

FLINTSHIRE COUNTY COUNCIL

Date of Meeting	Tuesday, 13 December 2022
Report Subject	Electoral Reform in Wales
Report Author	Chief Executive & Chief Officer (Governance)

EXECUTIVE SUMMARY

Welsh Government is responsible for devolved local government and Senedd elections. The Westminster Government is responsible for policy relating to elections to the House of Commons (UK Parliamentary) and for Police and Crime Commissioner elections.

In 2017, the Welsh Government consulted on immediate priorities for reform in the Electoral Reform in Local Government in Wales White Paper. These immediate priorities were legislated for through the Senedd and Elections (Wales) Act 2020 and the Local Government and Elections (Wales) Act 2021.

One of the changes was that local authorities can decide to adopt the Single Transferrable Vote system for their elections, in place of the First Past the Post system. Part one of the report explains the process involved.

Part two of the report explains the Electoral Administration and Reform White Paper and how Welsh Government are seeking to accelerate their reform agenda and commence what they describe as an ambitious plan to modernise electoral administration in Wales.

The White Paper includes proposals for:

- promoting engagement in elections
- making standing for election safer and more straight forward
- legislation to modernise the administration of elections
- legislation to improve the conduct of electoral and community reviews for local government
- legislation to consolidate electoral law
- longer-term propositions for electoral reform to support Welsh democracy in the future

The closing date for consultation responses is 10 January 2023.

Part three of the report summaries the Elections Act 2022, which received Royal Assent in April 2022 and is applicable for UK Parliamentary and Police and Crime Commissioner elections.

The impact of the Elections Act 2022 creates divergence issues in Wales which are highlighted in the report.

RECOMMENDATIONS

1	That Council indicates in principle whether it would wish to consider adopting the Single Transferrable Vote system once guidance has been published.
2	That Council make a response to the Electoral Administration and Reform White Paper.
3	That Council notes the requirements of the Elections Act 2022, and approves the proposed steps to minimise potential disenfranchisement.

REPORT DETAILS

1.00	EXPLAINING ELECTORAL REFORM IN WALES
1.01	<p><u>Part One: Power to adopt the Single Transferable Vote system</u></p> <p>Principal councils (not town and community councils) may adopt the STV system for their elections. The Local Government and Elections (Wales) Act 2021 sets out the steps (sections 8 and 9) a local authority must take if it is minded to change its voting system.</p>
1.02	<p>Voting Systems</p> <p><u>First past the post</u> Currently at a local election, voters put a cross (X) next to their preferred candidate on a ballot paper. Ballot papers are counted and the candidate with the most votes represents the ward.</p> <p><u>Single Transferable Vote (STV)</u> Voters rank candidates in order of preference by marking 1, 2, and 3 and so on. A voter can rank as many or as few candidates as they like or vote for only one candidate.</p> <p>Each candidate needs to reach a quota. This is the minimum number of votes calculated according to the number of seats and votes cast.</p> <p>The first preference votes for each candidate are added up. Candidates who achieve this quota are elected.</p> <p>Surplus votes from candidates who hit the quota go to second preference candidates.</p> <p>Votes from the candidate with the fewest first preference votes who do not achieve the quota are eliminated. Their votes go to the second preference.</p>

1.03	<p>Process</p> <p>Before exercising the power to change the local authority must consult local government electors, town and community councils and any other interested parties.</p> <p>Such a change would require a resolution supported by a two-thirds majority of full council. Such a resolution must be considered at a meeting specially convened for the purpose, with written notice given at least 21 days before the meeting.</p> <p>A resolution would need to be passed by 15 November in the year three years before the next ordinary election is due. To change the system for the next local government elections in 2027, this would be by <u>15 November 2024</u>.</p> <p>Any council opting to change its voting system would be required to use the new system for the next two rounds of ordinary elections. In the case of a by-election for a casual vacancy, the voting method used at the previous ordinary election would be used. After those two rounds, it could decide whether to return to the previous voting system.</p> <p>If a council exercises its power to change the voting system, the council must notify Welsh Ministers and the Local Democracy and Boundary Commission of the change.</p>
1.04	<p>After receiving a notification, Welsh Ministers may direct the Local Democracy and Boundary Commission for Wales to conduct an initial review of the area of the council. Welsh Ministers must consult the Commission before such a direction, and persons representing principal councils as the Welsh Ministers consider appropriate.</p> <p>Provisions for initial reviews as outlined above are set out in Schedule 1 of the 2021 Act, which requires that if a Council adopts STV, <u>the number of councillors for each electoral ward is to be no less than three, but no more than six.</u></p>
1.05	<p>Draft rules for STV elections will be published for consultation soon. Welsh Government aim to provide guidance in early 2023 and any local consultation would need to wait until this is in place.</p>
1.06	<p><u>Part 2: Electoral Administration and Reform White Paper</u></p> <p>In October 2022 Welsh Government published a White Paper setting out the Welsh Government's framework for electoral reform. It is the government's sated intention to increase voter participation and ensure that every citizen is able to play their full part in democracy.</p> <p>https://gov.wales/consultation-electoral-administration-and-reform-white-paper-html</p>

