



Elections and the Electoral Cycle

Purpose and Context

This paper seeks to provide a narrative to allow the Kirklees Democracy Commission to undertake its enquiries from a starting position of shared knowledge and context. This core theme relates to elections and the electoral cycle and forms the basis of the information that will be used as part of consultation, engagement and dialogue with expert witnesses.

Background

By way of general context it is important to note that electoral episodes, and the legislation underpinning them, are diverse and complex. Since 1997 there has been a growth in the types of election and local referendums and running alongside such developments there is a body of electoral law that has been described by the Law Commission as “complex, voluminous and fragmented”. This includes over 17 statutes and 30 pieces of secondary legislation. There is a growing trend to combine electoral episodes, the most recent and significant example being 2015 where the national, district and parish elections all took place on the same day.

As a result of allegations of postal vote fraud in 2012, Kirklees Council is currently under scrutiny of the Electoral Commission alongside 17 other Local Authorities. The Electoral Commission considers Kirklees Council to be an area where the risk of further allegations arising is higher.

Political (local and national), Electoral Commission, press and public interest/scrutiny of electoral episodes and more recently electoral registration remains high.

Areas of electoral administration under national review (current and future) are:

- UK electoral law is currently being reviewed by the Law Commission; the scope of the project determined in 2012 extends to electoral administration law, offenses and legal challenges. It excludes reform of franchises, voting systems, electoral boundaries, national campaigns, party and broadcast regulations and fundamental change to institutions;

The Law Commission’s immediate aim is to publish a report and a draft Bill for the UK Parliament in 2017 in order to allow sufficient time for implementation before the scheduled UK Parliamentary elections in May 2020;

- Overseas electors (Votes for Life): the Government is planning to introduce legislation to abolish the 15 year rule (within the life of this Parliament). The likely implementation date is intended to be by 2019;
- A national review of electoral fraud: following on from the review and a call for evidence, draft recommendations are now being considered by Sir Eric Pickles, before he reports to the Prime Minister. *Since circulation of this document:* The Report of Sir Eric Pickles – review of electoral fraud was published on 12 August 2016 <https://www.gov.uk/government/publications/securing-the-ballot-review-into-electoral-fraud>;
- A potential change of franchise to include 16/17 years old being able to vote;
- The requirement for electors to provide personal identification at polling stations.

The breadth of electoral episodes administered by local electoral administrators is as follows:

- UK Parliamentary elections
- District elections
- Parish and Town Council elections
- European elections
- Police and Crime Commissioner elections
- Mayoral referendums
- Mayoral elections
- National referendums
- Council Tax referendums
- Parish polls
- Neighbourhood planning referendums
- Business referendums
- Advisory referendums
- Kirklees Neighbourhood Housing Tenant ballots
- By-elections as and when required
- Recall of MP's
- Constituency boundary reviews
- District boundary reviews
- Community governance reviews
- Individual Electoral Administration - ongoing
- Annual Individual Electoral Registration Canvass
- Annual postal vote refresh
- Polling district and polling station reviews

The key areas of business for Electoral Services fall largely within two functions, electoral registration and the administration to support the delivery of Elections/Referendums.

The work undertaken is governed by strict legislative deadlines and encompasses work with a wide-range of stakeholders for example working with the Police in

connection with identification and prevention of electoral fraud and informing the work of the Electoral Commission, Cabinet Office and Association of Electoral Administrators in relation to national electoral policy.

In supporting and delivering the above, local Electoral Services undertake the following functions:

Electoral Registration:

- Maintenance of the Register of Electors;
- Annual production of the Register of Electors;
- Data mining in order to identify potential new electors to maximise electoral registration;
- Targeting and supporting under-registered groups in order to raise awareness and maximise registration across the borough.

Elections and Referendums:

- Strategic planning of local and national elections and/or referendums;
- Delivery of local/national elections/referendums, working collaboratively and co-ordinating with neighbouring authorities in support of West Yorkshire and Yorkshire and the Humber regional electoral events;
- Provision of advice and information to electors, candidates, councillors, senior officers, Electoral Commission and government departments;
- Provision of electoral data analysis and timely return of statistical and financial accounting information to the Electoral Commission and other government agencies;
- Management of all electoral boundary and polling station reviews.

