**Written Evidence to the
Local Government and Housing Committee
Inquiry on Elections and Elected Bodies (Wales) Bill**

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1. I am the co-Director of the Electoral Integrity Project. The Electoral Integrity Project is a world leading project which produces innovative and policy-relevant research by comparing elections worldwide. My individual research expertise focusses on democratic quality, electoral registration and electoral administration. I recently authored reports on *Is it Time for Automatic Voter Registration in the UK?*[1] and *The UK Electoral Data Democratic Deficit: A vision for digital modernisation*[2]. I am giving evidence in a personal capacity in response to the committee's call for evidence.

2. This is a welcome and important piece of legislation which stands to make positive reforms for elections in Wales. My comments are focussed on three specific aspects of the Bill. Overall, I recommend that the committee:
   a. Supports the establishment of an Electoral Management Board for Wales
   b. Supports the introduction of electoral registration without application
   c. Seeks to abolish the edited electoral register in Wales – this is an **<u>urgent issue which needs to be addressed.</u>**
   d. Supports the introduction of a Voter Information Platform
   e. Require EROs and ROs to report key electoral data to the Electoral Management Board for Wales
   f. Requires the Electoral Management Board for Wales to specify the data format for this information to be submitted.

Electoral Management Board

3. One of the defining characteristics of how elections are run in Wales is the local approach. Returning and Registration Officers ('ROs' and 'EROs') have responsibility for running elections in their respective areas. This is often a strength – but it can have some negative consequences for the governance of elections and the absence of a statutory body with an overview of how elections are being run in Wales can pose some problems. An Electoral

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[1] Toby S. James and Paul Bernal (2020) Is it Time for Automatic Voter Registration in the UK?. Joseph Rowntree Reform Trust.
[2] Toby S. James and Paul Bernal (2023) The UK Electoral Data Democratic Deficit: A vision for digital modernisation, Joseph Rowntree Reform Trust: York, with Paul Bernal.

Management Board for Wales would be a very welcome step and research suggests that it would facilitate[3]:

a. *Lesson learning:* Unless there are other actors raising concerns about current or future problems and pressures faced by electoral officials (such as professional bodies or civil society groups) then their experiences and voices can often not be heard in the formulation of policy. The Board could play a positive role in aggregating the views of practitioners and articulating them.

b. *Consistency of performance:* There has also been evidence of variation in the quality of the delivery of elections over the years. This is inevitably the result of the local approach. The use of central directions has been used in UK electoral administration in recent years – such as at referendums and in the use of a performance standards system. They have tended to be very effective at ensuring uniformity of service to the voter. It would be important to ensure that the devising of such instructions consider local circumstances and that EROs and ROs are listened to in their development. However, they stand to improve the delivery of elections.

c. *Improved performance:* The use of directions will lead to EROs and ROs undertaking activities which they otherwise would not do in many cases. The result is invariably better elections.

d. *Managing complexity:* There has been a considerable growth in electoral laws and increased divergence in practice between different types of elections – partly because of devolution. This is causing a major strain on electoral officials. A body which can help to ensure that clear advice and guidance is provided to EROs and ROs in Wales would therefore help them deal with this complexity. It could also help future risks to be identified.

4. I therefore **recommend that the committee supports provisions to establish an Electoral Management Board for Wales on a statutory basis.**

Edited Electoral Register

5. The edited register, also called the open register can be sold to any person, organisation, or company for a wide range of purposes. As I have advised other committees, this represents a huge security risk to individuals – but also the integrity of elections. We do not have any reporting requirements on who uses this – and for what purpose. This means that overseas actors could purchase the data and compile it into a single dataset for malign purposes. For example, it would be possible to identify marginal constituencies and then micro-target voters with postal misinformation about the voting process to discourage them to vote. The open/edited register serves no electoral purpose and should therefore be abolished to safeguard against this threat.

6. There was widespread public discontent when a data breach meant that a copy of collated electoral registers held by Electoral Commission had been hacked, when the news broke in the summer of 2023. But this data can already be accessed by the edited/open register. Welsh local and Senedd elections are therefore at risk.[4]

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[3] Toby S. James (2013) 'Fixing U.K. Failures of Electoral Management', *Electoral Studies*, 32(4), December 2013, p. 597–608; Toby S. James (2017) 'The Effects of Centralising Electoral Management Board Design,' *Policy Studies*, 38(2), pp.130-148; Toby S. James (2020) *Comparative Electoral Management* (Routledge: London and New York).

[4] Toby S. James (2023) 'Voters' data breach' The Times, 10th August 2023.

7. **The committee should use this opportunity to push for the abolition of the edited register in Wales. <u>This is a matter of urgency and potentially national security.</u>** At a minimum, EROs should be required to collect data and report on who accesses the edited register and for what purpose.

