



Llywodraeth Cymru
Welsh Government

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Welsh Government
Consultation – Summary of Responses

Summary of responses to the consultation on the Draft Local Elections (Principal Areas) (Single Transferable Vote) (Wales) Rules 2023

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Mae'r ddogfen hon ar gael yn Gymraeg hefyd / This document is also available in Welsh
Rydym yn croesawu gohebiaeth a galwadau ffôn yn Gymraeg / We welcome correspondence and telephone calls in Welsh.

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Introduction

The Senedd has legislated to allow local authorities in Wales to choose their electoral system, between First Past the Post (FPTP) or Single Transferable Vote (STV). The consultation sought views on the *Local Elections (Principal Areas) (Single Transferable Vote) (Wales) Rules 2023* (the draft STV Rules), which outlined how an election using the STV system would operate.

The Local Government and Elections (Wales) Act 2021 (“the 2021 Act”) enables principal councils to opt to hold future elections using the STV system. These provisions came into effect from 6 May 2022. Principal councils will continue to use FPTP unless they decide to change in accordance with the procedure set out in sections 8 and 9 of the 2021 Act.

The Local Elections (Principal Areas) (Wales) Rules 2021 (“the 2021 Rules”) set out how elections to principal councils must be conducted only where FPTP (or simple majority system) is used. They do not make provision for the conduct of elections where the STV system is in use. The draft STV Rules have been drafted to address this.

The 2021 Rules will continue to make provision about FPTP for the conduct of elections in areas which have not decided to use the STV system. The draft STV Rules will amend the 2021 Rules so that they provide for the conduct of elections where the STV system is in use.

The consultation sought views on the issue of **manual vs electronic counting** and also focused on the following areas:

- **Ballot papers** – the layout of the ballot paper and how this might affect the way people vote in a poll using STV;
- **Changes to Prescribed Forms Giving the Voter Instructions About How to Cast their Vote** – whether these instructions are sufficiently clear;
- **Quota** – the method to be used when calculating the quota;
- **Surplus transfer** – how voters’ preferences are transferred once a candidate with the fewest votes has been eliminated or has reached the quota and is elected;

- **Exclusion of Candidates** – the rules which will apply when a candidate with the lowest number of votes is excluded;
- **Non-transferable Ballot papers** – when ballot papers are to be considered non-transferable;
- **Last Vacancies** – the provision for filling of last vacancies; and
- **Recounts** – the provision made for candidates or election agents to request a recount of votes.

Overview of responses

A total of 32 responses were received from organisations and individuals.

Table 1: The number of respondents by type across all survey formats

Type of Respondent	Number of respondents
Individual	16
Organisation	16
Total	32

A list of all respondents is included at page 17.

Summary of Responses to Consultation Questions

The consultation paper can be viewed [here](#) and contains background information and the context for each of the questions asked.

Manual and Electronic Counting

We asked for views on the Welsh Government's position that manual counting should be adopted when opting for STV at this stage. We also asked for views on considering electronic counting in the future.

Question 1a

Do you agree that the STV Rules should be drafted on the basis of manual counting only?

Total number of responses: 30

15 supported omitting electronic counting and 15 did not.

Supportive respondents fed back that they believed electronic counting was complex and increased the chances of voting manipulation. Some respondents suggested that two different counting methods in operation could cause complexity and confusion. The Electoral Commission noted the challenges of procuring an electronic counting system and uncertainty about numbers of Councils adopting STV as valid reasons for implementing manual counting only initially. It also provided information about practical issues to consider in implementing manual counting of STV elections.

Unsupportive respondents suggested that electronic counting was quicker and more accurate. Some suggested working closely with the Scottish Government during the implementation phase. Some respondents, including the Association of Electoral Administrators, suggested both options should be included in the Rules to allow flexibility for returning officers to consider local circumstances.

Question 1b

Should rules that allow for electronic counting be prepared for future elections, in time for local elections held after 2027?

Total Number of responses: 29

24 respondents supported implementation in time for elections after 2027 whilst 5 did not.

Supportive respondents fed back electronic counting should be implemented sooner rather than later as it will cut down on human error. Unsupportive respondents felt that the potential manipulation of electronic vote counts was a significant concern. Some respondents from both sides suggested that the Welsh Government should fund electronic counting to support local authorities.

Ballot papers

Question 2

Do you agree that the current requirement to list candidates alphabetically by surname should not be changed?

