

Electoral Governance and the Quality of Democracy in the United Kingdom



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Introduction

Elections are an essential component of a democracy. Well run elections are vital for ensuring that there is political equality and popular control of government (Beetham 1994; Dahl 1971). All too often, however, the quality of elections are compromised. Electoral systems might be poorly designed so that voters do not have equal voices or boundaries give political parties an unfair advantage. Election finance laws might benefit the rich or sectional interests. There might be voter intimidation or electoral fraud. The procedures for registering and casting votes might be unnecessarily bureaucratic and deter electoral participation, or the polling process might be poorly managed (Norris 2014; Birch 2011; James 2012; Schedler 2002; James 2014a).

The way in which electoral rules are made, implemented and enforced shapes whether or not these problems occur. If a government is able to openly gerrymander the electoral boundaries for partisan advantage, if there are poor systems of electoral management and no procedures for electoral justice then many of the above defects in elections are likely to be present. These processes of rulemaking, rule application and rule adjudication are known as *electoral governance*.

What systems of electoral governance are in place in the United Kingdom? This paper provides a critical overview of UK electoral governance. It begins by describing the types of elections that are held and their electoral systems. The paper then explains in more detail what is meant by the concept of electoral governance through the use of the work of Shaheen Mozaffar and Andreas Schedler (2002). It then considers the systems of electoral governance in the UK today.

The paper argues that the arrangements for electoral governance remain executive dominated, despite becoming increasingly complex. There are clear variations in the quality of electoral management board performance across the UK and examples of high profile errors made in rule application. However, these problems are at least partly the result of the many difficult challenges that electoral officials face. There are also some examples of international best practice present in electoral management. There are problems with electoral justice, however, with candidates having relatively poor methods of redress for problems in the electoral process.

Types of elections, electoral systems and electoral malpractice

In order to be able to assess the quality of UK electoral governance, it is important to understand the number and types of elections that are held. Elections to the House of Commons have always been the most important in the UK. They decide the composition of the national legislature and the executive. A single member plurality electoral system is used (often referred to as a 'winner takes all' or 'first past the post'). There are currently 650 seats in the House of Commons with each constituency electing one MP. The candidate with the most votes in each constituency wins the seat. If a party is able to form an absolute majority in the House of Commons then they will form a government with their party leader as Prime Minister. These elections take place every five years with the next due on 7 May 2015. The 2015 general election, however, will be the first that we know the date in advance. The 2011 Fixed-term Parliament Act requires elections to be every five years, but prior to this Prime Ministers could have called elections whenever they wished, so long as it was no more than five years since the last general election.

The number and variety of elections has increased substantially since the end of the 1970s because of changes in the design of the British constitution. The UK joined the European Community (now European Union) in 1973 and the European Parliament has held elections since 1979. In the most recent elections of May 2014, the UK elected 73 Members of the European Parliament (MEPs) from 12 regional constituencies using a proportional electoral system. This was a closed party list system

with the seat distribution calculated via the D'Hondt method. A single transferable vote (STV) system was used in Northern Ireland.

Power has also been devolved downwards in the UK, creating further new elections. The Scotland Act 1998 established the Scottish Parliament with tax raising powers and authority over policy areas such as law and home affairs, economic development, agriculture, education and local government. Elections to this 129 seat Parliament use the additional member electoral system. Elsewhere, the Northern Ireland Assembly was established in Belfast by the 1998 Good Friday Agreement. This is a 108 seat body elected under the STV system. The National Assembly for Wales, meanwhile, has less powers than the other devolved bodies. It is a 40 seat Assembly that also uses an additional member system. The next elections for the three devolved bodies will be in 2016.