In delivering the above mentioned functions the Electoral Commission sets performance standards against which each Electoral Registration Officer and (Acting) (Local), Returning Officer/Counting Officer is measured.

Whilst the electoral environment is generally a dynamic one the most significant change has been the decision to introduce Individual Electoral Registration (IER) as part of the Electoral Registration and Administration Bill 2012. Under individual electoral registration, each person is now required to register to vote individually, rather than by household.

On-line registration provides a quick and easy method for electors to make an application, if their identity can be verified through the Government Digital Service, which is an integrated part of on-line registration application process. However, if the elector's identity cannot be verified via this process, the requirements thereafter can prove time consuming and complex for the elector and the electoral administrator.

Whilst the implementation of IER has been largely successful, the benefits of an online registration system have not (as yet) translated into efficiencies for electoral administrators, as many elements of the IER process are more resource intensive than the previous household registration process.

The Minister for Constitutional Reform, John Penrose MP has set out his vision which aims to build on the success of IER and online registration; focus on making the system as efficient and user friendly as possible by 2020. The Cabinet Office is working with key stakeholders these include the Association of Electoral Administrators (AEA), Electoral Commission and a number of Electoral Registration Officers/Local Authorities to undertake a range of Canvass pilot schemes during 2016. Development and improvements to the online registration system continue to be implemented.

The 2015 annual canvass was the first canvass to be undertaken under IER; electors were offered different ways to respond to the form sent out, these included the facility to respond online by telephone; by text or by completion of the annual canvass form. Whilst the take up of online registration continues to increase, the numbers of electors choosing to reply to the annual canvass form (Household Enquiry Form (HEF), designed by the Electoral Commission) did not, when compared to previous years. There appears to be no obvious explanation, given the level of publicity and engagement with electors over the last two years, an increase of online responses was expected.

Overall the response rate to the HEF was slightly lower than in previous years, however, the response rate to the initial mail out was poor in comparison to previous years, resulting in greater number of properties requiring subsequent reminders and household visits. In comparison to our neighbouring West and South Yorkshire local authorities Kirklees Council had the highest HEF response rate. Anecdotal evidence suggests that lower HEF response rates were an issue nationally.

Kirklees Council has implemented IER with relatively few errors or negative feedback. Local Authorities with Universities located within their borough have experienced significant drops in registration as a direct consequence of the implementation of IER. The numbers on the Kirklees Register of Electors dropped by less than 800 electors as at 1 December 2015, in comparison to the level of the electorate as at 1 December 2014.

Two temporary (part-time) Outreach Officers were appointed in early 2014 to support the implementation of IER. The Outreach Officers have developed and undertaken a range of activities and public engagement events (working collaboratively with the University, Student Union, other Council services and other community based organisations) across the borough; targeting under-registered groups to maximise registration.

Elections in Kirklees

Kirklees is a Metropolitan District Council whose councillors are elected for a four year term by thirds. This means that at each election a third of the council (23 seats, i.e. one in each ward) is elected. Elections are held three years out of four with one year being, what is termed, a fallow year where there is no local election. The next fallow year is 2017.

There has been one occasion where this pattern has changed. This was in 2004 where Kirklees held an all-out election following a boundary review which reduced the number of wards from 24 to 23 and the number of councillors from 72 to 69.

The table below details the current schedule of elections 2016 to 2028 and indicates where there is a combination in any given year:

Year	Combined	Election/Referendum
2016	Yes	Police & Crime Commissioner/District
2016		EU Referendum
2017		
2018		District
2019	Yes	European, District & Parish/Town Council
2020	Yes	UK Parliamentary, District and Police & Crime Commissioner
2021		
2022		District
2023	Yes	District and Parish/Town Council
2024	Yes	European, District and Police & Crime Commissioner
2025		UK Parliamentary
2026		District
2027	Yes	District and Parish/Town Council
2028	Yes	District and Police & Crime Commissioner

