

**Report of Overview and Scrutiny  
Constitutional Affairs  
Standing Panel  
Date of Meetings: 18 July and  
8 August 2005**



**Portfolio** People First

**Subject:** Elections 2005

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**Recommendation:**

**To note issues raised in this report and action agreed with the Registration Officer/Returning Officer on possible improvements for the future.**

**Report:**

**Introduction**

1. This report outlines the main issues arising from the elections held this year and sets out the action we have agreed with him.

**Nomination Papers**

2. The submission of a valid nomination paper is a key event of the electoral process. The aim is to accept nominations as valid, if possible, but the requirements are directive not discretionary. Candidates and agents are encouraged to present nomination papers in good time to enable fresh papers to be submitted in the event of errors.
3. Only one nomination paper was rejected at the May 2005 elections as it had been completed incorrectly. Unfortunately, time did not permit the submission of a fresh nomination paper.

**Poll Cards**

4. Separate poll cards were used for the Parliamentary and County Council Elections. This enabled the Poll Cards for the County Council elections to be issued earlier than would have been the case had a combined Poll Card been used. As a result, many requests for absent votes, not previously made, were received earlier and were able to be processed in good time. No queries were received from electors about the receipt of two Poll Cards, but the Panel raised one further issue.

5. The Parliamentary and County Council elections had different polling hours. Following comments received after the combined elections in 2001, the County poll cards, which were delivered first, stated that if the Parliamentary election was to be held on the same day, polling hours for both elections would be 7.00 a.m. - 10.00 p.m. Unfortunately, despite taking this step to assist electors, it would appear that some members of the public still found it confusing about when they could vote. The Returning Officer has agreed to examine whether this can be clarified within the constraints of the card the next time Parliamentary elections are held on the same day as local authority voting.

### **Absent Votes**

6. There are two kinds of absent votes - postal votes and proxy votes.
7. No issues arose regarding proxies. There were considerably more than in previous years but there was no evidence of a large number from one source which might have suggested electoral fraud.
8. Just over 5,300 postal vote packs were issued which represented a large increase. The majority contained both Parliamentary and County Council voting papers. Figures for the Parliamentary election show that 4,260 postal votes were returned of which 63 were rejected at the opening stage.
9. There was a noticeable improvement in the service provided by Royal Mail but unlike previous years, a large number of postal votes were handed in at Polling Stations during the hours of poll.
10. One political group expressed concern before the elections about possible fraud following national publicity about the all-postal ballots in other parts of the country. However, after receiving an explanation of the Council's processes, they seemed reassured that all possible steps were in place to prevent fraud in relation to postal votes. The point was made that the Returning Officer/Registration Officer was only able to exercise the controls which were provided by electoral law. He did agree to clarify whether this is being addressed as part of the Electoral Commissions current review. Use of bar codes has been mentioned which would enable postal votes to be recorded.
11. No particular issues arose during the opening of postal votes. A leaflet produced by the Electoral Commission explaining how to complete and return the ballots and declarations of identity was included in each pack and there was a noticeable reduction in the number of postal votes rejected (63 out of 4,260). Most of those which were rejected had incomplete declarations of identity.
12. As in 2004, some of the political parties sent out a large number of postal vote applications forms with a request to return them to the political party for onward transmission to the Registration Officer. However, the problems experienced in 2004 as a result of a large number of applications being handed to the Registration Officer close to the last day for receipt, were not repeated in 2005. The question of whether applications should be returned direct to the Registration Officer and not via political parties is still being considered by the Electoral Commission and the Government, as part of a wide-ranging review designed to deal with a national unease about the integrity of postal voting.

13. At the Sheering by-election on 23 June 2005, 263 postal votes were issued, 149 were received, three were undelivered and one was rejected.
14. The Panel expressed an interest in arranging to remind absent voters that they had postal votes before polling day. The Returning Officer agreed to look into this as a way of avoiding confusion on polling day.
15. The Panel considered a copy of the letter/form issued by the London Borough of Hammersmith and Fulham to remind electors who have a postal vote of their postal details and report changes of circumstances. This information is attached to this report for further consideration.