UK citizens elect councillors to represent them in one of 468 local government authorities (LGIU 2014). The size and range of policy competencies that local authorities have varies considerably, however. Partly as a result of this, the method for electing councillors varies too. There are variations in both the electoral cycle and electoral system. The whole of county councils, London borough councils and parish, town and community councils are elected every four years, for example, but Metropolitan borough councils elect one third of the council for three of our a four year cycle. District/borough councils and unitary authorities have a choice of electoral cycles. The first past the post electoral system is used in England and Wales, but the single transferable vote system is used in Scotland and Northern Ireland (Morrison 2013, 326-434). Local governments have also been able to have directly elected mayors since 2000. These are elected on a supplementary vote electoral system. To this list we also have to add Police and Crime Commissioner elections in England and Wales and Health Board elections in Scotland (although the latter are being scrapped).

Finally, there has also been a marked increase in the number of referendums held. Referendums have been used to settle constitutional disputes such as the UK's relationship with European institutions or whether power should be devolved from Westminster. Within the current Parliament alone there have been referendums on further Welsh devolution, electoral system reform and there is a forthcoming referendum on full Scottish independence. A referendum on EU membership is possible in the next Parliament. In England and Wales some citizens have also voted in referendums on whether they should have their own elected mayor. There is therefore great diversity in the types of elections in the UK and citizens have suddenly had to become familiar with a variety of electoral systems.

Elections are considered to be conducted with a high degree of integrity when viewed from an international perspective. Electoral observers have only visited UK elections twice, but concluded after their most recent visit that:

'The 6 May 2010 general election was administered in a transparent and professional manner and demonstrated an open, pluralistic and highly competitive process. Contestants enjoyed equitable campaign conditions' (OSCE/ODIHR 2010).

Serious criticisms are frequently raised about the quality of elections by academics, politicians and pressure groups within the UK, however. The 2012 Democratic Audit of the UK (Wilks-Heeg, Blick, and Crone 2012), a highly regarded periodic evaluation of democracy in Britain, argued that such problems included:

- Persistently low voter turnout in all types of elections.
- Widening gaps in electoral participation among different social groups.

- The electoral system for the House of Commons is ‘dysfunctional’ as it gives parties excessively large majorities based on a relatively small portion of the vote, is blocking the emergence of multi-party politics and gives voters uneven voter power.
- The franchise is denied to convicted prisoners, which is a violation of international law
- The electoral register has been shown to be incomplete and inaccurate.
- Significant strains are placed on electoral administration, with queues at polls emerging at the 2010 general election.
- There are opportunities for electoral fraud associated with postal voting.

Space does not allow a comprehensive assessment of these claims and some of them are contested. They do provide the backdrop, however, for identifying and assessing the arrangements for electoral governance in the UK.

Electoral Governance in the UK

What is electoral governance? Mozaffer and Schedler (2002) identify three discrete stages. Firstly, it involves the process of *rulemaking* which is ‘the design of the institutions that define the basic framework of democratic elections’ (2002, 7). Secondly, it involves *rule application*. Once rules are made, they need to be implemented by a complex range of organisations and actors. Thirdly, it involves rule adjudication. Disputes may emerge about whether elections have been implemented by election officials correctly and whether contestants have remained within the rules. Such complaints will need considered and adjudicated on. Mozaffer and Schedler’s categorisation might be crude and some might argue that there are other steps. It is useful, however, for identifying the range of actors involved in the UK electoral governance and any problems within them.

Rulemaking in UK Elections

Rulemaking is essential for deciding the issue of where power lies in a country. Political scientists have extensively documented how electoral laws have political consequences by advantaging some candidates and parties over others, or making some citizens less likely to vote (James 2012; Rae 1967). If elite politicians are able to define laws according to their own political interests, then democracy is greatly undermined in the UK.

UK Parliament and the Executive

In order to understand the process of rulemaking in UK electoral governance, it is important to understand three central features of the UK constitution.

Firstly, there is no formally codified constitution unlike, for example, Germany, Canada or the USA. The ‘constitution’ is therefore made up of a range of fragmented statute laws passed by Parliament, common law cases made by judges, customs and conventions, historical works of legal authority and international treaties.

