

# The Government's response to the Electoral Commission's recommendations on the May 2007 electoral pilot schemes

## Introduction

The Government is grateful for the hard work of the Electoral Commission throughout the whole of the pilots process including their involvement in the Pilots Project Board, pre-selection assessment of proposed pilots, and for their evaluations of the 12 pilot schemes which took place at the May 2007 local elections.

Our responses to the Commission's key recommendations should be viewed in the context of: -

The findings emerging from the Gould Report (which was published on 22 October 2007)

Ron Gould's independent review of the Scottish Elections contains a number of important findings which will need to be built on in improving the conduct of future elections.

The evaluations of the May 2007 pilots and the findings in the Gould report will inform the Government's approach to improving the electoral system and in developing its strategy for Electoral Modernisation. These improvements will focus on: -

- Ensuring that the conduct of elections is secure, transparent and accountable;
- Improving participation - ensuring the voting process is universally accessible for all eligible people;
- Making the voting process more convenient and responsive to the needs of voters;
- Improving the reputation and credibility of systems being used (e.g. remote e-voting and e-counting);
- Increasing integrity in the electoral process.

'The Governance of Britain' Green Paper<sup>1</sup>

The Green Paper supports investigating the modernisation of voting methods, as well as explicitly supporting the continued investigation into the benefits of electronic voting including remote electronic voting. The Government believes this will necessitate further piloting in future.

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<sup>1</sup> The Green Paper seeks to enhance the democratic engagement between citizens and the state.

## **The Government's responses to the key recommendations from the Electoral Commission's evaluations**

Set out below are the Government's specific responses to the key recommendations from the Electoral Commission evaluations of the 2007 electoral pilot schemes.

### **E-voting**

#### Recommendation

**While from an operational point of view the 2007 e-voting pilots generally worked, the level of risk placed on the availability and integrity of the electoral process was unacceptable. There are clearly wider issues associated with the underlying security and transparency of these e-voting solutions and their impact on the electoral process, together with the cost effectiveness of the technology, which need to be addressed.**

#### Response

All the pilots supported successful elections. The Government is not aware of any instances of alleged fraud during the elections and does not believe that the pilots increased the risk of electoral fraud. We do not agree that the level of risk placed on accessibility and integrity was unacceptable. We do, however, acknowledge that there were some operational problems around access to e-voting in some situations, but would stress that all pilots had comprehensive contingency plans in place to ensure that electors were not disenfranchised and retained their option of a paper ballot.

The pilots are a mechanism for Government to identify and address the wider issues associated with changes to traditional electoral practice and the Government will seek to continue piloting as a sensible and proportionate method of gathering important evidence about how best to improve the electoral system. They also help to produce evidence for how greater value for money could be achieved in future and the scale of implementation required to reduce costs.

#### Recommendation

**The Commission has stated previously that an electoral modernisation strategy is required to ensure that the benefits of piloting are maximised. The absence of this strategy and other programme governance is now critical and has significantly reduced the value of these pilots.**

#### Response

The Government does not agree that the value of these pilots has been reduced by the absence of a published strategy. The Pilots prospectus which was published in October 2006, in conjunction with the Commission, set out the strategic fit of the pilots programme as well as the drivers and potential benefits of e-voting.

Overall the Government believes that these pilots, which included the first substantial instances of e-voting in a pilot since May 2003 (aside from one e-voting by-election in Swindon in 2004), have produced a significant amount of useful information, particularly in the development phase. This was their stated purpose, and will be invaluable in informing the future direction of the modernisation programme.

As the Commission is aware we have been developing and refining a strategy and will continue to engage with the Commission on this. The learning process of piloting has been a vital element in developing and refining a draft strategy. Key elements such as strategic fit of pilots and key benefits were published in the prospectus issued to local authorities in 2006.

Future governance structures will be considered in light of a developing strategy and we will be happy to continue engaging the Commission in discussion about this.

#### Recommendation

**The Commission recommends that no further e-voting pilots are undertaken until the following three elements are in place:**

- **There must be a comprehensive electoral modernisation framework covering the role of e-voting, including a clear vision, strategy and effective planning. The strategy must outline how the important issues of transparency and public trust will be addressed and should outline the process by which a more cost-effective deployment of the technology can be achieved.**

#### Response

The Government believes that the development of the strategy for electoral modernisation is in part dependent on a process of practical information gathering of which piloting has been a vital part.

Piloting is an incremental and cautious process of establishing what works and what does not, and we do not agree with the Commission that no further e-voting pilots should be undertaken until these elements are finalised. As required by statute, we will view any application to pilot e-voting on a case-by-case basis with regards to the overall objectives of the modernisation programme. We believe that further pilots will be necessary to test capacity and scalability issues for e-voting solutions if this is to be pursued.

The Government will continue to consult with stakeholders over the implementation of a published strategy and agrees that issues around transparency, public trust and cost effectiveness should be laid out clearly.

