Electoral reform:

a never-ending story?

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Contents

"...any electoral reform today should be considered not as some kind of revolution,but as just one more stage in British democracy's long evolution." [(1)]

It might sometimes seem that the UK's elections system is a solid, age-old structure that has remained the same for generations. But our electoral system has never been cast in stone, and over the past two centuries there have been significant changes to the way we vote.

Introduction

Now, further reforms are being considered, including changes to the way that voters are registered, how their information is updated, and the laws that govern the delivery of elections.

At the same time, the need to encourage more citizens to become involved in the democratic process has been demonstrated by lower turnouts at national and local elections. For some, this means adopting innovations on voter engagement that have given countries such as Sweden an enviable record on election turnout. Others believe that nothing less than a radical reform of the UK's voting system is required, replacing First Past the Post in UK parliamentary elections with a more proportional system.

This report looks at the problems that have been identified with the UK's electoral system, the challenges these pose for the people who make elections happen, and some ideas that might write further chapters in the UK's continuing story of electoral reform.

"We are one of the largest electoral services providers in Europe, with a 25-year+ track record in successfully delivering elections. We provide trusted solutions across all areas of elections management, combining innovation with exceptional support to service a customer base spanning the UK and Europe."

Milestones in electoral reform

1800	United Kingdom parliament created by Act of Union: franchise was limited to 400,000 male electors; rural areas were overrepresented, while large cities lacked representation
1832	Great Reform Act introduced electoral reforms, including single franchise for male householders in properties worth over £10 per year and 130 new seats in previously under-represented areas. Subsequent reform acts extended the franchise to all male householders paying rent of at least £10
1872	Secret ballots introduced for general elections
1918	Representation of the People Act granted the vote to women over the age of 30 who met a property qualification, and to all men over the age of 21
1928	Franchise extended to all women over the age of 21
1948	New Representation of the People Act imposed First Past the Post (FPTP) as the uniform system for parliamentary elections across the UK
1969	Voting age lowered to 18
1979	First direct elections to the European Parliament: Northern Ireland used the proportional Single Transferable Vote (STV) system, but rest of UK retained FPTP
1998	First elections to the Northern Ireland Assembly, using the STV system
1999	New devolved assemblies in Scotland and Wales were elected using proportional representation (PR) systems, followed a year later by the Greater London Assembly
2000	Most restrictions on postal voting and proxy voting were lifted
2002	Individual Electoral Registration (IER) introduced in Northern Ireland, and introduced in England, Wales and Scotland in 2014
2010	UK's coalition government agreed to hold a referendum on replacement of FPTP with a proportional Alternative Vote (AV) system
2011	AV was rejected in the referendum by 68% (on a 42% turnout)
2014	Voting age reduced to 16 for the Scottish independence referendum, and subsequently for Scottish Parliament and Scottish local government elections
2020	Devolved governments of Scotland and Wales have given all legally-resident foreigners entitlement to vote in local and devolved parliamentary elections; plus prisoners in Scotland; plus 16 year olds in Wales
2020	Postponement of elections due to take place on 7 May 2020, as a result of the COVID-19 pandemic

Electoral law: rooted in the past, unfit for the present?

"Electoral law in the UK is spread across 17 statutes and some 30 sets of regulations. It has become increasingly complex and fragmented; it is difficult to access, apply, and update. Much of the law is rooted in 19th century language and practice, and doesn't reflect modern electoral administration." [2]

For many years, some electoral administrators – the people in local authorities across the country who deliver our elections – have been arguing that the UK's electoral laws are not fit for purpose. Nearly a decade ago, a report published by the Association of Electoral Administrators (AEA) [3] called for:

"...the creation of a single Electoral Administration Act in accessible language setting out the high-level framework with the operational detail contained in secondary legislation."

