

Report to the Overview and Scrutiny Committee

Report of Constitution & Member Services SSP

Date of meeting: 12 July 2010



Portfolio Holder Leader (Returning Officer's Report)

Subject: Elections – May 2010

Officer contact for further information: Ian Willett (01992 56 4243), Graham Lunnun (01992 56 4244)
Wendy MacLeod (01992 56 4023) and Simon Hill (01992 56 4249)

Democratic Services Officer: Adrian Hendry (01992 56 4246)

Recommendation:

That this review of the elections held on 6 May 2010 be noted.

We have carried out our annual review of elections and recommend that the enclosed report be noted.

Combined Elections

1. The Epping Forest Parliamentary Constituency Election was contested on 6 May 2010 together with the following District Wards:

Buckhurst Hill East
Buckhurst Hill West
Chigwell
Chipping Ongar, Greensted and Marden Ash (2 seats)
Epping Hemnall
Epping Lindsey and Thornwood Common
Grange Hill
Loughton Alderton
Loughton Broadway
Loughton Fairmead
Loughton Forest
Loughton Roding
Loughton St John's
Loughton St Mary's
Lower Nazeing
North Weald Bassett
Theydon Bois
Waltham Abbey Honey Lane
Waltham Abbey Paternoster

2. The Parliamentary election was contested by seven candidates representing:

(a) English Democrats

- (b) The Labour Party
- (c) Liberal Democrats Party
- (d) Conservative Party
- (e) Green Party
- (f) British National Party
- (g) UK Independence Party

The turnout was 67% and Eleanor Laing was elected to represent the Constituency having received 54% of the votes cast.

3. An issue with a signature of an assenter on the nomination paper for an unsuccessful candidate has been referred to the Police and as the investigation is on-going no further comment can be made about this matter.

4. In each District Ward contested, except for Chipping Ongar, Greensted and Marden Ash, one councillor was due to be elected. In the Chipping Ongar, Greensted and Marden Ash Ward there was a need to elect two councillors as a result of a casual vacancy following a resignation earlier in the year. Turnout in the District Wards varied between 74.1% in the Theydon Bois Ward and 53.6% in the Waltham Abbey Paternoster Ward.

5. There are advantages in holding combined elections, eg. costs are shared. However, combining a Parliamentary election with local elections does create practical difficulties as the timetables are different. For instance for the elections on 6 May 2010 the publication of the persons nominated for the local elections was noon on 12 April whereas for the Parliamentary election it was 5 pm on 20 April. This latter date was also the deadline for new postal vote applications and for changes to existing postal or proxy votes making it a very busy day in the Elections Office.

6. One consequence of the difference in timescales was the need to decide whether to issue separate or combined poll cards. It was felt it would be confusing for electors in those parts of the District having District Council elections to receive two poll cards as well as adding substantially to the costs. A combined poll card was issued, therefore, with the disadvantage that they could not be delivered until 15 April – the date of the notice of the Parliamentary election. Poll cards for EU citizens in combined areas had additional wording to remind those electors they could only vote at the local elections – this did not produce any difficulties or enquiries.

7. In the event the comparatively late issue of poll cards did not appear to cause undue problems although some complaints were received about poll cards not being delivered by Royal Mail in parts of the Grange Hill Ward.

(SSP Comment: We draw attention to two locations where poll cards were said not to have been delivered. The Returning Officer will be checking with the Post Office and the deliverer on the circumstances).

8. Legislation currently requires any parish/town council election or by-election which would normally have been held on the day of a Parliamentary election to be deferred until three weeks after the date of the Parliamentary election. The element of the cost of any parish/town council elections attributable to deferment is met from Government funds. The Council at its meeting on 20 April 2010 resolved to call on the Government of the day to review the legislation to enable parish/town elections to be held in parallel with Parliamentary elections in order to avoid a drain on the public purse. This letter has been sent to the Lord Chancellor but no reply has yet been received.

9. There were no parish/town council elections scheduled for this year and no by-elections called in the run up to 6 May. Feedback from authorities that held deferred parish/town council elections three weeks after 6 May is that very low turnouts were recorded.

Polling Stations

10. Established polling stations were used except at Theydon Bois where the Church Hall was booked instead of the normal venue at the Village Hall due to the need to set up the latter during the day for the verification of the Parliamentary and District Council ballot papers and the Parliamentary election count immediately after the close of poll.

11. No representations have been received raising issues about the lack of facilities at any polling station.

12. Station visitors were asked to complete an access questionnaire based on a model provided by Scope and the returns do not indicate the need for any modifications to be made to the buildings used or to the procedures for accommodating electors with particular needs.

Postal Votes

13. The total number of Parliamentary postal votes issued was 7,125 plus some packs which just contained the local election papers with approximately 85% returned. 26 were received in the post after polling day.

14. The issue and opening sessions for postal votes went smoothly. The software and scanners used for checking personal identifiers (signature and date of birth) again worked well.

15. There was no evidence of any postal vote fraud although 172 postal votes were rejected because of a lack of comparison between signatures and/or dates of birth.

