The Role of Independent Electoral Management Bodies and the Introduction of Voting Technologies – The Experience of the United Kingdom with Pilots

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The Organization of Elections in the United Kingdom

As you may be aware the implementation of elections in the United Kingdom is undertaken by local authorities who appoint a returning officer for the conduct of elections and an electoral registration officer for the compilation of the voter lists. This is usually the same person. During my 30 year career in elections I was the returning officer for all local authority elections in the City of Liverpool; the returning officer for parliamentary elections for the six constituencies under my jurisdiction; the electoral registration officer for the City; and the Regional Returning Officer for the North West region of the United Kingdom responsible for elections to the European Parliament. There is no combined voter list. Each local authority compiles a list for their area and, as you would expect, technology plays an important part in the production of such lists. Computerized electoral management systems are operational in all 450 local authorities dealing with such things as allocation of voters to polling stations or precincts, appointment of staff, nomination of candidates, production of ballot papers and, as mentioned, the production of the voter list.

The UK does have an electoral commission, established in 1999, but the commission does not get involved in the day-to-day administration of elections. This is left to the local authorities to deal with, as described above. There are 10 commissioners and about 150 staff mainly based in London but there are regional offices in Scotland, Wales and Northern Ireland and in other parts of England to0. The UK electoral commission works to:

- register political parties
- make sure people understand and follow the rules on party and election finance
- publish details of where parties and candidates get money from and how they spend it
- set the standards for running elections and report on how well this is done
- make sure people understand it is important to register to vote, and know how to vote

The Commission has two main objectives, as stated on its website www.electoralcommission.org.uk

Objective 1
"Transparency and integrity in party and election finance

We want people throughout the UK to be confident that:
• there is transparency about party and election finance so that people know where money comes from and how it is spent
• the rules on party and election finance are followed, and those who do not follow them are dealt with appropriately and effectively
We publish information on our website about where parties get money from and how they

spend it so that the whole process is transparent and information is publicly available. We help those we regulate to get it right by providing guidance and support. Where we find evidence that the law has been broken we take proportionate action."

Objective 2
"Well-run elections, referendums, and electoral registration. We want people throughout the UK to be confident that:
• registering to vote and taking part in elections is straightforward, accessible and secure
• they will receive a consistently high-quality service, wherever they live and whichever elections or referendums are being held.

Above all, we want people to have confidence in the results of elections and for there to be no unnecessary barriers to voting. We work with those responsible for maintaining and compiling the electoral registers (Electoral Registration Officers) and for running elections (Returning Officers) to ensure that elections and referendums meet voters' needs and expectations. We provide guidance for Electoral Registration Officers and Returning Officers and monitor their performance. Where voters do not receive a high-quality service we provide support so that improvements can be made."

In May this year the UK held a referendum on whether to change our voting system at parliamentary elections from the first past the post system to an alternative vote system. The head of the UK Electoral Commission was the Chief Counting Officer for this referendum, another function of the Commission.

Electoral Pilots
Under the Representation of the People Act 2000, local authorities in England and Wales can submit proposals to the Secretary of State for Justice (prior to 9 May 2007, the Secretary of State for Constitutional Affairs) to carry out electoral pilot schemes. Local authorities in Scotland can apply to the Scottish Executive to carry out pilot schemes. Electoral pilot schemes can involve changes to when, where and how voting at local government elections is to take place, how the votes cast at the elections are to be counted, or candidates sending election communications free of postage charges. The Electoral Commission is required by law to evaluate every electoral pilot scheme in England and Wales, and may also be asked to evaluate pilot schemes in Scotland. The Commission must consider whether the pilot scheme:

- helped to make voting or counting the votes easier
- helped to improve turnout
- helped to facilitate voting
- led to a reduction or increase in electoral fraud
- led to a reduction or increase in the cost of the elections

The Commission is required to publish evaluation reports on individual pilot schemes within three months of the elections taking place.

Electoral pilot schemes 2000-2007
Since 2000, the Government has encouraged local authorities in England to undertake   pilot schemes that test new methods of voting and voting arrangements at local government elections which, if successful, might be adopted more widely. Between 2000 and 2007 there were six separate rounds of

electoral pilot schemes. In addition, there has been a number of pilots at local by-elections to fill casual vacancies. Pilots have included early (advance) voting, all-postal voting pilots, multi-channel electronic voting and e-counting. The areas I would like to concentrate on today are experiments with e-voting and e-counting at the 2007 local elections.

Electronic voting
The May 2007 elections also saw five local authorities pilot a range of e-voting solutions, including remote internet voting, telephone voting and the provision of electronic polling stations enabling a 'vote anywhere' environment on polling day. The use of remote e-voting channels required, as an additional security measure, pre-registration by electors and in three of the four pilot schemes this is likely to have contributed to a significantly lower proportion of electors opting for e-voting channels compared with 2003. In broad terms, the remote e-voting elements of the May 2007 pilot schemes proved successful and facilitated voting, although there were some issues concerning accessibility, public understanding of the pre-registration process and, in at least one pilot area, technical problems in relation to telephone voting. Electronic polling stations in one area proved more problematic, with many experiencing connectivity and application issues on polling day. However, in common with the e-counting pilots, there was insufficient time available to implement and plan the pilots, and the quality assurance and testing was undertaken too late and lacked sufficient depth. The level of implementation and security risk involved was significant and unacceptable. There remain issues with the security and transparency of the solutions and the capacity of the local authorities to maintain control over the elections.