In the years that followed, subsequent reports from the AEA, the Electoral Commission [4], the UK's Law Commissions [5], and Members of Parliament have insisted that reform of electoral law is long overdue, and have proposed changes to make the legislation easier to understand. The complexities of electoral law are not merely matters for debate among parliamentarians and lawyers. When electoral administrators are unable to understand or correctly interpret the legislation governing elections, the impact on individual voters can be serious.

In September 2019, the AEA reviewed the UK electoral landscape following the local government elections and the European Parliament elections that were run in May 2019. [6]

The report highlighted the difficulties encountered by electoral administrators, electoral management software suppliers, Royal Mail and print suppliers caused by the late announcement of the UK's participation in the European elections. Many EU citizens were denied the vote, while British voters overseas received ballot papers too late or not at all.

At the time, Bob Posner, the head of the Electoral Commission argued that these problems were partly the result of the UK's late confirmation that it would participate in the elections. But, he also pointed to the shortcomings in UK electoral law that had been highlighted by the Electoral Commission, electoral administrators and others after the 2014 European elections.

"We have argued for some time that the failure of governments and parliament to properly maintain and update electoral law, and to address the pressures on local authorities, has built up significant risks for well-run elections. It is time that these warnings are properly heard and acted upon."

The AEA agreed:

"We have genuine concerns over the expectation that elections will always be safely delivered regardless of the landscape, timing, funding or capacity of people delivering them. This view is becoming unrealistic."

The inadequacies of electoral legislation were further underlined in a November 2019 report published by the House of Commons Public Administration and Constitutional Affairs Committee (PACAC). [7] The report found that electoral law is too large, too complex and too outdated, and that electoral administrators are among those most adversely affected.

The committee concluded that:

"...the current state of electoral law poses serious risks and difficulties for electoral administrators," and that *"...the level of difficulty and complexity faced by electoral administrators is unacceptable and wholly unnecessary."*

It recommended that the government should introduce substantive reforms to electoral law once the Law Commission have published their final report on the matter in 2020.

"Providing end-to-end support throughout the elections process, our Electoral Management Solution (EMS) helps electoral administrators deliver savings through smarter, more efficient working. Whether your election is single, combined or multiple, our EMS facilitates a more orderly, comprehensive and effective election management process. Already used by seven of the 10 largest registration authorities in the UK, the system is compatible for all elections ranging from parish to parliamentary and including Northern Irish, Scottish, Welsh and London devolved regional governments."

FPTP or PR:
changing the voting system

"Election results will be fairer, reflecting a balance between votes and seats, voters will have more choice and candidates will work harder to earn their support." [8]

When the proposal to replace the First Past the Post (FPTP) system for electing Westminster MPs with a more contemporary voting system was decisively rejected in a 2011 referendum, many believed that the matter was settled.

But the campaign for change has continued. While the Conservative and Labour parties are largely opposed to any move towards a more proportional system of voting in general elections, the Liberal Democrats, the Scottish National Party, the Green Party and others – notably the Electoral Reform Society – have highlighted the benefits of proportional representation.

Supporters of FPTP say it should be retained because it is simple for people to cast a vote, votes are easy to count, and voters can easily understand the results. But opponents blame it for producing disproportional results in a multi-party system, and for making people living in marginal seats feel that it's not worth voting at all. In national elections, this can endanger the legitimacy of elections in the eyes of the voting public.

A study by Democratic Audit in 2018 [9] found that Westminster elections have been far more disproportional than all the other major electoral systems now used in the UK. But moves towards a more proportional system for Westminster elections have never taken root, and voters have continued to trust in the integrity of FPTP. However, as a 2019 report from The Constitution Society highlighted, electors around the UK have also become used to voting using systems other than FPTP:

"Britain today is remarkable globally for the exceptional variety of electoral systems in use. Every UK voter is eligible to vote in an election for public office that uses a system other than FPTP, whether that be at the local, devolved, or European level, and some are even eligible to use up to five different systems." [10]

While proportional systems are more likely to produce coalitions rather than the single party rule we are more used to in the UK, proponents of PR systems point to evidence suggesting they foster higher turnout and help minority groups and regional areas feel more represented.