Ballot Papers

16. The proofs of ballot papers were scrutinised carefully and all ballot papers were printed in the correct format.

Spoilt Papers

17. There were 134 ballot papers rejected in respect of the Epping Forest Constituency Election, 119 for being unmarked or wholly void for uncertainty and 15 where the elector had voted for more than one candidate.

18. The number of ballot papers rejected in respect of the District Council elections varied between five in the Lower Nazeing Ward and 55 in the Waltham Abbey Honey Lane Ward.

19. The reason for the number of rejected papers in the Waltham Abbey Honey Lane Ward is not apparent as the ballot papers were not unduly complicated, requiring voting for one candidate. It is possible that electors decided not to mark their papers when they realised their choice of political party was not standing in the Ward.

Police Liaison

20. Discussions were held with the Police about security for the elections and their response was again very good. A dedicated policing team was in place on Election day with regular visits made to all Polling Stations. There were no instances requiring immediate Police presence outside of the regular visits. There was good support provided at the Count Centre and Police officers escorted the delivery of ballot boxes from the Count Centre to the Civic Offices at the conclusion of the Parliamentary Election Count. From a policing perspective the elections gave little cause for concern. The Police presence during the day was well received by polling station staff.

Complaints and Queries Received in the Elections Office

21. The majority of telephone calls made to the Elections Office were from persons unable to vote due to not being included on the Electoral Register. In all cases this was due to a registration form not having been completed and submitted to the Registration Officer.

22. No formal complaints were received regarding an alleged breach of electoral law other than the issue with a nomination paper mentioned above.

Liaison with Brentwood Borough Council and Harlow District Council

23. As parts of the Brentwood and Ongar Constituency and the Harlow Constituency are in the Epping Forest District, it was necessary to liaise closely with the Returning Officers at Brentwood Borough Council and Harlow District Council who were responsible for running the elections in those parts of the Epping Forest District.

24. The exchange of information was made easier as Harlow changed their election management system in advance of the elections to that used by both this Council and Brentwood Borough Council.

25. In relation to the issue of postal votes, each Returning Officer at the three Councils was responsible for issuing both local and Parliamentary postal votes in their constituencies. District Council election ballot papers for Epping Forest District residents in the Brentwood and Ongar and Harlow Constituencies were generated by us and forwarded to the relevant Returning Officer for issue together with their Parliamentary election ballot papers. This was all achieved within a very tight timescale without any particular issue. The paperwork used by Harlow, in particular the return B envelope, differed to that used by Epping Forest. This resulted in Harlow not realising that our documentation did not have their return address anywhere for their window envelope for electors to use as our B envelope has the Returning Officer's address pre-printed.

26. Arrangements were made to ensure adequate security in relation to the delivery to and collection from the other authorities of ballot papers. Assurances were also obtained from the other Returning Officers of the arrangements made to store Epping Forest District Council ballot papers overnight until collected on the Friday morning following the poll.

Count

27. It had always been the intention in the event of a combined poll to count the Epping Forest Constituency election immediately after the close of poll and to delay the District Council election counts until Friday 7 May 2010.

28. The provision included in the Constitutional Reform and Governance Act 2010 requiring Returning Officers to commence Parliamentary election counts within four hours of the close of poll was not therefore an issue. However, the requirement to verify both Parliamentary election ballot papers and District Council election ballot papers prior to undertaking the Parliamentary election count resulted in the time taken to conclude the Parliamentary count being considerably longer than originally anticipated.

29. There was a difference between the totals of Parliamentary ballot papers at the verification stage and the papers after counting. Despite taking some steps to ascertain the reason for this discrepancy the issue remained unresolved. The Returning Officer called Election Agents together to discuss this matter with them and as it was clear that the difference between the totals would not affect the result of the election, the agents agreed that there was no need to recount the papers in an attempt to reconcile the two totals. One candidate subsequently requested that further steps should be taken to ascertain the reason for the difference in the totals. However, there is a requirement that at the conclusion of the count the counted and rejected ballot papers must be sealed in separate packets and these can only be opened by order of a court following the lodging of an electoral petition. No petition was made

within the 21 day period following the date of poll.

30. It should be emphasised that there is no question of votes having been lost. The correct total of ballots had been verified and the totals for candidates would have been resolved after re-commencing the count if this had been requested by the agents.

31. The District Council elections were commenced at 1 pm on Friday 7 May 2010 and were concluded without any issues. There was a need for a recount in one ward.

32. Despite the need to use both the large and small halls at Theydon Bois Village Hall, the venue is still considered to be the best available. It is situated centrally and has good parking provision.

33. All the results were published on the Council's website within a few hours.

Meeting with Election Agents

34. Election Agents were invited to attend a debriefing on 7 June 2010 in order to express views on the running of the elections and the counts and three attended.

35. The following issues were raised. Officer comments are provided where appropriate.

(a) General:

The election was very well conducted by the electoral officers. All staff were helpful and cheerful both to the candidates and their supporters. All the various phases of the work were carried out efficiently and professionally.

