fraud. We are concerned that we must avoid going down the route of the 2000 regulations, where it was thrust upon us with little planning, no funding and no structures. The first thing that you need to do is to get the funding and the

structures right, plan it, train up the staff, and then have a planned implementation at a later date. If it was brought in now, for the next canvass, we would only have the next six months to sort it out and those six months will fly. I do not think that we will be up to scratch to do a full individual registration for the next canvass.

**Michael German:** I am just considering your view on piloting from your previous answer. You said in your evidence that you do not think that it is necessary to conduct a pilot because Northern Ireland has already done it, but Northern Ireland requires a national insurance number, an appropriate statement of address and a statement for any address in the United Kingdom at which he has applied to be registered, other than the one that he is at. There are three more categories. Are you suggesting that the personal identifiers that are required, if we do not need a pilot, should be the ones from Northern Ireland, or should we just stick to the ones that are suggested for England and Wales?

**Mr Screen:** On the actual personal identifiers that we are looking for, I think that it is sufficient to get a signature and a date of birth. In Caerphilly, we already look on our forms to get a date of birth. We have been asked not to do anything with them, but we already capture that information and that is not a problem with a household form. Signatures could also be collected on a household-type form. We have introduced, as have many authorities, a rolling registration form that requires individual signatures, but we do that on a household form. I do not think that rolling registration would take off if we went to a separate form. I think that it is essential that we bring it in, but I am making the point that we need to bring it in using a phased programme. If we used a pilot during the next canvass, for your elections, there will undoubtedly be a fall in registration.

**Michael German:** That is the point that I was trying to get at. You say that we do not need to conduct a pilot because we already have the experience of Northern Ireland and piloting will inevitably get in the way of proper introduction, because you have enough experience from Northern Ireland. Is that what you were saying? That was what I was asking.

**Mr Screen:** The difficulty with piloting during the next canvass, for your elections, will be having the goodwill of all to do it. Given the regional nature of Assembly elections, it would not be feasible for Caerphilly, for example, to conduct a pilot, but for the South Wales East authorities to say that they would not. There would probably then be the disparity of a fall in registration in Caerphilly—it is certainly possible—whereas other areas would not have such a fall. If you did it on a regional basis, you would have to have all the regional returning officers doing the same thing, or you would have to do it throughout Wales. We already have some authorities that are perhaps more geared up to innovation than some of the others. So, the point that I am making is that you would have disparity.

**Michael German:** You are saying that no pilot is necessary, a bit more direction over what the pilot area should be, and you seem to be saying that,

whatever you do in this area, there will be a fall in registration. Is that true?

**Mr Screen:** I think that there would be a fall in registration.

**Michael German:** Would you like to hazard a guess as to how many people you think will not register, compared to where we are now?

**Mr Screen:** That would be very difficult.

**Michael German:** Are we talking large numbers? I just want a sense of scale.

**Mr Screen:** You are talking about at least—and I am guessing at figures here—a 10 per cent drop.

**Michael German:** Okay, fine. So, this is really about practicalities. You seem to be saying that it is not what you do, but the way that you do it. In your ideal world, then, how would you introduce personal identifiers?

**Mr Screen:** I would want to talk to colleagues, to the commission and to the Welsh Local Government Association to see how we are going to plan. It is only right that elected members will say, 'This is where we want to arrive at, and this is the direction in which we are going to go'. That is quite right. The difficulty is that we have that thrust on us without the planning to show us how we are going to arrive there. That is what I am saying; let us plan and look at the matter. I do not have the answers. I am concerned that we should look for those answers before it is thrust on us.

**Michael German:** What, would you say is the timescale, Bob, if you knew that this was coming?

**Mr Screen:** At least 12 months. Six months would be impossible, and even with 12 months, we would be pushing it. If we were to follow the route of canvassing all households, it would need to be planned properly to achieve it. We would need to train up all the other authorities. We need to be on the same level in approaching this, and not have Caerphilly being slow in one area, with another authority being more progressed. We need to move forward at the same pace and speed, and that is down to funding, structure and planning over at least 12 months.

**Michael German:** Finally, on your link between the close of nominations for candidature having to be further back, which would therefore lead to longer election campaigns, can you explain why personal identification would mean that we have longer election campaigns?

**Mr Screen:** I raised this problem years ago with colleagues, members and senior officers from political parties, and they said, 'Yes, that is fine, but we will have longer election campaigns'. So be it; quite frankly, I think that you need a longer election campaign. You need more time to get out to start knocking doors. That is one of the drawbacks. I was not going to use this, but I will now: apathy among the electorate is not just the prerogative of the

electorate; it goes down to political parties, authorities, electoral returning officers, and it is starting, unfortunately, to creep into people like me, who feel passionately about the job. We are starting to think, 'Well, if nobody else cares, why are we knocking ourselves on the head to do this?'. I do not want that to happen. Longer election campaigns would give us more time to do what we need to do.

**Michael German:** Why would requiring personal identifiers necessitate moving the date back so that those nominations—

**Mr Screen:** I am not linking the two together.

**Michael German:** I am sorry; that is what I was asking.

**Mr Screen:** The two are not necessarily linked together. What I am saying is that we could very much do with more time to close the nominations so that we can look at publicity and get forms out. Reverting a little bit to what we have been saying about a register, one of the big failings of annual registrations is that they are done at the wrong time. We have just had an election in May, and they were sending out forms three months later saying 'register to vote'. People were getting forms and saying, 'I voted'. People do not read. We have stripped our form bare to get the minimum of information, with a back-up sheet for the fuller information, so that people can read the form and fill it in. They do not read the information. You would not believe the queries that we get from people about registration when they have voted in the last election. The time for registration, I believe—and this is more important than individual registration—is about two months before an election. I know that there is a problem with Parliamentary elections, because we do not know the date, but we know the date of your election, so why not register—I hesitate to say that I am looking at the New Zealand experience, but they do it this way—by sending out forms some two months before elections to every household informing them of who is on the register, and informing them that there will be an election.

That would generate publicity for the election, and you are looking at the accuracy of the register. It is not only under-registration that we are concerned about; it is accuracy of the register. I know that some Members will say that it is not an accurate register if we do not have everybody on there, but the time to do it is during the run-in to an election when feelings are at their highest and when people have more interest. I would like to move the canvass and do away with the annual canvass and move to registration which informs people who is registered at such and such a property for an election in two months' time. You would then get people saying that the information was wrong, and that they were not on the register and have closure, with 11 days to move to registration. It may cause us a problem if there were huge numbers, because electoral registration staff are election staff. There is a presumption in the Bill—and it is possibly the case in England—that there is a pool of staff for the electoral registration officer and a pool of staff for the returning officer. That is not the case in Wales, because the same staff do the same job.

9.40 a.m.

**Gwenda Thomas:** I have a supplementary question on personal identifiers. With regard to the current household registration system, how do you raise awareness of the availability of anonymous registration? Will the introduction of personal identifiers improve the situation for people who need protection?

**Mr Screen:** It is something that we have talked about for some time as administrators, in that there is no provision for anonymous registration. We welcome the fact that it is in there. It needs to be looked at and it could be supported by some kind of attestation from social services, or from a chief constable, that someone is at risk.

In terms of identifiers, we would still need an identifier so that a person who has registered anonymously could still be checked. I do not think that that would be a major problem.

**Gwenda Thomas:** I will move on to the issue of performance indicators. Can you give an indication of what aspects of electoral administrators' work should be used as performance indicators?

**Mr Screen:** I have produced a short paper on this issue, because we received something from the WLGA on performance indicators. We need to work with the commission to identify the most relevant indicators. In terms of the numbers on the register, the difficulty is the baseline. It could be compared to the census, but the census is well out of date, and there were other problems with the census. If I were to take the census and my registration rates—which is a process that I am undertaking this year—there will be anomalies, because we have rolling registration. There will be anomalies in certain areas that we could concentrate on. For example the census might say that I should have x amount of people in one household aged 16 years and above, but I find that I have y amount. So, we could look at it. It must be a performance indicator to say how many people there are on the register, but we need an accurate base with which to compare it.

We have mentioned the accessibility of polling stations. I would enlarge on that and say that we should perhaps look at the accessibility of voting, including polling stations. That would be an indicator. Many indicators would probably show which authorities put money into a particular aspect, and which authorities perhaps do not. So, there are two prime areas that we could look at in that regard. There are a few indicators to look at in terms of the number of 16 and 17-year-olds, but I would like to work with the commission, and the Bill seems to imply that the commission will look to set indicators with us. We need to work with it to identify valid indicators and what we can get out of performance indicators.

**Gwenda Thomas:** You mentioned in one of your answers to Mike that there are different working practices in Wales. Should there be an explicit requirement for the Electoral Commission to consult the National Assembly for Wales before determining performance standards?

**Mr Screen:** The Assembly needs an involvement to see what is going on, but I see that as the role of the Electoral Commission and ourselves; we then inform you. I do not know what role you could play at that early stage. There is enough expertise within our body and the commission to look at the issue and to keep you informed.

**Gwenda Thomas:** Is there an expectation that distinct performance indicators could be developed for Wales, for example, with regard to Welsh language provision?

**Mr Screen:** It is something that we could look at, and include.

**Gwenda Thomas:** There is probably a funding issue there that needs to be explored.

**Mr Screen:** It will always come back to the funding issue. We could do a lot, but if we do not get the resources to do it, we are limited to what we can do.

**Alun Ffred Jones:** On funding, there is reference in the paper to the need for some kind of consistency of funding between authorities. Does the Bill address this, as it stands?

**Mr Screen:** I would need to know much more detail. One of my concerns is that we are talking about funding, and I think that the figure was £17 million, but there is no indication of how that will go down the level. I think that there is a need for ring-fenced funding in Wales. I am not sure that this will work, and that is one of my difficulties. If it is rate support grant, will it be more directed down to English authorities and will we then have a different level of funding from the Assembly? I do not know. These are the details that I would like to be involved in and would like to be talking about.