Total Number of responses: 29

19 respondents supported the status quo whilst 10 believed that changes should be made.

Respondents that supported the current arrangement stated that changes could cause confusion to voters and would be difficult for administrators. Additional concerns were also raised pertaining to how these changes could impact those who are partially sighted.

Those that supported changes were of the view that randomising surnames would be the only way to avoid voting bias and provide a level playing field for all candidates standing for election.

Question 3

Do you agree that the amended guidance to voters clearly explains how they should mark the ballot paper in an election under STV? If no, please suggest improvements.

Total number of responses: 29

19 respondents agreed and 10 did not.

The majority of respondents felt that the amendments made to the guidance clearly explained how the ballot paper should be marked under STV.

The Electoral Commission fed back that the draft instructions to voters are clear and are in line with the language that is already used at STV elections in Northern Ireland and Scotland.

In relation to the guidance to voters presented in the schedules 2-8, the Electoral Reform Society, the Association of Electoral Administrators, Dr Gilmour and Carmarthenshire County Council suggested various amendments to make the wording clearer and easier to understand.

Points raised included:

a) the word "number" should replace "figure" in guidance, polling cards and postal vote statements;

b) the ballot paper heading should include the name of the ward;

c) the word "choices" should replace the word "preferences";

d) In the instructions stating: "put the number **1** in the box next to your first choice", it would be better to state explicitly "in the voting box" to discourage the marking of preferences on the party emblems¹;

e) the message "Use only NUMBERS" should be reinforced on the ballot paper and;

f) the word "NUMBERS" should be positioned directly above the voting boxes to

¹ there are two boxes next to each candidate the first containing the party emblem - where appropriate

avoid using “X” voting to mark the STV ballot paper, which has previously led to high levels of rejected ballot papers elsewhere.

Quota

The quota is the number of votes sufficient to secure the election of a candidate. We asked for views on choosing the Droop quota whenever principal council elections are conducted using STV in Wales. Rules 60H and 64L set out how the quota is calculated.

Question 4a

Do you agree with our choice of the Droop quota?

Total number of responses: 27

24 agreed and 3 did not.

Supportive respondents fed back that the system seems to be fair and already tested elsewhere, it also ensures that candidates who receive a fair share of the votes are elected preventing small groups dominating the results. Unsupportive respondents argued that it is too complex and could exclude candidates at the bottom of the list one at a time until enough candidates had secured 50%.

Respondents also commented that the Droop quota is now used in most STV electoral systems and has universally replaced the Hare quota. Respondents including the Association of Electoral Administrators supported the Droop quota as it is already used for other STV elections in the UK (Scotland and Northern Ireland) and widely across the world.

Question 4b

Do you agree that the steps for calculating the quota as set out in Rule 60H and 64L sufficiently clear?

Total number of responses: 25

19 agreed and 6 did not.

The Electoral Commission and the Association of Electoral Administrators agreed. The Respondents fed back that the Rules were clear, but the description of the steps could be reframed to make it clearer. Respondents also reported that they would welcome

additional guidance on the equation (Rule 60H). Some, including the Association of Electoral Administrators, suggested including the equation and an example of how it works in the Rules to make it easier to understand.

Surplus transfer

We asked for views on the way voters' preferences are transferred (transfer method). The draft Rules provide for manual counting and therefore the Simple Gregory method has been recommended.

Question 5

Do you agree that the rules about the transfer of surplus votes are sufficiently clear?

Total number of responses: 27

14 agreed and 13 did not.

The majority of respondents agreed that the relevant rules around the transfer of surplus votes appear sufficiently clear and understandable; others argued that the steps are unclear and the mechanism of "surplus votes" and "redistribution of votes" could be clarified.

The Association of Electoral Administrators suggested that further guidance was generally welcomed to provide a detailed breakdown for each stage and worked examples, e.g., The Northern Ireland data result sheets from 2022 could be used as worked examples as they demonstrate the calculations and decisions taken at each stage – [‘The Electoral Office of Northern Ireland – EONI’](#). One respondent proposed that there should be changes to the wording of the Rules in order to be more precise, because it was the "ballot papers" that were transferred rather than the "votes".

Question 6

Do you agree the transfer of surplus votes should not take place where it cannot make any material difference to the prospects of the continuing candidate with the lowest number of votes?

Total number of responses: 28

19 agreed and 9 did not.