Secondly, one important convention at the heart of the constitution is the notion of parliamentary sovereignty. This doctrine emerged from a prolonged constitutional struggle between Parliament and the King called the Glorious Revolution of 1688. The Bill of Rights of 1689 embedded the notion that the King should be subject to the law set by Parliament. The nineteenth century constitutional lawyer described the practice of parliamentary sovereignty as:

‘...the right to make or unmake any law whatever; and... that no person or body is recognised by the law of England as having a right to override or set aside the legislation of Parliament’ (Dicey 1959, 97).

Thirdly, the executive has traditionally had enormous power within Parliament. This is because the executive and the legislature are fused; the former is drawn from the latter. A party with a majority in the House of Commons following a general election is therefore able to enact major political change, especially since the second chamber, the House of Lords, is largely considered to be a weak block on reform (although see: Russell 2013). In practice, by the executive we mean the Prime Minister. There has been a long-standing debate on the range of other checks that Prime Ministers have on their power, such as their need to listen to their cabinet, their party and public opinion (Smith 1999; Heffernan 2003; Jones 1969). However, their power remains substantial in comparison to counterparts in Presidential and semi-presidential systems to rewrite electoral law.

The British constitutional system has therefore often been described as 'elective dictatorship'. Once in power, a government can pass legislation with relatively few checks on its power. The consequences for electoral governance is that it is the executive that largely determines electoral laws. It can therefore keep laws which benefit its own electoral interests and veto proposals that might threaten them, regardless of whether they improve democracy. If we want to understand change we therefore need to understand where the governing elite perceives its interests to lie (James 2014b). A concern for its own electoral interest has therefore provided a good explanation for why Labour and Conservative governments have been resistant to electoral system reform (Evans 2003), have carefully considered the how the boundaries are drawn (Johnston, Pattie, and Rossiter 2012a) or have introduced changes to electoral administration that may suit them (James 2010; James 2012).

The Boundary Commission

The most stringent restrictions on the executive are in the drawing of electoral boundaries. Prior to the mid-twentieth century there was no statutory procedure for revising the constituencies or a requirement to do so regularly. The House of Commons (Redistribution of Seats) Act 1944, however, changed this. The Act established four independent Boundary Commissions to recommend changes regularly and within clear parameters. These recommendations would then need to be laid before Parliament by the Minister of State. The Commissions were initially required to undertake these reviews every 5-7 years, but subsequent legislation changed this to every 10-15 years (from 1958) and 8-12 (from 1992). Constituency electorates initially required to be within 24 per cent of the relevant national average and the boundaries were required to keep distinct communities together. Meeting the arithmetic criteria, however, proved difficult and legislation was introduced that relaxed this requirement over time (Johnston, Pattie, and Rossiter 2012a, 45-6).

The executive is therefore clearly constrained in its ability to gerrymander the electoral boundaries by an independent non-partisan organisation. It does have discretion in two important respects, however. Firstly, it can decide not to implement any recommendations made the Boundary Commissions. The Secretary of State might introduce legislation according to the recommendations of the Boundary Commission, but this is not to say that the government's party will vote it through. It could be delayed, amended or vetoed. Secondly, it can change the parameters by which the Commissions are required to draw up recommendations through legislation in Parliament. This has happened recently. After the 2005 general election, the Conservative Party increasingly felt that the uneven size of constituencies was giving the Labour Party an advantage. Once they came to power as part of a Coalition government in 2010, they introduced legislation that would require the Boundary Commission to ensure that all constituencies were within +/- 5 per cent of the national quota. Their Bill became the Parliamentary Voting System and Constituencies Act 2011. The Boundary Commission therefore undertook a process of redrawing the entire electoral map for the House of Commons. A fall-out between the Coalition partners saw the Liberal Democrats later introduce an amendment to legislation other that delayed its implementation until 2018 and scuppered the

Conservative's anticipated electoral advantage. The passage of the Act, however, did show another way in which the executive could heavily influence the rule-making process, even with an independent body drawing up the boundaries (Johnston and Pattie 2012; Johnston, Pattie, and Rossiter 2012b; Johnston, Pattie, and Rossiter 2012a; Johnston 2014).