(b) Specific Points:

(i) There were significantly increased turnouts in some wards and this resulted in some minor queues but the Polling Station staff coped well with the increased numbers and there were no serious problems.

(Officer comment : The problems with queues experienced in some parts of the country were not an issue and there is no evidence of any elector being unable to cast a vote due to a queue immediately before the close of the poll at 10 pm)

(ii) Staff taking part in manning the polling stations and dealing with the verification and the count had a very long day and an even longer night. There appeared to be no reasonable way of avoiding this situation. We would not want the declaration of the Constituency result to be delayed until the next afternoon.

(Officer comment: It is considered that the counts were conducted as speedily as possible and the time of the announcement of the result of the Parliamentary election compared favourably with announcements in other parts of the country. The only way in which the count could be speeded up would be to engage additional counters but there is no suitable venue in the District which is large enough to accommodate an increased number of staff. Whilst some Returning Officers aim to be the first to announce the result this has never been the practice at Epping Forest).

(iii) It was unfortunate that all the Constituency candidates were not invited to the platform for the declaration of the Parliamentary result. In spite of the lateness of the hour each candidate probably wished to make a short speech acknowledging the work done by the Returning Officer and to thank their supporters.

(Officer comment: It is regretted that the normal procedure of inviting candidates to the platform was not adopted and this will be at future Parliamentary elections. Whilst only the successful candidate made a speech other candidates could have done so if they had stepped forward.

Election agents were advised beforehand that if their candidates wished to make a speech it should be no longer than five minutes. However, a more positive invitation should have been given after the result had been announced).

(iv) A related point occurs with District elections. Some simple method is required to identify the winner to the general assembly - the winner often being unknown to most of those present. Perhaps the successful candidate could join the Returning Officer on the platform when the announcement is made.

(Officer comment: This needs careful consideration. Successful candidates are not always present. By inviting the successful candidate to join the Returning Officer on the platform it might be considered an opportunity to make a speech which if allowed would increase the time of the count considerably bearing in mind there will be approximately 19 successful candidates each time. Other Returning Officers have been asked if they invite the successful candidates to join them on the platform. At the time of completing this report, 10 replies had been received and all of those responses indicated that the Returning Officers follow our approach. Several referred to the delay which would arise in waiting for successful candidates to come forward bearing in mind the difficulty in getting agents to gather to be advised of the draft result).

(SSP comment: In discussion with the Returning Officer, it was agreed that he look further into this idea. The Returning Officer would also review including party names for candidates in his future declaration of results).

(v) The signage used and announcements made during the District count were clear and very helpful.

(vi) The provision of the TV broadcast during the Parliamentary count was much appreciated.

(vii) The break between the Verifications and the Parliamentary count was not realistic and perhaps unnecessary.

(Officer comment: Bearing in mind that the majority of staff had been working since before 7 am a short break of 15 minutes is considered entirely reasonable. Also it was necessary to have a break and clear the hall so that those who were entitled to be at the District Council elections verification but not the Parliamentary count could leave and security staff could check that only those entitled to be present remained).

(viii) It would be helpful if Presiding Officers at the Polling Stations were clearly identified in some way. A standard, re-usable badge is suggested. Some tellers have suggested that they were approached for advice as it was not apparent who was in charge of the polling station.

(Officer comment: Badges were provided and officers visiting polling stations cannot recall seeing a Presiding Officer not wearing a badge. However, Presiding Officers will be reminded in future of the need to wear their badges).

(vix) Tellers much appreciated the action of some Presiding Officers who allowed them to have shelter from the cold and bad weather. Can not consideration be given to an alternative venue to a current one where it is not possible to provide shelter for tellers.

(Officer comment: Tellers are accommodated where possible but at some stations where there is no lobby or a separate room it is necessary for them to remain outside of the building. In some locations where the lobby area is narrow it is a matter for the Presiding Officer to determine whether tellers can be accommodated without hindering entry to /exit from the polling station. The primary consideration in selecting polling stations is accessibility for electors and accommodation for tellers is secondary).

(x) As the owners of buildings used as polling stations are paid for the use why cannot the Returning Officer insist on what is required. For instance in schools it should be possible to use a

room or hall and a separate room or corridor for tellers.

(Officer comment: In most wards there is no other suitable building which can be used as a polling station and a compromise has to be achieved in relation as to what part of a building is used. In relation to schools there is a need to respect the needs of the school and, in particular, security if the school is open on polling day. As indicated above the needs of tellers are secondary).

(xi) The size of the tree forming part of the Conservative logo on the ballot papers appeared small in comparison with other logos.

(Officer comment: The size of the area specified for logos incorporating the word "Conservative" dictates the size of the tree).

(xii) The candidates' expenses return forms are too complicated and the requirements change each year.

(Officer comment: Returning Officers have no control over the returns but if specific issues can be identified these matters will be drawn to the attention of the Electoral Commission.

Members' Views

36. The Committee is invited to express views on the running of the elections held on 6 May 2010 which will be taken into account for future elections.

37. We recommend as set out at the commencement of this report.