Supporting Elections and Registration

The last two and a half years have represented the most challenging and complex period in electoral history. The challenge of delivering the transition to IER followed by the combined elections in June 2014 (European and District) and May 2015 (UK Parliamentary, District and Parish and Town Council elections) cannot be understated. The delivery of the May 2015 elections under the provisions of IER along with new legislation had significant implications for electoral teams across the country. This has been captured fully in Elections and Individual Electoral Administration – The Challenge of 2015
<http://www.aea-elections.co.uk/wp-content/uploads/2015/07/aea-report-elections-and-ier-challenge-of-2015.pdf>

The increase of new political parties entering both national and local political arenas; far more new and inexperienced candidates and in 2015 the new trend of political party leader debates being held on national TV has further increased the demands placed upon electoral administrators and public and media scrutiny.

The growing trend of combining elections creates significant demands on the electoral services team, given that the elections (regardless of number) have to be delivered within the statutory timeline of 25 days (excluding dies non). The dates for some tasks for each election are not always the same. There were a total of 260 candidates contesting the 2015 elections not including those submitted for the 28 uncontested seats in Parish Councils.

Parliamentary constituencies which cross local authority boundaries bring further complexity, risk and pressure to a UK Parliamentary election. Whilst Kirklees currently have no shared boundaries, this is unlikely to be the case following the forthcoming constituency boundary review. The impact of cross boundaries includes the giving and taking in of electors from other local authorities which can have implications for the administration of the elections, for example poll cards; ballot papers; verification and counting of votes. The combination of polls also adds further complexity and risk when dealing with cross boundaries. The Returning Officers are required to agree and adopt processes and procedures and work closely together in partnership. Cross boundaries can cause confusion to the elector particularly in relation to which local authority to contact when they have a queries and UK Parliamentary postal vote packs can be sent out at different times to local postal votes.

Over 75 pieces of separate primary and secondary legislation (some of which have been amended on several occasions) governed the administration of the May 2015 elections. Electoral administrators are expected to have a working knowledge of the relevant provisions of all of the legislation relevant to the elections they are delivering. Despite the key principles set out by Gould that "Electoral legislation should not be applied to any elections within six months of the new provision coming into force" and similar recommendations by the Electoral Commission, legislation was amended in the six months leading up to the May 2015 elections, the latest made on 19 March 2015, 12 calendar days before the dissolution of Parliament and notice of elections.

To date no petition has been submitted regarding the administration of an election or any other aspect of elections held within the Kirklees area.

Kirklees Electoral Services core staff team (excluding the temporary Outreach Officers) is the smallest team per ratio of electors across South and West Yorkshire, as at January 2016 the Kirklees Electoral Services team staffing ratio per elector is 1 FTE x 51,603 electors. The service has to rely on a number of casual staff to be able to meet the demands of work (scheduled elections and the annual canvass), although much of the additional work falls on the experienced core team during the election timeline who have the technical expertise and experienced required during this intensive period.

The preparatory work to support the transition of IER commenced in 2013; the formal transitional period commenced in 2014, with the transitional period ending on 30 November 2015.

The Government have provided additional grant funding to support the additional work generated by IER and the Government state that they are committed to continue this funding on a reducing scale as and when further developments are implemented to achieve the efficiency savings required.

The transition to and implementation of IER has without doubt increased the work load of the Electoral Services teams, for example the volume of correspondence required to be issued to individuals rather than households; large numbers of duplication of registrations, protracted evidence and attestation processes for those

electors whose identity is not verified through the Government Digital Service. Regardless of the introduction of online registration, electoral registration is still operating with old processes, a HEF canvass and additional bureaucracy. IER impacts on the election timeline particularly on day -12. Electors not verified at -12 have until day -6 to submit evidence, this delays any production of the register for polling stations as well as increasing and shifting the workload and customer enquiries to much nearer the day of the poll. The impact of the extension to the provisions for applying for an emergency proxy in 2015 has doubled the number of emergency proxy applications received by the service.

Electors applying for absent votes continue to increase particularly in the immediate period before any election; Kirklees currently have over 51k postal voters and nearly 800 overseas electors (the number of overseas electors has more than doubled since the announcement of the EU Referendum).