1.07	<p>The White Paper includes proposals for:</p> <ul style="list-style-type: none"> • promoting engagement in elections • making standing for election safer and more straight forward • legislation to modernise the administration of elections • legislation to improve the conduct of electoral and community reviews for local government • legislation to consolidate electoral law • longer-term propositions for electoral reform to support Welsh democracy in the future
1.08	<p>The White Paper initially sets out the longer-term vision for electoral reform. It seeks views on what changes may be desirable in the future and what should be considered further by the Welsh Government. Chapters then set out aspects of more immediate reform, first to simplify electoral registration and more clearly identify the Welsh electorate in chapter 3, then proposals to improve the administration of devolved elections in chapter 4, approaches to support voters and candidates participate in elections are set out at chapter 5, ways that elections can be modernised to take account of new technology and citizen demands are at chapter 6, and finally chapter 7 sets out broader improvements on how local democracy operate beyond elections. A summary is attached at Appendix 2.</p>
1.09	<p>Welsh government welcome views on all aspects of this document but have also indicated areas of the document likely to be of particular interest to different groups of people to make it easier to respond. Members will be interested in much of chapter 4 on strengthening electoral administration and parts of chapters 5 and 7, in particular proposals on candidate safety, improving diversity, training for elected members and rules about councillors serving as members of the Senedd.</p>
1.10	<p>A draft response is included in Appendix 3. Members may wish to comment further as outlined in 1.09 above. In particular questions 5, 35 and 36 may be of interest.</p> <p>Question 5 refers to the term of office for County and Town/Community Councillors and asks whether it should revert back to four years. A longer term of office provides stability in governance. Also, the term of office for Senedd Members and Police and Crime Commissioners is five years, so retaining a five year term would give parity and be consistent. Lastly, a four year term would lead to a cyclical combination of polls for reserved and devolved elections, which, because of differences in the franchise and procedural requirements, could cause confusion.</p> <p>Question 35 asks whether the Independent Remuneration Panel for Wales' role to oversee the salaries of Chief Executives should be abolished. Members may feel that as outlined in the draft response, it is a matter for each Council to determine, as you would with any other post within the Council. That is to say that the proposal should be supported.</p> <p>Question 36 refers to the idea that new powers could be created to enable determinations to be made about parachute payments for Councillors. It is currently a perceived inequality and barrier to encouraging greater diversity</p>

	<p>that a Councillor who loses their seat does not receive a sum equivalent to a redundancy payment.</p> <p>The consultation period ends on 10 January 2023.</p>
1.11	<p><u>Part 3: The Elections Act 2022</u></p> <p>The Elections Act 2022 seeks to make a number of changes to the elections process at UK Parliamentary and Police and Crime Commissioner elections. This does not apply to local government or Senedd elections.</p> <p>The main changes are summarised below:</p>
1.12	<p>Voter Identification (ID) requirement (live from January 2023 and for UKPE and PCC from 4 May 2023).</p> <p>Voters will be required to produce an approved form of photographic ID at the polling station before they can be issued with a ballot paper. A free Voter Authority Certificate will also be available from the Electoral Registration Officer for voters who do not have one of the approved forms of photographic ID.</p>
1.13	<p>Accessibility (live in elections from 4 May 2023)</p> <p>Returning Officers will be responsible for improving support in polling stations for people with a wide range of disabilities and voters may be assisted by anyone over the age of 18.</p>
1.14	<p>Absent Voting (Spring 2023 – Spring 2024)</p> <p>Electors will be able to apply online for an absent vote, with both online and paper applications requiring the applicant's identity to be verified (expected to be in place from July 2023).</p> <p>Electors will be required to reapply every three years for a postal vote, replacing current rules of refreshing their signature every five years (transitional arrangements in place from January 2024).</p> <p>Electors will only be allowed to act as proxy for up to four people, of which no more than two can be 'domestic electors' (expected to be in place for May 2024 polls).</p> <p>Political parties and campaigners will be banned from handling postal votes (expected Autumn 2023).</p>
1.15	<p>Police and Crime Commissioner elections (May 2024)</p> <p>EU Citizens' Voting and Candidacy Rights (July 2023) - EU citizens will no longer automatically be entitled to register to vote and stand for election</p> <p>End of Supplementary Voting - The voting method will move to the "first past the post" system.</p>

