mySociety response to: Consultation on the electoral administration and reform White Paper

January 2023
About mySociety

mySociety is a not-for-profit group, based in the UK but working with partners internationally. We build and share digital technologies that help people be active citizens, across the four practice areas of Democracy, Transparency, Community and Climate. We are a distributed organisation, with staff working across the UK, and 18% of our staff members living and working in Wales.

mySociety runs websites such as TheyWorkForYou.com, WriteToThem.com, WhatDoTheyKnow.com and FixMyStreet.com. Through our work and research, we advocate for how technology can be used to improve democratic infrastructure and help create transparent, informed, and responsive democratic institutions and provide equal access to information, representation and voice to citizens.
Open register and anonymous registration

Q8 - How can we best help people understand they have been automatically registered and feel confident that their data is protected, especially for people who may be vulnerable or wish to register anonymously?

It would be important to have an intermediate stage that allows people to object to automatic processing, or to be referred to the anonymous process. This would help ensure that address information made available to public authorities and educational institutions for important functions does not become publicly accessible without advance notification.

An important part of this would be raising awareness of how the register’s information is accessible, and that there is an option of registering anonymously. Even though there are legal requirements to provide certain kinds of evidence in support of an application, it could make it much easier to register to vote anonymously, and the Electoral Commission’s PDF form could be augmented with an online process that helps route to the correct Electoral Registration Office.

Q9 - To what extent do you agree with the removal of the open register in relation to devolved elections?

Strongly Agree.

In practice, a majority of people now opt-out of the open register. That the register can be sold in bulk is not an intuitive requirement of registering to vote, and removing the open register would better reflect modern ideas of data privacy.

Removing bulk access to the register helps reduce (but not remove) the risks that lead to a need to register anonymously, as it is less likely that address information escapes into other publicly accessible sources.
Voter Information

Q45 - Should the Welsh Government consider making provision for an online voter information platform? What information should be provided on the platform and who should host it?

Yes.

Our key points:

- The Welsh Government should make provision for funding online voter information.
- This would include an information hub where important information about voting and candidates could be accessed, which would be promoted through official materials.
- This function should be discharged by an independent organisation - with the Electoral Management Board a good candidate.
- To produce the infrastructure and data required to make this hub a success, the Board (or similar) should act as a commissioning organisation that supports the wider democratic data ecosystem.
- A deliberative exercise involving ordinary citizens would help provide a clear direction on the kind of information that people want to be available in elections.

Governance and role

Currently provision of official information about electoral information is hard to access, and some of the best sources of information are crowdsourced by not-for-profit organisations. There is substantial scope to improve the provision and accessibility of information about elections in Wales.

The white paper references the Constitution Unit’s Doing Democracy Better report, which recommends an Information Hub that receives public funding and administration via an independent body. As suggested in the white paper, the proposed Electoral Management Board could be a good candidate for being that independent organisation.

For the specific context of improving Welsh electoral and democratic information, we suggest that the information remit of the Board should not just to create a website, but to support a wider
electoral data ecosystem that makes the website effective, and makes sure the information produced is accessible in as many ways as possible.

**Supporting the electoral data ecosystem**

We recommend a role where the Board aims to achieve its goals through use and support of the existing democratic information ecosystem. This would involve commissioning services or data from existing sources and organisations rather than attempting to move all functions in-house (at least at first).

The proposed Board is an evolution of an existing non-statutory organisation that provides collaboration and support between officials working to deliver elections. Some aspects of data collection and providing better information to voters are a continuation of work that EROs already do. But some aspects of data production and public release would require new capacities that are a step away from this coordination role.

At least initially, the Board’s information function would work well mostly as a commissioning body that ensures the neutral provision and accessibility of information, while practically working through existing organisations. As the Doing Democracy Better report argues, the first steps in better information provisions are building on existing ad hoc arrangements. In time, this approach would either work well, or more functions may be taken in-house as the Board becomes more confident in the information provision function.

**Relationship to civic technology organisations working across the UK**

The white paper correctly notes an issue on not-for-profit organisations like Democracy Club which applies more generally to the civic tech sector. Widely relied upon sources of democratic information “rely on volunteers and [have] unpredictable funding”.

One solution to this would be to duplicate functions of organisations like Democracy Club inside the public sector. The other would be to support the organisations providing useful data financially and make that funding more predictable. Doing so not only makes the best use of existing expertise, but achieves wider strategic goals through leveraging the UK-wide activities of third party organisations.