### **Election Staff**

16. As the County Council elections were combined with the Parliamentary Elections in May, the Returning Officer was responsible for staffing only Polling Stations in the Epping Forest Parliamentary Constituency, a total of 47 Polling Stations.
17. There were sufficient volunteers to act as Presiding Officers and Poll Clerks and for some standby staff to be available in the case of last minute emergencies.
18. If the elections had not been combined, it would have been necessary to staff Polling Stations for the County Council elections throughout the whole of the Epping Forest District, a total of 81.
19. To staff this number of Polling Stations would have presented a problem in recruiting a sufficient number of Presiding Officers and this remains a matter of concern for the future and will be kept under constant review.
20. There were sufficient volunteers for both the Parliamentary election count and the County Council election counts.

### **Tellers**

21. It is a well-established practice at elections for the candidates, their agents or political parties to appoint tellers who stand outside Polling Stations and record the names of electors who have voted.
22. However, tellers have no status in electoral law. Advice issued by the Home Office in 1991, emphasises that tellers should do nothing which might give rise to allegations of undue influence. The advice suggests that there is no objection to tellers wearing coloured rosettes in order to make it clear to voters that they are party workers and not polling station officials.
23. This Council, many years ago, agreed with the local political parties that rosettes worn by tellers would simply be of the relevant colour and would not include any words or logos. Over the years, most political parties have followed this agreement.
24. No problems arose at the elections in May 2005 but at the Lower Sheering by-election on 23 June 2005, one of the tellers who is normally involved in elections run by Harlow Council refused to cover or remove the wording and logo on his rosette. Other supporters of the political party concerned and supporters of another political party abided by the agreement. The difficulty may be that a more relaxed view is taken in other local authority areas.

25. Discussions will take place with local political parties to establish whether they wish to reaffirm the agreement which has worked well for many years. The Panel saw no reason to change the current policy and the Returning Officer noted this view.

### **Police/Security Liaison**

26. Excellent support was provided by Essex Police. Meetings took place before the elections about political canvassing, election security and electoral fraud and the Police issued notes for guidance.
27. Concerns were expressed by the public about the approach adopted by one political party to canvassing in Loughton and this was kept under review in the run up to election day and on the day itself.
28. On the day of the election, there was a visible Police presence in the urban parts of the Constituency and polling staff in those locations felt reassured that support was readily available if required.
29. Police presence was also provided at both of the counts.
30. No issues arose during the hours of poll or at the counts which required Police intervention.

### **Polling Stations**

31. It is the duty of the Returning Officer to provide sufficient numbers of polling stations as he considers necessary for the conduct of the poll. Where no suitable permanent buildings were available, mobile offices (portakabins) can be used provided a suitable site with the necessary facilities can be found within the Polling District. However, the current cost of hiring a suitable portakabin is just under £3,000 which makes it an expensive option for local elections.
32. The Moreton, Bobbingworth and The Lavers Parish Council expressed health and safety and road safety concerns about the use of the Ashlyn's Farm Shop site for use as a Polling Station for Bobbingworth. As a result, it was agreed with the Parish Council that the Moreton Village Hall was used which is just outside of the Bobbingworth Ward. One voter expressed concern about the change but otherwise the new location was felt to be the best option and will be the preferred location for future elections.
33. The Piggott's factory site in Stanford Rivers has previously been used as a Polling Station but close to polling day, they advised of a significant increase in the cost of hiring the accommodation. Following discussions with the Returning Officer for Brentwood who was responsible for that Polling Station in May, steps were taken to use the Toot Hill Village Hall instead. This resulted in all of the electors in Stanford Rivers voting at the Toot Hill Village Hall and no adverse comments were made. Again, this is likely to be the preferred location for future elections.
34. As there is no suitable permanent building in the Lower Sheering Ward and no acceptable site for a portakabin, the Sheering Village Hall (outside of the Lower Sheering Ward) was used for the by-election on 23 June 2005.
35. The location of the Polling Station was perhaps partly responsible for the poor turnout (18.5%). It is understood that a resident of Lower Sheering is prepared to offer a room in their property for use as a Polling Station for the future and, if this offer is

confirmed, the premises will be inspected for suitability. Some comments were made about other events held in the vicinity of the village hall during polling. Some congestion resulted.

