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REPORT TO EXECUTIVE

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Title: European Parliamentary and Local Elections 2004 – Pilot Schemes

Report of: Head of Legal and Democratic Services

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Summary:

The Office of the Deputy Prime Minister and the Electoral Commission have each issued consultation papers on proposed electoral pilot schemes at the combined European Parliamentary and local government elections in June 2004. This Report explains the nature of the pilots and sets out the particular questions on which views are sought.

Recommendations:

Members are invited to respond to the consultation papers.

Contact Officer: David Mitchell

Ext: 7029

1 Introduction

- 1.1 In May 2003, the Government announced its intention to move the local government elections scheduled for May next year to coincide with the European Parliamentary Election on 10th June 2004 so that electors would not have to vote twice within six weeks. The Local Government Act 2003 gives the Secretary of State power to make an Order to change the local election date (Section 103). Subject to enactment of the European Parliamentary and Local Elections (Pilots) Bill, recently introduced in Parliament, the Government plans to hold constituency-wide electoral pilots in three of the twelve regional constituencies. The pilots would apply equally to any local elections held on the same day in the chosen constituencies. In two constituencies all-postal voting would be piloted, and in the third constituency the pilot would be e-enabled so that in addition to postal voting, there would be an opportunity for electronic voting.
- 1.2 Two consultation papers have now been issued on these proposed pilots. A Government consultation paper invites comments by **19th November** on the practical arrangements for running the pilots. The Government has also asked the Electoral Commission to recommend in which European Parliamentary constituencies the three proposed pilots should be held. The Commission in turn has published its own consultation paper about which constituencies should be involved and comments are sought by **12th November**.
- 1.3 So far as the City is concerned, if the necessary legislative framework is in place and North West Region is chosen as a pilot area, the City Council elections in 2004 will be combined with the European Parliamentary election on 10th June and run as an all-postal ballot, with the additional possibility of an electronic voting option.
- 1.4 This Report summarises the two consultation papers and highlights the questions on which comments have been invited.

2 The Government's Consultation Paper

- 2.1 Pilots have been held at the ordinary local elections in 2000, 2002 and 2003, and also at a number of by-elections and mayoral elections during the last three years. These pilots all delivered successful elections and also increased the opportunity for people to vote, especially for those who were unable, or have found it difficult, to vote at traditional polling stations. Overall, they have provided many valuable lessons about a variety of electoral innovations, which are helping to inform decisions about modernising the electoral process.

2.2 Since 2001, the independent Electoral Commission has had a statutory duty to evaluate and report on each pilot scheme held. The Commission's evaluation of the 2003 pilots showed that:

- All-postal voting brings significant benefits to voters and helps to promote high turnout. Consequently, the Commission's conclusion was that it should become the usual method of voting at local elections.
- Electronic voting was found by voters to be easy to use; it increased the accessibility of elections; and there was no evidence of any security failings at the pilot elections. The Commission considered that there is a need for further piloting of electronic voting.
- A number of administrative changes have proved their usefulness and should be adopted as the norm. These include the barcoding of ballot papers and new forms of official mark, such as watermarks.

2.3 On 17 September, the Government published a detailed response to the Electoral Commission's strategic evaluation report of the 2003 local elections. The Government has been encouraged by the main findings of the Electoral Commission and believes that, in the light of the report, it would be helpful to take forward further electoral pilots in the 2004 combined elections. (The Government intends to initiate separate consultation in the Autumn of this year on the Commission's recommendation that all-postal voting should be rolled out generally for local elections in England and Wales.)

The proposed approach to piloting in the 2004 combined elections

Why Pilot?

- 2.4 To date there have been electoral pilots in only local elections. The Government has piloted not only all-postal voting, but also other means of enhancing access, notably through electronic channels. Through piloting a number of channels, including e-channels in local, regional, and European elections, the Government aims to enable e-voting to become widely used in such elections as a precursor to holding an e-enabled general election sometime after 2006.
- 2.5 The Government believes that the ability to hold pilots at the European elections in 2004 would benefit the electoral pilot programme greatly. It would maintain the momentum built up by the pilots at recent local elections, and also scale up the size of the pilots. Overall, the main objectives of pilots at next year's combined elections would be to:

- Build on the experience gained in previous pilot schemes, especially those in 2002 and 2003.
- Test the 'scalability' of new voting methods. European Parliamentary constituencies range in size from 1.1million to 6.1million electors, and would be considerably larger than any previous pilot constituency. Pilot schemes will be able to explore the technical robustness and the costs of new voting methods on a larger scale.
- Test new voting methods (especially electronic voting) in elections using a voting system other than first-past-the-post.
- Continue to raise awareness of new voting methods, and to test their acceptability to a larger number of people in a wider set of circumstances.