**Alun Ffred Jones:** There is reference to specific spending implications. From your experience in Caerphilly, do you have any idea how much this Bill would cost?

**Mr Screen:** How long is a piece of string? It is difficult, is it not?

**Alun Ffred Jones:** Should there be some recognition of the added costs involved because of bilingual needs in Wales?

**Mr Screen:** If that is what the Assembly would like to push, it will have a funding impact. However, I could not put a figure on that. We would need to look at it. That is why I mentioned careful planning. If you put the system in and it then comes out of the woodwork of all the funding issues, we are at risk. If you look at all the issues, put the funding in and then put changes to the system in place, that is the way forward, working with you and with the commission.

**Gwenda Thomas:** On the last point on the Department of Constitutional

Affairs and the risk and impact assessment, do you think that, given that this is going to be an England and Wales Bill, there should be specific recognition, which I do not believe there is in that assessment, of the statutory bilingual requirements?

**Mr Screen:** Yes. We always talk about England and Wales and, very often, we get something in place that suits, say, the inner cities and London in particular. It always comes up. Apart from, say, those of Cardiff and some other areas, the specific community and Valley needs in Wales is not recognised. I feel strongly about this. There is much more that we could do specifically in Wales, but then we are getting into the powers of the Assembly, which I do not want to get into in this forum. The way forward for us is to work, as an association, with you and the commission.

**Glyn Davies:** From listening to you answering these questions, it seems to me that there is so much here that could lead to a bit of a disaster with this Bill. Much of it will involve a lot more funding, there will obviously be a lot more staff, and there is potential for all sorts of things to go wrong. As I listen to you, I become more pessimistic about this. Is that a fair response to what you are telling us?

**Mr Screen:** I believe that it is. Some of my colleagues may say that there is no problem with it. I wish that Melvin were here to give his perspective. I have not had an opportunity to canvass all my colleagues, but a few are saying, 'Yes, there is a risk.' You need to be aware of the risk. I am not saying that it is going to be an absolute catastrophe, but there is a risk that we need to be aware of.

**Ann Jones:** Are there any other questions? I see that there are none. Thank you for coming this morning, Bob, and for the paper. It will form the basis of where we go on the Electoral Administration Bill. As you know, we have now produced an interim report on our scrutiny project, and we are hoping that those who have the powers in the House of Commons will take note of what we have raised in that. We are going to keep going on this, as the Bill progresses through the House of Commons. I am sure that your comments have been very well received and they have given us a lot to think about in terms of where we are going.

Our next witness to give evidence is from the Electoral Commission. Welcome, Kay. Kay was in the public gallery last week when we were discussing how we were going to take this forward, so it is no surprise that she has now come along with her paper to share her views with us. If you do not mind, Kay, we will go straight into questions, because we are tight on time. Dai will kick off again.

**David Lloyd:** I am asking everyone roughly the same, standard set of questions, so we are back to registration and the co-ordinated online record of electors. It has been suggested in the Bill that the commission would be the CORE keeper. Is that your understanding in the Electoral Commission? Also, do you envisage that there will be separate CORE schemes within England



and Wales, and, therefore, separate CORE keepers, say, for Wales and Scotland?

9.50 a.m.

**Ms Jenkins:** As you will be aware, the Bill provides for more than one CORE keeper. So, I do not think that it is a given that the Electoral Commission would be the sole CORE keeper. Our understanding of what the Government envisages is that the Electoral Commission would be the CORE keeper for a national register. The idea is that, within the CORE scheme, electoral registration would still be undertaken locally, but would be put together in a nationally accessible register. However, I think that the Bill envisages provision for regional and/or national CORE schemes. So, it would be possible, within the Bill, to have a Wales scheme, a Scotland scheme, and schemes for regions of England, possibly with the Electoral Commission as the keeper of the national register. I think that that still has to be fleshed out.

The CORE project is being led by the Department of Constitutional Affairs, with various partners, and it is still a consultative project to be fleshed out. So, we are yet to see how that would work. I think that there would be advantages to having a Wales CORE scheme. At the same time, the advantage of CORE is that it should prevent electoral registration fraud, in that, at the moment, there is no real check between local authorities if someone moves to a different area, whereas with CORE you would be able to tell if someone was registering in a number of authorities. This should prevent fraud, so there is clearly an advantage in having a GB scheme—of course, Northern Ireland is separate.

**David Lloyd:** Following on from that, do you think that the National Assembly should be specifically consulted as of right before any CORE scheme is made or varied?

**Ms Jenkins:** Again, it is a consultative project, and the National Assembly should certainly be consulted, whether or not it is a statutory provision in the Bill.

**David Lloyd:** Are you satisfied that the provisions relating to CORE in the Bill address concerns about data protection?

**Ms Jenkins:** Yes, we are satisfied with that. Again, as I say, it is a project that is yet to be fleshed out. However, one of the issues about registration is that there needs to be better data sharing. One of the problems that we have with the annual canvass is that we are starting afresh every year to try to get people on the register. We do not sufficiently share data within local authorities. Many people assume that once they give their name and address to their local authority and they pay council tax, they are on the electoral register, and, of course, they are not. They cannot understand why that is the case. Education departments have data on young people who are reaching the age of 18 on which we could capitalise. So, I think that, while data protection is an important consideration, data sharing also needs to be

considered more carefully.

**David Lloyd:** One of the clauses allows for the functions of an electoral registration officer to be exercised by the CORE keeper, and it has been suggested that this could lead to local authorities having the ERO function taken away from them for perceived poor performance. Do you think that that is a realistic possibility?

**Ms Jenkins:** I do not think that that has been envisaged at all in relation to CORE, and I do not think that that is the underlying aim of it at all. I think that that is a practical proposition about making sure that the record is up to date. I do not think that that is a hidden agenda in any way.

**David Lloyd:** My final question is on house-to-house canvass. You heard the previous evidence, so, should EROs be compelled to carry out this canvass?

**Ms Jenkins:** This is what is envisaged in the Bill in terms of the fact that it will provide for a new duty on EROs to maximise registration. Of course, we are very much in favour of the register being maximised as much as possible. We published a report in September that pointed to existing problems with registration.

In summary to the discussion that you had previously, the current system is not working well. We know that around 20 per cent of those aged under 25 are not on the electoral register, while only 2 per cent of those aged over 50 are not on the register. In Wales, probably up to a third of people in areas of social deprivation, including students and those living in private rented accommodation, are not on the electoral register. The system is not working. While we look at the difficulties that the Bill might create, at the same time, we need change and we need to improve. The annual canvass and house-to-house inquiries form one aspect of that, but we need a wholehearted approach to tackling the problems of underregistration across the board.

**Glyn Davies:** There are issues with the current system, clearly. You say, quite rightly, that it needs to be improved. However, previous evidence has suggested that there is a real danger that switching to individual registration will make the situation worse—it could significantly reduce the number of people registering. Do you think that that is a danger?

**Ms Jenkins:** Not in the long run. In the short term, there may be a drop in the numbers of people registering. However, we should consider the oft-quoted Northern Ireland experience in relation to the introduction of individual registration. Comparing the 2002 register with that of 2005, we can see that electoral registration has gone up for the first time. The most recent figures showed that, in 2002, the figure was something like 1,072,000. It dropped in subsequent years, but it has now increased by 70,000 on its 2002 level. Those figures were published in response to a parliamentary question a couple of weeks ago. Therefore, although there was an initial drop, the figure has improved in the long term. What you must understand about individual registration is that it improves the accuracy of the register. You need to think

about that again in the context of Northern Ireland.

There could be initial difficulties with individual registration, but, in the long term, it would improve the accuracy of the register. It would also much improve the security of postal voting. That is the background to our recommendation of individual registration.

Our report on the elections in Wales in 2004, which I am sure that you have read, shows that the electoral system in Wales was under considerable strain. A large volume of postal voting, coupled with combined elections, as Bob Screen outlined, meant that electoral administrators were under considerable strain. The system is underfunded and under-resourced, and it needs an overhaul. Although there will be difficulties with the implementation of the Bill, it will give us the opportunity to overhaul the system and to have a co-ordinated approach to improving funding and improving and professionalising the standards of electoral services in Wales.

**Michael German:** You do not pull any punches. The commission has been pretty scathing about the absence of individual registration in the Bill. If you had individual registration, would you want that to involve a register of all individuals on one form, or would you want there to be a separate form for each individual in a household?

**Ms Jenkins:** People have got hung up in this debate on the forms and how they would fill them in. We have put forward a transitional proposal for individual registration, which we put to the select committee and the Government last week. I will come to that in a second. The system in Northern Ireland relies on individual forms, because the technology needs to pick a signature off the form. It can do that most easily if there are separate forms. Having said that, there is no reason why a wodge of separate forms should not be sent together to the head of a household. There are a number of ways of cracking that problem. Getting hung up on whether there will be an individual or a household form is a diversion from the main purpose of having individual registration, which is to include those personal identifiers. The commission has put forward a transitional proposal on individual registration, recognising that the Government is concerned about introducing it.

10.00 a.m.

We are very worried about the prospect of piloting individual registration and we do not think that that is an appropriate way forward. It would be on a voluntary basis. In our experience, any pilot relies on the extent to which it has had publicity, for example, locally, so that people know about it in the locality. We think that a big push on individual registration is needed, which would simply not be feasible through a piloting arrangement.

We have suggested a transitional proposal to the Government by which signatures and dates of birth could be collected voluntarily by the head of household on the annual canvass, in the way that it is done in Caerphilly, as Bob has already mentioned. We also suggest that the collection of dates of

birth and signatures should be mandatory for anyone asking for a postal vote or vote by proxy. They could note those either on the annual canvass form or in their application for a postal vote, or indeed on their rolling registration forms so that we would have a transitional way forward where, at least, on the postal voting, we would have the personal identifiers as a prelude to launching full individual registration.

**Michael German:** On piloting, you seem to be saying that we do not need to pilot that intermediary process or the process that you think will satisfy both sides of the argument, given that it is not what they have done in Northern Ireland and given that it is a new idea. So, you do not think that we need to pilot it to see whether it works?

