

Democracy Club CIC

PACAC Inquiry written evidence submission:

The work of the Electoral Commission

About Democracy Club

Democracy Club is a non-partisan Community Interest Company (est. 2015). We're a small team who work with local government and a large network of volunteers to build and maintain datasets and tools for use during UK elections. Our projects include:

- **Every Election:** a database of all UK elections, from Principal Authorities upward.
- **Democracy Club Candidates:** an open database of all candidates in UK elections.
- **WhoCanIVoteFor.co.uk:** a postcode look-up tool which enables voters to find ballot information.
- **WhereDoIVote.co.uk:** a postcode look-up tool which enables voters to find their assigned polling station. This is powered by data provided directly by council electoral services.

Democracy Club doesn't have a view of 'the perfect democracy'. Instead, we try to make constant iterative improvements based on citizens' needs. We judge those needs based on publicly available research, feedback on our websites and working with our volunteer community.

Reasons for Submitting Evidence

As an organisation that works closely with election administrators, Democracy Club has a strong interest in all areas of the Electoral Commission's work, including regulation, research and communications. However, we are especially concerned with the Commission's public communications remit, especially as regards voter information, and it is in this area that we concentrate our comments.

Democracy Club has a good working relationship with the Electoral Commission. We provide the Commission with our elections and polling station data, which is used to power the postcode search on the voter information pages of the Commission's website. In return, the Commission provides us with financial and communications support.

1. The effectiveness of the Electoral Commission in discharging its statutory obligations.

The Electoral Commission serves a crucial role drawing together information and advice for election administrators, candidates, and voters. The complexity of the UK electoral system has only grown during the 21st century, with the creation of new elected roles such as Combined Authorities, or the divergence in franchise across the four nations. In this context, Democracy Club believes that the Electoral Commission is the only body with the knowledge, resources, and position to interpret and explain this complex landscape in a trusted, non-partisan manner.

At its best, the Electoral Commission serves as a trusted source for information on everything from nomination rules to polling stations. At present, for example, the Commission, working in conjunction with Democracy Club, has the capacity to provide voters with information on upcoming elections, including lists of candidates and, in many cases, their assigned polling station. This service goes a long way towards meeting the Commission's existing remit as regards voter information. The Electoral Commission should be commended for the initiative and openness to innovation which it has shown in adopting and implementing it.

However, Democracy Club believes that the Commission's powers are too restricted, and its reach too limited, to enable it to live up to its full potential as a comprehensive centre for election information, relevant to the individual citizen.

(a) What roles and functions within the UK electoral system should the Commission perform?

For voters to understand and trust the electoral system, they must have easy access to fundamental information about elections. Our research has shown that the most common questions about elections are around how and where to vote and who is on the ballot paper.

The Electoral Commission is well placed to ensure that all voters get the information they need in order to make an informed vote at every election.

The present UK electoral system is a decentralised and complex mix of overlapping organisations and voting methods. For example, on 6 May 2021, Scotland, Wales, and England will hold elections to six different types of organisation, using four variant electoral systems, three different franchises, and a wide range of conflicting rules and deadlines. The majority of voters in England, Scotland and Wales will be handed at least two ballot papers, and some will have to fill out as many as five. In many cases, more than one local authority will be responsible for running the election.

Most local authorities lack the resources to mount anything other than an extremely basic voter information campaign, and many provide practically no information beyond the publication of legal notices. From the perspective of the voter, this creates a veritable postcode lottery in terms of the extent and accessibility of information relevant to the elections they are qualified to vote in. Too often the only information comes from local political parties, with all the problems of 'balance' which that entails; in so-called 'safe' seats, there is often little information at all. For most electors, it is likely that the first time they will see their ballot options will be upon entering the polling station.

Within this context, Democracy Club believes the Electoral Commission has a crucial role to play as a central repository for trusted official electoral information. The Commission does and should continue to provide direct leadership and strategic framework for local government electoral teams - offering both administrative and communication support on a national level, while giving local teams autonomy to deliver their elections.

In an age where concerns around online disinformation are ubiquitous, the Electoral Commission is perfectly placed to focus on 'positive information' - clearly explaining systems, processes and options for voters in an accessible, non-partisan manner.

Specifically, we believe that the Commission should possess the resources and powers to collect all relevant data from local authorities - every published notice, candidate list, and polling station location - and make this data available to voters in a single place. This would leave election administration in the hands of the local electoral services team, but allow The Electoral Commission to direct the national information campaign in a way that is personally relevant to individual voters.

(b) Should the remit of the Electoral Commission be changed?

At present, the role of the Electoral Commission in providing for voter information is vague, and not clearly established in law. The Political Parties, Elections and Referendums Act (2000) establishes that the Commission should:

'promote public awareness of current electoral systems in the United Kingdom and any pending such systems, together with such matters connected with any such existing or pending systems as the Commission may determine.'¹

¹ Political Parties, Elections and Referendums Act (2000), s.13, 1(a).

Democracy Club believes this remit should be expanded and clarified so that the Commission is required to provide an accessible voter information service. This service should offer, at a minimum:

1. Notification of all upcoming elections, including by-elections, for all levels of UK government above town and parish councils.
2. A list of candidates for these upcoming elections, drawn from the relevant Statement of Persons Nominated.
3. A method by which an elector can look up their assigned polling station without needing their poll card number.

The Electoral Commission does currently provide some of this information in partnership with Democracy Club. Giving The Commission more official responsibilities would allow them to develop their role as a provider of information, and to achieve the 100% UK coverage which has so far eluded Democracy Club (in, for example, polling stations). This will also provide the Commission with an opportunity to build a central database of election candidates useful for other purposes including regulation and research.

(c) What powers should the Electoral Commission have? Should the existing powers of the Electoral Commission be changed?

