Reform of electoral law and practice

Introduction

This policy briefing summarises international evidence on various electoral administration reforms and examines their potential impact on voter turnout, candidate diversity, and transparency in campaign financing.

There were four areas of focus: early voting, innovative electoral practices, candidate and agent safety, and campaign financing and spending. The role of electoral management bodies (EMBs) was also analysed.

The aim of the research was to inform Welsh Government decisions in this area and suggest possible areas of improvement.

Early voting

Early voting is defined as any voting conducted prior to a set polling day, which can include postal voting. It is present in some form in 73 countries. The evidence shows that early voting offers a potential way of being more responsive to voters' needs. This is dependent on which measures are taken in tandem, and could comprise the following:

- Including weekdays and weekends in early voting periods (e.g. Wednesday-Saturday).

- Introducing same-day registration and allowing citizens to register to vote or correct their registration information when they go into the polling station.

- Polling sites being placed cognisant of people's needs regarding distance and access to transportation and potential to combine other activities with voting.

Innovative electoral practices

Innovative electoral practices are ways to modernise the electoral process and include changes to postal voting, Election Day Voting Centres, pre-filled ballots, non-traditional polling sites, and accessible ballots, including offline electronic ballot boxes.

Experiences of **postal voting** in other countries generally show a positive impact on turnout across different social groups. The Electoral Commission's report for the 2021 elections showed that 96% of postal voters believed that the process was simple. However, rates of rejected postal ballots and issues with mismatched signatures and dates of birth are a cause for concern. It is recommended that:

- An analysis of the use of pre-filled ballots be considered. These are ballots which already include the voter's name and date of birth.

- The electoral roll be routinely maintained, with campaigns to invite voters to correct their registration in case of name change.

- Ways for voters to 'fix' spoiled ballots are offered, such as returning them at a polling site and voting in person.

Measures to allow voters to **vote at any polling site** or create **non-traditional polling sites** have had mixed results. Having a choice of where to vote better accommodates voters' different routines and accessibilities. However, voting centres tend to have larger queues and overworked staff if not supported by other polling sites.

The Welsh Government could consider:

- Analysing the use of flexible voting (i.e. not designating a single polling site for each voter), including the logistics and feasibility of having the electoral roll in each site.

- Conducting logistical and security analyses for the use of non-traditional polling sites. For example, if schools are used as polling sites for multiple polling districts, it needs to be decided whether schools would close on those days; if only students/staff will be allowed to vote there; and what the ramifications of this would be along with flexible voting.

- Setting up polling sites in areas where the mobility of voters in an issue, such as care homes and hospitals.

The Brazilian offline electronic ballot box (see Figure 1) demonstrates a safe way to conduct elections faster. It also provides accessibility improvements via a Braille keypad and auditory signals. Blind and visually impaired voters in the UK do not currently have access to a secret ballot.

Figure 1: Brazilian offline electronic ballot box

The current **registration system** offers another potential area for reform. Although it is compulsory to register in the UK and would-be voters receive a form reminding them to do so, there are no cross-check systems in place. This means there are duplicates in the current roll, which is detrimental to the work of electoral administrators.

Additionally, the enfranchisement of foreign nationals does not mean an immediate take-up of voting by this group, as demonstrated in other countries. Measures for inclusion, such as making the electoral registration form widely available in several languages could aid in these efforts.

Other potential changes include:

- Including a voter registration form with letters to citizens in Wales notifying them of their National Insurance number ahead of their 16th birthday.

- Providing an offer to 'opt-in' and effectively register to vote when accessing certain services.

- Colleges and universities encouraging voter registration and building voter registration practices into their annual student enrolment processes.

- Registration 'events' being conducted with immigrant populations, after consultation with community groups and leaders.

Voting in Wales should be treated as if it were compulsory, ensuring standardisation of practices and access to all voters.

Candidate and agent safety

Candidate and agent safety is a growing concern in Welsh politics given reports of violence against Welsh politicians. Most research in this area focuses on women in politics, with some insights on ethnicity and race.

