



Report of the Head of Democratic Services

Council – 28 September 2017

Electoral Reform in Local Government in Wales (Questions 1-37 & 41-46) – Consultation Response

Purpose:	To provide a response to the Welsh Government consultation on Electoral Reform in Local Government in Wales by 10 October 2017.
Policy Framework:	None.
Consultation:	Access to Services, Finance, Legal, Political Group Leaders & Deputies.
Recommendation(s):	It is recommended that: 1) The response to the Electoral Reform in Local Government in Wales be made as outlined in Appendix A of the report.
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1. Introduction

1.1 The Cabinet Secretary for Finance and Local Government has launched a consultation document on Electoral Reform in Local Government in Wales. The relevant provisions of the Wales Act 2017 on electoral and registration matters are due to come into force in 2018. The consultation relates to:

- How democracy works in Wales;
- How people become eligible to vote;
- How they exercise their right to vote;
- How elections are organised.

1.2 The consultation period closes on 10 October 2017.

1.3 This report sets out the proposed responses of the relevant Officers for Council to consider. The proposed responses were circulated to the Political Group Leaders and their Deputies on 23 August 2017 for their consideration. They are set out in **Appendix A** of this report.

1.4 The Welsh Government Consultation document may be viewed at <https://consultations.gov.wales/consultations/electoral-reform-local-government-wales>

2. Consultation Questions & Responses

2.1 There are 46 consultation questions in all; however, this report excludes consideration of questions 38, 39 and 40. These questions are considered in a separate Council report.

2.2 Some consultation questions can be considered political and as such, may not be responded to as a consensus response could not be achieved.

2.3 Should individual Councillors or Political Groups wish to respond directly to the consultation then they may do so via the above web link.

2.4 The Chief Executive, Head of Democratic Services and Electoral Services Team Leader met with the Political Group Leader and their Deputies on 14 September 2017 in order to discuss the Electoral Reform in Local Government in Wales consultation document.

2.5 The Political Group Leaders and Deputies were asked to consider the responses and to feedback to the Head of Democratic Services by 27 September 2017, in order to allow their views to be collated prior to the Council meeting.

3. Equality and Engagement Implications

3.1 An Equality Impact Assessment (EIA) screening process took place prior to the consultation period. The outcome indicated that it was low priority and a full report was not required.

4. Financial Implications

4.1 There are no specific financial implications associated with this report.

5. Legal Implications

5.1 There are no specific legal implications associated with this report.

Background Papers: None.

Appendices:

Appendix A	Electoral Reform in Local Government in Wales – Consultation Response
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Electoral Reform in Local Government in Wales - Consultation Response

Question	Proposed Response / Notes
<p>1 Do you agree that the qualifying age for voting in Welsh local government elections should be lowered to 16?</p>	<p>Yes. It will help to increase turnout, and engage youth who are now far more democratically aware.</p>
<p>2 Should EU citizens who move to Wales once the UK has left the EU continue to acquire the right to vote</p>	<p>More information is required following the Brexit arrangement.</p>
<p>3 Should voting rights be extended to all legal residents in Wales, irrespective of their nationality or citizenry?</p>	<p>Yes. Providing a minimum residency period is achieved. This could be 5 or 3 years.</p>
<p>4 EU and commonwealth citizens can stand for election to local government in Wales, Should this continue and be extended to all nationalities made eligible to vote?</p>	<p>Yes.</p>
<p>5 Should Electoral Registration Officers have a greater range of sources available to them to assist citizens to be added to the register?</p>	<p>Yes. Currently CCS uses Housing data on weekly basis. All people in receipt of benefits should be added to the register. We need to be able to access all data in order to ensure the wider inclusion on the Electoral Register.</p>
<p>6 Which data sources do you think should be used by EROs?</p>	<p>Yes. All reliable and accurate data sources should be considered.</p>
<p>7 Should a wider range of local authority staff be empowered to assist citizens to obtain registration through access to the local government register and have the ability to amend it?</p>	<p>A wider range of LA staff should be empowered to assist in registration via the gov.uk website. They should not be given any power to amending current data.</p>

