

Issues for consideration in connection with a potential combined UK Parliamentary general and local government election in England on 6 May 2010

1 Introduction

1.1 The Commission published guidance on planning for the forthcoming UK Parliamentary general election¹ and for the local elections², in September 2009. Guidance manuals for Returning Officers at UK Parliamentary³ general and local government elections⁴ were published in December 2009. Both manuals contain a Part G, Combination of Polls which covers combination issues.

1.2 The Elections and Registration Working Group suggested that the guidance should be supplemented with further advice about combined elections given the possibility of potential combined UK Parliamentary general and local government elections in England on 6 May 2010. In particular the group identified that the following areas should be addressed:

- poll cards
- postal votes
- ballot boxes
- polling Stations
- the Count
- training
- postponement of parish and community elections

1.3 This paper has been developed in consultation with the Elections and Registration Working Group and has the agreement of the Working Group.

¹ Essentials of effective election management: Planning for a UK Parliamentary election
http://www.electoralcommission.org.uk/__data/assets/electoral_commission_pdf_file/0020/81362/UKPGE-Essentials-WEB.pdf

² Essentials of effective election management: Planning for a local government election in England and Wales
http://www.electoralcommission.org.uk/__data/assets/pdf_file/0020/81551/056-Managing-local-election-part-B-web-with-cover.pdf

³ <http://www.electoralcommission.org.uk/guidance/resources-for-electoral-administrators/uk-parliamentary-elections>

⁴ <http://www.electoralcommission.org.uk/guidance/resources-for-electoral-administrators/local-elections/local-government-elections-in-england>

1.4 If the next UK Parliamentary general election is called for 6 May, many important decisions should have already been taken by the respective Acting Returning Officers and local government Returning Officers. Returning Officers will be well advanced in their planning for the elections and this paper is designed to assist with those plans by summarising and giving recommendations on some of the elections' key issues.

2 Working with contractors

2.1 The Commission has produced *Essentials of effective election management* and *Managing contactors and suppliers*⁵ which provide guidance on planning for an election. It makes clear the benefit of having robust contracts in place between Returning Officers and contractors. Any contract for services related to any of the issues covered by this document should cover the arrangements for both a standalone UK Parliamentary general election and standalone local government elections and also the arrangements should those elections be combined.

3 Timetable

3.1 The local government timetable begins with the publication of the notice of the election required by not later than 29 March. As the UK Parliamentary election writ may not be received until 12 or 13 April in the case of a combined election, a number of issues would arise. While Returning Officers will have already be advanced in their planning for this possibility, this note will assist with that planning. As part of that assistance, a timetable for a combined election is attached as an Appendix.

4 Roles and responsibilities

4.1 The Acting Returning Officer and the local government Returning Officer, where these are not the same person, should have already been planning to address such issues as:

- The sharing and exchange of information and the display of official notices (including, for example, considering the possibility of colour coding to simplify messages)

⁵http://www.electoralcommission.org.uk/__data/assets/electoral_commission_pdf_file/0003/83190/Managing-contractors-and-suppliers-WEB.pdf

- The most appropriate method of recruiting and paying staff

4.2 Other issues that have previously been identified in Essentials of Effective Election Management include:

- The issues in connection with the new UK Parliamentary boundaries where these result in constituencies including more than one local authority area
- The most effective way of dealing with candidates and agents
- The strategy for communicating with the press and media
- The resilience of contractors/suppliers to respond to the demand.

5 Official notices

5.1 The local government notice of election has to be published by not later than 29 March. The (A)RO will need to make decisions about the publication of the remaining notices so that it is clear to which election each notice applies and which notices, if any, it is appropriate to combine.

5.2 The notice of election for any parish council election should contain a note stating that if a UK Parliamentary general election is called for 6 May, the poll for any contested parish council elections will be postponed for three weeks. Further guidance on this is included below.

6 Official poll cards

6.1 The Returning Officer for the local government election is required to issue official poll cards as soon as practicable after publication of the notice of election.⁶ This means approving poll card wording and design, including maps if a part of the design, at the latest some several weeks before the UK Parliamentary general election would be called. Given the potential for a combined election on 6 May, the respective Returning Officers must make an early decision, about whether to issue the poll cards separately or combined in the event of a UK Parliamentary general election on 6 May.

6.2 Although the poll card is prescribed, it can be produced in a form substantially to the like effect with such variations from the prescribed forms as

⁶ Rule 25, LEPAR 2006.

the circumstances may require.⁷ In any event, the poll card can include such other information as the Returning Officer thinks appropriate and different information may be provided to different electors or different types of electors.

6.3 In the event of a UK Parliamentary general election combined with a local government election, a combined poll card may be issued by both the (Acting) Returning Officer and the local government Returning Officer with necessary adaptations (for example, both (Acting) Returning Officer and Returning Officer titles would be required on any combined poll card).

