

Report to the Overview and Scrutiny Committee

Date of meeting: 16 July 2013

Portfolio Holder: Leader (Deputy County Returning Officer/ Returning Officer's Report)

Subject: Elections – 2 May 2013

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Recommendation:

- (1) That our review of the Elections held on 2 May 2013 be noted;**
- (2) That, as it appears that some agents and candidates are not briefing their tellers sufficiently, future information sent to them should emphasise the need for this and an additional letter be sent to agents and candidates acting for themselves approximately one week before the poll reminding them of the role and restrictions on tellers and asking them to draw the attention of their tellers to the agreed local protocol seeking details from electors only on the way out of the polling station and the need to dispose of poll cards securely;**
- (3) That the proposed actions reported to us by officers in response to issues raised be agreed; and**
- (4) That the Deputy County Returning Officer and his staff be congratulated on the efficient manner in which the elections were held.**

County Council Elections and District Council By-Election

1. We review elections each time in the light of matters drawn to the attention of officers and comments made by election agents and candidates. The following seven County Council Divisions were contested on 2 May 2013:

Buckhurst Hill and Loughton South;
Chigwell and Loughton Broadway;
Epping and Theydon Bois;
Loughton Central;
North Weald and Nazeing;
Ongar and Rural; and
Waltham Abbey

2. There was also a District Council by-election for one seat in the Waltham Abbey Honey Lane Ward to fill a casual vacancy arising from a resignation.

Turnout

3. We were advised that overall turnout was 25.07% varying between 20.70% in the Waltham Abbey Division and 33.11% in the Epping and Theydon Bois Division. Turnout for the District Council by-election was 20.50%.
4. The level of turnout was disappointing. We were informed that in the days before the election and throughout polling day officers received numerous complaints by telephone, social media and face to face at polling stations about the lack of available information about the candidates. Neither the Council nor the Returning Officer is able to publish candidates' manifestos and those complaining were referred to where they could find information, e.g. searching the Internet. A common response from electors was that they expected to receive leaflets through their letterboxes and they did not have the time or inclination to search for information.

Arrangements

5. Officers prepared a Project Plan and a Risk Register for the elections which was updated on a regular basis from the beginning of the year.
6. The Electoral Commission issued a direction to Returning Officers to report their performance against set standards regarding planning and organisation, administering the poll, absent voting, verifying and counting the votes and action after the poll. In order to comply with the direction it was necessary to submit monitoring returns by specified dates. The monitoring returns required answers to set questions but in addition the Commission specified that a sample of Returning Officers, including Epping Forest, should submit data/evidence to support the responses. All of the returns and documents requested were submitted in accordance with the specified times. We are pleased to report that the Commission did not raise any significant queries in relation to the submitted material and has subsequently confirmed that based on their analysis of the information submitted officers met all of the necessary requirements.

Polling Stations

7. 80 established Polling Stations were provided in 72 different buildings on 2 May 2013. This required the appointment of 72 Presiding Officers and around 120 Poll Clerks. Sufficient numbers of staff were appointed including standby staff some of whom had to be called upon at short notice.
8. On election day, representations were made about some of the buildings.
9. At the Allnutts Institute in Allnutts Road, Epping there is a farm-type gate (wide enough for a tractor) which leads to a former allotments site. The gate is a heavy metal construction and is designed to be secured against some metals stays at ground level which have broken. Whilst the gate appears solid it would not act as a handrail if someone grabbed it after tripping. The gate would swing away from the path and take a person with it. Officers will hold discussions with the owners of the building about possible remedial works.
10. We were informed that an elector in a wheelchair found it difficult to enter the polling station at the Hastingwood Village Hall. We understand that the entrance has been inspected and the problem is that there is a UPVC doorframe which has a raised sill at floor level of about one inch/one and a half inches. The doorway is quite narrow but is wide enough to accommodate a wheelchair. There is no warning of the raised sill and it is therefore also a potential hazard for the able-bodied. Discussions will take place between officers and the owners of the building about potential improvements.

