Key issues and conclusions
May 2007 electoral pilot schemes

This paper provides an overview of issues arising from the May 2007 electoral pilot scheme programme. It also considers the pilots in the broader context of the Government's pilots programme and makes recommendations for change.

Statutory context for pilot schemes

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. We 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 to date

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.

To date there have been six separate rounds of electoral pilot schemes.[1] These are summarised in Table 1.

There have, in addition, been a number of pilots at local by-elections to fill casual vacancies. These have almost exclusively been all-postal voting pilots.

Democracy matters

Benefits of piloting

The Commission supports in principle the process of piloting changes and innovations in order to explore the potential for providing alternative voting methods to electors, the likely impact of new administrative procedures and the modernisation of the electoral process. One of the benefits of the Government's pilots programme is that it has allowed electoral changes and innovations to be tested in a real-world environment. In addition, the process of evaluation has enabled best practice and key learning points to be identified. This has been particularly evident in relation to piloting certain administrative measures, including innovations contained in the Electoral Administration Act 2006 (EAA), such as corresponding number lists, security marks on ballot papers and unique identifying marks. It also provided a thorough test of all-postal voting, which, following extensive piloting, is not now currently being pursued as part

Table 1: Overview of electoral pilot schemes since 2000		
Pilot programme	Scale	Innovations tested
May 2000 English local government elections*	38 pilot schemes	All-postal voting, postal voting on demand and early (advance) voting
May 2002 English local government elections	30 pilot schemes	All-postal pilots, and multi-channel voting pilots using remote electronic voting
May 2003 English local government elections	59 pilot schemes	All-postal voting, multi-channel remote electronic voting, new voting hours, locations and administrative processes such as electronic counting
June 2004 combined European Parliamentary and English local government elections	Four European Parliamentary regions: the East Midlands, North East, North West, and Yorkshire & the Humber	All-postal voting
May 2006 English local government elections	15 pilot schemes	Postal vote signature checking, signing for ballot papers at polling stations, advance voting, electronic counting and a number of administrative measures included in the Electoral Administration Act 2006 designed to improve the security and administration of elections
May 2007 English local government elections	12 pilot schemes	Electronic voting, electronic counting, advance voting and signing for ballot papers at polling stations
Note: *The May 2000 electoral pilots pre-dated the establishment of the Commission. These pilot schemes were evaluated by the local authorities themselves, using academics, consultants or their own resources. All subsequent pilot schemes have been evaluated by the Commission.		

of the Government's pilots programme.

In addition, pilot schemes have enabled the identification and analysis of important issues related to electronic voting (e-voting) and electronic counting (e-counting), including risk management, security and confidence, accreditation and certification, procurement, project management, quality assurance and cost. The ability to identify and resolve these issues before any new legislation is introduced is an important benefit of the piloting process. The further investigation of many of these issues has been repeated at the May 2007 elections and they are discussed in more detail in the next section of this paper.

Key issues at the May 2007 pilot schemes

Twelve pilot schemes in 13 local authority areas took place at the May 2007 elections.

Advance voting and signing for ballot papers

For the most part, pilot schemes that tested advance voting and signing for ballot papers at polling stations (Gateshead Metropolitan Borough Council, Sunderland City Council, Bedford Borough Council and Broxbourne Borough Council) were managed and implemented successfully by local authorities, although there was little in the way of new learning points when compared with previous rounds of similar pilot schemes. Given this, the Commission recommends that there should be no further piloting of these innovations.

Instead, we recommend that, as part of its wider electoral modernisation strategy, 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 those options.

With respect to signing for ballot papers, the Commission continues 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, by requiring individuals to provide personal identifiers at the point of registration, would provide a basis for checking signatures at polling stations should circumstances prove this to be necessary.

Electronic counting

The issues surrounding e-counting at the May 2007 elections were far more complex and far-reaching in terms of their impact on the administration of the elections and on stakeholder confidence. The elections saw four individual local authorities (Bedford Borough Council, Breckland District Council, Dover District Council and South Bucks District Council) and two local authorities working jointly together (Stratford-on-Avon District Council and Warwick District Council) pilot e-counting, with mixed outcomes. While e-counting was successfully implemented in Dover, Bedford and South Bucks (although it should be noted that there were a few technical difficulties in

Bedford and South Bucks which resulted in the speed of the count being much slower than envisaged), e-counting in Stratford, Warwick and Breckland 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 this year, 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 we consider 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. We have previously highlighted many of these issues.