6.4 The options facing the (Acting) Returning Officer and local government Returning Officer are as follows:

- Separate poll card issue - Issue the local government poll card as planned, and then issue a UK Parliamentary general election poll card once the notice of election for that election has been published. The local government poll card can be sent with or without a note referring to the UK Parliamentary general election. Such an additional note may consist of adding that if the polls are combined, the polling stations and polling hours will be the same and that another poll card for the Parliamentary election will be sent to confirm the combination, etc.
- Combined poll card issue – Do not issue a local government poll card and send combined poll card after publication of the notice of election for the UK Parliamentary general election. If the UK Parliamentary general election is not called for the 6 May then the single local government poll card would be sent once the last possible day for issuing the writ for a 6 May election has passed.

6.5 When considering whether or not to issue a combined poll card it must be emphasised that there is no provision in law for poll cards for the UK Parliamentary general election, even as part of a combined poll card, to be sent before the publication of the notice of the election for a UK Parliamentary general election.

6.6 Some of the key points to consider in connection with managing the issue of separate poll cards include:

- (i) Design of poll card for each election is less complex as it will follow the prescribed form

⁷ Rule 25(3), LEPAR 2006. Note at beginning of the Appendix of forms, PER.

- (ii) Prompt printing and issue of local government poll cards providing maximum time to deal with new registration applications and new postal vote applications for the local government elections.
- (iii) The local government poll cards could be used to prompt the electorate to the imminent approach of a UK Parliamentary general election.
- (iv) Managing the differences in the franchise would be straightforward.
- (v) Sending a second poll card gives the elector a reminder of the date and polling station (if appropriate) for the election.

6.7 Some of the key points to consider in connection with combining the issue include:

- (i) The legal requirement to send the local government poll card as soon as practicable after the publication of the notice of election (note that this is the actual date of publication of the notice of election rather than the last possible date for publication). It is arguable that delaying the issue of the local government poll card for over nine working days (or even longer if the local government notice of election is published earlier), would not constitute issuing 'as soon as practicable'.
- (ii) Delay in despatching the local government poll cards and resultant reduction in time to deal with for new elector registration applications and postal vote applications
- (iii) The need to manage the different franchise requirements including how restricted franchise electors' (for example, EU citizens and overseas electors) poll cards will be printed

6.8 Taking into account the issues highlighted above, it is the Commission's recommendation that Returning Officers should issue separate poll cards. We consider that it is in the interests of the voter to have a separate poll card for local government and UK Parliamentary general elections as the first poll card will act as a prompt for those still remaining unregistered as well as a reminder of the date and place of poll. Separate poll cards for each election are also more appropriate considering the legislative requirement for them to be issued as soon as practicable after the publication of the notice of election. It should be noted that there is provision for separate poll card issue to be claimed from the Government as part of the financial arrangements for the election.

6.9 Irrespective of whether it is decided to combine or issue single poll cards it is recommended that early discussions leading to formal contractual arrangements are made with suppliers.

7 Postal votes

7.1 Some of the key issues to be considered in deciding whether or not to combine the postal vote issue if there is a 6 May combined election are set out below.

7.2 To combine:

- The ballot paper proofs for the UK Parliamentary general election will not be able to be finalised until 5pm on Tuesday 20 April (E-11) and therefore postal ballot papers will not be ready for sending out until later
- This will delay the first issue of postal votes as the local government ballot papers can be finalised from noon on Tuesday 13 April (E-16), which allows postal votes to be issued immediately after the postal vote deadline of 5pm on Tuesday 20 April (E-11)
- The (A)RO would only need to open, scan, check and determine one set of postal voting statements
- Postal voters entitled to vote in both elections would receive both ballot papers together, but those not eligible to vote in both elections would have to be handled separately, which means that the numbering sequence for ballot papers will need to be carefully considered to ensure that the ballot paper number printed on the ballot paper envelopes and postal vote statements match with the ballot papers issued.
- There is a reduced risk of ballot papers being returned with the wrong postal vote statement as only one postal vote statement will be needed for both elections.
- Possibility for more 'provisionally rejected' where only one ballot paper has been returned, which will have an impact throughout the postal voting process, including on the final matching up process at the final opening session after close of poll
- Issuing replacements for lost, not received or spoiled ballot papers, such as:
 - Noting that the responsibility for reissuing for both local government and UK Parliamentary general elections rests with the (A)RO
 - Having systems in place to deal with a single or combined replacement

- For cross boundary constituencies that the electors are aware that replacements will be made by the relevant (A)RO and that they may be based in another local authority area and consider how electors will be informed of the correct place to obtain a replacement. (A)RO's may, therefore wish to appoint a deputy with powers to reissue postal ballot papers in the local authority areas in which they are not based and the (A)RO should consider how electors would be informed of any such arrangement
- The capacity of the printer to produce combined postal vote packs with all the relevant instructions for voting and in connection with the arrangements for issuing replacements as described above based on the very limited time available for administering the UK Parliamentary general elections which is shorter than the local government timetable.