11. The Whitebridge Junior School in Loughton has two entrances, one in Greensted Road and one in Southern Drive. It is desirable to have both entrances open as the distance between the two for a pedestrian is significant. The Greensted Road entrance is regarded as the main entrance and adequate signage to the polling station was provided from that entrance. However, representations were received on polling day that there was inadequate signage from the Southern Drive entrance which resulted in some electors walking around the school looking for the polling station. When the matter was drawn to the attention of the Presiding Officer additional signage was provided and we have been assured that the need for this will be emphasised to the Presiding Officer at future elections.
12. A complaint was made to one Presiding Officer about the lack of a Notice of Poll inside the polling station. This has been the case for several elections since the Electoral Commission pointed out to Returning Officers that this notice is not listed in the legislation as being one for display in a polling station. We are of the opinion that the display of such a notice is a useful aid to electors. However, to display it in the polling station would require a change to the legislation and as this is unlikely to be regarded as a priority we are not proposing that the matter should be pursued.

Postal Votes

13. The total number of postal vote packets issued was 8115. Only 4 packs failed to reach the electors in the post and had to be re-issued. 71% were returned which equates well with previous elections. Arrangements were not made for a final sweep of Royal Mail Sorting Offices on polling day in order to locate and obtain postal votes still in the postal system as this was not a requirement of the County Returning Officer. 26 postal votes were handed in at polling stations. In the Council's post on the days immediately following polling day a total of 51 postal vote packages were received, some of those may have been in the Royal Mail system on polling day. A few were returned as undelivered because electors had moved or died and the Elections Office had not been notified.
14. We were informed that 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 although automatic signature recognition did not work as well as in previous years which necessitated more being determined manually. We understand that many of the signatures on the postal vote statements determined manually were clearly identical to the signatures held in the records and should have been accepted by the software. This issue has been taken up with the software providers. We are pleased to report that there was no evidence of any significant postal vote fraud although 145 postal votes were rejected for various reasons – no ballot paper, no postal voting statement, mismatched signature or date of birth or both. There were a few cases rejected for mismatched signature and date of birth where it appeared that one member of the household had completed all of the postal votes for that household.
15. The Electoral Registration and Administration Act 2013 provides for regulations to be made which will require from next year, Electoral Registration Officers to inform electors, after a poll, that their postal vote identifiers have been rejected (unless fraud is suspected). This should help electors who submit their postal ballot packs in good faith to avoid their vote being rejected at future elections. The introduction of Individual Elector Registration and Postal Vote Signature Refresh should also assist.
16. We were advised that the Elections Office received a complaint from an elector that the Electoral Registration Officer had breached the elector's data protection rights by revealing that she was a postal voter to a candidate. Elected representatives,

candidates, registered political parties and local constituency parties may request that the Electoral Registration Officer supplies them with the current or final version of the absent voting lists for a particular election. The intention being that they can use the lists to help them campaign. There is therefore no question of a breach of data protection. However, it was the wording of the candidate's literature to the elector to which the elector took exception. The literature stated that the candidate was aware of the elector's postal vote status from the list "published" by the Electoral Registration Officer and this was interpreted by the elector that the list had been published by the Electoral Registration Officer for anyone to see details of the elector's mode of voting. Although the wording of the address appears accurate, agents will be asked in future to be more sensitive with the wording of similar addresses to postal voters as misunderstandings of this nature could lead to a disincentive to vote.

17. There was an issue with two electors who in the past had received postal votes but had subsequently appointed a proxy for one election. As a result of doing so they had not realised until it was too late for the election on 2 May 2013 that they needed to reapply to have their postal vote status re-instated. They have now reapplied and been granted postal vote status again for future elections. Such circumstances are unusual but in the event of a similar situation in future we have asked the officers to draw the attention of electors to the need to re-apply.

Ballot Papers

18. The proofs of all of the ballot papers were scrutinised carefully and all ballot papers were printed in the correct format. In addition a manual check was made of each printed ballot paper prior to election day to ensure that books were printed correctly and that all papers included the official mark. All of the papers were printed by the Council's Reprographics Section and no errors were found. As in previous years this was an excellent service bearing in mind the tight timescale for printing.
19. There were no reports from Polling Stations of printing errors on the papers and no ballot papers were rejected at the count for the want of an official mark. This suggests that the checks made before polling day were accurate.