2.6. The experience to date points to the need to pilot both all-postal and e-enabled elections (i.e. in this context elections with internet and telephone voting in addition to the postal channels) at the combined European and local elections in 2004, and this is what the Government proposes to do, subject to Parliament enacting the necessary legislation and the comments in response to this consultation.

Where to Pilot?

- 2.7 Whilst recognising the benefits of electoral pilots in the 2004 European Parliamentary elections, the Government is very mindful of the necessity for any programme of pilots to be of a scale and kind that reflect the available resources, including the capacity and expertise available for managing electoral pilots.
- 2.8 Accordingly, the Government believes that in the 2004 European Parliamentary elections it would be right to pilot constituency-wide all-postal elections in three regional constituencies and in one of these cases to have, in addition to postal voting, internet and telephone channels. The Government has asked the Electoral Commission to recommend which regional constituencies should be involved and the Commission's own consultation on this matter is discussed in Section 3 of this Report.

Pilots and Local Elections

- 2.9 Subject to the Secretary of State making the necessary statutory Order referred to in paragraph 1.1 above, the English local elections in 2004 will be moved from 6 May to 10 June and combined with the European Parliamentary elections. Where any local elections are combined with European elections, and the European elections are subject to an electoral pilot, the Government intends that these local elections will be required to be part of the same pilot. If this were not so, the Government believes that the benefit of combination in terms of voter convenience would be lost, and there would be a risk that the elections would be confusing. Moreover, this applies equally to local by-elections as to ordinary local elections.

Proposed Legislation

- 2.10 A programme of electoral pilots in the European Parliamentary elections (and any local elections combined with them) requires primary legislation. The Government has introduced in Parliament a Bill that, if enacted, will enable a programme of electoral pilots to be held as outlined above. The principal effect of the legislation will be as follows:
- To permit the Secretary of State to make an order identifying particular regions as pilot regions and specifying the type of pilot to be run there, e.g. an all-postal election with electronic counting "the Designation Orders".
 - The Designation Order could only be made following consultation with the Electoral Commission.
 - To permit the Secretary of State to make a detailed order specifying the rules, regulations and other legislative provisions that will apply to each pilot "the Pilot Orders".
 - To require the Electoral Commission to evaluate the pilot elections and publish a report on their findings within three months of the close of poll.

Proposed arrangements for piloting

- 2.11 The arrangements the Government proposes to adopt for running the electoral pilots that it is currently proposing are set out below, subject to Parliamentary approval of the necessary legislation and to the outcome of this consultation. Comments are invited on these proposals, particularly in response to the specific questions raised.

Timetable

2.12 The Government envisages that the work required to allow pilots to be held at next year's elections should be scheduled as follows:

- September 2003. Publication of European Pilots Bill. Launch of public consultation on the Government's intention for piloting. Request made to Electoral Commission to consider and make recommendations on where all-postal or e-enabled (i.e. postal with, in addition, internet and telephone voting) pilots should take place.
- 19 November 2003. Consultation period ends.
- December 2003. Electoral Commission reports on its recommendations as to where the pilots are to be held. Government announces its views (subject to enactment of legislation) on what pilots should take place and in which European Parliamentary regions. The Government publishes draft Designation Orders and Pilot Orders. The Government announces which e-voting suppliers will be contracted to provide the necessary services in the pilot region. Work begins between Regional Returning Officers, local authorities and suppliers of e-voting and all-postal services.
- March 2004. Aim for European Pilots Bill to have achieved Royal Assent, subject to Parliamentary approval.
- April 2004. Seek Parliamentary approval of the pilot region Designation Orders. Subject to the approval of the Designation Orders, the Secretary of State makes the Pilot Orders containing the detail of the changes to electoral law.
- 10 June 2004. Close of polls.
- 9 September 2004. Electoral Commission publishes its evaluation of the electoral pilots.

Question 1 - Comments are invited on these arrangements and on their practicability.

Funding

2.13 For e-piloting and all-postal voting there will be extra costs for Returning Officers to bear. All extra costs as a result of piloting in European and combined local elections will be assessed and fully funded by central Government.

Question 2 - Comments are welcomed on the funding implications for local authorities at these elections.

Format of Pilots

- 2.14 For all of the pilot elections, it is intended that the electoral timetable will be advanced by seven days, to ease the administration of the pilots. This will have a consequent effect on the dates by which political parties must be registered and the creation of the electoral register used at the election.
- 2.15 It is envisaged that the Pilot Orders, setting out the precise rules and regulations and other legislative provisions for the pilot elections, will be published in draft format in December.