36. The Panel made representations about the desirability of completing all District and Parish elections 2006 counts on election night rather than some waiting for the next day. The Returning Officer agreed to look at holding concurrent counts (say 3 or 4 for the whole District) to achieve this.

## **Counts**

37. The count for the Epping Forest Parliamentary Constituency took place at the Debden Park High School and commenced at the close of poll at 10.00 p.m. on 5 May 2005. The result was announced at 2.00 a.m. on 6 May which had been the time anticipated.
38. Many counters had to wait for ballots to verify and count but this will always be the case due to the distance between many of the Polling Stations and the Count Centre.
39. No adverse comments have been received from candidates or agents about the Parliamentary Constituency count.
40. Some improvements will be made in the event of the school being used in the future, e.g. a more refined process for transporting ballot boxes from cars to the building as the distance between the two led to some delays.
41. The count for the County Council divisions took place at Theydon Bois Village Hall on the afternoon of Friday, 6 May 2005.
42. The main hall and a side room were used in order to speed up the process. However, the count still took several hours due to the high turnout as a result of the combined poll. If the County Council ballots had been counted immediately following the Parliamentary Constituency count, the process would not have been completed until early morning on 6 May which would have been unacceptable bearing in mind that many of the staff had commenced work in the early hours of 5 May.
43. It was not possible to count the County Council ballots on the morning of Friday, 6 May as the Returning Officer and other officers had to complete certain processes in relation to the Parliamentary election.
44. The verification for all elections must take place, as soon as it is practical, after the close of poll. In the event of combined elections, including a Parliamentary election, the above arrangements are considered to be the only practical way of proceeding. However, in May 2006, it is anticipated that there will only be elections for certain District Council wards. In the circumstances, there is an expectation that the count should follow immediately the polls close. Members' views would be appreciated.
45. Views would also be appreciated on the stance to be taken in relation to future combined elections comprising District Council and Local Councils. If there is to be one central Count Centre, the likelihood is that it will be the early hours of the morning before both of the District Council and Local Council counts are completed. An alternative would be to undertake the District Council counts immediately at the close of poll and defer the Local Council counts until the next day.

46. Following the count, representations were made about some counters keeping papers face down during the verification stage. The need to keep papers face up will be emphasised at future counts.
47. A problem arose as a result of the Theydon Bois Village Hall being double booked but this was a booking error outside of the control of the Returning Officer. Provisional bookings have already been made to use the hall as a Count Centre for the elections in May 2006.
48. The County Council expressed appreciation at being able to view the results of each Division on the website as soon as they were announced. In other Districts, the County Council was not advised until all of the counts had been completed.

### **Waltham Abbey and North Weald and Nazeing Electoral Divisions**

49. Due to a human error, some of the Polling Stations in the North Weald and Nazeing and Waltham Abbey Divisions were allocated the wrong ballot papers. This error was not noticed by the Presiding Officers (who are required to check the ballot papers and sign that all is in order) when they checked the contents of their ballot boxes. Neither was the error drawn to the attention of Polling Station staff by electors who were handed the wrong ballot papers at the Polling Stations until very late during polling.
50. As a result ballot papers in respect of the North Weald and Nazeing Division and the Waltham Abbey Division were rejected by the Returning Officer at the count. However, in neither case did the number of rejected papers have any effect on the outcome.
51. In future, additional checks will be made at the time ballot papers are placed in ballot boxes. To assist this process, half covers will be provided on books of ballot papers which will ensure that the names of candidates are visible. Also, emphasis will be made at the Presiding Officers' briefing about their need to check the contents of their ballot boxes thoroughly and, in particular, the ballot papers which they have received. The position regarding the Presiding Officers involved will be reviewed if appointments are sought in the next round of elections.