Spoilt Papers

20. There was little evidence of spoilt ballot papers at the count. The majority of those rejected were because the elector had voted for more than one candidate or because the papers were unmarked or wholly void for uncertainty. In the County Council elections the highest number of papers rejected was 18 in the Waltham Abbey Division.
21. The number of ballot papers rejected in the District Council Waltham Abbey Honey Lane by-election was 40, all of which for being unmarked or wholly void for uncertainty. Many of these were probably as a result of there being only two candidates.

Verification and Counts

22. Verification and counting of ballot papers took place at Theydon Bois Village Hall immediately following the close of poll. This did not reflect the national scene where most County Returning Officers decided to count during the following day on 3 May. Counting on the following day was the preference expressed by our officers but this did not find favour with the other Essex authorities who all advised the County Returning Officer that they preferred to count immediately after the close of poll. Despite staff being tired after a long day, both processes went very smoothly and proceedings were finished ahead of schedule, partly due to the low turnout.

Comments about the count received from candidates and agents are summarised later in this report.

Police Liaison

23. Officers held discussions with the Police prior the election and as in previous years the Police support was good although the agreed cover was compromised due to the need for Police officers to attend a large fire on the day at Matching Airfield. There were no instances requiring immediate Police presence outside of the regular visits. There was also Police support provided at the Count Centre. From a Policing prospective the elections gave little cause for concern. Police visits during polling day were well received by Polling Station staff.

Complaints and Queries Received in the Elections Office

24. There were very few telephone calls made to the Elections Office on 2 May by electors.

Tellers

25. Unfortunately there were some issues with tellers which need to be addressed for the future.
26. Tellers at both the United Reformed Church, Lindsey Street, Epping and Pelly Court, Hemnall Street, Epping left heaps of poll cards on the floor of the areas they had occupied during the day. Fortunately the Presiding Officers collected those poll cards at the close of poll and brought them back to the Civic Offices where they were shredded. At the Senior Citizens Clubroom, Oakwood Hill, Loughton a teller left unattended a box with a rosette and poll cards for the next teller. The Presiding Officer noticed the box and took it into the polling station for safe keeping pending the arrival of the next teller but was criticised for doing so by that teller.
27. The information sheet sent to election agents and candidates acting for themselves is:

"If electors give tellers their poll cards, please **do not** leave the cards lying around, **do not** put them in any rubbish bins at the polling station - please give them to the Presiding Officer for safe destruction."
28. Also at the Pelly Court polling station an elector complained about being asked by a teller for his details on the way into the polling station. The Electoral Commission guidance states that tellers can ask electors for their details either when they go in to vote or when they leave. However, this is guidance only, not law. After local consultation by the Returning Officer in 2011, the resounding local opinion was that tellers should continue with the practice of only approaching electors after they have voted and are leaving the station. It was felt by the majority of those consulted that by asking on the way in might be interpreted as confrontational or intimidating. Some electors offer their details to tellers on the way into the polling station and we see no problem with this as in such circumstances it could be considered churlish to say something like "not now but on the way out please". However, in no circumstances do we accept that electors should be asked for their details on the way into the polling station.
29. It appears that some agents and candidates are not briefing their tellers sufficiently about these aspects and we are recommending that future guidance should emphasise these points, and that an additional letter should be sent to agents and candidates acting for themselves approximately one week before the poll reminding them of the role and restrictions on tellers and asking them to draw the attention of

their tellers to the agreed local protocol about seeking details from electors and the need to dispose of poll cards securely.