All-postal

- 2.16 The Government proposes to hold an all-postal pilot election in three European constituencies, which will build upon the model recommended by the Electoral Commission in their strategic evaluation of the 2003 electoral pilot schemes. At these elections, postal ballot papers would be sent to all registered electors. Votes could then be completed at the voter's convenience, and then cast simply by posting the completed ballot to the Returning Officer or, alternatively, delivering it by hand to any place designated for the purpose of the delivery of ballot papers. Such places will all be staffed and have an area for voters to mark their postal ballot paper in privacy, as recommended by the Electoral Commission.
- 2.17 It is intended that the ballot papers and related paperwork to be used will adopt the format recommended by the Electoral Commission. Principally this would mean that:
- The Declaration of Identity will be replaced by a Security Statement, which will only require the voter's signature and not require a witness.
 - A watermark or "under-printed" mark will replace the traditional form of official mark.
 - The ballot paper will carry a barcode instead of a ballot paper number.

E-voting

- 2.18 The Government also intends that, in one of the three pilot regions, electors should have additionally the opportunity of casting their ballots by internet or telephone. It is recognised that some may have concerns about introducing this e-element to the pilot at the combined European and local elections, particularly given the tight timescales. However, the Government's view is that there is a reasonable prospect of managing such a pilot providing it is in just one region and is kept simple. Such a simple pilot would involve making internet and telephone channels available in addition to universally-available postal ballots.
- 2.19 The intention is that the remote electronic voting channels would be open for use for a full seven days before the close of poll. All ballot papers would be counted electronically, and postal ballot papers would adopt the format recommended by the Commission, described above.

Question 3 - Comments are welcomed on these proposed arrangements including on the practicability on having an e-element as described in the one of the pilot regions.

Publicity

- 2.20 To maximise the success of the pilots, they would need to be well advertised to all electors. Some of the funding to be contributed by the Government would be specifically for the costs that would be incurred by the extensive publicity required. However, local authorities would be responsible for organising the publicity about the new methods of voting in their areas. Local authorities would also need to give consideration to publicising the pilots among particular groups in society, especially those that are usually less likely to vote.

Question 4 - How do you think the publicity for the pilots might best be achieved?

Evaluation

- 2.21 Arrangements would need to be put in place to assess levels of any fraud and attempted fraud, the extent to which secrecy was breached or such breaches were attempted, the effectiveness of local publicity and public opinion about the pilots. In addition, the Electoral Commission would undertake their own evaluation of the pilots, which would focus on the success of each scheme in facilitating voting or the counting of votes, the impact on turnout, the ease of use for voters,

the impact on electoral fraud and the cost of the election. The Commission would require the support of local authorities (and their suppliers) in providing access to key personnel and a range of data and information.

Question 5 - Have you got any suggestions as to how the evaluation of pilots might be facilitated? What difficulties might local authorities face?

Support and Assistance

2.22 Drawing upon its experience of managing pilot schemes in the 2002 and 2003 local government elections, the Office of the Deputy Prime Minister would be the focal point for all local authorities involved in the pilot schemes. Local authorities would also be offered support and assistance from dedicated units within the Department of Constitutional Affairs and the Electoral Commission.

Question 6 - What forms of non-financial support would be particularly useful for local authorities? How best can communications between different stakeholders in these pilots be managed?

3 The Electoral Commission's Consultation Paper

- 3.1 The purpose of the Electoral Commission's consultation paper is to invite comments to inform its recommendations to the Secretary of State as to the location of any electoral pilot scheme at the combined European Parliamentary and local elections in 2004. The European Parliamentary and Local Elections (Pilots) Bill precludes the Commission from recommending a pilot in London or in Northern Ireland and also prevents selection of the region that is to be combined with Gibraltar for the purposes of the European Parliamentary elections. The Commission has proposed to Government that this should be the South West and it is understood that the Government intends to lay this before Parliament shortly.
- 3.2 The Government has outlined a number of considerations and risk factors that the Commission should take into account in formulating its recommendations. In responding to Government, the Commission will place considerable weight on the advice and views of those who would have a role to play in administering the pilot schemes, including Royal Mail and electronic voting suppliers, and above all Returning Officers and their staff in the relevant regions. In addition to seeking views in response to its consultation paper, the Commission intends to hold discussions with the Regional Returning Officers for all of the regions concerned during the consultation period. (The Regional

Returning Officer for the North West Region, the Chief Executive of Manchester City Council, has invited all Local Returning Officers in this region to a meeting in Manchester on 27th October to discuss the pilot programme with the Chairman of the Electoral Commission.)