If a growing number of citizens start to feel that their vote does not count, the mood for reform could change. During the 1980s, two consecutive general elections in New Zealand resulted in the governing party taking control of parliament, despite losing the popular vote to the main opposition party. The result triggered a reform for replacing FPTP with a more proportional system. Eventually, after two referendums, change was achieved, and New Zealanders have been voting in general elections using a proportional system since 1996.

Similarly, electoral reform has been a recurring theme over the past two decades in the Canadian province of British Columbia, but the outcome has been very different. In a pioneering approach, the provincial government asked a citizens' assembly to consider electoral reform, and in 2004 the assembly issued a report (11) recommending a new proportional system of voting. However, in three subsequent referendums, the recommendations of the citizens' assembly have failed to win sufficient support. After the most recent defeat for the proposals in 2018, British Columbia's finance minister summed things up:

"I think electoral reform is finished... from our perspective, we now move on."

Success in Sweden: where every vote counts

More than 6.5 million people voted in Sweden's general election of September 2018. The 87.18% turnout was the highest for 33 years, although previous elections had also seen very high turnout figures.

Why are Swedish voters more likely to participate in elections than people in the UK, where the turnout in the 2019 general election was just over 67%?

Some believe the answer lies in Sweden's electoral system, where the number of seats any one party obtains in the Riksdag (Sweden's national parliament) is proportional to the number of votes the party received in the election.

Neighbouring Finland also uses a proportional representation electoral system, but its turnout figures for national elections are significantly lower than those in Sweden. In 2017, a study into this discrepancy found that while there were similarities between the electoral systems of the two countries, there were also important differences. [11]

While Sweden and Finland both have PR systems for elections, Sweden uses a system with two rounds of voting allocation in order to iron out as much disproportionality as possible. And while Finland has retained the same electoral system since 1906 to elect its legislature, Sweden has changed the law three times in order to increase the proportionality of the country's electoral system.

The study suggests that Sweden's attempts to make its electoral system as proportional as possible have succeeded in persuading voters that they are participating in elections where all parties, including smaller ones, have a fair chance of electoral success (even if this leads to coalitions rather than one party winning overall control).

Turnout in Sweden's most recent elections has been steadily increasing: 84.6% in 2010; 85.8% in 2014; 87.18% in 2018. In between elections,

Sweden's electoral administrators have been working hard to improve upon these impressive numbers.

One election commissioner in the city of Falun has described some of the inventive ideas his local council developed for getting more people to participate in democracy. [12]

These include:

- A "Democracy Passport" describing the political powers of all citizens and how they can influence government, and the dates of forthcoming elections.
- A "Democracy Centre" at the local public library, offering information and advice to citizens on how to make their voices heard.

The city also promoted automatic voter registration, and voting regulations that permit early voting, postal voting and second voting (enabling people to change their earlier voting decision on polling day). The hard work paid off: at the European elections in May 2014, where turnout had been lowest in Sweden, the city of Falun boosted turnout from 45% to 54%.

The message from Sweden is clear:

"We need to move away from the idea that citizens are just consumers of political programmes and parties and start seeing them as direct participants in the community." [13]

The gateway to voting: modernising electoral registration

"The UK's electoral registers are the basis on which people may vote in elections and referendums – they are the practical expression of the franchise and therefore fundamental to democratic participation. Their accuracy and completeness are central to the health of our electoral system as a whole." [14]

When Individual Electoral Registration (IER) was introduced in England, Wales and Scotland in 2014, the new system achieved some early successes. In its first year, 10 million voter registrations were made through IER, with 77% made online. IER was also credited with increasing the number of overseas voters.

More recently, however, concerns have been raised about the effectiveness of the electoral registration system.

In September 2019, the Electoral Commission published a report on the quality of the electoral registers in the UK. [15]

The Commission reported that:

"...the system is far from working as effectively as it should, despite heroic efforts from Electoral Registration Officers."