**Ms Jenkins:** No, we do not. We think that that could be rolled out.

**Michael German:** There is no practical experience of it having been done, yet you think that we do not need to have it and that we could just do it for the whole of Wales or the UK in one go without seeing what the teething troubles might be. Are there any lessons to be learned from Northern Ireland that would help you to strengthen that process?

**Ms Jenkins:** There are, which is why we do not think that we need to pilot it. The Northern Ireland experience has, effectively, been a pilot. We have met with Denis Stanley, the chief electoral officer, and the whole of the Northern Ireland experience is available there for us to draw on. Of course, there have been teething problems, but, as I say, they have turned those around, so we believe that we could use that experience.

**Michael German:** You have suggested this intermediary idea, but what in Northern Ireland contributes to you saying that this would work without a pilot? What in your scheme has not been piloted in Northern Ireland?

**Ms Jenkins:** Northern Ireland went straight to individual registration. The difference there is that it does not have postal voting on demand; it still has it only on medical requirement. So it is not a completely comparable situation. However, something needs to be done urgently to make postal voting more secure than it is at the moment. To test a pilot, as Bob has already mentioned, you need to have a baseline and the difficulty is that we do not know how accurate the register is in some areas. So, if you piloted individual registration, you would not know with what you were comparing your baseline, so you would not know whether, in the first year, a drop in electoral registration was a genuine drop or whether the register was simply more accurate. You would not know how long it would take to improve, and it might take three years. So, how long would you wait before you decided to go ahead with rolling out individual registration? Meanwhile, we have the same problems with postal voting as we have at the moment.

**Michael German:** However, if the Government decides to persist with having a pilot, should that be an all-Wales pilot or should it be a pilot on which the National Assembly is consulted? When should it happen, once the Bill is

passed?

**Ms Jenkins:** We have not given our views on how the pilots could be rolled out, because, as I said, we have major concerns about the pilot, so we have not looked at that.

**Michael German:** You have not caved in yet.

I have one final question, which is to do with your paper, but which does not relate to that question. It is on data protection. You said in your evidence on personal identifiers that it is necessary to have individual registration to be able to check against other forms of registration. Does the Electoral Commission have a view on how far individual liberties might be at risk if you were to open up the individual registration for comparison with other forms of data collected for other purposes, whether by the Inland Revenue or the Department for Work and Pensions?

**Ms Jenkins:** We are strongly of the view that the electoral register should be used only for the purposes of electoral registration, and should not be opened up. It seems to be a one-sided view given that I have said that data sharing should be used to compile the electoral register, but, at the same time, we think that being able to vote is a basic right, and the information should not be shared the other way.

**Michael German:** To be absolutely clear, do you want information to come in one direction only? It would have to be mandatory in the Bill that the information could not be shared, as it would be easy to do so when the information is in an electronic format held by local authorities.

**Ms Jenkins:** Yes. The legislation that prevents the electoral register from being shared is already in place, in that it can be used only for statutory law enforcement and credit checking.

**Michael German:** Nothing in the Bill would change that?

**Ms Jenkins:** No, nothing in the Bill changes that.

**Gwenda Thomas:** I would like to move on to performance indicators. In light of what we heard earlier about Northern Ireland being used as a pilot, why, in your opinion, has Northern Ireland been excluded from the provisions to introduce performance indicators?

**Ms Jenkins:** I am afraid that I cannot answer that. Our view is that Northern Ireland should be included in performance measures. The Northern Ireland office is opposed to that for reasons that are not entirely clear to us. The system is different in Northern Ireland in that you have a chief electoral officer; there are no returning officers at local authority level in the same way as in the rest of Britain. In our view, that is not a sufficient reason for it to be excluded from performance measures.

**Gwenda Thomas:** During the consideration of the Bill in the House of Commons, Chris Ruane MP proposed that league tables should be published showing local authority performance with regard to electoral administration. What is your view on that?

**Ms Jenkins:** We welcome the provisions in the Bill for the Electoral Commission to be able to establish performance measures, but we believe that performance measures should essentially be supportive for local authority electoral services. League tables always have the drawback of naming and shaming, and people worry about them, which is one down side. You will know from our reports on elections in Wales that there is much good practice out there, but there is a patchy approach. We believe that performance measures are a way of promulgating good practice. We already have the all-Wales election planning group, which is one voluntary way of sharing good practice, but we believe that performance measures will enable good practice to be shared and will set standards. In our view, wherever you vote in the UK, your experience and the standard of the service provided should essentially be the same. Indeed, wherever you stand as a candidate for election in the UK, you should have a similar level of basic service. That is what we believe performance measures will help to achieve.

**Gwenda Thomas:** What is your response to the WLGA view that the Electoral Commission should not become an inspectorate?

10.10 a.m.

**Ms Jenkins:** We would not see ourselves as an inspectorate. As Bob has already said, I think that we have a very constructive relationship with electoral administrators and electoral services in Wales generally, in that we are there to provide advice, guidance and training. We would not want to become an inspectorate in the way that Estyn is seen in schools or anything of that nature. Essentially, it is in a supportive role that we see ourselves.

**Gwenda Thomas:** Is there an expectation that distinct performance indicators could be developed for Wales; in regard to Welsh language provision, for example?

**Ms Jenkins:** Yes; I think that that is still to be determined. We had our very first meeting on a consultative basis. WLGA was invited to come along, and Assembly representatives were present to look at establishing the vision and the framework for establishing performance measures. There is certainly no reason why we should not look at those on a Wales basis and a basis for regions across England and Scotland separately. As I say, the basic tenet would be a harmonisation of standards across the UK, and then there can be specific measures for Wales. As you said earlier it may be appropriate particularly for the Welsh language elements.

**Gwenda Thomas:** Do you think that there should be an explicit requirement for the Electoral Commission to consult with the National Assembly for Wales before developing any performance standards?

**Ms Jenkins:** The provision in the Bill is that the Electoral Commission must consult the Secretary of State, which I assume means the Department for Constitutional Affairs. We do not really have a view on whether or not that should be explicit for the National Assembly. However, we would certainly consult the National Assembly in any event, whether or not we were required to do so.

**Ann Jones:** Are you taking the access one as well, Gwenda?

**Gwenda Thomas:** Yes; are you satisfied that the proposed framework and timescale for review of polling places will address the problems identified in reports such as Polls Apart?

**Ms Jenkins:** Yes; we do support the provisions in the Bill on regular reviews. We think that that is very important. It is probably not practicable to do them much more often than the Bill proposes given that these things always take time to implement. Therefore, yes; we are supportive of that.

**Alun Ffred Jones:** Turning to costs, what are the cost implications of the Bill for local authorities?

**Ms Jenkins:** The Department for Constitutional Affairs has produced a regulatory impact assessment which goes down to local authority level. I am sorry; I do not have it with me therefore I cannot quote the figures off the top of my head. Funding is a significant issue, as Bob has already outlined. The funding needs to be there to back the Bill. Without the funding, there is no doubt that the Bill would be a problem to implement. We are also of the view that the funding should be ring-fenced.

**Alun Ffred Jones:** That was my next question, but you have kindly answered it. Should there be specific financial provision for the bilingual needs in Wales; should that be recognised?

**Ms Jenkins:** I think that that would be sensible because inevitably there is a cost to the bilingual elements of the Bill in Wales. We are already doing some work with the Welsh Language Board and the Association of Electoral Administrators to try to standardise Welsh language provision in electoral services. At quite a basic level, for example, we are doing some work on a glossary of electoral terms that would be consistently used in Welsh across Wales. There is always a cost element to that.

**David Lloyd:** To follow on from the funding issue, has the Electoral Commission carried out any sort of assessment on the staffing implications for electoral registration officers locally. We have heard that usually, electoral registration is carried on using one person and a dog, shall we say. Is there some assessment of the impact of this Bill in terms of how much more staffing would be required?

**Ms Jenkins:** We have looked at the question of staffing and funding for

electoral services previously. About three years ago, we did a survey of staffing and funding, and some local authorities do not even have a dog—they have less than one person. That is certainly true in Wales. It is an issue not only of the number of bodies that you have to do the job, but of the structure within local authorities for supporting electoral services. It is often one person operating on their own, who has some additional staff around election time. Then there is a gap between that and the returning officer, who is a busy chief executive, and who only comes in at election time. A management structure, which would bring a professional approach to delivering electoral services, is often lacking. That is one thing that we need to consider in the context of performance measures. No-one thinks that electoral services staff are not doing their job properly. They need the funding, and they need the structure in place. When we are considering performance measures, we will undoubtedly consider the staffing structure that supports that.

**Gwenda Thomas:** To follow on from Alun Ffred's question about the bilingual requirements, the Department for Constitutional Affairs published a regulatory impact assessment on 11 October. Are you satisfied that that assessment takes sufficient account of the statutory responsibility in Wales for bilingualism?

**Ms Jenkins:** No, I do not think that it does. I do not believe that it is in the regulatory impact assessment.

**Ann Jones:** Thank you for coming, Kay, and for presenting your written paper and giving your evidence. I am sure that we will call on you again if we feel that we want to go any further down the road than we are at present.

**Gohiriwyd y cyfarfod rhwng 10.17 a.m. a 10.34 a.m.  
The meeting adjourned between 10.17 a.m. and 10.34 a.m.**

**Ann Jones:** Welcome back everybody to the second half of the Local Government and Public Services Committee meeting. We are joined at the table by Steve Thomas, the director of the Welsh Local Government Association, and Geraint Edwards, who is the managing director and returning officer of the Isle of Anglesey County Council. You are both very welcome to committee, and we thank you, particularly Geraint, for coming all the way from Ynys Môn. There are those of us who know how long that journey is, and we are grateful to you for coming to share your views with us. Steve will give us an oral overview of where the Welsh Local Government Association is, and then we will go straight into questions. Members have already received Geraint's paper. Is that acceptable? I see that it is.

