Feedback on the draft Electoral Commission ERO and RO Performance Standards Framework

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This document provides some comments on the ERO and RO draft performance standards that have been developed by the Electoral Commission. The comments are informed by previous research undertaken on the use of standards in the UK. They are also informed by research on international best practices on electoral management.

Context

The Electoral Commission introduced the performance standards a decade ago in light of concerns about variation in the quality of electoral administration across the UK. The initial standards scheme involved an assessment as to whether EROs and ROs were 'below' 'meeting' or 'above' specified standards. The results of the standards were published on the Electoral Commission website.

Research based on interviewing officials at the time showed that this was a very effective mechanism at bringing about change.[1] EROs and ROs would use the standards to identify what they should be doing and would correct their action as a result.

A key part of this mechanism was the 'naming and shaming'. EROs and ROs would look at their neighbouring authorities and identify how they compared to peers. Being below a standard was a strong incentive to take corrective action. Although it could adversely affect relations with the Electoral Commission locally. Most importantly, it was a strong leverage tool for electoral officials to lobby their senior managers for more resources. If they were below standard then they could point to the standards to make a case for more staff or a greater budget.

The use of standards is therefore an effective mechanism, but the publication of data on whether EROS and ROs meet each benchmark is vitally important. This data is also important for enabling academic analysis which can help to determine 'what works' in improving electoral management because the determinants of performance can be analysed.

It is therefore recommended that all data relating to the standards is published in .csv/excel format for analysis and use.

Methods for composing performance standards

A recent volume set out some performance criteria against which electoral services can be measured.[2] A PROSeS framework argued that attention should be paid to process design, resource investment, service output quality, service outcomes and stakeholder satisfaction (see Table 1). The relevant chapter has been published open access and is free to download.

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[1] Toby S. James (2013) 'Fixing U.K. Failures of Electoral Management', *Electoral Studies*, 32(4), December 2013, p. 597–608

[2] Download free: https://tandfbis.s3-us-west-2.amazonaws.com/rt-files/docs/Open+Access+Chapters/9781138682412_oachapter04.pdf

Table 4.2 The PROSeS matrix for evaluating electoral management

Dimension of performance		Focus
Process Design	Public participation	The involvement of citizens and groups in the design of electoral management processes
	Probity and impartiality	The proper use of public funds and the absence of fraud by electoral administrators
	Accountability	Redress for errors such as miscounting, rejection of paper or long polling queues. Provision of key information on services such as availability of key performance data, financial information etc.
Resource Investment	Transparency	There is transparency in the income and expenditure of EMBs with open access to data
	Sustainability	The electoral processes have stable and sustainable funding arrangements
	Legitimacy	The funding of the electoral process is seen as legitimate by actors
	Contingency	Preparations are made for unexpected events
Service Output Quality	Convenience	The ease by which citizens can register and vote
	Accuracy	Whether elections are delivered with precision and without error
	Enforcement	Rules are enforced
	Efficiency	Cost per unit of production
Service Outcomes	Formal effectiveness	Voter turnout; registration accuracy and completeness; cases of electoral fraud; rejected ballot papers; service denial; violence
	Equity	The distribution of registration and turnout rates by gender, age, race, income, geographical area and other dichotomies
	Diffuse impact	The broader positive and negative side effects such as levels of civic engagement, creation of databases useful for providing other government services
	Cost per unit of service production	Cost per registration and vote cast
Stakeholder Satisfaction	Citizen satisfaction	Citizen satisfaction with the services provided and confidence in the electoral process
	Staff satisfaction	Levels of staff satisfaction
	Stakeholder satisfaction	Satisfaction from parties, media and wider civil society in the electoral process

The model was used to compare performance in the UK against Canada. This found similar levels of performance, but that:

- The UK has poorer accountability systems. Whereas there are clear procedures for raising a complaint in Canada – this is not the case in the UK.
- The UK was much less clear about resource investment – i.e. how much money was being invested in running elections is not regularly published.

Meanwhile,

- The UK was more economically efficiently in running elections and has seen much fewer rejected ballots or administrative errors.

Many of the components of the PROSeS model are present in the performance standards. In other words, the standards map well onto academic research on best practices. However, it is recommended that the two are compared. There is notable gap with complaints – which could be included into the ERO and RO performance standards.

Complaints

Legal responsibility for running elections and compiling electoral registers lies with EROs and ROs. We can assume from this that complaints should be formally raised to EROs and ROs if voters or candidates are dissatisfied with the service that they receive – but there is no formal process. In practice EROs and ROs may develop informal mechanisms inviting aggrieved voters or candidates to write to them. However, ERO and ROs do not list mechanisms for raising complaints on the appropriate websites. The only available option is a judicial challenge in an elections court. But a simple mechanism is needed to allow a citizens to raise concerns such as a poorly equipped polling station or a candidate's agent to raise concerns about issues with communication with candidates.

A performance standard should therefore be established requiring EROs and ROs to make a complaints procedure clear on their website, amongst the activities being undertaken. EROS and ROs should be required to report information on the number of complaints, their nature and the outcome to the Electoral Commission. The Electoral Commission should aggregate such data as part of the performance standard system.

It is likely that there will be very few complaints, but this will provide transparency and accountability. Problems can be identified and addressed in future elections.

Electoral data

Electoral data plays a key role in the electoral process. It enables the election to run smoothly, but it is also important for allowing citizens to make choices, and be informed about the outcome of elections. Access to timely data is also important for journalists who report on the elections. It therefore needs to be published in a timely way and in a format that is usable for a variety of stakeholders. A forthcoming report funded by the Joseph Rowntree Reform Trust shows that the infrastructure for collating and publishing the data has some serious problems.[3] Moreover, there is considerable variation in how, whether and the format that ROs and ROs publish data on:

- polling station location
- results data
- candidate data

Firstly, it is therefore recommended that the performance standards are expanded to include the publication of this data for these areas.

Secondly, it is also not clear how EROS and ROs share electoral registration data. A range of actors have access to different versions of the electoral register – but there are risks that data on electoral registers could be used inappropriately. It is therefore recommended that EROS and ROs develop records of who requests copies of the electoral register – and that these records are provided to the Electoral Commission.

Thirdly, there is a range of data which the EROs and ROs hold which would be enormously useful for civil society groups looking to promote voter registration and political engagement. For example, the performance standards requires ERO to examine 'ward level analysis of the registration area'. This information is not necessarily publicly available but would be enormously helpful for a civic organisation looking to promote voter registration in schools, for example. It is therefore recommended that such information is made available by EROs online – or at least on request. One alternative route would be for the Electoral Commission to collect the data as part of the performance standards and then publish this online.

Recommendations summary

R1: all data relating to the standards is published in .csv/excel format for analysis and use

R2: The standards should include requirements for EROs and ROs to have publicised complaints processes

R3: The standards should cover the publication of electoral data – including:

a) how polling station locations, results and candidate data are published
b) how EROs and ROs share data; and
c) local registration rates

Toby James, 23rd August 2022

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[3] https://www.electoralintegrityproject.com/electoral-data