- 3.3 The Secretary of State will consider the Commission's recommendations and intends to make an announcement regarding selection of pilot regions in December, although no further action will be possible until the relevant Bill has received Royal Assent.
- 3.4 If this legislation is enacted, the Secretary of State may then make an Order to provide for a pilot scheme in a particular region and a further Order to prescribe the form of the scheme. Unlike the local elections pilots programme up to now, the involvement of individual local authorities in the specified areas will not be voluntary. The whole European Parliamentary election in that region would be run as a pilot scheme. If a pilot is to be run in a region within which local elections are also being held in 2004, the pilot scheme would also apply at those local elections.

Selecting the Regions

- 3.5 The Pilots Bill itself does not specify criteria to be used in making a recommendation. However the guidelines accompanying the directions from the Secretary of State include the following considerations and risk factors that the Commission is to take into account:
- the population of the region;
 - the geographical size of the region;
 - the number of local authorities in the region;
 - the number of local authorities holding local elections in June 2004;
 - the experience of the local authorities in holding pilots;
 - the experience of the Regional Returning Officer;
 - geographical balance and spread;
 - ability of other agencies to deliver;
 - fraud considerations;
 - value for money.
- 3.6 These are considered in turn below, together with some additional criteria formulated by the Commission. Responses are invited to specific questions seeking views on the importance to be attached to each of the criteria.

The population of the region

- 3.7 The size of the 12 European regions varies considerably, both in terms of population and geography. The electorates of the 10 regions that the Commission is able to consider are set out in the table below. (Electorate rather than population figures are used as these are more relevant in the present context and, in any case, are likely to be in proportion to regional population figures.)

Region	Electorate at 1 Dec 2002	Rank
East Midlands	3,223,412	8
Eastern	4,132,682	3
North East	1,921,576	10
North West	5,195,366	2
South East	6,086,113	1
South West	3,830,811	6
West Midlands	4,011,017	4
Yorkshire & the Humber	3,746,989	7
Wales	2,226,999	9
Scotland	3,892,646	5

- 3.8 It might be argued that a pilot on a larger scale will be more susceptible to risks, whether in terms of the Regional and Local Returning Officers' management and administration of the pilot, the capacity of contractors (printing and delivery services, electronic voting suppliers) and their ability to deliver, or the ability and willingness of the electorate to understand and use the new voting methods.
- 3.9 On the other hand, it could be argued that with larger regional electorates the benefits are greater. New voting arrangements, intended to provide increased convenience and perhaps greater opportunity to participate in the election, would be available to a greater number of electors. The pilot scheme would provide a more stringent test of the scalability of new voting methods, and greater economies of scale may lead to cost benefits.

Question 1 - Are regions with larger electorates more or less suitable for pilot schemes than regions with smaller electorates? How relevant is this consideration?

The geographical size of the region

- 3.10 The geographical size of the electoral regions varies considerably, with Scotland being the largest by far and the North East the smallest, as set out in the following table. This also shows the density of the electorate in each region.

Region	Geographical size (sq km)	Rank	Density (elector per sq km)	Rank
East Midlands	15,627	6	206	7
Eastern	19,110	4	216	6
North East	8,592	10	224	5
North West	14,165	8	367	1
South East	19,096	5	319	2
South West	23,829	2	161	8
West Midlands	13,004	9	308	3
Yorkshire & the Humber	15,400	7	243	4
Wales	20,778	3	107	9
Scotland	78,772	1	49	10

- 3.11 The geographical size of a region may have an impact on operational and logistical aspects of running a pilot scheme. It could be argued that a larger geographical area might present a greater challenge to a Regional Returning Officer responsible for managing the election throughout the area. For example, it might not be possible to meet as regularly with Local Returning Officers as it would within a smaller geographical area. The Returning Officers and contractors may also face significant logistical challenges – for example, the capacity to ensure prompt delivery and regular return of postal ballots, or to provide technical back-up support at an electronic voting pilot, or to provide effective publicity regarding the pilot arrangements, may be reduced within a more sparsely populated area.
- 3.12 It might be that there are also benefits of conducting pilot schemes in geographically large or more sparsely populated regions. More remote or dispersed communities may derive greater benefits from new, remote, voting methods. Furthermore, modern electronic communications are such that geographical size may present no obstacle to the effective management of an electoral pilot scheme. The experience of pilot schemes to date has shown that larger and more sparsely populated local authority areas have been no less able successfully to undertake an electoral pilot scheme than smaller, more densely populated areas.