7.3 To issue separately:

- The proofs for the local government ballot papers can be finalised from noon on Tuesday 13 April (E-16), which should allow for issue of local government postal votes immediately after the postal vote deadline and so earlier than would be the case with a combined issue where the UK Parliamentary general election ballot papers will not be able to be finalised until after 5pm on Tuesday 20 April (E-11) and then will still need to be printed.
- Removes the complex arrangements required to deal with the different franchise for the different elections
- May generate enquiries from voters about the fact that they have received a ballot paper for the local government election but not the UK Parliamentary general election
- Outsourcing arrangements may be easier to specify and control but there will be an impact on supplier capacity where combined will require twice the amount of stationery.
- IT implications of scanning double the number of postal voting statements may require additional hardware and IT support, and there may be additional staffing requirements for opening double the number of postal votes
- Dealing with the re-issue of postal votes that are lost or not received or spoilt can be more clearly defined as:
 - each Returning Officer is responsible for their own re-issuing

- for cross boundary constituencies the arrangements should be as convenient as possible for the elector bearing in mind the complication where different Returning Officers are involved.
- that the electors are clearly informed of the agreed arrangements of how replacements can be obtained

7.4 As mentioned in paragraph 6 above, early discussions should have already taken place with suppliers on these issues and contractual arrangements should be in place to ensure there is sufficient capacity to source materials and meet deadlines.

7.5 Considering the issues above, it is our view, that Returning Officers should have a separate issue of postal votes. We consider that it is in the interests of the voter to have their ballot papers sent as soon as possible, and separate issues will prevent the time required to produce the UK Parliamentary general election ballot papers from delaying the issue of the local government postal ballot packs. It should be noted that there is provision for separate postal vote issues to be claimed from the Government as part of the financial arrangements for the election.

8 Ballot papers

8.1 An early decision on the colour of the local government elections ballot papers is recommended to ensure that white is reserved for the UK Parliamentary general election as, of course, there is a requirement to use different coloured ballot papers. While, of course, any colour can be used, white is often reserved for UK Parliamentary general elections due to the availability of white paper being less of a problem for printers. When choosing a colour for the local elections the Returning Officer should consider the accessibility of the colour chosen. RNIB and other appropriate bodies' guidelines should help to inform the decision (see page 94, Essentials of effective election management). The print run for both elections together with the colour of the ballot papers needs to be specified to suppliers as soon as possible to ensure that formal requirements have been documented and the printer has sufficient time to tint or source the chosen coloured paper.

8.2 Longer ballot papers may feature in the forthcoming elections and should be a topic for discussion with printers to give them maximum time to consider any production implications. In particular longer ballot papers impact on many of the election activities and such a possibility should be factor into the planning and risk assessment processes in relation to the postal packs, the issuing in polling stations and the count.

9 The polling stations

9.1 The issues affecting polling stations are highlighted below:-

- Staffing – polling station staff will need to deal with the marking of the register, the CNL and the issue of two ballot papers – consider the implications for staff numbers and the training that will be necessary.
- Voting booths – consider if there is a need to increase the number of booths due to potentially higher turnout and voters taking longer to mark two ballot papers than one.
- Ballot boxes – consider if separate or combined ballot boxes should be used. Capacity and ballot box stocks may also be an issue. With a much larger turnout than normal for local elections using one box may well not be sufficient and additional boxes may need to be provided to some presiding officers to ensure they are able to seal them at the start of poll. It might be possible to acquire ballot boxes ‘on loan’ from local authorities who may have spare stocks.
- The register and the franchise markers – communicating the importance of checking voter eligibility will be a key training message. This is covered in the *Handbook for polling station staff* and *Quick guide for polling station staff*.

10 The count

10.1 Irrespective of the time at which the count is commenced there are a number of issues to consider as part of the planning process. These include:

Timing	How the verification and counting of the votes for the two contests will be scheduled. Returning Officers should note that verification for all elections must be completed before the count for any election can even begin . This is specific to combination with a UK Parliamentary general election and the agreed arrangements will need to be clearly explained.
Venue	Is the venue large enough and available for a sufficient period of time to accommodate the counts and those entitled to attend them, and does it have appropriate facilities?
Final opening of postal votes	Where will this happen and how efficiently can the process be completed, especially if the counts are to

	begin immediately after close of poll? In particular, how will this be managed given that it is likely that there will be a large number of postal votes returned to polling stations and received on polling day?
ICT	If the postal vote opening is to be accommodated at the count venue, IT infrastructure and IT support is crucial, particularly if the postal votes have been issued separately as this will impact on the resources required.
Communications	Signage (identifying the separate count activities if counting is simultaneous), briefings and regular updates will be key to keeping the stakeholders up-to-date with progress.