The Electoral Commission

One actor which might obviously seem to be important in rule making is the Electoral Commission. Following a series of public scandals the Electoral Commission was established by the Political Parties, Elections and Referendums Act 2000. The Commission is comprised of nine or ten Commissioners who are supported by a Chief Executive, executive team and approximately 140 staff. Originally the Commissioners were required to be independent of the political parties. However, the Political Parties and Elections Act 2009 reduced the restriction on political activity for some of the Commissioners on the basis that they brought more recent experience from party politics. As a result of these changes there are up to six 'ordinary' commissioners who remain subject to restrictions on political activity. These are selected by a Speakers Committee in the House of Commons. There are also up to four 'nominated' commissioners whose names are put forward by the leaders of the political parties in the House of Commons and considered by the Speakers Committee. Having considered the candidates and made a recommendation for the appointment of the commissioners, the Speakers Committee is under a statutory requirement to consult with the leaders of the political parties (Speakers Committee 2012). The appointment of the Commissioners has not yet been a partisan issue. But there is scope for it to be.

The Commission is accountable to the UK Parliament by whom it is funded. This accountability functions through a committee which is chaired by the Speaker for the House of Commons. The Speaker's Committee provides a report to the House of Commons, at least once a year, on how the Electoral Commission has carried out its functions. The Commission is required to submit annual resource requirements to the Speaker's Committee, which the committee may modify, before the final request for funding is put to the House of Commons for approval. The Commission must submit its accounts to the Speaker's Committee. The Committee also receives reports from the Comptroller and Auditor General on the economy, efficiency and effectiveness with which the Commission has used its resources and appoints an Accounting Officer for the Commission (Electoral Commission 2012a, 17).

What does the Commission do? The Electoral Commission undertakes considerable policy and research work on election administration, political broadcasting and election finance. It has a statutory requirement to co-ordinate evaluations of all elections run in the UK. It is also required to evaluate a range of specified innovations such as recent efforts by the UK government to use electronic databases to improve the electoral register (Electoral Commission 2012c). Lastly, it must also keep electoral matters under review. This latter function gives the Commission some freedom to undertake research that it considers important. It therefore regularly undertakes reviews of the effectiveness of existing electoral practices and public opinion towards these.

The Electoral Commission's role is therefore purely advisory and it has no direct influence on law. An advisory role, however, can give it the power to bring about change by placing issues on the policy agenda. The Electoral Commission often demonstrates fearless independence and will criticise the government when it feels necessary. It has autonomously commissioned research into the electoral pilots (Electoral Commission 2003a, 2003b), the completeness of the electoral register (Electoral Commission 2011) and mechanisms for reducing electoral fraud (Electoral Commission 2014b), whether the franchise should be lowered to 16 years olds (Electoral Commission 2014a) and many other issues. These reports are frequently a point of reference for political parties seeking to develop

manifestos, civil servants evaluating existing practices or pressure groups seeking to design campaigns. The expertise that it has developed and its willingness to voice its opinion is therefore important for the health of UK democracy.

Devolved Institutions

As noted above, there has been a significant transfer of powers from central government in Westminster to Scotland, Wales and Northern Ireland. The capacity to make law for elections within the devolved territories, however, largely remains with the UK government and Parliament. The Scotland Act 1998 that established the Scottish Parliament did not devolve the capacity to make law for most elections in Scotland. Legislative competence for elections to the Scottish, UK and European Parliaments currently firmly remain the responsibility of the Secretary of State for Scotland in the UK Government. The Scotland Act did, however, give the Scottish Parliament power over Scottish local government elections, except for the franchise for those elections. The Scotland Act 2012 also gave Scottish ministers some executive competences for the administration of Scottish Parliamentary elections. Furthermore, the Scottish government has also legislated for new elections to Health Boards, National Park Authorities and the Crofting Commission (Law Commission 2012, 2).

