

Report to Constitution and Members' Services Standing Scrutiny Panel



Date of meeting: 30 June 2008

Portfolio Holder: Leader

Subject: Elections – May 2008

Officer contact for further information: I Willett (01992 564243), G Lunnun (01992 564244) W MacLeod (01992 564023) and S Hill (01992 564249)

Recommendation:

To consider this review of the elections held on 1 May 2008.

Introduction

1. The following district wards were contested on 1 May 2008:

Buckhurst Hill East
Buckhurst Hill West
Chigwell Row
Chigwell Village
Grange Hill
Loughton Alderton
Loughton Broadway
Loughton Fairmead
Loughton Forest
Loughton Roding
Loughton St John's
Loughton St Mary's
Epping Upland
Epping Lindsey and Thornwood Common
High Ongar, Willingale and The Rodings
Moreton and Fyfield
Passingford
Theydon Bois
Waltham Abbey Honey Lane
Waltham Abbey North East
Waltham Abbey South West

2. In each ward, except for Loughton Forest, one councillor was due to be elected. In the Loughton Forest ward there was a need to elect two councillors as a result of a casual vacancy following a resignation earlier in the year.

3. In addition, 10 Parish Council wards and one Parish Council were contested. The number of councillors to be elected varied between one and 11.

4. Turnout varied between 51.27% in the Theydon Bois ward and 23.63% in the Waltham Abbey South West ward.

Nominations

5. The statutory timescale provided for the receipt of nominations by not later than noon on Friday 4 April 2008 and publication of the statements of persons nominated by not later than noon on Tuesday 8 April 2008. Last year full benefit of this timescale was taken. However, representations were received about the desirability of statements of persons nominated being published before the weekend between receipt of nominations and the statutory publication deadline. In response to those representations steps were taken to achieve publication of the statements of persons nominated on Friday 4 April 2008.

Polling Stations

6. Established polling stations were used with a few exceptions:
 - (a) due to building works at the Roding Centre, electors in the Polling District AB (Loughton Way) voted at St Stephen's Church as they had done in the past;
 - (b) in the High Ongar Parish (Polling District CB, CC, CD) a new hall was used situated in Mill Lane;
 - (c) voters in Polling Districts AT (Barfields) and BG (Whitehills) voted at the Murray Hall, Borders Lane, Loughton.
7. The St Mary's Parish Centre, High Road, Loughton continued to be used although due to building works there was no parking at the polling station and access was achieved by Brook Path.
8. Where changes were made to the usual arrangements, electors were advised by way of a note on their poll card.
9. No representations have been received raising issues about the lack of facilities at any polling station.

Postal Votes

10. The total number of postal votes issued was 5408 with approximately 75 % returned.
11. The software and scanners for checking personal identifiers (signature and date of birth) again worked quite well.
12. There was no evidence of any postal vote fraud although a small number of postal votes were rejected because of a lack of comparison between signatures and/or dates of birth.
13. In accordance with the election timetable, postal ballots for all wards were despatched to electors on 17 April 2008. 469 Epping Town Council ballot papers were despatched on that date to postal voters for the Epping Hemnall ward. On the following day (18 April 2008) telephone calls and representations were received concerning an error in the printing of the ballot paper. On examination, the ballot papers were shown as having transposed party logos against the two candidates. However, the party descriptions were correct.
14. The ballot papers were reprinted on 18 April 2008, with the party logos correctly positioned. This immediate response was only achieved as a result of the papers being printed in-house. 469 revised ballot papers were posted on 18 April 2008 to all of the postal voters in the ward. The envelope contained a note explaining the problem with the previous ballot paper and described what steps voters should take to

ensure that they had a valid Town Council postal vote. The local electoral agents and party organisations were informed of the difficulty by telephone or e-mail and advised of the action being taken to rectify matters.

15. 153 incorrectly printed ballot papers were returned by postal voters and were identified and rejected at the postal vote opening stage prior to the count. 284 valid ballots were returned and were included in the count.
16. This situation has shown the need for additional checks to be made of proofs and printed papers and revised procedures, including a second proofing stage, will be adopted in future years.
17. All of the ballot papers included in polling station packs were in the correct format.

Spoilt Papers

18. There were very few ballot papers rejected except in:
 - (a) the Loughton Roding ward where 23 papers were rejected as a result of being unmarked or wholly void for uncertainty; and
 - (b) in the Buckhurst Hill West ward where 34 papers were rejected as being unmarked or wholly void for uncertainty.
19. The reason for the number of rejected papers in those wards is not apparent as the ballot papers were not unduly complicated, both requiring voting for only one candidate. However, in Buckhurst Hill West ward there were only two candidates and it is possible that electors decided not to mark their papers when they realised their choice of political party was not standing.