1.16	<p>Overseas electors (expected to be in place at elections from May 2024)</p> <p>The 15 year limit on expatriates right to vote in Parliamentary elections will be removed and ex-pats will be able to register in respect of their last UK address. We will be required to verify such applications, including the claimed connection to a previous UK address.</p>
1.17	<p>Divergence Issues</p> <p>The following areas are of concern and will be required to be carefully managed. The White Paper may resolve some of these issues, and Council may wish to ask Welsh Government to harmonise requirements when it legislates.</p> <p>Combination polls – Police and Crime Commissioner elections can be combined with Senedd and Local Government elections / UK Parliamentary elections can be combined with Local Government elections. Voter ID would be required for only one of the elections.</p> <p>Absent voting – There is scope for voter, candidate and political party confusion. Online absent voter applications and identification verification apply to UK Parliamentary and Police Crime Commissioner elections but not Senedd and Local Government, so electors will have to apply twice. In addition, voters would renew their postal vote every 5 years for Senedd and Local Government elections and every 3 years for UK Parliamentary and Police and Crime Commissioner elections. There will also be different restrictions for proxy voters also.</p>
1.18	<p>As noted under Risk Management (below) the requirement for voters to produce photographic ID has the potential to disenfranchise some sections of society who have lower levels of ownership of such documents (elderly, lower socio economic and BAME groups). The Act requires the Council to produce proof of identification for people without photographic ID. This service will need to be widely promoted to ensure that those who need it are aware of its existence. The Electoral Commission should be encouraged to promote the service and the council could undertake its own publicity as well.</p>

2.00	RESOURCE IMPLICATIONS
2.01	<p>Power to adopt the Single Transferable Vote system None specific at this early stage.</p> <p>Electoral Administration and Reform White Paper Welsh Government have published a draft Regulatory Impact Assessment.</p> <p>The Elections Act 2022 Capacity and resilience on the electoral services team. The challenges that may be faced in recruiting enough polling station staff. Funding will be available relating to new burdens of the Act.</p>

3.00	CONSULTATIONS REQUIRED / CARRIED OUT
3.01	<p>Power to adopt the Single Transferable Vote system The Council must consult local government electors, town and community councils and any other interested parties.</p> <p>Electoral Administration and Reform White Paper This is an open consultation by Welsh Government.</p> <p>The Elections Act 2022 None.</p>

4.00	RISK MANAGEMENT
4.01	<p>Power to adopt the Single Transferable Vote system None at this stage.</p> <p>Electoral Administration and Reform White Paper There are a number of risks to governance, public participation and confidence in the elections system, and resources, posed by the White Paper. Welsh Government has published its own assessment of how the proposals meet the requirements of the Well Being of Future Generations Act.</p> <p>The Elections Act 2022 The divergence issues as a result of elections being governed by two separate governments may lead to voter, candidate and political party confusion.</p> <p>As an Act of the UK Parliament this legislation does not include an assessment of how it meets the needs of future generations. However, our own assessment indicates that the provision of voter ID has the potential to disenfranchise some sections of society.</p>

5.00	APPENDICES
5.01	<p>Appendix One - The electoral administration and reform White Paper https://gov.wales/consultation-electoral-administration-and-reform-white-paper.html</p> <p>Appendix Two – Summary of White Paper</p> <p>Appendix Three - Draft response to the White Paper</p>

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	<p>Briefing Note for Group Leaders. Previous Welsh Government and Council papers on Electoral Reform. The Elections Act 2022 https://bills.parliament.uk/bills/3020</p> <p>Contact Officer: Lynn Phillips, Team Leader – Democratic Services Telephone: 01352 702329 E-mail: lyn.phillips@flintshire.gov.uk</p>

7.00	GLOSSARY OF TERMS
7.01	<p>Act: a Bill that has been approved by both the House of Commons and the House of Lords and been given Royal Assent by the Monarch.</p> <p>Single Transferable Vote system: a form of proportional representation.</p> <p>White Paper: a policy paper which sets out the intention to pass legislation and is published for consultation and scrutiny.</p> <p>BAME: Black, Asian, and minority ethnic</p>