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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. But we recommend 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 2007 elections 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.

Electronic voting

The May 2007 elections also saw five local authorities (Rushmoor Borough Council, Sheffield City Council, Shrewsbury & Atcham Borough Council, South Bucks District Council and Swindon Borough Council) 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 (Sheffield, Shrewsbury & Atcham and Swindon) 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 Swindon 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 recommends that no further e-voting is undertaken until the following four elements are in place:

- There must be a comprehensive electoral modernisation 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.

Wider issues

Timescale

The overall outcome of the pilots in May 2007 was varied. The Commission considers that a major factor influencing the success, or otherwise, of the e-counting and e-voting pilots was the amount of time available for planning and implementation. By the time suppliers had been chosen for the pilots, just two to three months remained to implement them. Given the complexity of many of the pilot schemes, this was clearly insufficient and, moreover, exposed the electronic pilots to considerable risks, which could not be managed effectively and which, in some cases, developed into serious administrative and practical difficulties.

The timescale issues highlighted here are not new. The Commission believes that six months would be more a realistic timescale from the awarding of the contract to the commencement of any future e-voting or e-counting pilot schemes.

Procurement

The Commission considers the development of a framework of qualified suppliers that local authorities can use with confidence to be a good idea. However, we have significant concerns about the overall robustness of the procurement framework established by the Department for Constitutional Affairs.[2] Notwithstanding the time constraints within which suppliers were operating, it is clear that some suppliers underperformed, or were not equipped to deal swiftly and efficiently with issues as they developed. This raises serious questions about their qualifications for being on the framework. The local authorities believed that the procurement process had involved a higher level of testing and investigation than was actually the case.

The Commission believes that greater emphasis must be placed on ensuring the suitability and competence of suppliers and their solutions, and their compliance with the framework, before pairing up between suppliers and local authorities takes place. In addition, the Ministry of Justice (MoJ) must take a more proactive role in the management of suppliers in order to ensure that they comply with testing and quality assurance requirements, which must be undertaken and completed well before the implementation of any e-counting or e-voting scheme.

Quality assurance and testing

The extent to which the tight timescales affected the planning and implementation of the e-counting and e-voting pilot schemes has already been discussed. Further issues that were clearly affected by inadequate timescales were quality assurance and testing. While the level of testing and quality assurance across the pilots varied, with some suppliers employing more rigorous techniques and procedures than others, it is apparent that some of the problems that emerged were in part caused by limited and late testing. In Stratford and Warwick, user acceptance testing did not take place until 2 and 3 May respectively. In Swindon, pre-polling day end-to-end testing of the wireless electronic polling station network did not take place at all, which exposed the pilot scheme to an unacceptable level of risk.

Although the MoJ undertook its own quality assurance through a security audit, this took place far too late. In some cases, the audit was conducted too close to the count or 'going live' date, which meant that, realistically, there was not enough time to make any significant changes following the audit. Clearly, it was incumbent on the suppliers to ensure that their solutions met the requirements of the framework. As noted earlier, however, these requirements were not rigorously enforced by the MoJ and by the time the audit took place it was too late.

A more constructive and less risky solution would involve the development, quality assurance, testing and, ideally, accreditation and certification of e-voting and e-counting solutions before they are tested in a live election environment. This could substantially increase confidence in solutions being trialled and provide more time for project management and the implementation, administration and overall delivery of the pilot scheme.

Local authority and supplier knowledge

A further issue emerging from the May 2007 pilot schemes concerns the relationship between local authorities and suppliers. In some cases, it was clear that local authority elections staff were supplier-led, which was often a reflection of

their not having the technical knowledge or project management skills in order to deal effectively with situations and take key decisions as events transpired. In other cases, it was clear that suppliers did not have sufficient knowledge of UK electoral law and practice, which necessitated briefing that used up valuable time, or had wrongly assumed that certain e-counting solutions, for example, would work effectively in the context of English local government elections. The Commission believes that, in future, the working relationship between local authorities and suppliers should be based on an enhanced mutual understanding of each others' requirements and responsibilities before implementation. Possible ways forward could involve the development of best practice guidance for Returning Officers or the collaboration of local authorities and suppliers in the development of e-voting and e-counting solutions specifically designed for all elections in the UK.