**Mr Thomas:** I am quoting from an extensive paper that will be available from the WLGA website later today. Thank you for the opportunity to give evidence on the Electoral Administration Bill. I am pleased to be sitting next to my colleague, Geraint Edwards, and was also pleased to listen to Bob Screen this morning, who used to be a colleague at Caerphilly. I want to touch on a number of issues which came up in Members' questions. You will be shocked and amazed to learn that the WLGA is going to start with the issue of finance.



Let us not break the habit of a lifetime.

Looking at the Bill, and paragraph 313 of the explanatory notes, there is acknowledgement of the financial implications. The Bill says that additional funds will be transferred to the National Assembly for Wales accordingly and that Department for Constitutional Affairs officials will be liaising with Assembly officials. Have DCA officials liaised with Assembly officials?

**David Lloyd:** Frank will know.

**Mr Cuthbert:** There is an ongoing liaison.

**Mr Thomas:** So, that is a 'no'?

**Mr Cuthbert:** No, it is a 'yes'.

**Ann Jones:** This is scrutiny from the WLGA, not from us.

**Mr Cuthbert:** Assembly officials have liaised with officers of the WLGA as well.

**Mr Thomas:** DCA officials, as Frank knows, are going to liaise with Assembly officials to ensure that these funds are in place well ahead of the implementation of the measures in the Bill. Paragraph 314 says that the proposals have already been costed, which is interesting, is it not?

Unless I have missed something, I am unaware that councils in Wales have been involved in estimating costs. Do the costs take account, for example, of the fact that we operate bilingually? Your questions were pointed in that direction. These are additional costs on top of costs that would be comparable to those of English authorities. Why has the estimate of £13 million been made? Are we happy with it? Given the requirement to conduct the first review of polling stations within 12 months of Royal Assent, this could give rise to costs in 2006-07, depending on when Royal Assent is obtained. So, the impact will be significant, but has it been built into Assembly and local government funding for 2006-07? I suspect that the answer is 'no'.

I will be interested to see how performance indicators roll out in the sense that you, as the National Assembly for Wales, are putting in place a brand new performance management framework, and there are some indicators in there that deal with elections. I must admit that I am very suspicious of the performance indicator that says that registration is a sign of good performance in one sense. Local authorities do their utmost to register voters; if you are in London, however, some of the registration rates can be incredibly low, particularly because of the nature of the population there. Performance indicators are important, but I would be very wary of any league-table-based approach to performance information in this particular area.

There are a number of things in the Bill that are very welcome. Many electoral administrators will say—and Geraint will probably agree with this—that

electoral management, as opposed to electoral administration, has been something of a cinderella service in local government. Bob will confirm that when we set up the electoral services section at Caerphilly County Borough Council, there was an argument with the then treasurer, who asked me, 'Why do you need a separate electoral services manager? Can you not combine it with the committee services manager?'. There are arguments such as that. My view is that this is an incredibly important function.

10.40 a.m.

Again, shock, gasp, horror, the WLGA has a ring-fenced support argument. I would see ring-fenced funding as a way forward on this, but I would see it as such over a three-year period. I would like to get the money into local government, but I think that it should eventually go into the settlement once it has been in place over a period of time. That ensures, in the first three years, that the money is dedicated to electoral services and is built into the budgets of the co-ordinated, on-line record of electors project.

In relation to the consolidation of registers, I think that the CORE project has huge potential. The Chancellor has recently written to colleagues extolling the use of other databases held by councils and other bodies, to maximise the number of registered electors. The Government plans to open up a number of central Government databases—I understand that the Driver and Vehicle Licensing Agency database is one of those—but there is some flawed logic to this. For example, the council tax register holds the details of the person who pays the council tax for the property, but that person may not be resident there or qualified by nationality to be an elector. It is a useful database to help verify that the non-responder is still resident, but, more frequently, its use results in the deletion of electors at non-responding properties, leading to an accurate, but smaller, register. Those registers certainly do not maximise the number of electors on the register.

I would also voice real concern regarding the canvas provisions. On a general point—and the Bill is not clear on this—it sort of implies that a door-to-door canvas is to become mandatory. I think that you will be aware, as Assembly Members, that many electoral returning officers are ceasing this practice because of health and safety issues, such as lone working and conducting canvassing in the hours of darkness. Experience has shown that old people in particular do not like being canvassed in the evening and do not open their doors. There are also cost considerations. I will give an example that was given to me by the electoral services manager for Newport City Council. It said that Newport City Council, for example, can currently mount a canvas using either post or canvassers for initial price of up to 42p per responding property, which will usually produce a response of approximately 70 per cent. A further postal reminder will usually push that response up to the mid 80 per cents. Any person omitted at this stage has at least three opportunities to apply for rolling registration prior to the present cut-off date for a May election. Under the Government's proposals in the Bill, local authorities would be required to make at least two personal calls to a property, which would cause a dramatic increase in the cost of the canvas, probably as much as 30 per

cent. Experience in some councils has shown that such call-backs only produce another 1 or 2 per cent increase in the overall numbers registered, but amount for a vastly disproportionate part of the cost of the canvas. You must ask yourself whether this represents best value in terms of the council tax payer, particularly bearing in mind the extremely small number of additional registrations produced. I think that that is a very significant question.

The final point that I would make concerns the use of signatures and dates of birth as identifiers for registration. I think that it is questionable whether some of the identifiers that have been selected are robust enough as security measures. I know that a debate is going on in the House of Commons at the moment and many people are suggesting, for example, the addition of national insurance numbers, passport numbers or driving licence numbers. I think that one person has suggested the use of identity cards. There are a range of factors that could be used, but as the Bill progresses through the House of Commons, these will figure as amendments. They could find their way into the Act, but they will have ramifications in Wales, particularly, because of the Welsh-language implications. In one sense, far from maximising registration, the nature of the canvas form could put people off from registering. I think that that was the initial experience in Northern Ireland and we must be very aware of it.

Overall, I think that the Bill moves in the right direction. However, moving in the right direction represents a halfway house. The fact that it ducks the issue of individual registration is a real problem and a flaw in the Bill. Individual registration will happen sooner or later and this seemed to me to be an opportunity to push that. There are other important things in the Bill, such as candidature age at 18, which I think is a positive move. I was speaking to Geraint earlier about the fact that you can bring children into polling stations. I think that many returning officers are now very flexible about that in any case. There are many things in there that recognise existing good practice. Does the Bill go far enough? The answer is 'no'.

**Ann Jones:** Thank you for that, Steve. You have probably answered some of the questions before they were asked, but we will see how we go.

**David Lloyd:** Thank you for an excellent presentation. I look forward to reading the written stuff. To consolidate the issue of funding, can you, between the two of you, put a figure on the staffing levels required at local authority level for electoral registration? You can have a little time to think about it, because I have a couple of other questions as well.

We heard from Bob earlier, and we know from personal experience, that staff is fairly skeletal in terms of numbers to run the whole electoral registration service. With the additional burdens placed by this Electoral Administration Bill, can you quantify the minimum staffing level that you would need in each authority? You have obviously welcomed the CORE system; what are your feelings about a CORE scheme for Wales, as opposed to an England-and-Wales system? Are you satisfied that the provisions relating to CORE address

concerns about data protection? You have certainly answered the issue of whether EROs should be compelled to carry out house-to-house canvassing. We can take that as a 'no'. Finally, on maintaining the electoral registers, do you agree with the imposition of a universal duty on EROs to maintain registers, and what sort of impact would that have on the work of the EROs. Steve mentioned impacts in passing, but Geraint can doubtless mention the impact of that requirement.

**Mr Edwards:** On that last point, and on staffing as well, as you know, Ynys Môn is a relatively small authority compared with many others. Having said that, we probably register the highest voting turnaround and return rate. We must be doing something right. Big is not always beautiful, but neither is small; it depends on your staffing level. Yes, it is an intensive period when you are trying to ensure that the registration is up to date. I can only reflect on my own position. We have two members of staff—one middle-senior officer and a junior—and we could do with at least one more. I do not know how that reflects what happens in other authorities. Some people have teams on this. I do not know what they do for the rest of the year, but they have teams on it. My registration manager has two, if not three, jobs; he is also the emergency planning officer. There is scope for multitasking, but then, if there is a disaster during an election, what takes precedence? So, there are issues here. Could you have a full-time dedicated team? The answer is 'no', because it would not be fully occupied all the time. A small team would, so it is difficult to answer that question about how many more staff would be required. What is necessary, I think, is the flexibility and the finance, obviously, as Steve mentioned, to get that added resource when it is necessary to get it, and not all the time, full time.

**Mr Thomas:** On staffing levels, and coming back to Bob and the Caerphilly experience, we did have a dedicated team, and we tended to find that there were not enough hours in the day for it. Part of the reason for that is that we wanted to do more than the process. Electoral administration is about process; electoral management is about a lot more than process. One of the things in the Bill is the idea to make funds available to get an officer to work on voter engagement. That is a splendid idea; spot on. We tried to do it, but at the same time, when you are trying to deal with the process of an election as well, it is difficult to wear both hats. So, staffing levels, I think, vary from authority to authority. Yes, some of the bigger authorities have a dedicated team while some of the smaller authorities do not, but that does not necessarily affect performance. However, it is about the professionalisation of a function that is seen by some authorities, although not necessarily in Wales, almost as a part-time function—something that happens to you once every three or four years. What this Bill does, in a welcome way, is to start to move towards a modern electoral service, which is the way forward.

10.50 a.m.

With regard to a CORE scheme for Wales, I do not know whether the association has a view on a Welsh pilot yet. Logistically, it seems difficult to do and, from experience with electoral pilots, particularly in relation to postal

voting in recent years, I am rather glad that Wales did not pilot these things. So, it is an issue that needs more detailed debate, and we would need to contact the Association of Electoral Administrators and SOLACE, through the returning officers, to look at the possibilities in that regard.