Question		Proposed Response / Notes
8	What controls should be put in place to ensure the ERO maintains overall control of the register?	By not allowing any amending, only additions via gov.uk, so all applications come through to Electoral Services. Others can advise of amendments and deletions but not have power to change.
9	Should the individual registration rules be relaxed to allow for block registrations in circumstances, protecting the right to vote for populations otherwise at risk of exclusion?	No. Individual Registration is meant to be on an individual basis. However, we should continue with greater use of the waiver to assist in Residential Care establishments to add those without NI numbers.
10	Should we place a duty on EROs to consider whether any individual groups within their electoral area should be specifically targeted in registration campaigns?	Yes, providing resources in place. This will be time consuming and costly. CCS suggests that some Council documentation should contain an area which actively promotes inclusion.
11	Should we introduce arrangements so that agencies who are aware of people moving have a duty to inform the ERO?	Yes. Housing Associations, Residential Care Homes and Universities should inform the ERO of any changes.
12	What are your views on the development of a single electronic register for Wales?	Not sure of the advantages of this, other than to confirm registrations of others, especially for Proxy applications whereby the proxy must also be registered. Believe that the cost outweighs the benefit.
13	Do you agree that individual principal councils should be able to choose their voting system?	No. Don't mind which voting system is used, but it must be the same throughout Wales in any specific election.
14	Do you agree that a constitutional change such as this should be subject to a two-thirds majority?	Not in relation to question 13, but possibly for other large constitutional change.

Question		Proposed Response / Notes
15	Do you agree that the term of local government in Wales should be set at five years?	Yes. However, we also need to ensure that we do not clash with other elections. There is already an issue due to the recent Parliamentary election being called early.
16	Do you agree, in principle, with the desirability of reforming the voting system to encourage greater participation?	Yes.
17	Are there other initiatives not covered which might be taken to enable greater participation in elections in Wales?	Can't think of anything, but this should be kept under constant review.
18	Should councils be able to choose to use all-postal voting at council elections?	Yes. At by-elections and Community / Town Council elections to increase turnout. PV system currently has higher turnout than polling stations. Many won't like the change but turnout is clearly improved.
19	Should it be subject to pilot exercise first?	Yes.
20	Should councils be able to operate all-postal voting in an individual ward or a number of wards within a council area?	Yes, but only during by-elections.
21	Should electronic voting be enabled at local elections?	Yes. We need to embrace such technology even if it means that electronic voting is only available from Polling Stations in the early years. Clearly, the long term aim would be to allow voting electronically from any location online with adequate security.
22	Should remote voting be enabled at local elections?	No. Postal Votes is sufficient.

Question	Proposed Response / Notes
<p>23 Should electronic counting be introduced for local elections in Wales?</p>	<p>No. We should only move to electronic counting following the introduction of an electronic voting process. Manual counting of paper votes is more transparent. https://www.openrightsgroup.org/ourwork/reports/response-to-london-elects-manual-count-vs-electronic-count-cost-benefit-analysis</p>
<p>24 Should mobile polling stations be enabled at local elections?</p>	<p>No. Can see potential benefit in more rural areas e.g. Powys, Carmarthenshire; however the risk is high for electoral fraud and confusion. Postal Votes are already available for such voting.</p>
<p>25 Should we enable ROs to make use of polling places in addition to fixed polling stations?</p>	<p>No. The integrity of the vote outweighs the risks of such a move. To do so, you would need a strong mobile / WiFi signal to ensure a live register in order to prevent double voting i.e. 'vote early, vote often'. Polling Places such as supermarkets and bus stations could cause confusion when elections only happening in those areas and visitors are outside the area.</p>
<p>26 Should we enable local elections to be held on more than one day and on days other than a Thursday?</p>	<p>Elections should be held on one single day. Arguably, we already allow them to be extended by way of Postal Voting. The integrity of the poll outweighs the risks with such a move.</p> <p>In Swansea, we have held elections on days other than Thursday's and it simply leads to numerous phone calls and complaints re. voter confusion. People turn up on a Thursday despite the fact that we held the election on a Wednesday.</p> <p>Sunday voting would pose problems for hire of church venues and halls which we rely heavily on to run elections.</p>
<p>27 Should consideration be given to simplifying postal voting procedures and literature?</p>	<p>Yes. Postal Vote procedures and literature should be standardised Wales wide. This would make it easier to run national marketing campaigns and ensure that voters find it easier to cast a valid vote.</p>