We also note that the Commission recommends, in their Key Issues and Conclusions document, that individual registration should be a precondition to e-voting pilots. The Government understands the Electoral Commission's continued position on introducing a system of individual registration and appreciates the potential benefits such a system might bring. However, this has been debated by Parliament and has been rejected. In respect of the recommendation in relation to e-voting, we do not think that the identifiers commonly proposed for individual registration, namely a signature and date of birth, are the appropriate ones and it is not something that is needed to underpin e-voting.

In May 2007 we acknowledged concerns about fraud and, based on a consideration of what had been done for postal voting, required a system of pre-registration for e-voting. This made use of two pass codes, one generated by the elector and one by the administrator. We believe this added significant security beyond that previously used for e-voting in the UK, and in many other countries.

Despite the requirement to pre-register a significant number of people signed up for e-voting.

#### Recommendation

- **A central process must be implemented to ensure that tested and approved e-voting solutions can be selected by local authorities. This could be achieved either through an accreditation and certification process or through a more robust procurement framework than is currently in place. This process must be used to enforce the required levels of security and transparency.**

#### Response

In 2007 the Government introduced a framework of approved suppliers for e-voting and e-counting pilots. The process for selecting framework authorities was rigorous and followed strict EU procurement procedures. The Government believes that the current framework provides local authorities with a sound basis from which to make choices about working with suppliers, in the context of pilots and development of processes. Nevertheless, the framework, and the process for operating it needs to be upgraded drawing on the experience of this year's pilots and other improvements in the management of Government IT projects.

If a decision is made in future to allow e-voting in elections other than in pilots then the Government agrees that accreditation or certification of systems may be desirable. This will be one approach among a range of options that will need to be considered. However, we believe that we have not yet reached the stage where decisions around procurement can be taken and further testing, whether in statutory election pilots or developed outside such elections, is required before a move to accreditation of e-voting systems, or other options can be considered.

#### Recommendation

- **Sufficient time must be allocated for planning e-voting pilots. This should be approximately six months between the time the supplier contract is awarded and the elections.**

#### Response

The Government agrees that an extended implementation period would be desirable, and would prefer to ensure greater system security testing, quality assurance and accessibility testing take place in future pilot schemes.

#### Recommendation

**We cannot support any further e-voting pilots in the absence of a framework incorporating these recommendations.**

**The electoral modernisation framework should be accompanied by an e-voting blueprint, which should describe the envisaged future situation, covering legislative, process and technology aspects. The blueprint should define the current best practice that has been identified through piloting and other electoral modernisation projects. It is natural that many areas of the blueprint will be undefined and/or unclear at this stage.**

**This will highlight those areas that need further refinement, either by piloting or other measures. The blueprint will be an evolving document that will be shaped by the electoral modernisation process and the technology marketplace. As the process and technology mature, the blueprint should evolve into standard legislation and best practice guidance that can be provided to local authorities and suppliers.**

#### Response

The Government would be happy to work with the Commission and local authorities to develop any programme documentation to support implementation of a modernisation strategy.

#### Recommendation

**It is recommended that once the vision, strategy and initial blueprint have been developed, they should be published and open to public consultation. This will be an important step in ensuring that stakeholders are involved in the debate about the role of e-voting in the overall electoral modernisation process.**

#### Response

The Government is happy to work with the Commission and other stakeholders on public consultation.

## **Electronic Counting**

#### Recommendation

**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.**

#### Response

In its evaluation of the May 2006 local election pilots, the Commission noted that the provision of e-counting systems and solutions remains specialised, and that there is currently limited capacity in the supplier base to support widespread rollout. The Commission further noted that there is potential for other approaches to be adopted such as the use of standard commercial technology.

The Government is therefore surprised by the Commission's belief following the May 2007 pilots that the piloting process for e-counting has largely achieved its objective. The Government feels this is rather premature and that there are likely to be lessons still to be learned from further testing of the processes. The Government is concerned to avoid raising expectations as to change and is keen to ensure that the lessons learned about scale and further piloting in respect of e-counting are taken account of before any rollout.

In the Government's view further testing needs to focus on particular aspects. For example, we need more information about the use of proprietary machines, off - the - shelf solutions, auto-adjudication of ballots and the use of e-counting at different

types of elections. The Government accepts that all e-counting pilots need to take into account lessons previously learned. The experience of the Scottish elections in May 2007 suggests that further piloting is required before e-counting can be considered to be a reliable and transparent solution on a national scale.

#### Recommendation

**Substantial testing must be undertaken, either through an accreditation and certification process or through a detailed and thorough procurement process. This procurement process will need to be substantially more detailed than that undertaken for the framework agreement put in place by the MoJ for these pilots.**

#### Response

The Government agrees that more testing must be undertaken to further refine e-counting systems, and believes that pilots may be the most appropriate way of achieving this. It is too early in the e-counting process to say whether setting up an accreditation and certification framework is the best option for the future.