**Brynle Williams:** On personal identifiers—

**Ann Jones:** We are not discussing personal identifiers.

**Brynle Williams:** Sorry, Chair, my apologies.

**Ann Jones:** Let us stay on the CORE scheme and the data protection issue, and we will then move on.

**Glyn Davies:** Not for the first time today, Steve, we have heard the idea of canvassing rubbished, in that it will not work, it is probably dangerous, it frightens people and that we should not do it. However, what should we do to check that people who claim to be living somewhere do actually live there, and to try to increase the number of people who register? If this is no good, what should be done?

**Mr Thomas:** I am not calling for an end to canvassing. Some authorities have systems in place that represent a move away from canvassing. It is a move away from the emphasis on canvassing as the sole measure to sort out the register. Some authorities are using the post and other mechanisms to encourage people to register their vote. Using the post is a very good way of ensuring that the register is up to date, and that method should be explored in greater depth. The idea of canvassing has some severe limitations. It is part of local authorities' armoury in terms of registration, but it should not be the sole mechanism. I am not certain where the idea that you must undertake two canvassing exercises came from, because it does not seem to have any logic.

**Glyn Davies:** I am only raising what I have heard people say. I do not agree with this, but, if people are not keen on registering, why do we have to make such a huge effort to make them do so? What you are talking about is a huge input, and, if we go down the road of canvassing, it is a huge input for little return. You have, in a sense, asked whether it is worthwhile. To what extent do you accept the fact that if people are not that interested, we should not bother?

**Mr Thomas:** I think that they are. Modern life is such that I have not seen a canvasser at my property in three years because I have not been there when they have come around. I will register through the post, because things have moved on. A lot of the legal framework for electoral services and elections is ancient, and the Bill tries to update that. People want to register, and registration campaigns are very effective when they are put into place accurately. At the same time, using the canvassers as the one sole indicator or measure of updating the register is not the way forward, and I think that the Bill makes a fundamental error in that regard.

**Mr Edwards:** I was looking at some of my notes before coming here. We are a small authority and we have 91 per cent registration. That is pretty good. It has been done in the past by a squad of canvassers going out, but it is more cost-effective to employ someone full-time, which is what we did last year. However, we had a hell of a job persuading the members of my council that it was more cost-effective, because it was seen as another post in the establishment, when we had been encouraged to become leaner and meaner. It is all right to spend temporary money on temporary canvassers every now and then, and they will go out in their droves, but it is not all that cost-effective. I agree that knocking on people's doors, especially in an area where there is a preponderance of older people, is not good. They have enough people knocking on their doors and enough rubbish coming through their letterboxes. Employing a permanent worker and using the post is a much better and more cost-effective way of doing it.

**Gwenda Thomas:** I have a question for both of you. How do you raise awareness of the availability of anonymous registration to aid with identifying people who do not register because of fear, and the protection that anonymous registration can provide?

**Mr Edwards:** It has not been a big issue. Locally, for example, we would use the local press. We have to pay for the advertisement ourselves, but we do it. It is a difficult question to answer, but we would use every means available to us and invite people in to talk to our friendly local government registration staff.

**Ann Jones:** Steve, do you have any views on that?

**Mr Thomas:** No.

**Ann Jones:** We will move on then. I think that we have covered that. We are doing personal identifiers now. I will bring Mike in first and I will come back to you, Brynle.

**Michael German:** Steve, you have probably answered this, but to be clear, at present, the Welsh Local Government Association does not have a position on the introduction of personal identifiers, so could you tell us whether it is your intention to have a position and, if so, roughly when would you have a position to fit in with the Bill's progress through Parliament and through the Assembly?

**Mr Thomas:** We will be putting a report on the Bill to our co-ordinating committee very shortly. There is an English Local Government Association position that clearly sees personal identifiers as a forward step. I think that it shared the view, however, of the Electoral Commission, that having pilot schemes on these things is not necessarily the best way forward. As I say, from a personal point of view, I am not necessarily convinced as yet in terms of the robustness of some of the personal identifiers suggested. Other mechanisms may need to be examined.

**Michael German:** Would it be possible to give us a preliminary view as soon as you have it, because, clearly, the extent to which personal identifiers are used is a matter of interest, and the number and robustness of them are areas that we are concerned with. The same is true of pilot schemes. If there were pilot schemes and, assuming that the Government follows its pattern in the Bill, there would be, do you think that we would be best served by having all-Wales pilot schemes or regional pilot schemes in Wales, and should the National Assembly have an involvement in some of the debate and discussion around those issues, perhaps by being a statutory consultee?

**Mr Thomas:** I would want to know the feasibility of undertaking a national pilot scheme, as a regional pilot scheme sounds a more attractive way forward. I think that the National Assembly should have an involvement. You were asking earlier about the role of the Assembly and whether it should be a statutory consultee, and yes of course it should. Given the way that devolution is heading, the idea that it would not be is ludicrous. These things need some examination. When we put this in front of our members, however, we will be seeking the views of the 22 returning officers, and they may have wildly differing views on it, so we will need to come back to you at that time and highlight those views, because the feasibility of undertaking some of the things that are proposed by Government look very attractive on paper, but when you get down to the detail of doing it, the implications are not always that straightforward.

**Michael German:** One of the details that you may want to comment on now, or reserve comment on until you have had your discussion, is that of requiring voters to sign for their ballot papers when they reach the polling station. That is a substantive change to existing procedure. Do you have a preliminary view as to whether that is a good or bad idea?

**Mr Thomas:** In broad terms, in principle, I think that it is a good idea.

**Mr Edwards:** From a practical viewpoint, it would be rather time consuming and people would be queuing out through the door and onto the street. So, there is a practicality issue there.

**Michael German:** So, that is another cost element that you would want Frank to take on board.

**David Lloyd:** In the ongoing discussions. [Laughter.]

**Michael German:** The issue that comes out in terms of personal identifiers, and you have referred to it in your introductory remarks, Steve—and the representative from the Electoral Commission also referred to it in her comments—is that drawing in data from other databases may be useful but there is a personal liberties and data protection issue here. The Electoral Commission representative said earlier that she thought that data could travel in one direction and that, legally, it could not go in another direction. In other words, everything could inform the electoral registration process, but the process would then be forbidden to filter the other way. Do you think that that

is feasible?

11.00 a.m.

**Mr Thomas:** I think that there are some real difficulties in terms of data protection, and I think that, as a result of that, the Bill, in terms of its provisions, has not examined the issue in sufficient detail. On a superficial level, the ability to link with other databases sounds like a very good idea. There are huge central Government databases out there, and the whole point of the CORE system would be to have a central database. However, in one sense, putting the effort into CORE seems to me to be the way forward in terms of the existing registers and making sure that they are as accurate as possible and that they form the basis of the new CORE database. I would imagine that you could exchange data, but I think that there are some real problems with doing that, which could be opened up to legal challenge.

**Brynle Williams:** I will now talk about personal identifiers. First, on the national insurance number, could we not go one step further? This committee recently visited Europe to take evidence, and it was interesting to see that, in Denmark, you are given a unique number at birth that stays with you for the rest of your life. That is right through from day one. This can be used then for electoral purposes and other things.

Also, on the central database, the other thing that came up, as I think Glyn alluded to earlier, was the door-to-door canvassing. All this information is not allowed out. In the same way that we have an electoral roll, it is not posted at all. So, this does away with canvassing. What are your views on that? Can we go forward with either a national insurance number or a unique number at birth?

**Mr Thomas:** My personal view is that the national insurance number may be the way forward. However, I suspect that many returning officers—Geraint might have a different opinion, and Bob certainly does—will say that a signature and a date of birth is sufficient. I am not certain, and if you are not certain, you have to say that openly. Prior to the last five or six years, elections in this country were seen to be squeaky clean. Over recent years, a view has emerged that elections are not as clean as they once were. I do not think that that is the case, but some of the measures that have been introduced to encourage voters to register and vote have opened up a system that was very tight. How you then make that system more robust would seem to me to be the key to this Bill. As a result, I am not sure whether a signature and a date of birth is a sufficient guarantee against fraud.

**Ann Jones:** Geraint, do you want to come in on that?

**Mr Edwards:** I would echo that sentiment. I am inclined to favour possibly a unique number, or birth date number, or whatever. However, that is for the future. That could well be a reasonable consideration, which leads to an identification card, basically, does it not?



**Brynle Williams:** I think that it is something that is worth looking at for the future. It was very pleasing to hear that there is such a high level of registration in Ynys Môn. As you pointed out, it is a relatively small county, but, nevertheless, to get such a high level, you are doing something very good, excellent even.

**Mr Edwards:** We have a high level of registration and high turnout. I think that it just down to the excellence of my team. [Laughter.]

**Brynle Williams:** Mae hynny'n ddigon teg. Diolch yn fawr.

**Brynle Williams:** That is fair enough. Thank you very much.

**Ann Jones:** We will move on to performance indicators.

**Gwenda Thomas:** I want to comment on the national insurance number. My background is in the Benefits Agency, and the national insurance number is not just a number taken in sequence; it has some personal identifiers within it. Would it help the committee to have an explanation of what the national insurance number actually is? I believe that an indication of the year of birth and gender is contained within the number. I think that that might help. My memory does not serve me well enough to remember what it was, but it might help to know that.

**Ann Jones:** We will get a paper on it.

**Gwenda Thomas:** Moving on to performance indicators, are you both satisfied that there is sufficient distinction between the roles of the electoral registration officer and the returning officer?

**Mr Edwards:** I can certainly vouch for the fact that there is a distinction. However, when there is a need, I go to help. I am not in the same mould as the electoral registration officer in that I do not get involved in that level of detail. However, when there is a problem, the registration officer will undoubtedly help; I know that my fellow registration officers do. It is a team effort, but we allow them the discretion to get on with their work without undue interference.

On your earlier point, I know that a person's date of birth is printed on his or her driving licence, but I am not so sure about national insurance numbers.