The Scottish government has so far used the electoral rules used at local elections across the remainder of the UK. It has recently published a consultation paper *Scotland's Electoral Future* (Scottish Government 2014), however, in which radical changes for electoral administration at Scottish local elections are considered. The prospects of further devolution to Scotland means that further rulemaking discretion in Scottish elections may be on the way..

The Government of Wales Act 2006 gives the National Assembly for Wales legislative competence for local government, including 'electoral arrangements for local authorities'. However, the franchise, electoral registration and administration are all listed as exceptions to those competences. This in effect leaves responsibility with the UK Government although further devolution may change these arrangements. The Northern Ireland Assembly also has no legislative competence for elections leaving this in the power of the UK government and the Secretary of State for Northern Ireland who has some executive powers (Law Commission 2012, 2-3).

International courts

UK electoral law has been challenged by international courts, but so far incumbent governments have ignored their rulings. The Representation of the People Act 1969 prohibits convicted prisoners from voting at elections. A number of prisoners, however, have appealed to the European Court of Human Rights that this contravenes the European Convention on Human Rights. This was incorporated into UK law as part of the Human Rights Act 1998. In *Hirst v United Kingdom (No. 2)* Mr. Hirst argued that section 3 of the Representation of the People Act 1983 was incompatible with Article 3, Protocol 1 to the European Convention on Human Rights. The Court ruled against the UK government in this and in subsequent cases (The European Court of Human Rights 2014). The dispute remains unresolved, however, with the current government resistant to changing law. As Prime Minister, David Cameron has explicitly stated that the thought of prisoners voting makes him 'physically sick'.

Civil Society Advocacy

Again, although they have no direct role in rulemaking it is important to note the range of actors from civil society that either campaign for change in electoral law or provide advice. They can therefore have significant political power, but often this limited to particular moments in time. Space does not allow a full discussion (instead, see for example: Renwick 2010) but these would include:

- Individual politicians

- Pressure groups such as the Electoral Reform Society
- Law Commission
- Parliamentary Select Committees
- The Association of Electoral Administrators
- Academics – individual or as part of networks (e.g. the Democratic Audit)

In summary, rulemaking capacity does largely remain with the executive in Westminster, who have considerable power, when not in Coalition, to shape electoral law to suit their interests. There has, however, been an increase in the number of actors interested in electoral law and a diffusion in the number of ‘sites of struggle’ over electoral law.

Rule Application

Rulemaking is only one part of electoral governance. Once decisions are made, legitimately, democratically, wisely, or otherwise, democracies are dependent on a range of quangos, government departments, private sector companies and individuals to implement these decisions. These decisions could be implemented precisely, but errors can occur. James (2014a) describes how these could include failures of *steering in electoral management* in which electoral management boards are poorly designed so that their performance is undermined. This could include the collection of poor performance information, unrealistic aims, the under-resourcing of polling stations and inadequate staff training. The implementation of elections can also be undermined by *failures of rowing in electoral management*, where individual election officials are at fault. Electoral Management Boards may have set clear guidelines about how votes should be tabulated but these might not be followed (James 2014a, 139-40). The implementation of elections, or electoral management, is therefore a vital aspect of the practice of elections, although it has been largely overlooked by academics until recently.

Ministers/Departments

The Prime Minister appoints ministers to his/her cabinet, one of which will be responsible for the government department that covers elections. The Cabinet Office is currently the department that oversees political and constitutional reform, including any changes that are made to elections. It was therefore responsible for drawing up the detail of the legislative proposals that were necessary for the implementation of individual electoral registration, the most recent major changes to British elections (Deputy Prime Minister 2011; James 2014c). It has also played a key role in developing an online registration system which has recently been rolled out across England and Wales (The Cabinet Office 2013).