Question 2 - Are larger/more sparsely populated regions more or less suitable for pilot schemes than smaller/more densely populated regions? How relevant is this consideration?

The number of local authorities in the region

- 3.13 The number of local authorities (district councils, metropolitan borough councils or unitary authorities) in each electoral region is roughly correlated to the population of the region, as can be seen from the following table:

Region	No of authorities	Rank
East Midlands	40	5
Eastern	48	2
North East	23	8
North West	43	4
South East	66	1
South West	44	3
West Midlands	34	6
Yorkshire & the Humber	21	10
Wales	22	9
Scotland	32	7

3.14 Because of the correlation with population size, and also to some extent geographical size, several of the considerations or arguments outlined above will again be relevant. For example, the scale of a pilot scheme in a region with more local authorities is likely to be larger than within a region with fewer authorities and the pilot may therefore be more susceptible to certain risks, or an area with more local authorities may be able to achieve greater economies of scale.

3.15 However, the consideration most closely related to the number of local authorities within an electoral region is the management of the election. Traditionally, the election in each local authority area is undertaken by that authority's electoral services staff under the direction of the local returning officer. The principal duties of the Regional Returning Officer include the management of the nominations process and the collation and declaration of the regional result. Although the management of an electoral pilot scheme is likely to require a greater level of direction and involvement of the Regional Returning Officer than under traditional arrangements, the quality of the relationships between and communications amongst the Regional and local returning officers will clearly be critical for the successful management and delivery of the pilot. To the extent that a smaller number of local authorities, and so a smaller network of returning officers, might lead to a greater degree of co-operation and closer working relationships among Returning Officers, there may be less risk of management failure.

Question 3 - Are regions with fewer local authorities more suitable for pilot schemes than those with more local authorities? How relevant is this consideration?

The number of local authorities holding local elections in June 2004

- 3.16 The Commission is aware of the possible difficulties that could arise when a pilot scheme will apply to European Parliamentary and local elections at the same time. As the table below indicates, the number of local elections anticipated varies across the eligible regions. Some areas will also have elections to parish or town councils.

Region	No. of authorities	Number of local elections	% of authorities holding elections
East Midlands	40	6	15.0
Eastern	48	28	58.3
North East	23	6	26.1
North West	43	33	76.7
South East	66	31	47.0
West Midlands	34	18	52.9
South West	44	10	22.7
Yorkshire & the Humber	21	13	61.9
Wales	22	22	100.0
Scotland	32	0	0.0

- 3.17 Both all-postal and electronic voting have previously been successfully piloted at combined local and parish elections. Moreover, many local authorities are committed to electoral modernisation, and have staff who are able to deliver innovative and secure elections across a range of different simultaneous elections.
- 3.18 However, it is inevitable that a high number of local elections could lead to complications because of the diffusion of responsibility. For example, in a 'standard' combined election, it is usual for a local Returning Officer to print the ballot papers both for their local election and for the European Parliament election for their authority. In a regional all-postal pilot, decisions will need to be made collectively and work shared. In a regional electronic pilot, the system designers will need to liaise with all local Returning Officers and the Regional Returning Officer to ensure accuracy of the data and the integrity of the system.
- 3.19 On this basis, it might be suggested that electoral regions within which a significant number of local elections are also being held may be less suitable for a pilot scheme.

Question 4 - Are those regions in which fewer local elections will be held more suitable for pilot schemes? How relevant is this consideration?

The experience of the local authorities in holding pilots

3.20 The following table shows the range of experience of authorities in holding pilots.

Region	No of authorities	No. of authorities with experience of	
		Postal pilots	E-voting pilots
East Midlands	40	5	0
Eastern	48	5	4
North East	23	15	1
North West	43	6	2
South East	66	4	2
South West	34	3	4
West Midlands	44	5	2
Yorkshire & the Humber	21	3	1
Wales	22	1	0
Scotland	32	3	0

3.21 The fact that local authorities may not have undertaken pilots previously does not necessarily indicate a lack of enthusiasm for such involvement – for some, for example local authorities in Scotland and Wales, there has only been scope previously for pilots at by-elections. Still less does lack of previous involvement indicate lack of capacity to undertake pilots. Significant experience within an electoral region of conducting pilots is therefore certainly not a prerequisite for selection for the 2004 pilots.

3.22 Nevertheless, levels of previous experience may still be a relevant factor. It could be argued that Returning Officers and electoral services staff who are familiar with pilots process and potential problems – even if they are not familiar with all of the details of the pilot arrangements for 2004 – would be better able to acclimatise to the demands of the 2004 pilots. In addition, it is likely that, in a region in which more local authorities have previous pilots experience, that experience may be more readily available for the benefit of those other Returning Officers and elections staff without prior experience of pilots.