**Gwenda Thomas:** I was just suggesting that we need to know what the national insurance number is.

**Mr Edwards:** Yes, but it is definitely on driving licences.

**Gwenda Thomas:** I take it that your answer is that there is sufficient distinction between the two roles?

**Mr Edwards:** Yes. That is my view.

**Gwenda Thomas:** Should there be an explicit requirement for the Electoral Commission to consult the National Assembly for Wales before determining performance standards?

**Mr Edwards:** Whether or not it is explicit, it is sensible to do so.

**Mr Thomas:** It has to consult you in the sense that you set the performance measurement framework for local government, and, if you are going to put in place indicators for elections, they will have to fit into that framework. So there must be consultation.

**Gwenda Thomas:** The point that I am making is that the consultation should occur before determining the standards.

**Mr Thomas:** Indeed. There are now 430 suggested indicators. We are not keen to see that number grow much more.

**Gwenda Thomas:** You mentioned the Local Government Association with regard to personal identifiers. Do you agree with the LGA position of supporting performance standards to promote best practice?

**Mr Thomas:** Absolutely. However, you must remember that the LGA operates in England and that England has a different performance regime from Wales. Councillors in England are subject to the comprehensive performance assessment, while we are subject to the Wales programme for improvement. Those are two very different programmes. The CPA process in England uses categorisation, a rating system, league tables and a range of other measures. We do not do that in the Welsh context, though the information is available through freedom of information legislation. We do not do that because of the perverse effect of league tables.

**Gwenda Thomas:** What aspects of electoral administrators' work should be used as performance indicators?

**Mr Thomas:** Some of the issues concerned with the quality of the register are clearly areas where you would want performance information. I am wary of performance measures based on voter engagement, because, in one sense, as political parties, that is your responsibility. Using a process to measure engagement does not make for a good performance indicator. I am not sure whether people are trying to work up further indicators. I would be interested to have a discussion with Kay on that. However, there needs to be significant and robust measurement of electoral performance, and we would all support that.

**Mr Edwards:** I was interested to hear a comment before the tea break about the notion that the commission could become a regulatory body. I think that there would be a vociferous and robust rebuttal of that. We have enough regulators; we do not want any more. Returning officers and electoral registration officers work very well with the commission. It is a constructive partnership, but we certainly do not want them to become our regulators. We

would object to that.

**Gwenda Thomas:** I assume, therefore, that you would be totally opposed to the Electoral Commission's becoming an inspectorate?

**Mr Edwards:** I would put that view forward; whether it would stand up is another matter. We currently have a constructive partnership; we work well together. We do not roll over with them; we give them practical ideas and they then present their ideas to people such as yourselves and Parliament.

11.10 a.m.

**Mr Thomas:** You quoted a WLGA line earlier on the Electoral Commission's becoming an inspectorate, which was very interesting because it proves, yet again, that I have no clue what my organisation is doing or saying. I am not aware that we have said that, but we would object to the idea of having another inspectorate. We have asked for a 25 per cent reduction in inspection across the board. There are too many inspectors out there.

**Gwenda Thomas:** You have already mentioned that you would oppose league tables. In view of the fact that Chris Ruane MP proposed, during the passage of the Bill, that league tables be published, will you make representations in response to his proposal?

**Mr Thomas:** I am not sure what league tables show you, particularly in this area. I am having difficulty imagining just what they would demonstrate. It is part and parcel of the comprehensive performance assessment regime in England, and league tables just seem to proliferate. I cannot say, from having spoken with English colleagues, that the public takes that much notice of the league tables present in the English environment.

**Mr Edwards:** On the face of it, from Ynys Môn's viewpoint, league tables would be great because we would be rather high on the list, but, going back to the principle of this, I would say 'no'. We just do the work; there is a high turnout and a high registration percentage because we do our work. I say 'no' to league tables; they are counterproductive.

**Gwenda Thomas:** Finally, you have already mentioned bilingual requirements. Do you think that there is an expectation that distinct performance indicators could be developed in Wales, for example, with regard to Welsh-language provision?

**Mr Thomas:** I have not had sight of what the Welsh Language Board put into the new performance measurement framework and whether this was one of the indicators that it suggested, but it has suggested a raft of indicators to be included in the performance measurement framework. This indicator would clearly be worthy of examination, but, at the same time, we are wary of the scale of the performance measurement framework as it stands, or the consultation going on on the performance measurement framework.

**Mr Edwards:** Ar y pwynt hwnnw, mae'n anodd i mi gymryd cam yn ôl gan ein bod yn gwneud popeth yn ddwyieithog, felly nid yw'n broblem.

**Mr Edwards:** On that point, it is difficult for me to take a step back, as we do everything bilingually, therefore, it is not a problem.

It is not a problem for us in Ynys Môn. Having said that, I think that the legislation is being drawn up with a view towards having conurbations where languages other than Welsh are spoken. I have much experience of Glasgow where many languages are spoken. Believe it or not, more than a dozen languages are spoken in Holyhead, but perhaps by only one or two people per language. So it is proportionate and, certainly from a Welsh/English viewpoint, there has to be a bilingual service.

**Gwenda Thomas:** Yr oedd y cwestiwn yn codi yn fy meddwl oherwydd, o safbwynt y Cynulliad, mae'n angenrheidiol ein bod yn gweithredu yn ddwyieithog ac mae hynny'n arbennig i Gymru.

**Gwenda Thomas:** The question came to my mind because, from the Assembly's point of view, it is a requirement to operate bilingually and that is specific to Wales.

**Mr Edwards:** Ni allaf ddadlau yn erbyn hynny. Fel y dywedais, yn y gogledd, yr ydym yn gweithredu yn ddwyieithog beth bynnag. Pan deithiaf i lawr i Gaerdydd, clywaf mwy a mwy o Gymraeg yn y ddinas, sy'n beth da, felly parhewch â'ch ymdrech i wneud popeth yn ddwyieithog. Fodd bynnag, nid yw'n broblem yn y gogledd gan fod popeth yn cael ei ddarparu yn y ddwy iaith, ond nid mewn ieithoedd eraill, lle mae angen gwneud hynny yn Lloegr, i ryw raddau.

**Mr Edwards:** I cannot argue against that. As I said, in north Wales, we operate bilingually anyway. When I travel to Cardiff, I hear more and more Welsh spoken in the city, and that is a good thing, so do continue with your attempt to do everything bilingually. However, it is not a problem in north Wales because everything is provided bilingually, though not in other languages, while that needs to be done in England, to some extent.

**Glyn Davies:** I do not intend this to be a provocative question, but to return to the league tables issue, I would like to hear you defend your position a little more. You have rightly said, Geraint, that Ynys Môn has 91 per cent registration, and the tone that you used to describe that rightly reflected the fact that you think that you have done well. However, in what way would a league table be counterproductive? If there is a league table, then you will want to do well. Why on earth would it be counterproductive? I can see that other people who were not high up would want to be higher, as it would mean that they would be doing better. What is the negative?

**Mr Edwards:** I suppose that I am getting at the league tables produced by the regulators generally. We happen to do this work well because we happen to have a good attitude towards it. I am keen to make sure that the staff get on with it, and I give them all the support that I can. It is an important issue. We are not as good in other fields, such as corporate governance. We produce

good local services, but, because we are a small authority, we struggle with corporate governance. I said that in the first week that I was in the job. We are trying to get there. If you have regulators regulating where you in a league table, there is unnecessary pressure. Do what you do well, and tackle the areas where you do not do well, so that you do better. Continue to do what you do well, and divert resources to the areas in which you are deficient, and then they should improve. We are not here to see where we are on a league table. That is my personal view, and it may not go hand in hand with the views of other chief executives throughout the country.

**Mr Thomas:** I think that it is the case in England, Glyn, that there is a performance indicator on this. If you look at the performance indicator, you will find that, of the bottom 25 authorities, 21 are London authorities. What a shock that is. London has a hugely transient population, and is a difficult place to register. It is almost inevitable that London authorities will figure at the bottom of a league table. It does not tell us that much about the quality of the service and the problems that people deal with on a day-to-day level. League tables are crude with regard to registration.

**Glyn Davies:** This principle applies to all league tables, and I have some sympathy for your view. The problem has always been the education needed to assess what a league table says. It is useful only if comparison is made between comparable authorities. You cannot compare an inner-city London authority that has a great deal of deprivation with somewhere else that does not. I can see that. Generally speaking, do you not think that there is at least a case for people to know, with regard to any aspect of a local authority or a registration officer's work, whether you are doing well, or should it just be something that you know for yourself, the information is kept to a select few, and the public should not know?

**Mr Thomas:** Geraint has quoted his statistics, and I think that many authorities have those statistics. It would not be a problem to get hold of that information and present it to you. The problem that we have is with the general idea of a beauty contest on these things. I am not certain what it is telling you. If you compare the performance of Welsh authorities with that of London authorities, we could trumpet the view that Welsh authorities are brilliant. However, what does that tell you? It tells you that there is a tradition in Welsh authorities of solid registration services, but it also tells you about the particular problems in London, which do not lend themselves to measurement.

**Glyn Davies:** I accept all of that, but this is a key point. I looked at a table yesterday about the cost of school meals, and it was possible to see a difference because the information was in the form of a table. It was possible to see that Denbighshire, Ceredigion and Powys spend a lot more than anywhere else in Wales, and you immediately want to find out why. If there were considerable differences in the table between similar authorities in Wales, that would be relevant; we would all be interested in that.

**Mr Edwards:** It is an indicator of how good practice could be shared, but

parading it and publishing the table would be wrong. We have no problem with their internal consumption by politicians and the officers concerned. As Steve said, all authorities should be able to give you that information. I would like to trumpet what Ynys Môn does well, but people will still criticise it, because that is the nature of the beast. Anyway, I think that we have gone through this section.

**Ann Jones:** I think that we have gone around the table and come back to the point at which we started. We will now move on to funding.