Question	Proposed Response / Notes
28 How do you think the process could be simplified?	By simplifying the instructions so less are rejected. Standardisation of forms across Wales
29 Should electors attending a polling station be required to produce ID before they are allowed to vote? If so, what types of identification should be accepted?	No. It is likely to deter voting and lower turnout. Wales would need to have an ID card widely established before such a move could be considered. Such a move will lead to many arguments in the Polling Station as the voter will often have forgotten their ID Card.
30 Do the advantages of requiring ID outweigh the risk of deterring voters?	No.
31 Do you agree that it should no longer be necessary to publish a candidate's home address in election literature, including anything published electronically?	A candidate's home address should not be required. Parliamentary literature gives the option of providing a home address or a constituency. This could be reflected for Local Government candidates, choice of home address or Electoral Ward address.
32 Do you agree that each candidate should be required to provide a personal statement for inclusion on a website provided by the authority to whom they are seeking election?	Yes. Such a statement from each candidate would sit well on an Authority's election web pages giving useful information in order to inform the voter. This is already done for PCC elections on a dedicated website. The RO must have the right to refuse / delete / amend inappropriate personal statements possibly in consultation with the Electoral Commission.
33 Do you agree that it should not be permissible to serve both as an Assembly member and councillor?	No. If the electorate are happy to elect the same person to both roles, then that should suffice in a democracy. However, if this consultation leads to the Welsh Government concluding that such a bar be put in place, we argue that it is vital to allow a Cllrs to stand for office as AM without having to resign first. If elected, the Cllrs would then have to resign within one year. We need the best politicians.

Question		Proposed Response / Notes
34	Do you agree that candidates should be required to disclose a party affiliation if they have one?	Yes.
35	What sort of evidence should be required to suggest there is an undisclosed party affiliation?	Political Parties must inform Electoral Commission / RO.
36	Should any councils staff below senior level be able to stand for election to their own authority?	No. There could be a conflict of interest on decision making. Not appropriate.
37	Is there still justification for councils to keep a list of those other than senior officers who should be politically restricted?	Yes. But rules need to be simplified. Many people are confused about the meaning of a politically restricted post. The bar is also used too often in areas that are not relevant.
41	Should Welsh prisoners be allowed to register to vote and participate in Welsh local government elections? If so, should it be limited to those sentenced less than twelve months, four years, or any sentence length?	Currently Welsh prisoners on remand can register. Political Views required!
42	By what method should prisoners cast a vote?	Postal Vote.
43	At what address should prisoners be registered to vote?	At address they would be at if not imprisoned, i.e. the same as service voters – their home address that they would be living at were they not in prison.
44	We would like to know your views on the effects that the Electoral reform would have on the welsh language, specifically on opportunities for people to use welsh and on treating the welsh language no less favourably than English. What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?	The City and County of Swansea uses both Welsh and English language on all election literature and forms. Political Views!

Question	Proposed Response / Notes
<p>45 Please also explain how you believe the proposed options could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the welsh language and on treating the Welsh language no less favourably than the English language, and no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.</p>	<p>Electoral Divisions / Wards to be renamed to include the Welsh translation – 1972 act only has English names. Welsh Forms order to be prepared side by side with English.</p> <p>This needs also to link with the Welsh Commissioners work in relation to the standardisation of Welsh Place Names.</p>
<p>46 We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them.</p>	<p>Why do we still require 10 subscribers for local government? None are required for NAW elections and only 2 for Community / Town Councils, 10 for Parliamentary. To what purpose is this in the modern day? We suggest that the requirement for subscribers is removed.</p> <p>Staffing payments to be national directive. Should they take own time and be paid, or be paid and not need to take own time. In CCS we do not pay twice, but many others in Wales and England do.</p>