The Commission recommended that no further e-voting is undertaken until the following four elements are in place:

• There must be a comprehensive electoral modernization strategy outlining how transparency, public trust and cost effectiveness can be achieved.

• A central process must be implemented to ensure that sufficiently secure and transparent e-voting solutions that have been tested and approved can be selected by local authorities.

• Sufficient time must be allocated for planning e-voting pilots.

• Individual registration must be implemented.

The Commission cannot support any further e-voting in the absence of a framework incorporating these recommendations.

Electronic counting
The issues surrounding e-counting at the May 2007 elections were considered to be complex and far-reaching in terms of their impact on the administration of the elections and on stakeholder confidence. The elections saw six local authorities pilot e-counting, with mixed outcomes. While e-counting was successfully implemented in three authorities (although it should be noted that there were a few technical difficulties in one of these areas which resulted in the speed of the count being much slower than envisaged), e-counting in three paces proved to be so problematic that it was necessary to abandon e-counting for some or all of the elections and revert to a manual count. The failure of the e-counting solutions in these cases resulted in the counts taking significantly longer than a normal manual

count would have done. Previous evaluations by the Commission have concluded that e-counting has the potential to increase the efficiency and accuracy of the counting process. Despite the failures identified, this conclusion remains valid. However, the experiences of 2007 have once again highlighted the fact that the implementation needs to be carried out in an appropriate fashion. There was insufficient time available to implement and plan the pilots, and the commission considered that the quality assurance and testing was undertaken too late and lacked sufficient depth. A number of elements of best practice that have been learned on previous occasions were not taken into account and concerns were raised regarding the transparency of the e-counting solutions deployed, which undermined stakeholder confidence. There was also an issue related to the ability of Returning Officers and suppliers to cope with the project management involved in implementing e-counting. Many of these problems are issues previously identified by the commission.

The Commission believes that the piloting process has largely achieved its objective for e-counting. The circumstances and practices that lead to successful e-counting have already been learned, although many of these were not applied for this round of pilots. Any further e-counting projects – both pilots and others – need to take full account of these. In particular:

• Substantial testing must be undertaken, either through an accreditation and certification process or through a detailed and thorough procurement process.

• Sufficient time must be allowed for the development of e-counting projects. The amount of time needed will depend on a number of factors, including the experience of the local authority and the suppliers, whether there is an accreditation scheme in place and the nature of any procurement. The Commission recommends a minimum lead-in time of six months.

• Measures must be in place to ensure that current best practice is adopted. The Commission questions the value of undertaking further small-scale pilots of the kind that were run at the May 2007elections and would not recommend their further implementation.

Issues related to the transparency of the e-counting process continue to be important. While some of the concerns raised can be addressed through the deployment of best practice, there is nevertheless scope for innovations to increase transparency.

One area where e-counting has been tried and tested successfully in the UK is in Greater London. The Greater London Returning Officer and the Office of London Elects have taken unprecedented steps to ensure visibility, transparency and accuracy in the use of electronic vote counting technology since 1999. In addition to the e-counting process which has worked successfully the returning officer will undertake a program of independent testing of the e-counting system to provide the voters within London with a transparent and accurate voting system.

There are three different voting systems in place for the three elections to be held in London on 3rd May, 2012. These are the biggest single set of elections in the United Kingdom with the election of the Mayor of London and 25 Assembly members. There will be over 5 million electors, using 4000 polling stations and there are 4 votes for each elector with three different electoral systems and three different coloured ballot papers. Each of the 14 London Assembly constituencies is made up of two or three complete London boroughs.

The electoral systems are as follows:

Mayoral Election uses a supplementary voting system. Electors cast two votes; one for their first preference and one for their second preference. When the votes are counted, the first preference votes will be counted first and if any candidate receives more than 50% of the vote then he or she will be elected as Mayor of London. However, if no candidate does receive more than 50% of the vote, then the two candidates with the greatest number of first preference votes go through to the second round and the remaining candidates are eliminated. The second preference votes on those ballot papers whose first preference candidate has been knocked out are then allocated to the remaining two candidates where appropriate. Then the candidate with the most votes is elected Mayor of London.

The election of the Constituency Members of the London Assembly uses the first past the post system. This is used to elect the 14 constituency members of the London Assembly and is the voting system electors are most used to in the UK – the voting system used for the House of Commons and local elections in England and Wales. All of the votes for the candidates are added up and the candidate with the most votes in each constituency is elected as the Assembly Member for the constituency.

The London-wide Assembly Members are elected using the D'Hondt system of proportional representation. Political parties and independent candidates are listed on the ballot paper and electors vote for one party or one individual candidate. After totalling all the votes the 11 London-wide seats are allocated. Each party is given the number of seats proportional to the number of votes received across London.