Local Government

Central government rarely, however, plays a major role in implementing elections. Instead, elections have historically been overseen by Returning Officers who are appointed by local government authorities. Returning Officers are responsible for the conduct of the poll and have some discretion over the timing the count. An Electoral Registration Officer is responsible for compiling the electoral register. Both Returning Officers and Electoral Registration Officers are local government employees but are independent of both central and local government with respect to their electoral duties. They are instead accountable to the courts system as an independent statutory officer and can be prosecuted for being in breach of their duties (Gay 2010). Democratic Services Managers and/or Election Managers play a closer role in implementing elections on the ground, such as managing poll workers or permanent staff who update the electoral register and deal with queries from the public.

There are some important variations across the UK. In England and Wales the Electoral Registration Officer and Returning Officer are often the same person working within the same local authority. However, electoral registration is organised by Valuation Joint Boards in Scotland. These organisations undertake the task of valuing properties for the purpose of local taxation. The Assessor in charge of the Valuation Joint Boards is therefore the Electoral Registration Officer. In Northern Ireland one Chief Electoral Officer acts as both the Returning Officer and Electoral Registration Officer. (S)he is supported by the Electoral Office for Northern Ireland and appointed by the Secretary of State for Northern Ireland.

There is no evidence that local government officials act in a partisan manner in the implementation of elections and it is widely thought that election officials are highly professional. Nearly all staff are also members of the Association of Electoral Administrators, a professional association that provides members with training and formal qualifications.

There have been numerous examples of both failures of rowing and steering in electoral management in recent years, however. Most famously, at the 2010 general election many voters were denied their right to vote because queues formed at polling stations in some larger cities owing to staff shortages. In some polling stations, staff ran out of ballots (Electoral Commission 2010). There is significant variation in the performance of Electoral Registration Officers, if measured by their registration rates. This has led many to believe that the standard of election administration varies across the UK. As will be discussed below, the Electoral Commission has introduced performance standards for electoral administrators in recent years. These have shown variation in the implementation of the procedures that Commission prescribed and that some local authorities have not complete legally required tasks such as completing an annual canvass of all properties every year (James 2013b; Clark 2014).¹

Low performance in some cases, however, needs to take into consideration the environment in which local government officials work. Research has argued that this environment has become increasingly difficult in recent years because of challenges such as budget cuts, complex electoral laws, increased immigration and further technological, demographic and social changes (James 2014a).

The Electoral Commission

As has already been noted, an Electoral Commission was setup in the UK in 2000. The Commission plays no direct role in implementing elections on the ground itself (although it has greater powers for referendums). It does have an important role in electoral management in four important respects.

Firstly, they have played a role in voter education. Up until the introduction of online voter registration this year, the Commission ran a website called About My Vote (<http://www.aboutmyvote.co.uk/>) that explained how to register to vote and provided the necessary forms. Citizens could then complete these and return them to their local Electoral Registration Officer. The Commission originally had a statutory requirement and a ring-fenced £7.5m budget to promote participation amongst the public but this was removed after a Committee, reviewing the role of the Commission, suggested that it focussed on its regulatory functions (The Committee on Standards in Public Life 2007, 5). It does not provide citizens with any information about the parties and candidates. It plays a greater role in giving citizens information about the options in referendums. For example, in the forthcoming Scottish referendum it has sent a 12 page guide to over 2.5 million households, explaining how to vote and providing information from the two lead campaign groups at the referendum (Electoral Commission 2014c).

¹ The proportion that have not met the standards has declined significantly over time, however, and many officials often did meet the standards but reported non-compliance, for strategic reasons. See: James (2013b).

Secondly, the Commission provides support and guidance to electoral administrators, parties and candidates and the general public. The Commission publishes resources for staff in local authorities delivering the elections. It has a password protected area of its website where it provides a range of key resources but it also fields miscellaneous queries. Electoral law in the UK has become increasingly complex, in part because an increase in the number of elections and use of different electoral systems and administrators often value this resource (James 2014a).