Feedback from Election Agents and Candidates

30. Officers invited election agents to express views on the running of the Elections and the Counts. Comments were also received from some of the candidates.
31. A UKIP candidate and agent expressed thanks for the efficient conduct of the poll and the count.
32. An Independent candidate and agent thanked the Deputy County Returning Officer and his staff for their work on the election and at the count.
33. An LRA candidate thanked the Deputy County Returning Officer and his staff for the arrangements made in the Division in which he stood referring to the "flawless" set-up
34. At the conclusion of the count at Theydon Bois, the Chairman of the Council expressed kind words about the conduct of the elections and count.
35. The YPP candidate who stood in the Buckhurst Hill and Loughton South Division has asked if a form can be issued with the nomination pack in future for a party's nominating officer to complete stating that the candidate is the official candidate of that party and that the party logo should appear on the ballot paper. This has not been an issue previously as all of the main political parties have their own style template which they use each year. However, in future a form will be produced and issued to appropriate parties with the nomination pack.
36. One of the Liberal Democrats' agents advised that as in previous years the election was very well conducted with the various phases of the work carried out efficiently and professionally. In relation to polling stations he advised that tellers at the United Reformed Church in Epping had reported the need for better signage as there were other activities taking place served by the same entrance. The Presiding Officer at the station has stated that he was unaware of a problem and that the teller's concerns were not drawn to his attention on the day. The agent has also stated that he would have liked to have seen more importance given at the count to the piles of 50 votes being laid out so that candidates and agents could have better appreciated the build-up to the final result. He further drew attention to the distracting background noise during the announcement of results and the failure of winning candidates to identify themselves. It was not apparent to the Returning Officer or his deputies that the Senior Counters were doing anything different from previous years when laying out counted papers. However, this issue will be raised with Senior Counters when they are briefed in future. In relation to background noise announcements will continue to be made when necessary at the count and winning candidates will be asked to identify themselves.

Review of Procedures

37. A thorough evaluation has been undertaken of all of the processes outlined in the Project Plan taking account of feedback from agents etc.
38. A Project Team comprising the Deputy County Returning Officer and his three Deputies met regularly between January and May 2013 to ensure that the processes were undertaken at the appropriate times.

39. Sufficient resources were allocated to the election.
40. The levels of staffing for polling stations, verification and the count were adequate. Assumptions made about the level of staff required for the issue and opening of postal votes proved correct as these proceedings were all completed in good time. IT network connections in Committee Room 1 worked without interruption. Directors were helpful in making officers available for all of the processes.
41. Poll cards and ballot papers were printed internally by the Reprographics Section within the specified timescales. Being in-house it was easy for officers to liaise with the printers and achieve speedy turnaround times for approving drafts etc.
42. Training was provided for Presiding Officers and Senior Count staff.
43. Using established polling stations ensured that the buildings were suitable. As mentioned earlier, issues arose on polling day about a gate by the Allnutts Institute Polling Station and a door sill at the Hastingwood Village Hall and these will be discussed with the owners of the buildings with a view to ensuring that they are resolved before the next elections. Steps will also be taken to ensure that adequate signage is provided at both entrances to the Whitebridge Junior School.
44. Theydon Bois Village Hall again proved to be a good venue for the verification and count.
45. Electors were allocated to polling stations having regard to Electoral Commission guidance. Turnout was low and there were no instances of queuing for ballot papers.
46. An adequate level of police support was provided. A meeting was held with the Single Point of Contact (SPOC) officer and agreement reached on support. On the day it was not possible for the Police to deliver the agreed level of support due to the need for officers to attend a large fire in the District.
47. Once the ballot papers had been printed a system was put in place to ensure that they were securely stored and free from interference at all times. Staff checking books of ballot papers ensured that the papers were not left unsupervised at any time.
48. The Council's Public Relations and Marketing Officer supported by the Website Officer attended meetings as required and ensured that appropriate publicity was made available at all stages with links to the County Council website.

49. Stationery and equipment levels were checked at an early stage and adequate supplies obtained. On polling day there were no calls to the Elections Office for additional items of equipment.
50. Nomination forms were informally checked when received and this enabled agents to correct some errors before the close of nominations. Agents were provided with detailed guidance about the various processes.
51. All of the statutory timescales were met.
52. Throughout the election period the Elections Office was staffed for the handling of queries from electors, agents and candidates.

Lessons Learned

53. Broadly speaking we do not consider that there were any key issues arising at the May 2013 elections. Generally all practices were completed successfully and this is reflected in the comments made by appropriate stakeholders.
54. We agree with the proposed actions of officers in response to issues raised in this report.
55. We are of the opinion that there is a need to emphasise to agents and candidates acting for themselves the arrangements agreed locally for tellers and to request that they use appropriate wording in literature to postal voters in order to overcome the matters raised in this report.