Most respondents agreed with the proposal. The Electoral Commission suggested this would help to simplify the process for Returning Officers, avoiding redundant transfers in line with existing provisions in Northern Ireland relating to the transfer of surplus votes.

Only a few respondents argued that this system may negatively impact on the transparency of the process, and they also raised concerns around casual vacancies. In this respect, The Electoral Reform Society proposed to take into consideration the recommendation of [The Expert Panel on Assembly Electoral Reform Report](#) to use countback and to redraft the rules considering the impact on casual vacancies.

Exclusion of Candidates

We asked for views on the exclusion of candidates with the lowest number of votes.

Question 7

Do you agree that the rules about the exclusion of candidates and the subsequent transfer of votes are sufficiently clear?

Total number of responses: 26

22 agreed and 4 did not.

The majority of respondents agreed the rules were clear; but they asked for further guidance because of the complexity of the topic. One respondent suggested confusion between the terms: "vote" and "ballot paper".

Non-transferable Ballot papers

We asked for views on when a ballot paper is regarded as non-transferable.

Question 8

Do you agree that the draft STV Rules are sufficiently clear about the circumstances under which a ballot paper becomes non-transferable?

Total number of responses: 26

18 agreed and 8 did not.

The majority of respondents agreed the rules were clear but supported further guidance. The Electoral Reform Society fed back that the circumstances under which a ballot paper becomes non-transferable should also explicitly include where a ballot paper has no further preference given. However, this is already included in sections 64S(4) and 64T(3) of the draft Rules.

Last Vacancies

We asked for views on filling of last vacancies. This is intended to ensure that the returning officer is required to continue counting when it would be pointless to do so.

Question 9

Do you agree that the draft STV Rules are sufficiently clear about the provision for filling last vacancies?

Total number of responses: 27

22 agreed and 5 did not.

The majority of respondents agreed that the rules were clear, but unsupportive respondents pointed out that further clarity was needed in relation to casual vacancies. Respondents also commented that they would welcome further guidance.

Recounts

We asked for views on recounting. This point is very different from the 2021 Rules, as the draft STV Rules make provision for candidates or election agents to request a recount of votes.

Question 10

Do you agree that in elections conducted using STV, a re-count may be requested in respect of the last completed stage of the count only?

Total number of responses: 28

19 agreed and 9 did not.

The majority of respondents agreed with the proposals, but a few respondents argued that it would be too complex and time consuming. Also, an error at an earlier stage might result in a close or disputed result at a later stage.

The Association of Electoral Administrators highlighted the similarity between this proposal and Police and Crime Commissioner elections previously run with the supplementary vote system. A Returning Officer could only recount the first stage count at that point and could not revisit it at a later stage.

The Electoral Commission also commented that this is a reasonable approach. It fed back that Rules 60T and 64X are also in line with the existing rules covering recount requests in Northern Ireland, where a complete recount of an election would also be impractical given the use of manual counting.

The Electoral Reform Society fed back that the need for recounts may be a consequence of the decision to use only manual counting for STV elections in Wales. Its view is that, while this system works successfully in the Republic of Ireland and Northern Ireland, there are still concerns about the perception from candidates and voters about transparency of the elections results.

Welsh Language

Question 11:

We would like to know your views on the effects that the draft STV rules would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favorably than English.

What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?

Total number of responses: 16

The Association of Electoral Administration was supportive of Welsh language not being treated less favourable than English. For instance, it was recommended that the Welsh Government liaises with the Welsh Language Commissioner as well as other relevant stakeholder groups such as the Welsh Legislation Advisory Group, Wales Electoral Co-Ordination Board and Wales Electoral Practitioners Working Group to provide expertise on this specific area.

Civica Express provided feedback on specific IT requirements if e-counting is implemented in the future. It reported that additional IT development may be needed

for e-counting systems to process larger bilingual ballot papers and recommended consultation with suppliers of electronic STV counting tools.

Question 12:

Please also explain how you believe the rules could be changed to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favorably than the English language, and no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favorably than the English language.

Total number of responses: 10

Plaid Cymru suggested that the documentation and publicity around the implementation of the new system should be available in both languages.

The Electoral Commission highlighted the need for public awareness campaigns ahead of any local elections taking place under STV – these will need to be delivered fully bilingually. It added that the time that would be required for any new documents and materials to be delivered bilingually will also need to be considered by local electoral services.