Electoral Registration without Application

8. The Electoral Commission has estimated that the 2022 Welsh local government registers are only 87% complete – and 89% accurate. This means that up to 404,000 eligible citizens could be missing from the register and there could be up to 304,000 inaccurate registrations in Wales.[5]

9. Declining levels of completeness and accuracy of the register is a common problem facing many countries which do not have automatic voter registration. As a result, many countries have moved to introduce it in some form.

10. Our research shows that there is greater accuracy and completeness in countries with automatic registration. [6] The main reason for this difference is that voter registration is much easier for the citizens because they need to take no steps to register. Registration can be a significant burden to some voters: especially those with low-information, low-resources or high mobility. By placing the burden of registration on electoral officials, rather than the citizen, automatic registration reduces the cognitive, time and resource costs of registration for everyone, but especially for these population groups, who are already less likely to be represented at the polls. It is therefore more likely to capture citizens who would find it difficult, time-consuming or costly to register otherwise.

11. The move to allow registration without application is therefore an overwhelmingly positive step for Welsh elections and democracy. It stands to improve completeness, accuracy and may save electoral officials money – because they will be able to register citizens directly without needing to chase them with reminders.

12. The report *Is it Time for Automatic Voter Registration in the UK?*[7] identifies several data sources which EROs would benefit from having access to. Directly registering citizens shortly before their 16th birthday when they are issued their National Insurance Number would add 700,000 citizens to the roll each year with minimal administrative effort. These citizens could then be provided accompanying civic education lessons while in school.

13. Providing citizens with an option to register to vote/update their registration details when accessing other government services would enable millions of citizens to register more easily. For example:
    a. 6.5 million per year could register when applying for a passport
    b. 4 million people could register when they update their driving licence address with the DVLA
    c. 2 million a year could register when applying for Universal Credit
    d. 2.5 million students could be registered through annual student enrolment
    e. 800,000 could register when they apply for child benefit for the first time

[5] https://www.electoralcommission.org.uk/sites/default/files/2023-09/The%20December%202022%20electoral%20registers%20in%20Wales.pdf
[6] Toby S. James and Holly Ann Garnett (2023) 'The determinants of electoral register quality: a cross-national analysis' *Representation*, with Holly Ann Garnett.
[7] Toby S. James and Paul Bernal (2020) Is it Time for Automatic Voter Registration in the UK?. Joseph Rowntree Reform Trust.

f. 500,000 could register when they provide the Student Loans Company with a new address
g. 450,000 could register when they apply for disability benefits

14. Implementing automatic voter registration in Wales should therefore be a major priority. 'Electoral Registration without Application' is therefore an important provision. The Welsh government should approach key UK government departments to request access to the key datasources which would enable the policy to be effective.

15. I therefore recommend that committee supports the move towards Electoral Registration without Application.

Voter Information Platform

16. *The UK Electoral Data Democratic Deficit: A vision for digital modernisation[8]* sets out how there is a major deficit in the quality of information which is made available to electors during the electoral cycle. The UK's electoral machinery was established in Victorian times, and large parts of the data architecture in the electoral world remains Victorian. This is also the case in Wales. Information on candidates, polling places and election date are commonly presented in paper format, in unreadable pdfs – or hidden on poorly updated websites.

17. The provision of the Bill to provide a Voter Information Platform therefore represents an enormous step forward in improving the quality of information that can be provided to citizens. It is vital that citizens in Wales have a single website that includes:
    a. Information on candidates
    b. Information on polling locations
    c. Information on how to vote
    d. Information on how to apply for postal and proxy votes
    e. Past results of elections.

18. Although it may be outside of the scope of the Bill – this website could easily contain information relating to UK Parliamentary elections for Welsh constituencies. It would intuitively be helpful to citizens in Wales – enabling them to use their democratic right effectively.

19. Having discussed the proposal for a Voter Information Platform at the UK-level, it has become clear that one of the main logistical barriers to the provision of such a website is that there are currently insufficient carrots and sticks for EROs and ROs to provide the necessary data to a central organisation. It is therefore **recommended that a provision is included in the Elections and Elected Bodies (Wales) Bill that requires EROs and ROs to provide the necessary information to the new Electoral Management Board** including:
    a. Information on candidates
    b. Information on polling locations
    c. Election results immediately after the RO announcement of results, including the numbers of votes per candidate and party, the number of postal votes, and the number of rejected ballots.

20. Another logistical barrier to the provision of such a website is that there are currently no standard reporting formats for the data to be provided. The **new Welsh Electoral Management Board should therefore be required by the Bill to specify the data formats** by

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[8] Toby S. James and Paul Bernal (2023) The UK Electoral Data Democratic Deficit: A vision for digital modernisation, Joseph Rowntree Reform Trust: York, with Paul Bernal.

which EROs and ROs are required to return the information. A legislative requirement is vitally important mechanism for ensuring that this project is delivered.