

Guidance to Returning Officers at e-voting pilot schemes

The Commission has received requests for additional guidance to those authorities holding e-voting pilots at the May 2007 elections.

The Commission has already issued the Code of Practice required under section 6F of PPERA. The full code can be [accessed](#) through our website. We advised all Returning Officers of this Code through Circular EC7/2007. The Code was the subject of a consultation exercise in late 2006, as required by PPERA.

The Commission has also issued guidance to Returning Officers and Presiding Officers on the exercise of the powers conferred upon them by section 6E of PPERA, and this can also be found through the [website](#). Returning Officers and Presiding Officers are required to have regard to this guidance.

The Commission issues the following additional guidance under section 10 of PPERA.

The Commission is clear that all accredited observers must be treated equally. All electoral proceedings are equal under the guidance and access must be provided to all relevant processes. The Commission has issued identification to all accredited observers and they are bound by the Code of Practice.

In answer to specific questions raised with us:

Why is there no control over numbers at each proceeding? Do they have to give notice?

The Code is based on acknowledged international best practice. This requires that observers are free to observe any proceeding for which they are authorised at a time and place of their choosing. Therefore the Commission has not asked applicants to nominate where or when they wish to observe. That said, we have also reminded applicants that they may wish to make advance contact with the RO to ensure that they have the correct details for proceedings; equally ROs are free to contact accredited organisations and ask for their plans.

Under the Code, observers need no further documentation to gain admittance to an authorised proceeding than their Commission issued identification. We would suggest that you provide any security staff with a copy of the badge,

available from [eXtra](#). The register of accredited observers on the public website is updated daily, and will in effect close for the 3 May elections on 30 April.

All these provisions were covered in the 2006 consultation on the Code.

Can I limit the number of observers at any proceeding?

Section 6E of PPERA allows a Returning Officer to limit the number of observers who may be present **at any one time** at a relevant proceeding. The Commission advises that relevant officers use caution in exercising this power. Electoral observation is a legitimate and valuable part of the electoral process and care should be taken to not hinder or obstruct the conduct of observation. It is important to note that no officer is entitled to bar **all** observers from an entire proceeding, only to limit the number of observers present at **any one time**. The Commission [guidance](#) to Returning Officers provides further detail.

How do the provisions apply to e-voting?

The pilots orders provide for observers to have equivalent access to proceedings conducted according to the order. This means:

- Access to the issue and receipt of postal ballot papers (incl personal identifier verification - see circ 21/2007)
- Access to the taking of the poll
- Access to the count

Access to the taking of the poll

If electronic voting is being used in polling stations (or advance voting stations) , observer access continues as for a standard election. Observers can no more watch an elector using an e-voting device than they can watch an elector completing a ballot paper. They are entitled to see:

- Any activation of devices at the commencement of the poll or the day of polling
- Any 'zeroing' or clearing of devices
- Any sealing of devices at the conclusion of the poll or the day of polling (or equivalent procedures)
- Any special arrangements for voters with disabilities

Observers are also entitled to ask to view any documentation relating to the conduct of these processes (eg training materials, logs of seal numbers etc) if they are unable to attend polling stations (or advance voting stations) at which electronic voting was used. They can also observe:

- The procedures for elector verification
- Any assistance given to an elector
- Officials procedures during and at the conclusion of the poll

- Procedures and the use of equipment used for transmitting results or partial results

Observers are not entitled to ask to 'try' any devices unless a demonstration device or capability has been set up explicitly for this purpose.

They are not entitled to physical access to the device as they would not be entitled to physical access to the ballot box.

Access to the count

Again, observer access is to processes and proceedings analogous to a standard election. A good rule to follow is that observers must be able to see as much as candidates and their agents. This should include:

- Provision of a briefing as to the procedures to be followed at the count
- Ability to view verification and adjudication sessions
- Access to reports as provided to candidates and agents
- Watching the 'zeroing' or clearing of devices
- Watching the unsealing or opening of devices used to transmit votes (or equivalent procedures)
- Watching the processes by which votes are totalled or displays of running totals are shown

Access to servers, software etc

Observers are not entitled by law to physical access to hardware but we would recommend allowing them to inspect facilities where feasible.

Similarly, although observers are not entitled by law to view source code or software installations, some electronic voting solutions make use of publicly available open source code software. We would recommend that Returning Officers advise the observer accordingly depending on the solution used.

Access to other information

We urge you to take the time to discuss your experiences with any observers who request a meeting. Sharing your experience and answering their questions will help all in coming to a conclusion on the outcome of the pilot. Any additional paperwork you are willing to share such as forms, communications materials, PID, highlight reports etc will assist them in reaching their conclusions.

Kate Sullivan
Head of Electoral Administration
The Electoral Commission
April 2007