3.23 Because of the compulsory nature of the pilots in 2004, with a new and specific format of electoral pilot being imposed on all authorities within a pilot region, some might consider previous experience to be of limited value or even to be a hindrance. Local Returning Officers will no longer have scope to tailor the pilot arrangements to suit their local preferences and circumstances, and there may be limited scope for engaging previous suppliers (printers, stationery suppliers and so on). For an electronic voting pilot, the supplier and the voting system may be very different from those previously used. It may arguably be more difficult for these local Returning Officers to work within the constraints imposed upon them.

- 3.24 There may also be value in allowing a region with little previous experience to participate in the pilots programme, in order to enable electors to use new voting methods who have not previously had the opportunity, or in order to test the operation and the impact of electoral pilots in areas in which there has been little previous testing. There may be advantages in testing all-postal voting in regions with significantly different levels of previous experience.

Question 5 - Are those regions in which there is greater previous experience of holding pilots more or less suitable for pilot schemes than regions with less experience? How relevant is this consideration?

The experience of the Regional Returning Officer

- 3.25 The Government has asked that the Commission consider the experience of the Regional Returning Officer and his immediate team in running electoral pilots. We see merit in extending this to consider the capacity and willingness of the Regional Returning Officer and local returning officers to deliver a pilot scheme.
- 3.26 The Commission is keen to understand the particular local factors that may inhibit or facilitate a particular region's capacity to manage a pilot scheme – for example, the length of experience of key staff, the resources available to support the Regional Returning Officer, or the existence or otherwise of strong relationships or contracts with key external stakeholders and suppliers. The Commission recognises that the extent of support provided by Government will also be a critical factor, and hope that such support will be substantial – it should certainly be the case, however, that any such support will be available in equal measure to any region involved in the pilots process, so it is right that our focus here should be on the capacity of regional and local staff.
- 3.27 In addition to the capacity to manage a pilot, the willingness and enthusiasm of local election professionals will clearly be a factor in deciding which regions to recommend. To date, all pilots have been run by enthusiasts – local authorities which have come forward voluntarily to play a part in the modernisation agenda. With the regional pilots, it is inevitable that not all Returning Officers or their staff will support change. The extent of this dissent may be crucial in determining the likely success of a pilot scheme.

Question 6 - How relevant are these considerations? If you are a Regional or local Returning Officer, or a member of electoral services staff, do you have the capacity to be part of a pilot scheme? How willing are you to be involved?

Geographical balance and spread

- 3.28 The Commission recognises that it would be desirable to gain experience over a range of areas across the country. A very positive feature of the pilots programme to date has been the range of local authority types, spread throughout England in a mix of rural and urban locations, that have successfully taken part in pilots. The large size of the European Parliamentary regions is such that a coverage of rural and urban areas will necessarily be achieved.
- 3.29 Although the Commission sees merit in achieving geographical balance, it does not consider that this is an over-riding consideration. In any case, it notes the difficulty in achieving broad geographical spread given the restriction to select just three regions.

Question 7 - How relevant is this consideration?

Ability of other agencies to deliver

- 3.30 A significant feature of all-postal and electronic voting pilot schemes is the high degree of reliance that Returning Officers have on other agencies. For all-postal voting pilots there is increased involvement of electoral roll and management system and software suppliers, specialist stationery manufacturers, security printing companies, distribution firms and, most obviously, the Royal Mail. For electronic voting pilots there is very heavy reliance on the supplier of the e-voting solution (sometimes a consortium of companies).
- 3.31 The importance of the ability of these other agencies to deliver hardly needs stating but cannot be overemphasised. It should be noted that the standards demanded, both in terms of quality and timeliness, are precise and are set by statute. There is no margin for error, unlike much of those agencies' other commercial activity in which there may be an acceptable margin. Also crucial to note is that the responsibility in law for ensuring the proper conduct of the election remains with the Returning Officer. It will be therefore be necessary for the Regional Returning Officers, and the local Returning Officers, to have a high degree of confidence in the ability of agencies to deliver, and to retain powers of direction and ultimate control of those out-sourced processes as far as possible.
- 3.32 It might be argued that the ability of agencies to deliver, and the control of the Returning Officer over those agencies, might be diminished in regions covering a large geographical area. For example, the capacity to ensure prompt delivery and regular return of postal ballots, or to provide technical back-up support at an electronic voting pilot may be reduced within a more sparsely populated area. Although the pilot schemes to date, which have covered a range of rural and urban local authority areas, provide little evidence of such an effect, the Commission would welcome comment on local factors that may be relevant to the ability of agencies to deliver in particular regions.