The implementation of IER has significantly changed the way in which registration is administered; online registration continues to increase; although the facility to respond online to the annual IER canvass forms was available, the take up of online responses did not increase.

In a 12 month period, the Electoral Services team processed and confirmed 62,275 applications, over 5000 duplicate registrations needed to be investigated and 9110 letters were sent out regarding further evidence/attestation.

In the 2015 annual IER canvass, 188,814 HEFs were sent out to properties across Kirklees, 97,032 1st reminders were sent out to non-responding properties and a personal household visits were made to 50,406 further non-responding properties throughout August and September. All of these forms were processed and actions taken prior to the publication of the register on 1 December 2015.

Electoral Services utilises the Council's website to promote registration and as a medium to publicise elections and provide support and advice to the electorate, as below:

- Becoming a candidate
- Statutory notices
- Find your ward
- Find your Polling station
- Video guide to supplementary voting
- Polling station staff training video
- Voting guide audio files (in a range of community languages), voting in an election, voting at a polling stations, postal votes and what happens to your postal vote
- Help for people with learning disability
- Election Tales

Electoral services make use of the Council's Webchat facility and the Rostrvm system in the period leading up to and during election time and in circumstances when we issue large volumes of correspondence.

The Council's approach to electoral outreach work has achieved acclaim and recognition of the Cabinet Office. Our Electoral Outreach Officers have (since 2014) delivered a range of events, undertaken joint working worked with a number of organisations and community groups to raise public awareness, promote and maximise registration across the borough, this work has included:

- Delivery and organisation of a range of activities on National Voter Registration Day/Drive 2014 and 2015;
- Extensive work with the Students Union to raise awareness and maximise registration which has led to the Students union promoting their own campaigns;
- Delivering workshops to schools and colleges for example Greenhead, New College, Netherhall Learning Campus; Kirklees College, Batley Arts College; Heckmondwike Grammar , St John Fishers, Mirfield Free Grammar, Thornhill Academy, Spen Valley and Kirklees College who have now incorporated the importance of registration to vote within Embedding British Values module;
- National Citizenship Services
- Huddersfield Giants to encourage young people to register and advertise registration
- Apprentices Forum
- C & K Careers
- Youth Enterprise
- Residential Care Homes & sheltered housing complexes
- Carers forums
- Staff flex
- Tenants and residents associations
- Estate & letting Agents
- Heads up
- KNH
- Mencap, Homegroup, Caretech, Ambitions4Kirklees
- Library service
- Youth service
- Community engagement team
- Kirklees jobs fayres
- Young employees network

To date Kirklees Electoral Services have continued to meet the Performance Standards for the Returning Officer and Electoral Registration Officer as set by the Electoral Commission.

Electoral Cycles

One of the important considerations for the Democracy Commission is the issue of the electoral cycle in Kirklees. In the last twelve months there have been budget amendments proposing that Kirklees move to district elections on a four yearly basis with a view to making savings. As part of those budget discussions the Democracy Commission has been asked to consider this issue, and associated implications, as part of its work. In so doing it is important to consider the linkages with the other

themes which form the Democracy Commission’s brief. With this in mind the following information seeks to provide wider context to inform the discussion.

From a legislative perspective the Local Government and Public Involvement in Health Act 2007 (LGPIHA 2007) as amended by the Localism Act 2011, enables the Council to resolve to move to whole council elections at any time. Should a resolution be made it is not possible to move back to election by thirds until 5 years has passed from the date of the original resolution.

This means that a Council like Kirklees which currently has a scheme of elections to elect by thirds would be required to undertake the following if it wished to move to whole council elections:

- Consult such persons as it thinks appropriate on the proposed change;
- Convene a special meeting of Council;
- Pass a resolution to change by a two thirds majority of those voting;
- Publish an explanatory document on the decision and make this available for public inspection;
- Give notice to the Electoral Commission

The resolution MUST also specify the year in which it will hold its first election for all councillors and elections will then be held every fourth year afterwards.