### **Electoral Protect**

52. Prior to the elections, the Returning Officer was advised that some electors might wish to make a protest by only voting in the County Council elections.
53. Normally, in the case of combined elections, an elector presenting themselves at a Polling Station who is entitled to vote in both elections is automatically provided with papers for both elections. If the elector does not wish to exercise voting in respect of one or other of the elections he is advised to place the paper unmarked in the ballot box as a result of which the paper is rejected at the count.
54. The electors concerned indicated that they did not wish to follow this procedure as their intention was to reduce the turnout for the Parliamentary election and this would not be achieved by placing unmarked papers in the ballot box.
55. As a result, Presiding Officers were advised that if electors, before being handed papers, indicated that they only wished to receive one of the ballot papers, that request would be agreed and an appropriate entry would be made in the register so as not to prevent them from returning at a later time if he changed his mind and

wished to vote in the other election. The Returning Officer took the view that this was the best approach to take as a significant number of ballot papers could have been issued and not used and thereby complicated the ballot paper verification at the count.

56. Although the indication was that this situation would only arise in certain Polling Stations in Loughton, all Presiding Officers had to be given the same advice to ensure a consistent approach.

### **Electoral Register**

57. In the days leading up to the elections and on the day of the elections, the majority of telephone calls to the Civic Offices were made by residents who were unable to vote because they were not included on the current Register of Electors. In most cases, this resulted from a failure to complete Electoral Registration Forms, in some cases, forms had not been submitted from the household since the last Parliamentary Election.
58. Whilst the onus is on residents to ensure that they are included on the Register of Electors, it is considered that there is a need for the better exchange of information between Council services. Many of the phone calls received referred to the fact that the person was paying Council Tax and should therefore be included on the Register of Electors. Whilst this does not follow as there are completely separate procedures, steps are being taken for improved liaison between Electoral Services, Finance, Housing Services and Planning and Economic Development in order to ensure that all of the Council's records systems are as accurate as possible.

### **Official Mark**

59. At the briefing of Presiding Officers before the elections, emphasis was placed on the need to stamp the official mark on each ballot paper immediately before handing it to the elector. It is known that in the past some Presiding Officers have stamped up a batch of papers in advance and then failed to realise when they had reached the end of that batch with the result that papers continued to be issued without the mark. There was a noticeable decrease in the number of ballot papers rejected for want of the official mark so it appears that Presiding Officers followed the instructions given.

### **Parish Councils - Waste Council Elections**

60. The Panel was concerned about the costs incurred by small Parish Councils when they are forced to hold whole Council elections, particularly in unforeseen circumstances. Such Councils have very limited precepts and it was often not possible to plan for these situations in advance.
61. The Returning Officer agreed to make enquiries of the Electoral Commission about the position and make representations if necessary.
62. He also agreed to explain to the Local Councils' Liaison Committee that there were procedures whereby small parishes could be amalgamated.

ELECTORAL SERVICES  
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Please ask for Electoral Services

### **Council by-election - Ravenscourt Park Ward - 28 July 2005 - your postal vote**

I am writing to all electors in the ward who have a postal vote, to remind you of your postal voting details. This is the only way you can vote at this by-election, unless you cancel your postal vote.

#### **Your postal vote**

You have arranged to vote by post at

Your postal voting pack will be sent to

#### **Your postal voting pack will be sent by by 1st class post on Thursday 14 July.**

If you have not received your postal voting pack by 22 July please contact me urgently to arrange a replacement.

**If you want to cancel your postal vote, or change the address where it will be sent to, please tell me as soon as possible, but before 5.00pm on 13 July. There is a form for this over the page, because you need to do it in writing.**

Yours sincerely

Geoff Alltimes  
Returning Officer



2002-2003  
Improving Urban Green Spaces  
2003-2004  
Street and Highway Works