Thirdly, as noted above, the Commission has recently been granted power to set performance standards for Returning Officers, Electoral Registration Officers and Referendum Counting Officers in Britain. The Commission publishes a set of standards and election officials are required to self-assess as to whether they are 'below', 'at' or 'above' the standard. The results are then made publically available in Electoral Commission reports and an online search tool. Research evaluating the scheme has argued that this is an innovative approach in international perspective which has been an important way through which the Commission can manage electoral administrators (James 2013b). Table 2 summarises some of the positive effects that the standards had on the quality of electoral management such as increasing confidence in the quality of elections and encouraging election officers to review their procedures more frequently. They therefore represent a novel innovation which other countries can learn from.

The Electoral Commission tried to exert further control over local government officials, however, in the two referendums of 2011. Under the Political Parties, Elections and Referendums Act 2000 the Commission had a number of specific responsibilities and functions in relation to the delivery and regulation of the referendum that it does not have at elections and had not been used. The Electoral Commission's Chair, Jenny Watson, was therefore the Chief Counting Officer and able to issue directions to EROs and ROs. Local officials were then required to report in real-time whether or not the directions had been implemented by the specified date. The system therefore constituted the centralisation of electoral management.

Table 2: The effects of benchmarking on elections. Source: James (2013).
Improved confidence in election administration within the council, candidates and amongst the public.
More frequent evaluations of services.
More consistent services were produced
Increased contingency plans and risk management
Closer and more formal links with other stakeholders in the elections process.
Increased individual and team morale amongst well performing councils

Table 3 summarises the effects of the changes by an evaluation (James 2013a). There were a number of positive outcomes such as more consistent electoral services and the elimination of some administrative errors through early identification and action. However the centralisation also led to negative effects such as the undermining of staff morale and a reduction in the sense of local ownership that staff had of their services. There are therefore lessons to be learnt for other countries looking to centralise electoral management (James 2013a).

Table 3: The effects of central directions on electoral management. Source: James (2013a).
More uniform services
Early detection of administrative errors
Election officials adopted or became aware of new practices
Officials identified 'good practice' quicker
Increased local costs
Staff time was diverted from other aspects of the election
Local experience and knowledge was overlooked
Staff's enjoyment of their role in elections and/or staff morale was reduced

Fourthly, the Commission has played a proactive role on the implementation of individual electoral registration. Electoral registration in Britain has been on a household basis which has meant that

the 'head of household' can register all occupiers of a property. Individual electoral registration is being implemented to England and Wales at the time of writing and will be introduced to Scotland after the Scottish independence referendum. Under the new system, citizens will need to register individually but also provided personal identifiers such as their social security number. These details will be checked against government databases before citizens are able to register to vote.

Devolved Management Boards

In addition to the UK Electoral Commission, the Scottish government has recently set up an Electoral Management Board for Scotland. This was a response to problems at the 2007 Scottish local elections. This has no direct rule-making ability. Instead, it facilitates the implementation of elections and acts as an advisory body. In Wales an Elections Planning Group (comprising the Welsh Government, the Electoral Commission, representatives of the political parties and Returning Officers) meet to agree uniform approaches to local and Welsh Assembly elections such as the timing of the count. It has no statutory power, however.

Schools and Civil Society

A number of other actors have become involved in implementing elections. There is no formal state organised voter education programmes for adults in the UK, but citizenship education has been compulsory in secondary schools in England since 2002. Across the remainder of the UK the nature and provision of citizenship lessons has historically varied by nation, however (Andrews and Mycock 2007). The quality of the implementation of the English scheme, however, has also often been patchy and poor. Nonetheless, when it is received, research has shown that it has had a positive effect on engagement of young people in civil and political spheres (Tonge, Mycock, and Jeffery 2012).