A move to four year elections would affect the Parish and Town Councils in Kirklees. Any proposed scheduling for whole council elections would need to take account of the existing schedule for Parish/Town Council election cycle, if Parish elections were to be held on their own they would be responsible for the full costs of the election rather than a proportion of costs. This could have a significant and detrimental impact on the Parish/Town Councils budget.

The table below details the potential election schedule, if a whole council elections scheme was adopted in Kirklees. This assumes that the first year would be 2019 having taken account of the impact on Parish/Town Councils.

Year	Combined	Election/Referendum
2016	Yes	Police & Crime Commissioner/District
2017		
2018		District
2019	Yes	European, Whole District Council & Parish/Town Council (if contested)
2020	Yes	UK Parliamentary and Police & Crime Commissioner
2021		
2022		
2023	Yes	Whole District Council and Parish/Town Council (if contested)
2024	Yes	European and Police & Crime Commissioner
2025		UK Parliamentary
2026		
2027	Yes	Whole District Council and Parish/Town Council (if contested)
2028	Yes	Police & Crime Commissioner

There are a number of reasons given for changing to whole council elections as follows:

- Reduces the costs of elections for the Council and political parties;
- Provides stability and continuity in terms of the leadership of the council, thus facilitating the ability to deliver a long term vision and plan over a greater time frame;
- Avoids “election fatigue”;
- It is less confusing for the electorate;
- Greater publicity for whole council elections which may encourage increased voter participation;
- Opportunity for all electors in the area to influence the composition of the authority at the same time.

There are a number of reasons given for retaining election by thirds as follows:

- Avoids electing a complete change of councillors with potentially no experience;
- There is a greater likelihood that voters will be influenced by local rather than national politics;
- Encourages people into the habit of voting.
- Voting for one person (as opposed to three) is well understood by voters
- Could prove more costly depending on the scheduling alongside other elections;
- Problems securing polling stations as a result of break in the electoral cycle;
- Additional complexity for the administration of a combined/whole out elections and pressures within the electoral timeline for example volume of nominations external suppliers being able to meet additional demands;
- Allows the judgement of a council annually and allows the electorate to react to local circumstances thereby providing more immediate political accountability.

The cycle of elections is not an issue that can or should be considered in isolation of the wider context for local democracy in Kirklees in the future. There are synergies with:

- The role and number of councillors in the context of their changing representative role;
- The expectations of the electorate in the context of participatory democracy and communities having a different relationship with the council;
- The governance arrangements that will be evolve as that relationship changes;
- The governance and accountability issues associated with a developing Devolution Agenda.

Key Line of Enquiry

The Commission's key lines of enquiry for this theme have been developed with the above mentioned context in mind. They form the basis of the key issues that will need to be explored further in order for conclusions and recommendations to be developed which will determine the future approach to elections and the cycle of elections in Kirklees. The key lines of enquiry are as follows:

- *How do we improve accessibility, interest and voter turnout at district elections?*
- *To what extent would changes to our cycle and pattern of district elections improve accessibility, interest and turnout?*
- *What are the wider electoral considerations in the context of the developing devolution agenda, the Combined Authority and the potential for an elected Mayor?*
- *How do we make a virtue of the opportunities presented by digital and mobile technologies to improve registration and voting / voter turnout?*

Supporting information

Electoral Law: Summary of Interim Report 2016

<http://www.lawcom.gov.uk/wp-content/uploads/2016/02/electoral-law-interim-report-summary.pdf>

Electoral Commission: Returning Officer Role and Responsibilities (including Performance Standards)

http://www.electoralcommission.org.uk/_data/assets/pdf_file/0007/141649/LGEW-MAY-RO-Part-A-role-and-responsibilities.pdf

Election Timetable in England

Local Authority Electoral Services Staffing Structures as at December 2015

Kirklees Election figures from 2004 onwards

Elections and Individual Electoral Administration – The Challenge of 2015

<http://www.aea-elections.co.uk/wp-content/uploads/2015/07/aea-report-elections-and-ier-challenge-of-2015.pdf>

Audit of Political Engagement

<http://auditofpoliticalengagement.org/assets/media/reports/Audit-of-Political-Engagement-13-2016.pdf>