A way forward

The concerns and issues highlighted in this paper lead the Commission to the following conclusion. We consider it essential that the Government develops a robust, publicly available electoral modernisation strategy that has been subject to extensive consultation. This is something that we have recommended previously to the Government.

The strategy should set out a clear direction and explain in precise terms the overall purpose of electoral modernisation in the broadest sense (for instance, the likely read across and dependencies to electoral policy as a whole). It should also consider why, where and how pilot schemes fit into the strategy and what value they add both in terms of policy evaluation and of costs and benefits. The strategy should include clearly defined and measurable success criteria and endpoints and take account of priority areas identified in the Government's July 2007 Green Paper, *The Governance of Britain*.[3]

The Commission's evaluation of this year's pilots, and those of previous years, suggests that there is a range of important issues that must be examined and resolved as part of the development of an electoral modernisation strategy. These include timescales, procurement, quality assurance and testing, the relationship between local authorities and suppliers, the capacity of Returning Officers and their staff to cope with more complex electoral processes, the issue of individual registration and public trust. The May 2007 experience shows that the failure sufficiently to acknowledge the extent to which these issues can have an adverse impact on the management and implementation of pilot schemes has resulted in the deployment of underdeveloped solutions which, in some cases, were not ready to be tested in a real-world election environment.

The Commission believes that there is a need for a wider public policy debate about the merits of electoral innovations such as e-voting and e-counting. This was highlighted during the 2007 pilots by the activities of interested observer groups who have questioned the fundamental basis for such innovations. We believe that the publication of a clear electoral modernisation strategy could facilitate and further that debate.

Recommendations

- The Commission believes that piloting has achieved its objectives for a number of electoral modernisation activities – in particular, signing for ballot papers at polling stations and advance voting – and that the required learning has been achieved. We recommend that further pilots are not necessary in these areas.

- Significant challenges still remain in some areas. The Commission recommends that no further piloting should take place in the absence of a robust, publicly available strategy that has been subject to extensive consultation.

- The Commission recommends that there should be a gap of at least one year before consideration is given to any further piloting of electoral innovations at local government elections. This period of time should be used to develop and debate a robust electoral modernisation strategy that would review progress, propose a new way forward and instigate a public and policy debate. It would also allow elections staff and suppliers a breathing space in order to catch up with the recent EAA changes.

- 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 those options.

- 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.

- The Commission recommends that no further pilot schemes involving e-counting should be undertaken unless there is an effective framework of qualified suppliers that local authorities can use with confidence to support it. Substantial testing, either through an accreditation and certification process or through a detailed and thorough procurement process, must be a prerequisite of any further piloting of e-counting. We note that for elections to the London Assembly and for the Mayor of London, which are next due to take place in 2008, there is already provision in law for an e-count to be carried out without the need for a pilot

scheme. It is strongly recommended that the implementation of e-counting at these elections should provide for substantial testing and the incorporation of best practice along the lines set out in the Commission's separate summary paper, 'Electronic counting'.

- Similarly, the Commission recommends that there should be no further e-voting pilots until an effective framework of qualified suppliers is in place to support and exploit them, and until the range of issues identified in this paper and in this year's and previous years' pilot reports have been addressed. This would include individual registration and an electoral modernisation strategy, together with sufficiently tested and approved solutions that can be selected by local authorities. As proposed for e-counting, this could either be achieved through an accreditation and certification process or through a more robust procurement framework than is currently in place.

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1 There were no pilot schemes in 2001 and 2005 because in those years UK Parliamentary general elections were combined with local government elections, and there is no statutory basis for using non-traditional voting methods at UK Parliamentary general elections. However, the 2004 European Parliamentary and Local Elections (Pilots) Act enabled all-postal pilot schemes to be held for both the 2004 European Parliamentary and (where relevant) combined local government elections.

2 Hereafter referred to as the Ministry of Justice following the machinery of government changes on 9 May 2007.

3 HM Government, *The Governance of Britain* (Cm 7170, July 2007).

Further information

All evaluation reports for individual electoral pilot schemes are available from our website.

In preparing the evaluation of the 2007 electoral pilot schemes, the Commission has drawn on findings from work undertaken by a number of contractors, including technical and accessibility experts. Their reports are available from our website.

Further information on electoral pilot schemes is available from the Ministry of Justice website, www.justice.gov.uk.

Feedback

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