3.33 A key feature of the 2004 pilots will be their testing of the scalability of all-postal and electronic voting pilots. The Commission recognises that the extended scale of these pilots will provide a more stringent test for agencies involved. While this testing of scalability is an essential part of the pilots process, it is critical that risks to the delivery of the election are properly assessed and that there is confidence in the capacity of agencies to deliver. The Commission is therefore keen to understand whether there are regions or areas where difficulties with suppliers are anticipated, based on previous experience or on other factors.

3.34 The Commission notes that suppliers of the electronic voting solution would be selected, following competition, from among those approved suppliers within the ODPM's framework agreement.

Question 8 - Will agencies be able to deliver within the region(s) with which you are familiar? What evidence do you have to support this?

Fraud considerations

3.35 The Government has suggested that the Commission may wish to consider past allegations of – or current investigations into – fraudulent practice. The Commission takes issues of fraud very seriously, and has recommended to Government that additional measures be introduced as part of future all-postal and electronic pilot schemes, to ensure more effective deterrence against, and measuring of, attempted fraud. However, it is worth reiterating the conclusion of our evaluation of the recent pilots programmes, that neither the Commission nor the Crown Prosecution Service were aware of specific evidence of personation at all-postal pilot elections or of fraud relating to e-voting systems. Although conscious of concern, both among the electorate and among political parties, about the potential for fraud, therefore, the Commission is confident both that previous pilot schemes have led to little increase in fraud and that additional measures will be put in place at future pilots to further reduce the scope for fraud.

3.36 The Commission is also aware that there have been a small number of allegations and investigations into electoral fraud in the recent past, some relating to postal voting. It notes that these have not arisen in the context of pilot schemes, but during traditional elections at which postal voting is available to those who request it. The Commission does not consider that these past allegations or current investigations into fraudulent practice indicate a systematic level of abuse, and does not consider this to be an over-riding consideration in the choice of regions for pilots in 2004.

Question 9 - How relevant is this consideration?

Value for money

- 3.37 The Commission shares the Government's concern that pilot schemes should provide value for money. The Commission has considered value for money in its evaluation of previous pilot schemes. However, there are many aspects of the proposed pilots, such as the detailed pilot format, technical requirements and procurement and contractual arrangements, that will have an impact on value for money but which are outside the scope of this consultation exercise.
- 3.38 The selection of regions for pilot schemes is relevant to value for money considerations in two respects. Firstly, if regions which are smaller (principally in electorate terms) are selected, the Commission would expect the total cost of the pilot schemes to be lower than if larger regions were selected. Secondly, however, it recognises that an important aspect of testing scalability of pilot arrangements is to test financial economies of scale.

Question 10 - How relevant is this consideration?

Other factors

- 3.39 In addition to the considerations suggested by the Government, the Commission intends to consider the following factors:

Discrete media and public awareness campaigns

- 3.40 To be successful, all elections require the electorate to be well informed as to the date of the election, the method of voting and the offices to which candidates seek election. When introducing new voting methods, this information – relating the 'how' of voting – is especially crucial. Moreover, with all pilots there is a crucial need to communicate adequately the security provisions built in to the voting methods, and the efforts that are being made to detect fraud and interference with the process. Such communication is essential to building acceptance of new forms of election. In pilot schemes to date, there have been some very effective local campaigns. But one frequent comment made to the Commission has been that a more substantial advertising campaign at national or regional level – ideally using television – could make a significant difference to voter awareness and turnout. The Commission is therefore interested to examine the scope for such campaigns in the context of the 2004 pilot schemes.
- 3.41 In this regard, however, the Commission is conscious of the difficulties of controlling media buying in such a way as to limit the audiences to those in a particular European region. For many regions, it is anticipated that it may be difficult to run a discrete media campaign to explain the pilot and to encourage participation. Exceptions may include Scotland and Wales, in which there are media outlets that are specifically focused on the regional audience.

- 3.42 This concern also extends to party election broadcasts. Series of broadcasts will be allocated in the usual way to major parties and additional broadcasts to any other parties that meet the broadcasters' threshold. Party broadcasts are transmitted up until the eve of polling day and are broadcast on a national basis, with no differentiation between the regions of England. Each broadcast typically ends with a reminder of the polling date. For pilot regions, in which the polling period will commence up to two weeks before 10 June, the value of the broadcasts to parties becomes diminished if they are transmitted after electors may have cast their vote, and any information about polling arrangements may be confusing given the reach of broadcasts across pilot and non-pilot areas.

Question 11 - How relevant is this consideration?