**Alun Ffred Jones:** Mae Steve wedi ateb y rhan fwyaf o'r cwestiynau am gyllid ac wedi sôn bod gofynion dwyieithrwydd yn golygu costau ychwanegol, felly nid oes pwynt gofyn y cwestiwn hwnnw. Hoffwn ofyn dau gwestiwn, ac mae un yn gwbl rhethregol. Os nad yw'r cyllid yn ddigonol i lywodraeth leol ddelio â gofynion y Mesur, oni fyddai'n well peidio â bwrw ymlaen gyda'r Mesur? Cwestiwn rhethregol yw hwnnw, wrth gwrs, gan fod y Mesur yn mynd i fynd yn ei flaen.

11.20 a.m.

Yn ail, er nad yw'n ymwneud â'r Mesur ei hun efallai, yr ydych wedi sôn am ddiffyg ymgynghori rhwng llywodraeth leol a'r swyddogion sy'n ymdrin â'r mater hwn. Pan fydd y Mesur hwn yn cael ei basio, a ddylai Llywodraeth ganol ymgynghori yn fuan â Chymdeithas Llywodraeth Leol Cymru a chynghorau lleol i weld yn union beth ydyw goblygiadau'r Mesur yn ymarferol i sicrhau ein bod yn deall faint o gyllid y mae ei angen ar yr adrannau hyn i ymateb i ofynion y Mesur? A gredwch fod hynny'n bwysig?

**Mr Edwards:** Credaf ei fod yn bwysig. Fel y bu Steve a minnau'n trafod ymlaen llaw, mae rhai aelodau—mae'n siŵr nad yw'n wir am bawb—yn ei weld braidd fel gwasanaeth sinderela. Dim ond

**Alun Ffred Jones:** Steve has answered most of the questions on funding, and has mentioned that bilingual requirements mean additional costs, so there is no point in my asking that question. I would like to ask two questions, one of which is rhetorical. If the funding is not sufficient for local government to deal with the requirements of the Bill, would it not be better not to proceed with the Bill? That is obviously a rhetorical question, because the Bill will proceed.

Secondly, although this is perhaps not to do with the Bill itself, you have mentioned a lack of consultation between local government and the officials dealing with this matter. When this Bill is passed, should central Government consult shortly with the Welsh Local Government Association and local councils to see exactly what the practical implications of the Bill are to ensure that we understand how much funding is required by these departments to respond to the requirements of the Bill? Do you think that that is important?

**Mr Edwards:** I think that it is important. As Steve and I were discussing beforehand, some members—I am sure that it does not apply to everyone—see this as almost a cinderella service. It only

ambell dro y bydd yn codi ei ben. Fodd bynnag, os nad yw'r cofrestru yn hollol gywir, ac yn uchel ac yn y blaen, fe gewch broblemau yn ystod yr etholiad ei hun. Mae angen gwneud yn siŵr bod y gwaith yn cael ei wneud, nid rhyw chwe mis o flaen etholiad os gwyddoch fod un i'w gynnal, ond yn gyson ar hyd y misoedd a'r blynyddoedd. Dyna paham yr oeddwn yn cyfeirio at gael swyddog llawn amser i ymdrin â chofrestru yn hytrach na charfan o bobl yn mynd allan bob yn ail flwyddyn neu beth bynnag. Mae ariannu'r gwasanaeth yn bwysig. Gwn ein bod, yn gyffredinol mewn llywodraeth leol, yn dweud nad ydym am gael arian wedi'i neuilltio. Hwyrach, ar gyfer pethau fel hyn, mae'n rhaid anelu at gael cyllideb wedi'i chlustnodi'n arbennig ar gyfer y gwasanaeth.

arises from time to time. However, if the registration is not completely correct, and high and so on, you will have problems during the election itself. You need to ensure that the work is done, not just six months prior to an election if you know that one is to be held, but consistently throughout the years. That is why I referred to having to a full-time officer to deal with registration rather than a squad of people going out every other year or whatever. Funding the service is important. I know that, in general in local government, we say that we do not want money ring fenced. However, for things such as this, you perhaps have to aim at having a budget earmarked specifically for the service.

**Mr Thomas:** In terms of one of Alun's points, I think that we in local government and you in the Assembly are missing a trick. I come before many of your committees and you as Members ask finance questions. We recently had a discussion about the provisions for the Licensing Bill, where there was not enough finance. I do not know whether or not there is enough finance in this particular case, but it does not seem to be fully worked out in terms of the Welsh implications.

I do not know whether or not we can encompass this through matters such as the distribution sub-group, through the consultative forum on finance or some mechanism that we have, so that when a new Bill emerges in the Westminster environment, we in local government and you in the Assembly get our heads together and start to say that there are Welsh dimensions to this and ask whether we can start to do some preliminary work on it and feed that in. I know that officials will be in contact with Assembly officials but that is a slow process and it happens over a period of time. Sometimes, that process, to be frank, is a *fait accompli*. As a result, I think that we, as elected government in Wales, should think about that and the way forward.

**Ann Jones:** Dai and Gwenda would like to come in on funding.

**David Lloyd:** My question follows specifically on from that. We have Frank here at the table, who appears to be pivotal in all of this in terms of funding, liaison and so forth. Is all this liaison bearing much fruit in terms of the funding implications?

**Mr Cuthbert:** The DCA has come up with provisional estimates of funding. At present, the discussion has not so much been on the amount of funding heading for Wales but about the system by which it would be allocated to local authorities. We have a practice of non-hypothecation in Wales, which would suggest that although the money for English local authorities might be ring-fenced, in Wales it would be added to the settlement in the same way as some other sums are, but with some encouragement for money to be allocated to the area for which it was intended. My difficulty is that I am waiting for some feedback from Steve's side on this before advising my Minister. Therefore, I would rather not be drawn on it too much at this stage. However, I would hope very soon that we would be able to inform the committee of what the Department for Constitutional Affairs is offering, and the system that we are likely to employ for allocating the moneys.

**Mr Thomas:** That is a fair point. The days of the WLGA coming to you and saying, 'Have your stinking £20 million back, because this is a specific grant' have gone. If you have money in the form of a specific grant, and if we put in a time-limited period for a specific grant to bed down, which then eventually goes into the settlement, we will sign up to that.

**Gwenda Thomas:** The Department for Constitutional Affairs published a regulatory impact assessment on 11 October. Paragraph 67 of that assessment mentions additional costs to local authorities. It suggests that these will be largely administrative. It goes on to say that the estimated additional costs for local authorities in England and Wales for 2006-07 and 2007-08 are a total of £15.2 million to £15.8 million. The lady who gave evidence for the Electoral Commission said that she did not think that the requirements of bilingualism were mentioned in the regulatory appraisal at all. How important is it? The impact assessment is an important aspect of the Bill. How important is it now for us not only to comment on the clauses of the Bill, but on what we might see as the inadequacy of the regulatory impact assessment?

**Mr Edwards:** I support that view. You should make strong points for the Bill to recognise that Wales is a dual-language country, and not just in pockets—it has a policy of providing services across the board in both languages. Therefore, it would need to have an input of additional resources to address that issue.

**Michael German:** I have a question on the process issue on that very point. The regulatory impact assessment is a compulsory part of a Bill's process through Parliament. In that process, does scrutiny of the regulatory impact assessment take place? Is it seen as an important aspect of the scrutiny of the Bill, and if there are defects in the regulatory impact assessment, how is that dealt with in Westminster parliamentary tradition?

**Ann Jones:** I think that we will have to find that out, Mike. It is an important point.

**Michael German:** It is important. Gwenda made an important point, and if



there is a defect in the regulatory impact assessment, we should pursue that matter through the parliamentary processes.

**Ann Jones:** We will make inquiries regarding your points, Mike. It is an important point that this committee would want to put into the Bill if we can. I am sure that we would want that put in.

Does anyone else have any more questions for Geraint or Steve? I see that no-one does. Thank you both, therefore, for coming and sharing your views with us. As ever, it is a pleasure to see Steve from the WLGA, and we thank you for your time. We appreciate your coming and giving evidence.

We contacted One Voice Wales to ask its representatives to come and share their views with us. They felt that they were unable to do so in the short timescale, and cited that they would want around six weeks before they would consider putting a paper to us. Unfortunately, we are constrained on time; it is not our timetable—we are driven by a timetable in another place. We asked them to come, and that was their response; I think that the committee needs to know that.

11.30 a.m.

We are now joined by Gwilym Morris, the director of the Pollen Shop Ltd. Gwilym has been with us when we have discussed electoral arrangements before. Gwilym, committee members, outside of committee, said that they thought your paper was very well presented and the easiest of all to read; it contained very few abbreviations and was very explicit, so we thank you for that. I think that it has certainly helped the committee to formulate some opinions. If you do not mind, we will move straight into questions, because Members have had the paper.

**David Lloyd:** I will kick off with registration, as I have done all morning. Specifically, as regards this Bill and the design of the new voter registration forms, have you, first, been specifically consulted as the Disability Rights Commission? If so, do you think that your opinions have been taken on board, and do you think that you have had a sufficient platform to espouse views on, for example, the importance of access needs, or people being able to specify their access needs on the voter registration form?

**Mr Morris:** We have not been consulted formally on the design of any registration form. However, informally, as the development has been going on behind the scenes, we have seen several different mock-ups of how it could look with the different systems. All of them are not that accessible in English. When they are applied in English and Welsh, then they become very inaccessible to anyone who has issues with reading anything in small print. I think that the Department for Constitutional Affairs and the Electoral Commission have been good about trying to show us what these things could potentially look like. Again it has been very informal and we are fearful that those forms will not be that good in terms of accessibility. That obviously creates a really big problem for registration. If people cannot access the

forms, they are less likely to be part of the registration process.

**David Lloyd:** Just moving on to a couple of other issues, will you flesh out what measures could be introduced to ensure the privacy and security of those who need help in completing their forms, especially, say, in residential care home settings?