Police Liaison

20. Discussions were held with the police about security for the election and their response was very good. A dedicated policing team was in place on election day with visits being made to the majority of polling stations. There was good support provided in overseeing the return of ballot papers at the close of poll for storage overnight. On the morning of the count, police officers also attended to escort the delivery of the ballot boxes to the count centre at Waltham Abbey Town Hall. There was a police presence throughout the hours of the count.

Complaints and queries received in the Elections Office

21. The majority of telephone calls made to the Elections Office were from electors complaining that they had not received poll cards. Most of these were from people in wards not up for election but having seen publicity about elections had assumed that they would be voting.
22. Only one formal complaint regarding an alleged breach of electoral law was received by the Returning Officer. This is in the hands of the Police. Other queries were resolved informally.

Count

23. Waltham Abbey Town Hall was again chosen as the count centre, being the only hall available and large enough in the district where it was possible to undertake a count in one room with reasonable IT links.
24. Taking account of comments made in relation to the 2007 count, a revised layout was adopted incorporating the use of eleven separate counting tables and "bus stop" type

signs which showed at any stage of the count which counting table was counting which ward.

25. The revised layout also provided slightly more space for candidates and agents although some representations have been made that it was still difficult to witness the activities of all counters. These comments will be taken into account in deciding on the layout for future elections.
26. Large TV display screens costing £250 to rent were used to display the results in the hall, which was an improvement on the previous year's use of screens and projectors. The company supplying the screens provided excellent support. There is capacity for introducing a third screen and this option will be considered for future elections. The results of wards appeared on the Council's website as soon as they were announced and full details were updated at 12 noon, 2.00 p.m. and 5.00 p.m. on 2 May 2008 so that results were available on the Internet without delay.
27. The administration of the count was considered a success. The count commenced at 10 am on 2 May and the first district ward result was announced at 10.40 am. All of the district wards were announced by 1 pm. Those wards in which there were also parish or town council elections took longer to count due to the need to check the parish ballot boxes to ensure that district ballot papers had not been placed in the wrong box. If this had not been necessary the whole process would have been concluded much more quickly.
28. In previous years the practice had been to call agents together to advise of the outcome of the verification stage. There is no requirement to do this and the Returning Officer became aware that many other authorities simply display the information at the count. This practice was adopted this year and enabled the second stage of each count to proceed without delay. The display of the information attracted interest and as no adverse comments have been made about this change of procedure it is intended to proceed in this way at future elections.
29. After a break for lunch the Parish Council counts were concluded late afternoon. For the majority of the Parish Council counts it was necessary to employ the "grass skirt" method of counting. For instance in Theydon Bois electors were able to vote for up to 11 out of 17 candidates.
30. Some comments have been made about the length of the count and comparisons have been made with the time taken by Brentwood Borough Council. In Epping Forest, 25,234 district ballots were counted in relation to 21 wards and 16,514 ballots were counted in relation to the Parish and Town Council elections. Brentwood counted 19,355 ballots for 12 borough wards. There were no contested parishes and no elections in three of their wards. Brentwood commenced their count at the close of poll and finished at 12.20 am on 2 May 2008. Brentwood employed a similar number of counters and senior counters to this Council. They used 12 teams of counters with each team only needing to verify and count one ward. Eleven teams were used in Epping Forest and except for one each team needed to verify and count two wards. It is apparent, therefore, that Epping Forest had to count more than double the number of ballot papers and had to take the extra steps outlined in paragraph 27 because of having a combined election in 11 wards. Taking this into account the time taken compares favourably with Brentwood.
31. Some members and agents have expressed a preference for the count to take place immediately following the close of poll but it should be borne in mind that this would have resulted in the count being completed between 5 am and 6 am on Friday 2 May 2008 taking account of the need for breaks in order to comply with the Working Time Directive and Health and Safety legislation. Even so it is unlikely that polling station staff could be employed as counters as this would result in them working almost 24 hours non-stop.