It found that around 17% of eligible voters – as many as 9.4 million people – in Great Britain were not correctly registered at their address. Young people, recent home movers and private renters were highlighted among those less likely to be registered.

"Our EMS interface to the online registration portal has an innovative design that includes automation and scheduling. It also incorporates cutting-edge fuzzy matching algorithms to reduce the burden of duplicate applications on electoral administrators, which is especially important at the busiest times leading up to elections when electoral applications are at their peaks."

As if to underline the unpredictable nature of voter registration, within two days of the 2019 general election being called, more than 300,000 people had applied to register to vote. But the Electoral Reform Society pointed out that this was still a long way from closing the registration gap, and it noted that many of the registrations might not even have been necessary:

"It's an annoying reality that many of these applications will be already on the register, since there's no way to check online if you are already registered."

Following publication of its research findings, the Electoral Commission renewed its calls for a fundamental modernisation of the electoral registration system to make it easier for voters and electoral administrators to keep the electoral registers accurate and complete throughout the year. The Commission highlighted its studies published earlier in 2019 exploring how electoral registration can be modernised in practice. [16]

The studies focused on key areas of reform:

- giving local registration officers access to data from other public service providers
- integrating electoral registration into other public service transactions
- moving towards automatic – or at least more automated – forms of registration

The research found that all of these ideas are feasible from a technical and operational perspective and that technology already employed by the UK Government's Individual Electoral Registration (IER) Digital Service could form the building blocks for the majority of the reforms, including automatic registration or a more integrated registration process, where citizens would be given the option of registering to vote at the end of another online transaction, for example, when applying for a passport or driving licence.

Roll calls:
reforming the annual canvass

One of the last decisions made in the 2017–19 session of parliament concerned electoral reform. On 31 October 2019, ministers approved a proposal to give local authorities greater flexibility in running the annual canvass, which checks who is on the electoral roll.

Each year, local authorities are required to contact every household in their area to gather information about who is registered to vote. Previously this was done by post, with the authorities having to follow this up with further communications, including ultimately a house-visit if there is no response.

The new regulations, which have brought about the so-called "canvass reform", and which followed earlier pilots in which Idox played a leading role, mean that electoral administrators are now able to use national data and their own datasets, such as council tax and housing benefits data, to check whether voters are likely to have moved house. Doing so allows administrators to discern between high churn properties and those where residents are likely to be more long-standing. They can then use this information to focus the larger proportion of their outreach effort and cost on those properties where there is a greater likelihood of unregistered citizens. Unlike the previous situation, households with less churn, (which form the majority of the UK), are now subject to a much lighter form of the canvass, enabling electoral administrators to concentrate their efforts on the harder-to-reach households. Furthermore, the regulations enable further efficiencies to be made by opening up the means of using digital channels for contacting householders.

These changes are expected to save the UK taxpayer an estimated £20.3m per year (17), without compromising the register's accuracy and completeness. A key question is whether the impact of COVID-19 (see next section) may offset any of these savings.

"Idox has led the way in its preparation for the substantial change brought about by canvass reform. Already an innovator in electronic communications, such as our unique eCanvass service, we have unsurpassed experience in delivering canvass pilots, working collaboratively with a number of local authority customers to trial various innovative approaches to improving the efficiency and effectiveness of the canvass. Our unique registration solution, which was developed specifically for IER, was an ideal framework onto which to build canvass reform functionality. Our unique workflow, data entry, data matching and mining and marshalling screens already allowed our users to quickly deal with electors and households in bulk, and our canvass reform functionality has built on the intuitiveness that comes from our unique customer engagement and design framework."