The risk of confusion arising from frequent changes to voting arrangements

- 3.43 The Commission recognises that there is a risk of public confusion arising from frequent changes to the style of voting. This relates both to previous and future ballots. There are now some parts of the country – notably the North East – where there have been repeated large scale all-postal ballots on a pilot basis. It might be argued that voters in these areas are familiar with the new voting methods and may find a return to more traditional voting inconvenient or confusing, which could in turn lead to an adverse impact on turnout. Using this argument, regions in which many voters have already participated in pilots should not be denied the opportunity to use pilot electoral arrangements again.
- 3.44 However, it is also the case that voters who may have become accustomed to all-postal voting will have to face a return to the polling station at some point, given current legislation. There is currently no legal basis for a general election (due by 2006) to be run on anything other than traditional grounds; in addition, three regions (the North East, North West and Yorkshire & the Humber) may hold regional referendums in autumn 2004 – again, no provision has been made for these elections to be run using new voting methods.

Question 12 - How relevant is this consideration?

The record of local authorities in delivering services electronically

- 3.45 In relation to the choice of region for an electronic voting pilot, the Commission also intends to consider the record of local authorities in the region in delivering local government services electronically, whether related to elections or otherwise. Because of the very limited number of e-voting pilot schemes to date, the Commission believes it will be relevant to look at the extent to which local authorities in the different regions have led or developed other electronic services at local authority level and might therefore be able to call upon suitable expertise and advice.

Question 13 - How successfully have local authorities delivered services electronically in the region(s) with which you are familiar? How relevant is this consideration?

Access to technology

3.46 In relation to the choice of region for an electronic voting pilot, the Commission also intends to consider the extent of access to relevant technologies. The Government has stated its intention to proceed with an electronic voting pilot involving internet and telephone voting in addition to an all-postal ballot. The provision of traditional methods of voting alongside electronic methods has been a vital feature of multi-channel pilot schemes to date and this will continue in 2004. It is clearly essential that access to voting should not be dependent upon access to particular technologies. Nevertheless, it may be the case that an electronic voting pilot is better suited to a region in which access to the relevant technologies is high, as the additional voting channels would be realistic options for a greater proportion of the electorate.

3.47 Access to telephone services is very high and does not seem to be subject to significant regional variation. Access to the internet is less extensive and is subject to a greater degree of regional variation. As the table below shows, home access to the internet varies from more than half of all households (Eastern, South East) to 38% of households (Wales).

Region	Households with home access to the internet (percentage)	Rank
East Midlands	50	3
Eastern	53	1
North East	40	9
North West	42	5
South East	52	2
South West	45	4
West Midlands	41	7
Yorkshire and the Humber	42	5
Wales	38	10
Scotland	41	7

Question 14 - How relevant is this consideration?

Summary of criteria

3.48 The following considerations have been discussed above:

- the population and electorate size of the region;
- the geographical size and electorate density of the region;
- the number of local authorities in the region;
- the number of local authorities holding local elections in June 2004;
- the experience of the local authorities in holding pilots;
- the experience, capacity and willingness of the Regional Returning Officer and local Returning Officers;
- achieving geographical balance and spread;
- the ability of other agencies to deliver;
- fraud considerations;
- value for money;
- the ease with which discrete media public awareness campaigns can be organised;
- the risk of confusion arising from frequent changes to voting arrangements;
- for the electronic voting pilot area, the record of local authorities in delivering e-government services;
- for the electronic voting pilot area, access to relevant technology.

Question 15 - Are there any other factors the Commission should consider when making a recommendation on the location of pilots? What are they?

Question 16 - Which factors are the most important? Why?

3.49 The Commission recognises that there are likely to be strong views about the prospect of becoming part of an electoral pilot scheme – from election professionals, politicians and members of the public. It has deliberately not sought to reach even preliminary conclusions at this stage about the most appropriate regions for each pilot type and intends to consider all the evidence submitted to it before reaching a view.

3.50 However, the Commission expects to find it much more difficult to identify one region that is suited to an e-enabled pilot than to identify regions appropriate for all-postal pilots. There are two reasons for this. Firstly, the levels of experience of e-pilots are far lower than for all-postal pilots. Secondly, the levels of enthusiasm for electronic voting (which has not to date generated significant increases in levels of public participation and is perceived as more complex to administer) are currently rather lower than those for all-postal pilot schemes.

Question 17 - In your view, which three regions are most suitable to undertake all-postal voting pilots? Which of these regions is most suitable to include an e-enabled element in the pilot?

4 Conclusion

Members are invited to respond to the consultation papers issued by the Government and the Electoral Commission.