**Mr Morris:** There are two ways in which it could be done. One is where the actual care homes themselves have a responsibility for that process to happen in a confidential way. Care homes and other residential places have responsibilities for confidentiality, and that could be monitored through the appropriate inspectorates. However, we have certain concerns over that, which we have raised over a number of years. In Wales, especially, there are issues about the capacity of those places to support people through the voting process. What we would like to see is local government having the responsibility, primarily, for ensuring that vulnerable people are included on the register, and if there is confidential information, such as national insurance numbers, date of birth, or other information that could be used, for example, for credit card fraud and so on, that that is managed absolutely confidentially. Again, it would be the local authority that would have primary responsibility to do that. I do not think that we should underestimate the scale of that problem. It is an issue not just for people who live in what are recognised as residential care institutions, but also for people who live in houses of multiple occupation. There are other places where the heads of households are not family members, and all those kinds of issues need to be addressed, but it is local authorities that would have the primary responsibility for that.

**David Lloyd:** The last question, for the time being, is on registration. Do you consider that that there is sufficient provision for local authorities to enable them to provide registration and polling information in formats that will be accessible in the Bill?

**Mr Morris:** No. Potentially, yes; there is no reason why there should not be, but previous experience of trying to get information around elections and other information from local authorities in alternative formats tends to make me believe that it will be very difficult to get that information in really basic form. It will be difficult; there are issues about the nature of the format. It would be difficult to provide a form such as that in Braille, for example. No-one would expect someone to do that—the responsibility there would be to collect the information in an alternative way. Also, if information is going to be provided in tape form or an easy-read format, then, if someone has to sign that form or provide those indicators in a written format, it will not work. It is a complex area.

**Michael German:** Looking at your evidence on personal identifiers, you say that that would pave the way for multi-channel voting. Can you tell us a little more about what you mean by multi-channel voting, and do the Bill's proposals for personal identifiers hinder or slow down your ambition for multi-channel voting?

**Mr Morris:** By multi-channel voting, we mean that the voter has different options about how to vote. It can be that basic. Currently, we have three systems: a voter can turn up to a polling station, voters increasingly use a postal vote and there is also the proxy vote. I know that a lot of people, especially politicians, often think that the primacy is still with the ballot box, but there are already three different ways of voting and, hopefully, over the next couple of years, we will increase that. We want to increase the potential for people to be able to vote in different ways, because it enables people to vote.

Where we have been involved in assessing the pilot schemes for the Office of the Deputy Prime Minister, we have encountered people who have never voted before who have managed to vote online. Visually impaired people cannot access the traditional ballot paper. Currently, they have to have a proxy vote. However, voting online enables people, through speech-reading technology, to vote absolutely independently, with no assistance from anyone. In the same way, visually impaired people can do their banking and other essential services online. So, we are very keen on that.

Telephone voting can also help certain groups of people who have not voted before, to vote. Studies have shown that there is an increase in turnout, and there is some evidence that there is a discrete increase in turnout among specific groups of disabled people and also people with low literacy levels. We are very keen on the increased use of multi-channel voting. However, in current pilot schemes, the individual identifiers have been randomised, and random codes have been generated for people. So, if you were a voter in Yorkshire, say, during the pilot scheme, you would get two eight-string codes. Getting two codes out of the blue in the post is not a good way of managing the information by which people identify themselves, because, again, if you are an older person who is not used to receiving information about technology, you are not going to know what these two codes are, yet you are expected to use them to vote. It would be far better if we could define what the identifiers are and then the person could vote.

Our problem with individual identifiers is that, unless there is a great deal of flexibility, it is—as I think I have mentioned before in this committee—going to stop certain people getting on the register. If you have to supply an individual identifier, and you do not have access to that individual identifier or find it difficult to get access to it, then you are going to drop off the register, because you are not going to do it. I have said before that that is going to have a disproportionate effect on certain communities, and those communities are spread demographically throughout Wales. It is not just people who are socially excluded or people with low literacy; many other, different groups will be affected. What indicators will be used is a question that you need to take seriously.

We would like to see a lot of flexibility. It does not have to be a national insurance number, although it could be. If someone could not provide that, they could provide another indicator. Having seen a lot of the pilots, I know that where fraud has happened, and where there have been issues, it has not been because of people providing signatures and dates of birth, it has been

because of wholesale fraud. It would be very unlikely for people to commit systematic fraud when giving their date of birth and signatures, for example. I think that that is something of which you have to be very careful.

11.40 a.m.

**Michael German:** You have answered the second question that I was going to ask, about what other identifiers you think would be useful in creating that flexibility. You mentioned national insurance numbers, but if there are any other identifiers, perhaps you could tell us what they might be. I did not quite understand the answer to the first question that I asked on how personal identifiers will pave the way to multi-channel voting. I understand what multi-channel voting is, but I did not quite understand the connection between the one and the other.

**Mr Morris:** If we are going to have multi-channel voting, and if it is going to work, we will have to give people ownership of some way in which they can identify themselves for the electronic voting formats. It would be far easier if someone could put an indicator into a website that would then authenticate them, rather than having to have two sets of codes. Although that works, the former works far better. It also allows certain other things; for example, if you had individual identifiers, you could identify at that stage that you required something in large print. Under the current system, if someone wants large print, the electoral administrator has to go through reams of information. Now, it is simple, it is a database-driven thing, and the information could be generated easily. Those are the two reasons why we want identifiers.

**Ann Jones:** We will move on to establishing the capacity to register a vote. I do not know whether it is Brynle or Glyn who will take the next set of questions. Which one of you is going to do it?

**Glyn Davies:** I will. First, on a point of information, how many people fail to have a vote on the grounds of registering their capacity to vote? Are you satisfied that there is a consistent approach to this across Wales? Is there guidance in the Bill to ensure that the level of consistency is there or is improved? To what extent have you been consulted on this issue and had an input to what is included?

**Mr Morris:** It is low level. We are not talking about thousands of people and we are probably not even talking about hundreds of people when capacity-to-vote issues come up. However, it is an issue that we are informed about regularly, specifically in relation to the situation in Wales. At the last Assembly elections, a young man was refused a vote in north Wales who quite obviously had the capacity to vote. However, because he had a learning disability, that specific presiding officer refused him a vote, despite the fact that he had candidates supporting him, saying that he should vote. There was another issue in south Wales when a group of older people went to vote and were told that they were not registered. When we looked into it, the manager of the residential unit had decided that these people did not have the capacity to vote.

We are not talking about big numbers of people, but for those two groups, it is a significant problem. These people wanted to vote, they actually turned up, but they were prevented from voting because someone had made assumptions about their capacity. We also receive representations on this issue from family members who are worried about other family members who are registered to vote, but they do not feel that they have the capacity to do so. They are concerned that coercion is being used and that people are taking their votes. We are not as worried about that, but we want a consistent approach across the board. We think that this Bill gives the opportunity to do that and we would like it to slot into other legislation.

**Glyn Davies:** To what extent have you been involved in the discussions on this matter? You have clear views that we probably all subscribe to, but are you involved in discussions to ensure that this Bill delivers?

**Mr Morris:** Yes. The Disability Rights Commission has obviously made representations to the Bill team on this. I think that it has got to a commissioner level within the DRC, where a learning disabled person is taking an active role in making sure that the Bill team and Members of Parliament are aware of these issues. An amendment has been put down and supported by most of the voluntary sector around this. It is something that we are taking seriously, and the Bill team is now taking it seriously as well.

**Ann Jones:** We will move on to access. Gwenda, you have some questions.

**Gwenda Thomas:** In reply to that last question of the capacity to register and to vote, you mentioned the family setting. Do you have any observations on this issue arising in the residential setting? It has been said in some presentations that this should be part of the inspectorate's work; do you think that there is an issue there?

**Mr Morris:** There is definitely an issue of people not being registered and those decisions being made by the manager of a care home. It is also a matter of the facilitation to vote. One worry that we have is that people will be registered, and then, come polling day, they will not be facilitated to go to the polling station to cast their vote. An issue that we have noticed over the last couple of years is that large providers of residential care now do blanket registration, so they register everybody in their residential units. Some people have a worry, although I do not share it, that that means that there are people who have been registered to vote who clearly do not have the capacity to vote, such as people in the late stages of dementia. There should be some mechanism by which they and their vote would be protected. We feel that a vote is precious, and even if votes are not being taken and used, the person's rights should be protected at that level.

**Gwenda Thomas:** Thank you, Gwilym. To move on to access, do you consider that the requirement for access standards for polling stations should be included in the Bill?

**Mr Morris:** Yes.

**Gwenda Thomas:** Okay, thank you. Is the requirement for a four-yearly review of polling stations sufficient to ensure that accessibility is improved?

**Mr Morris:** Yes and no. Four years is great, if we can get that, and it is a major step forward. Obviously, we would like it to be done instantaneously, and there may be some reasons why those checks need to be front-loaded in the first year, but a four-yearly review would be a very good idea.

**Gwenda Thomas:** Thank you.

**Ann Jones:** Does anybody else have a comment? I see that there are no other speakers, but I have a question. In your evidence, you state that local authorities will have to change the procedures to improve accessibility under the Disability Discrimination Act 2005. Does the Bill that we are looking at sufficiently cover the requirements of the Disability Discrimination Act 2005?

**Mr Morris:** Not yet. It may do by the time that it is finished. We are not that worried because the disability equality duty absolutely covers it, so it is either a matter of doing it now, or doing it when the disability equality duty comes into force. We would obviously like to see it done as soon as possible. If we are going to have it done for the Assembly elections, then local government needs to start working on it now and start making these improvements now. We would not like to see it done in the far-off distance so that access is not considered for the Assembly election.

One issue—not so much a reservation, but an issue from a Welsh perspective—is that when people talk about a general election cycle with regard to this Bill, we have been saying that there is a general election cycle and a devolved election cycle. You have to make sure that the timing includes the national elections in Wales, including those for the Assembly. We have been going on about that, but maybe you would also like to mention it if you are discussing it with colleagues in Westminster.

**Ann Jones:** Thank you. Are there any more questions? I see not. Thank you, Gwilym, for coming in. As I said at the beginning, the paper was very well presented and Members complimented you on it. Perhaps those who are listening might want to take note of how to present a paper for discussion.