In 2006 we instigated a rigorous procurement process, which was commented on by suppliers as one of the most demanding procurements they had engaged in. We believe that it has reduced the burden on local authorities where previously they were required to run the entire process independently.

#### Recommendation

**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. But we recommend a minimum lead-in time of six months.**

#### Response

The Government accepts this recommendation and will continue to work with local authorities and suppliers to ensure that there is continued development of the e-counting process.

#### Recommendation

**Measures must be in place to ensure that current best practice is adopted.**

#### Response

The Government is looking at current best practice around e-counting on the basis of experience gained through piloting. This will be made available for local authorities that are considering piloting e-counting.

### Recommendation

**The Commission questions the value of undertaking further small scale pilots of the kind that were run at the May 2007 elections and would not recommend their further implementation.**

### Response

The Government disagrees with this recommendation. We pilot on a small scale to continue learning about systems and processes, which will inform policy and potential accreditation, and to increase the technical knowledge base amongst local authorities.

### Recommendation

**Issues relating 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.**

### Response

The Government agrees that transparency of the e-counting process is important. The purpose of pilots is to learn these lessons, and future pilots will continue to explore innovations around increasing transparency in general, and around processes at the count in particular. This is why we believe further piloting in a live environment is essential.

## **Advance voting**

### Recommendation

**As part of its wider electoral modernisation strategy, the Commission recommends that the Government should come to a decision on whether advance voting should be mandatory, optional or discontinued. In developing that policy, we further recommend that the Government should consult widely on the implications of each of these options.**

### Response

The Government notes the Commission's recommendations.

We agree that we have gained significant information through the planning of advance voting pilots over recent years to make a decision on advance voting in a stand alone context. However, we may need to consider it further in light of work around any consideration of weekend voting, which is mooted in *The Governance of Britain* Green Paper.

## Recommendations

**The choice of times and locations for advance voting facilities are key factors in determining convenience, turnout and value for money. Any advance voting arrangements should be designed to maximise value in all these areas. In particular, repeated advance voting opportunities in the same areas are likely to increase familiarity and take-up.**

**Any advance voting arrangements should include a disability access assessment of proposed advance voting locations.**

**Any advance voting arrangements should include comprehensive and properly resourced communication plans for ensuring wide public awareness of the availability of advance voting. Advance voting stations should have clear and appropriate signage in order to attract passers-by to vote.**

**A more accurate assessment of the number of staff required for advance voting stations should be possible in future, based on an estimation of expected demand informed by the Commission's individual evaluation reports and taking into account local circumstances.**

**If the locations used for advance voting stations are not used exclusively for electoral purposes, they should be set out in such a way as to ensure the secrecy of the vote.**

**A marked register of advance voters should not be supplied to political parties, candidates and agents until after the close of poll, although candidates and election agents should be given opportunities to observe the advance voting process, as is the case on polling day.**

## Response

The Government notes these recommendations, and will consider these issues in the context of its consultation on weekend voting.

## **Signing for ballot papers**

### Recommendation

**The Commission recommends that there should be no further piloting of signing for ballot papers at polling stations. We continue to question the overall deterrent value of requiring electors to sign for ballot papers unless the provisions are linked to a system of individual registration, which would enable meaningful checking to take place if this proved necessary.**

### Response

The Government - with the express support of Parliament - is committed to the full implementation of requiring signatures in polling stations at all elections, as and when Parliamentary time allows. Until such time as the measure can be fully rolled out, we may continue to seek to use opportunities such as election pilots as a means by which practical implementation issues can be identified and addressed before full implementation.

The Government is pleased to see that the public opinion research undertaken for the Commission indicates that requiring electors to sign ballot papers in polling stations does have a positive impact on levels of public confidence.

#### Recommendation

**In 2006 the Commission identified a number of good practice learning points which it believes still stand and which should be highlighted through effective guidance and training prior to full implementation. These include:**

- **ensuring that appropriate space is provided for electors to sign on corresponding number lists**
- **requiring that electors sign with a pen, to ensure that a signature cannot be altered**
- **ensuring that electors signatures are covered up once they have been provided, to address any concerns about secrecy and identity theft**

#### Response

The Government endorses these good practice points and will take them into account prior to full implementation of these regulations.

#### **Conclusion**

The Government welcomes and is appreciative of the input which the Electoral Commission have provided through their evaluation and reports on the electoral pilot schemes in 2007. The evaluations have supplied the Government with an invaluable amount of knowledge and expertise which can be used to:-

- Further develop our electoral modernisation strategy;
- Inform any future pilots and research which needs to be undertaken;
- Achieve a future voting process that promotes a convenient range of choices to eligible people and maximum effectiveness and efficiency, without compromising accessibility and security.