Additional Issues

Question 13:

We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

Total number of responses: 14

These are the additional issues that were raised by respondents.

- *Timing of the count across Wales*

Carmarthenshire County Council fed back that the STV count should commence at 9am the following day, with no overnight counts because of the length of the process – this would provide consistency in Wales.

- *Unintended consequences of running two electoral systems in Wales in one day.*

Carmarthenshire County Council reported that the Rules will create two voting systems being used on one day. This could lead to electorate confusion with the risk of a significant increase in the number of spoilt votes (particularly in the postal voting system).

- *Electronic counting*

A number of respondents preferred electronic counting and felt that manual counting could be complicated, time consuming, resource intensive and extremely costly for each local authority. However, respondents understood that procuring such a system will depend how many principal councils move to STV and therefore economies of scale. They also recognised the potential difficulties with two types of counting operating at the same time.

It was reported that local authorities are already facing huge challenges in attracting staff to support the elections process, their ability to secure counting venues as well as the additional cost pressures this would create.

Cyngor Sir Ynys Môn also fed back due to the decision to adopt manual counting only, the rules could be seen as a temporary, until better options are available.

- *Training*

Some respondents, including Cyngor Sir Ynys Môn, suggested that any principal council that decides to move to STV should be provided with significant support and training and assistance.

- *Implementation*

Dr Gilmour highlighted that proportionality and diversity of representation would be important in implementation of STV.

The proportionality of representation may be assessed by comparing first preference votes for party candidates with the numbers of seats won by the respective parties as

party is a prime determinant of candidate choice by voters. The diversity of representation is less easy to assess, but the most glaring lack of diversity is the under-representation of women, although women constitute the majority of electors.

- *Sorting ballot papers*

Dr Gilmour suggested references in the draft Rules to sorting the ballot papers into “groups,” e.g., Rule 64K were inappropriate. He suggested the long-established terms “parcels” and “sub-parcels” should be used.

- *Rejected ballot papers - Rule 60E(e)*

Dr Gilmour reported that it would be desirable to identify and record separately ballot papers rejected because they are “unmarked” (blank) from those that are rejected because they are “void for uncertainty.” The former is usually submitted by voters who are making some form of political protest, while the latter are usually the result of some mistake made by the voter. Separating these two categories of rejection will be helpful in analyzing the reasons for rejection. It would be also desirable to have as much information about voters’ mistakes as possible to help guide the development of future information campaigns by Returning Officers and the Electoral Commission.

Next Steps

The Welsh Government will make some small changes to the draft Rules to take account of the consultation responses.

For instance, the clarity and accessibility of the text in ballot papers and other forms will be improved, taking account of some of the helpful suggestions from respondents.

In addition, we will work with the Electoral Commission and other stakeholders on further guidance to support the implementation of the Rules.

The deadline for local authorities to decide to adopt STV for the 2027 election is 15 November 2024. It is intended that the Rules should come into force in autumn 2023.

List of Respondents

Responses were received from the following organisations and individuals.

1	Organisation	Cwlwm Federation	David Hytch
2	Organisation	Neath Port Talbot	Rhys George
3	Organisation	Pupils 2 Parliament	Dr Roger Morgan OBE
4	Organisation	Llandrindod Town Council and member of Plaid Cymru	Sian Meredudd
5	Organisation	Caerphilly	Dave Beecham
6	Organisation	Torfaen County Borough Council	Caroline Genever-Jones
7	Organisation	Cyngor Gwynedd	Rheolwr Priodoldeb ac Etholiadau
8	Organisation	Carmarthenshire CC	Wendy S Walters
9	Organisation	Plaid Cymru	G. Day Acting CEO
10	Organisation	Ceredigion CC	Lowri Edwards
11	Organisation	Association of Electoral Administrators	Angela Holden
12	Organisation	Cyngor Sir Ynys Môn	Dyfan Sion
13	Organisation	Electoral Reform Society	Jess Blair
14	Organisation	Electoral Commission	Tom Davies
15	Organisation	Civica Express	Sam Tweedale
16	Individual		Kenneth MacArthur
17	Individual		Joanne Campbell
18	Individual		A Goff
19	Individual		Gareth Parry
20	Individual		David Hytch
21	Individual		Professor Emeritus Denis Mollison
22	Individual		Dr Gilmour

Also 10 individuals who wished to remain anonymous.