Low levels of voter turnout, registration and knowledge of the politics among young people has triggered the growth of a variety of civil society actors to be involved in elections. University student unions have long played a role in organising voter registration drives. A new civil society organisation called Bite the Ballot was founded by a former school teacher in 2010, who was frustrated with the levels of political apathy among his students. Bite the Ballot now runs a variety of civic education sessions, provides resources for those wishing to teach young people about politics and has also led voter registration drives. In 2014 it organised the first National Voter Registration Day, in co-ordination with a supermarket, schools, the National Union of Students and many other organisations. This received widespread media attention, political support and claimed to have registered 35,000 new voters. It also presented data to suggest that it had been much more economically efficient than the Electoral Commission's attempts to register voters via information campaigns (Bite the Ballot 2014).

Lastly, private sector companies play a role in the provision of voting equipment (James 2014a).

Rule adjudication

Rule adjudication is an equally important dimension to electoral governance. As a recent Office for Democratic Institutions and Human Rights report has claimed, 'the right to vote would be merely abstract if the right to sue to enforce it was not guaranteed in law' (Petit 2000, 6)

The Courts

The only way in which the result of an election can be contested in the UK is by formal legal proceedings called election petitions. Petitions can be raised by candidates if there an error made by an election official such as the inaccurate counting of the votes, or if there is an electoral offence

committed by an opposing candidate or their agent. The petition is then heard in an open court, presided over by a judge without a jury. The court can declare the election void or another candidate elected (Electoral Commission 2012b, 6-8).

The system of raising an election petition, however, has been heavily criticised by the Electoral Commission and senior members of the legal profession. Firstly, the system is not seen as been accessible or transparent for many candidates wishing to lodge complaints. The initial cost alone of a parliamentary petition is over £5,500. This is especially problematic when unclear electoral law makes it difficult for candidates to be certain that they are likely to be successful. Costs may therefore increase substantially if a case proceeds to a hearing. Returning Officers or the Electoral Commission are not able to bring forward cases on behalf of candidates, despite being well placed to do so because of their knowledge and expertise.

Secondly, the process is time consuming. Complex cases can take nearly two years before a decision is made. Cases where an inadvertent error is made by an electoral official can even take many months for a case to be processed. In the meantime, the declared winner remains in office and there is political uncertainty for the electorate, candidates and parties (Electoral Commission 2012b).

The Electoral Commission

The Electoral Commission is responsible for the regulation of election finances and party donations. There are caps on the campaign spending of political parties at both the national and constituency level. There are also regulations on who can make donations to political parties and the size of these donations. The Commission maintains public registers of political parties and details of their donations, borrowings, campaign expenditures and annual accounts. The Commission compiles this information and presents it in an intelligible format to the public. They also investigate breaches of the regulations. The Political Parties and Elections Act 2009 provided the Commission with a range of sanctions that it can impose when it is clear beyond reasonable doubt that the law has been broken such as the imposition of fines. However, some breaches remain subject to criminal prosecution only (Electoral Commission 2012d). The Commission is also responsible for the registration of political parties.

Conclusions

Electoral governance has important consequences for the quality of elections and democracy in any country. Does electoral governance work well in the UK?

Rulemaking is, and always has been, executive dominated. The notion of the sovereignty of parliament and the strong power that the executive has in Westminster means that there is a high risk that it can change laws for its own interests and veto those that do not, even if they would improve electoral integrity.

There have been many examples of errors in rule application in Britain. There are some signs for concern about the quality of the performance of electoral management boards (James 2014a). The volume of actors involved may contribute towards the problem. However, elections are by and large implemented in a very professional manner and the problems with performance found in the UK are common worldwide. Moreover, there are some novel examples of good practice, such as the use of performance standards, that many countries could learn from.

Provision for electoral justice is weak. Those wishing to pursue electoral justice are put off by high financial costs and a time consuming process and there is a need for reform in this area.

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