Evidence shows that violence due to gender and ethnicity is different from violence due to political differences both in frequency and type of violent action suffered. For instance, social media has been shown to be a consistent source of daily abuse.

There is a continuum of violence ranging from, but not limited to, social media abuse to physical attacks. The continuum of violence does not merely categorise types of violence, but also describes **a pathway of escalation** that normalises violent behaviour. Physical violence is more likely to be reported and be preceded by unreported events of verbal, written, and psychological abuse. Violence often becomes compounded, meaning the same individual suffers multiple offences. The **normalisation of political violence** in general is therefore of concern.

There is little evidence on the impact of perceived violence on the decision of political minorities to seek election. However, examples of violence against politicians suggests that measures need to be taken to curb it, along with other actions to improve diversity in politics.

It is recommended that the Welsh Government:

- Maps the depth of the issue with aspirants in political parties and considers a periodic safety survey with national and local level politicians.

- Integrates actions against violence in election guidelines.

- Works with the police to improve training on internet-based violence and to provide protection for targeted groups.

- Engages with political parties to increase awareness and encourage internal inclusive measures.

- Engages with society to educate on issues of violence against politicians and mitigate violent discourse on social media.

Citizens who feel included and empowered are more likely to participate in political activity.

Campaign figures and transparency

Several international organisations such as the International Institute for Democracy and Electoral Assistance, the OECD, and the Group of States against Corruption of the Council of Europe, have supported initiatives to improve the transparency of political finances given their potential to reduce opportunities for corruption and increase public trust. There is ample opportunity for Welsh Government to improve its offering of publicly available data on elections and campaign financing.

The development of a platform that enables Welsh citizens to access political data is a measure that could have a positive impact on public trust. A framework for managing political finance needs to be open, accountable, and transparent to develop public confidence. A standard framework means less scope for doubt, error, or corruption, given clear and well-established boundaries.

It is recommended that results of Welsh elections and campaign finances:

- Be officially reported with an online tool that gives voters an access point to that information.

- Utilise a user-friendly interface for voters to find data.

- Support good data practices and offer data that is open-licence; machine-readable; batch-downloadable; up-to-date; publicly available; free of charge; timely; and reliable.

It is also recommended that the Welsh Government develops a data reporting system that includes candidate information and financing data that includes funding, expenditures, and where the funds were spent.

Electoral management bodies

Throughout this research, EMBs have appeared as key actors as they are a point of reference for parties, politicians, governments, and society in producing information, regulation, and preventing issues around elections.

EMBs also:

- Develop and analyse new innovative electoral practices;

- Maintain the logistics of election results and campaign finance reports, being responsible for: receiving data; compiling and maintaining datasets; auditing accounts; and making the information accessible to the public.

EMBs should be proactive throughout the year administering data collection, conducting education campaigns, and working with political parties to improve transparency of data.

Conclusion

This policy briefing summarises the evidence on four main areas of electoral administration reforms – on early voting, innovative electoral practices, candidate and agent safety, and campaign financing and spending.

The evidence shows that postal voting is the type of innovative practice that has demonstrated the strongest impact on increasing participation. While the impact of other reforms on turnout may be limited, there are clear democratic benefits to modernising electoral administration and improving transparency in politics, specifically in campaign finance.

Political activity, including voting, is habit-forming, and measures taken now are likely to produce results in the longer-term. Convenience voting is likely to impact citizens who have an interest in politics but find it difficult to include it in their lives. It is important to also consider the reasons for disengagement beyond convenience.

Finally, potential changes to electoral administration are likely to be context-dependent and it is important, therefore, for pilots to be discussed and undertaken alongside debates with key stakeholders in Wales.

Find out more

For the full report see Gomes, L., Downe, J., and Roberts, M. (2022). **Reform of electoral law and practice.** Cardiff: WCPP

About the Wales Centre for Public Policy

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