COVID-19 and its impact on Canvass Reform

Not long before the scheduled commencement of canvass reform, the outbreak of COVID-19 had escalated and developed into the ongoing worldwide healthcare crisis. On 13 March 2020, the government announced the postponement of elections. As a result, the local elections in England and Police and Crime Commissioner elections in England and Wales, due to have taken place on 7 May 2020, were postponed for a year under the Coronavirus Act 2020. [18]

Despite the delays to the May elections, the annual canvass was still required to go ahead on schedule and would be carried out in challenging circumstances. However, because canvass reform opens up new and innovative channels for local authorities to engage with households, there is fortuitously some mitigation for councils of running the canvass during a pandemic. Regardless, on 9 June, the government set out new measures to address the challenges created by COVID-19:

- There was an extension, from December 2020 until February 2021, for the revised registers to be published ensuring that local authority staff had adequate time to complete their canvass accurately and safely in spite of challenges such as redeployed resources within teams and social distancing.

- Furthermore, because of the extension to the publication date, the next parliamentary boundary review will now be based on the number of registered electors as at 2 March 2020.

During the pandemic, Idox has been able to fulfil its commitment to delivering canvass reform development, deployment and training, the latter of which was delivered remotely (as opposed to the traditional classroom style training). Idox has further engaged with our customers throughout the development of the canvass reform functionality, including usability testing, beta testing and a series of webinars.

Electoral administrators are now in the midst of running their first ever reformatted canvasses and are benefitting from focussing their efforts and cost on households where there is likely to be greater churn, having discerned that using state-of-the-art data matching. Furthermore, the registration community is making full use of both the flexibility allowed and the innovative contact channels opened up by the government's canvass reform programme, in order to maximise completeness and accuracy at greatest possible efficiency.

"Our innovative data matching and mining tool prevents the creation of duplicate electors and ensures resources are being targeted appropriately, eliminating the need for time-consuming and costly chasing cycles. Across all customers, figures show that in 2018, users of the solution experienced an 80% increase in potential elector awareness. One customer managed to more than double its potential electorate, with another seeing its numbers almost treble."

Conclusion

"When you drive past your local town hall or civic centre late at night and see a light burning, you can bet your bottom-dollar it'll be the Electoral Services Team delivering democracy." [19]

In December 2019, faced with organising the third UK general election in four years, at very short notice – and the additional challenges of finding alternative polling stations and count centres – electoral administrators once again rose to the challenge and delivered safe, secure and trusted elections within their existing means.

The emphatic Conservative victory makes further general elections within the next five years very unlikely. But the election result also signalled further changes that could transform the electoral landscape.

The Queen's Speech of December 2019 contained plans to repeal the Fixed-term Parliaments Act, although it is not yet clear what will replace it. In addition, the government intends to make it mandatory for voters to show photo ID at polling stations in order to improve election security; but critics say this will stop some people from voting. There are also plans for a new Constitution, Democracy and Rights Commission, which will consider the relationship between government, parliament and the courts.

In a further signpost towards change, the Government in March 2020 announced that it would not implement the net reduction in the number of seats in the House of Commons to 600 that the Coalition Government had announced, and instead it would introduce a Bill to amend the Rules of Redistribution. The Parliamentary Constituencies Bill 2019-21 was thus introduced on 19 May 2020 and, at the time of writing, was due to enter the Committee stage.

While some reforms – particularly those concerning electoral law and the annual canvass – may lighten the load of electoral administrators, the mounting challenges of limited resources, boundary changes, voter ID and multiple voting systems will continue to have their impact on electoral services. As Peter Stanyon, AEA chief executive, said following December's election,

"legislative shifts must reduce the bureaucratic burden on electoral administrators, who are already stretched to breaking point."

If they are to continue doing their job effectively, electoral administrators' concerns will need to be urgently addressed. Delivering democracy demands nothing less.

> **A big thank you to all the Idox team for your support over the busy and difficult last few months.**

Simon Copley
Democratic Services Manager
Ryedale District Council

> **Thank you to all the team for their assistance and at times patience over the two elections that we had had to endure.**

Louise Potter
Elections Manager
Sedgemoor District Council

> **Thanks to the Idox staff for all your help over the last few weeks.**

Mhairi MacPherson
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