32. The question of counting immediately after the close of poll or on the following day is being debated at a national level. Sam Younger, Chairman of the Electoral Commission is expected to address this issue in the Commission's report reviewing the May 2008 elections. He has already acknowledged the difficulties with verifying postal votes handed in at polling stations as the various software solutions do not currently provide for verification at remote count locations. It is understood from the Electoral Commission that in 2008, 60% of councils counted on Friday 2 May 2008.
33. It is apparent that authorities undertaking their counts immediately after the close of poll find it more difficult to appoint the required number of counters.
34. Following the elections, the Electoral Services section undertook a survey of staff who had worked on the election to gauge opinion about the timing of the count. 115 surveys were sent out (example attached as Appendix 1) to all staff working on polling day and the count.
35. 81.7% of forms were returned (94 forms) and the results analysed. Staff were asked seven questions in total. The first two were for all types of volunteer to answer and questions 3-7 specifically for those who had worked on polling day as well as the count. Of the 94 forms received, 80 staff completed all seven questions.
36. Staff were also asked for any comments they had about holding the count on a Friday. Many took the opportunity to give us their thoughts. 54 people said that a Friday count was better because:
- they felt less tired and more refreshed after a night's sleep
 - this in turn meant fewer mistakes which could happen late at night
 - they could concentrate better the next day
 - 15 hours at a polling station was long enough
37. Other comments received included:
- concern about women travelling home alone in the early hours
 - finishing in the early hours would mean taking the Friday off work to recover
 - the extra two hours the polling station is open means the count doesn't start until much later than it used to
 - tiredness can cause accidents – someone was worried about the ability to drive home safely after such a long day
 - Friday counts are quicker and more productive because staff are more alert
 - Health and Safety Legislation, Risk Assessment and the Working Time Directive were all mentioned as reasons to hold the count on a Friday; a responsible employer would need to take these into consideration when deciding when to hold the count.
38. Attached as Appendix 2 are graphs showing the response rates for the survey with comments where necessary. In the graphs, 1 = Yes, 2 = No and 3 = Don't mind/didn't give a preference.

Elections in 2009

39. In 2009 there will be County Council and European Parliament elections. EU Ministers have agreed that the EU Parliamentary election will take place between 4 and 7 June 2009. For the UK this will probably mean the election being held on Thursday 4 June with the count on 7 June but with verification of ballot papers (a separate stage at such elections) to be agreed with Regional Returning Officers. A consultation document has been issued regarding the possibility of moving the date of local elections to the same date as the European elections. In 2004 when local and European Parliamentary elections were held on the same date the turnout at those

European elections was significantly higher than in previous years, up from 24% in 1999 to 38.5%.

40. It seems likely, therefore, that the County Council election in 2009 will be combined with the European election. If that is the case there will be limited discretion locally in relation to the timing of counts. Verification of the ballot papers for the European election is likely to take place immediately after the close of poll on 4 June and the count is likely to take place on Sunday 7 June 2009.

Poll Cards

41. Some representations were received after the election in relation to the disposal of poll cards. There was evidence of poll cards being found in black sacks in an adjoining borough. Understandably this led to some concern as the cards contain personal information.
42. Polling station staff are encouraged not to take poll cards from electors but if any are left behind in the polling station the instruction is to dispose of the cards in a secure manner. Many electors handed their poll cards to tellers when they left the polling station.
43. It is apparent that the poll cards found in the black sacks related to electors who had voted and were not "undelivered" in the first place.
44. In the light of this situation, previous guidance will be reiterated to polling station staff for future elections. Staff will be instructed that any unwanted cards left in the polling station are to be torn up and placed in the sundries sack which is returned to the Civic Offices. Parties and agents will be asked to instruct their tellers to hand any poll cards to polling station staff so that they can also be placed in the sundries sack.

Meeting with Election Agents

45. Election agents were invited to attend a debriefing on 9 June 2008 in order to express views on the running of the election and the count. Two attended together with one candidate.
46. An agent who was unable to attend the meeting responded verbally expressing satisfaction with all aspects of the election and count.
47. The following issues were raised and the suggestions will be considered in relation to future elections taking account of the comments set out in the above paragraphs:
 - (a) alternative processes should be investigated to secure a more speedy count;
 - (b) when the Returning Officer has discretion, consideration should be given to the count taking place immediately after the close of poll;
 - (c) alternative venues should be investigated for the count taking account of the need for good IT links;
 - (d) the display of the verification sheets at the count is helpful and should be continued;
 - (e) the display of the results on tv screens worked well and the speed with which the results were available on the internet was useful;
 - (f) the layout of the count was an improvement on past years but further attention needs to be given to preventing access to the area restricted to count staff so

as to avoid an intimidating environment for them;

- (g) further steps should be taken to ensure that electors in parish/town council elections are aware they can vote for up to a certain number of candidates and do not have to vote for that number;
- (h) in the event of a further similar problem to that encountered with the Epping Hemnall Town Council postal vote ballot papers, an alternative approach should be investigated to correct the position aimed at ensuring that all of the electors affected are more aware of what they need to do to register a vote that will be counted;
- (i) polling station staff should be reminded that in marking the register they should place the mark between the elector's number and name.