It is good for the provision of Welsh electoral information, and for Welsh citizens more broadly, to engage and support organisations that provide democratic information working across the whole UK. Wales is part of the UK-wide information ecosystem. Welsh citizens consume UK-wide media, and access political information websites primarily aimed at a UK-wide audience. There should absolutely be an authoritative source of information hosted by a Welsh public body, but it should be expected that citizens will find their way to that information through a variety of routes, including those run by organisations outside Wales. The information hub is important, but
maintaining this wider web of information flows helps make sure important information reaches as far as it can.

Working with other organisations with existing UK-wide connections and profile helps improve provision of information to Welsh citizens. By ensuring that it is easier for UK-wide media to make use of connections and data flows developed for UK Parliament elections, it makes it much easier for the same processes to be reused for Senedd elections. For instance, it is good for information provision of local elections in Wales if there is a UK-wide service providing information about poll locations and candidate information that is integrated into many different sites. A scenario where Welsh elections use an incompatible approach would make it harder for Welsh citizens to access this information.

**What information should be included in the platform**

At an uncontroversial level, there is factual “how to vote information”. For instance, voting periods, voting locations, lists of relevant candidates, and explanations of voting systems (which may in future vary between different principal authorities).

There is candidate provided information, such as candidate statements, which could be required at time of nomination. This raises risks of offensive statements which would either require firm disclaimers, or tricky questions about the official information providers would need to moderate some aspect of democratic speech. This kind of distribution of candidate statements already happens in some jurisdictions however, and it shouldn’t be seen as a risk that stops the wider approach.

More complicated is additional information that may be useful to voters, but where the relevance might be disputed by candidates. For instance, knowing who is and isn’t a current elected official is important information, but means the election isn’t being treated as a blank slate. Elected officials have a record of action that could be highlighted. TheyWorkForYou does not currently produce voting summaries for Members of the Senedd but in principle could be supported to do so, or a similar exercise could be carried out by a different group.

Including information about elected officials creates a different idea of what the election is about (judging the performance of current elected officials) than not including this information (that all candidates are ‘equal’ in status at this point). Commissioning a Voter Advice Application (which matches voters to candidates based on their respective answers to a questionnaire) would reflect a view that elections should be about policy alignment and the future, rather than actions in the past. All of these are valid views to hold about elections, but deciding which information to highlight involves big questions about what elections are for, and how people should be making decisions. This is a complicated question, but there are ways of approaching usable answers.
We would recommend the Board commission a deliberative exercise (such as a mini citizens assembly) to inform the kind of information that citizens themselves would like to be present from different options. This provides firmer backing (or clearer opposition) to making what might be more controversial choices about information to be included. This might ask for guidance on the acceptability of moderation/no moderation of candidate’s personal statements, the kind of official information that should be requested from candidates, and how official/third-party data can be incorporated. The goal would be to produce a platform that is anchored in citizens’ actual experience of what information they wished they had, and that reflected that different people approach electoral decisions in different ways.

**Q46 - Who would need to provide information to an online voter information platform and how could they be supported to do so?**

Depending on the final content, this is likely to be a combination of information that is already held by EROs, new data collection requirements on EROs, managing flows of official information, and commissioning and sourcing data from third parties.

The first is an evolution of work that is already happening, and requires productive relationships and knowledge sharing between EROs to understand challenges and obstacles. The second can be managed through various approaches depending on the scope of the proposed project. Some in-house data expertise (or advice from other public bodies) is required to commission effectively, but the exact balance of in-house expertise versus making use of outside organisations is a more open question. Regardless, we would recommend that even approaches with a large in-house process are actively working to support the wider ecosystem, rather than create duplicate processes.

**Local Candidates Survey**

**Q61 - To what extent do you agree or disagree that the requirement to set out the Local Government Candidates’ Survey questions in regulations should be removed?**

changes difficult. Where the questions are in legislation, even officially produced clarifying
documents are not at the same level of authority.

**Q61a - If Strongly Agree or Agree, should the survey be updated through a formal review process involving key partners?**

Agree - Legislation should set the spirit and direction, but allow the details to be filled in after the fact. Ideally a collaborative process involving the Welsh Government, local authorities and a sample of candidates would be used to create a process that works for everyone.

**Q62 - Do you agree there should be flexibility for local authorities to ask questions about local widening participation measures?**

Agree - but wherever possible relevant questions should be uniform across local areas. A collaborative revision process, combined with some ability to add additional questions, should cover both bases.

**Q63 - Do you agree questions should be included in the survey about candidates’ experiences of abuse and harassment (see the section on “other measures we are taking to ensure candidates safety”)?**

Agree, it is important to understand candidates' experiences, how these relate to protected (and other) characteristics, and the success of planned measures and approaches.

**Q64 - Do you think Welsh Ministers should approve the full set of questions or only the core all-Wales questions?**

Perhaps lighter than ‘approval’, but some central coordination would help areas considering similar questions converge on similar/the most useful wording.