Democracy Club believes that the powers of the Electoral Commission should be expanded and clarified so that it is able to demand the data outlined in 1(b) from all UK Local Authorities and the Electoral Office of Northern Ireland. Local Authorities themselves should be required by law to provide this information to the Commission, at the same time as, and in addition to, their existing statutory requirements to publish election notices. Relatedly, as the House of Lords Committee on Democracy and Digital Technologies has recently recommended, Local Authorities should also be required to publish this information openly in a machine-readable format.²

Further to this, thought should be given to how The Electoral Commission adapts and responds to new threats against public trust in, and the security of, elections in the future. The nature of each threat is unpredictable - from disinformation to fraud - however, that threats will emerge over time is certain. Importantly, at present, there is no organisation specifically tasked with securing the integrity of UK elections. The Commission should have the power and freedom to respond quickly against a set of clear guidelines.

² Select Committee on Democracy and Digital Technologies, *Digital Technology and the Resurrection of Trust* (29 June 2020), HL 77: 2019-2021, para 229.

2. The governance of the Electoral Commission.

In order to assist with and direct our suggested increase in the Commission's powers, Democracy Club believes the Commission should add a Chief Digital Officer to its executive team.

This role would oversee all digital delivery aspects of the Commission, while also providing technical policy support around the fast changing world of online campaigning and social media. They would manage a delivery team and strategy in much the same way as their counterparts across government in Government Digital Service, Parliament and other bodies.

The role would strive to mitigate the risk that The Electoral Commission is 'blindsided' by new technology's effects on elections and democracy more broadly.

3. Public and political confidence in the impartiality and ability of the Electoral Commission.

Democracy Club believes that public confidence in the Electoral Commission is predicated on the Commission possessing adequate powers to regulate, inform, and intervene in all areas of UK electoral law. Central to this view is the provision of quality public information. An Electoral Commission which is unable to provide clear, authoritative, and *individually relevant* information to voters - including lists of candidates and polling stations - is limited in the amount of confidence it can command in its other areas of responsibility (this is especially clear in an international context - please see answer to Q.4).

In order to understand this, it is worth considering the information vacuum which the abolition of the Commission would create. In the context of the complexity of the electoral system which has been outlined in the answer to Q.1, the removal of the Commission as an umbrella body would throw enormous pressure on overworked council electoral services teams. It would also give enormous power to political parties, especially in areas where one party is predominant, to control the amount of information available to voters.

Referring back to the powers and remit of the Commission, it is clear that without a clear mandate in legislation it may well be limited in its long term ability to systematically expand, improve and maintain its public information role.

4. The international reputation of and comparators for the UK Electoral Commission.

Globally, few mature democracies lack a comparable body to the Electoral Commission. Most - the Electoral Commissions of Australia, Canada and New Zealand, for example - possess far more powers and responsibilities than in the UK, including the responsibility for organising elections. Of two notable exceptions, Ireland is presently preparing to establish an electoral commission, while the United States' lack of a central elections body is arguably becoming a vulnerability, in light of recent debates over the integrity of the 2020 US presidential election.

The potential importance of voter information to the remit and reputation of the UK Electoral Commission is made clear when contrasted with one of its international counterparts, the Canadian Electoral Commission (known as Elections Canada). A key duty of this organisation is “ensuring access to the system for all eligible citizens, through both physical facilities and advertising messages”.³

This remit is made manifest in Election Canada's *Voter Information Service*. This uses a voter's address to offer data about their constituency (its size, including maps); the location of their polling station, including accessibility information; past election results; and future ballot information (it even allows individuals to apply to be a poll worker). Prominently placed on the front page of the Commission's website (elections.ca), this service is a central part of the organisation's election communications strategy, and provides an important addition and alternative to the more traditional 'voter information card' (poll card equivalent), which is reliant on the postal service.⁴

³ Elections Canada, *The Role and Structure of Elections Canada*, <https://www.elections.ca/content.aspx?section=abo&dir=role&document=index&lang=e> [accessed: 9 November 2020]

⁴ For example, when delivery of Voter Information Cards was delayed during the 2018 Ontario regional elections, the Electoral Commission was able to direct voters to its website to find their polling station. 'Canada Post Delays Delivery of Voter Information Card', *Cision* (30 May 2018) <https://www.newswire.ca/news-releases/canada-post-delays-delivery-of-voter-information-card-684067281.html> [accessed: 9 November 2020]

5. What, if any, reforms of the Electoral Commission should be considered?

To summarise the answers given above:

1. As well as campaign spend control and political party registration, The Electoral Commission should be given more duties to collect data and provide information and educational material to voters
2. The Commission should adopt a digital strategy that allows them to improve their public information offering, and respond quickly to online harms and opportunities. It should make sure that UK elections are world leading in their digital infrastructure and stay ahead of emerging online threats
3. This strategy should be delivered by a new Chief Digital Officer role and an in-house digital team who have a deep understanding of electoral administration

The Committee would also be interested in submissions on the effect of COVID-19 on UK elections.

There is a strong possibility that many people will not feel safe voting in person in May 2021. With a GB-wide set of elections, this has the possibility to lower turnout significantly. On the other hand, if people do turn out in high numbers, distancing and hygiene measures may well slow voting down causing long queues and in the worst cases prevent people from casting their vote.

We think two things can be done:

1. Quickly improve the ability for people to register for a postal vote. The current process requires a 'wet signature' on a printed form. A digital version of this form integrated to the GOV.UK Register to Vote service would make it significantly easier for more people to vote by post. Electoral services teams may need additional support to adapt to this change in voting patterns.
2. Consistent and clear information should be given about how voting in person is working on the ground at each polling station. Polling station staff should be given the ability to adapt to complex and changing events on the day.