11 Training

11.1 There are a number of issues about training that should have been factored into the overall plan. They are:

- When it should be done? – if it is scheduled for before the publication of the local government notice of election there may well be no certainty about the UK Parliamentary general election being held on 6 May. Can training be designed to cover all of the key issues that affect both elections and staff advised that they will receive additional briefing and materials if the elections are to be combined? Or does the (A)RO have the specific trainer resources to schedule the training towards the middle of April when there is certainty?
- Who else needs to be trained to deal with the pressures and complexities around a possible combined election and to provide sufficient support to the (A)RO, e.g. deputies, polling station inspectors, count staff, front line staff (reception and call centre staff)?

11.2 Support products in relation to combined elections are available on the Commission's website and can be downloaded at www.electoralcommission.org.uk/guidance/resources-for-electoral-administrators/uk-parliamentary-elections

12 Combination of UK Parliamentary general election and parish and community elections

The following is a summary of guidance on the issues that will arise if there is a UK Parliamentary general election on the same day as a parish or community council election on 6 May 2010. The Commission has produced, in consultation with the MoJ, the following advice which we consider most appropriate within the current legislative framework.

What would happen to parish and community council elections if a UK Parliamentary general election was called for 6 May 2010?

If a UK Parliamentary general election has the same polling day as a parish and community council election polling day and that day is also the first Thursday in May (or an alternative ordinary day of election as changed by order), then the parish or community council **poll** must be postponed for three weeks.

Therefore, if a UK Parliamentary general election has a polling day of 6 May 2010, there will be no parish or community elections on that day.⁸

Does this affect all parish and community council elections?

The postponement applies to **any** parish or community council election, **whether ordinary or by-election**. However, only parish or community councils where there is a **contested election** are postponed. If, at the end of withdrawals, there are the same or fewer validly nominated candidates than seats to fill the election is uncontested. There is no poll for these uncontested elections and therefore the validly nominated candidates are declared elected unopposed and the ordinary day of election does not change.

If the parish election is contested, the poll is postponed once the notice of poll is published for the UK Parliamentary general election. The election dates are recalculated with the new polling day being the new ordinary day of election for that parish council which can then be used calculating the new timetable.

This guidance and the attached combined timetable refers to parish elections, but it can also be read as town council (or other name that has been resolved by the parish) as appropriate, and also covers community council by-elections (there are no ordinary community elections in 2010).

⁸ Section 16, RPA 1985.

When do the councillors retire/take up their seats and when must the annual meeting of the parish council be held?

Existing councillors retire and the new councillors take up their seats on the fourth day after the ordinary day of election.

For uncontested elections, the ordinary day of election remains 6 May 2010. The end of the term of office and the start of the new terms of office take place on the fourth day after that. The annual meeting of the parish council must take place within 14 days of the day that the new councillors take office.

For contested elections, the ordinary day of election is 27 May 2010. The retirement of existing councillors and new councillors taking their seats takes place on the fourth day after that. The annual meeting of the parish council must take place within 14 days of the day that the new councillors take office.

Where a parish council is warded and there is a mix of contested and uncontested elections in the wards, they consider that:

The retirement and take up of new seats should follow the advice above.

The annual meeting of the parish council should take place within 14 days of the day that the new councillors take office. This will allow the annual meeting to contain all newly elected councillors for the parish.

Does this affect by-elections where there are no other ordinary day local government elections in the local authority this year?

Yes. All contested parish and community council by-elections held on the local government ordinary day of election have their polling day postponed by three weeks. This is required by Section 16(1)(a), RPA 1985. The ordinary day is the first Thursday in May unless otherwise changed by legislation (as was the case in 2009) regardless of whether or not there are ordinary local government elections in a particular authority that year.

Why were the parish and community council elections not postponed in 2009?

Usually, a European Parliamentary election would also trigger a postponement of parish and community council elections on the local government ordinary day of election. However, the legislation that changed the local government ordinary day of election from the first Thursday in May to 4 June also contained a clause that prevented the postponement of parish and community council elections in 2009. That provision does not apply this year.

What changes to official notices should be made?

The original notice of election for the parish council election should be amended. If a UK Parliamentary general election has not been called by the time of publication of the original notice, a note should be added to say that if a UK Parliamentary general election is held on 6 May, any poll will be held on 27 May and the notice of election will be republished with the new nomination, registration and absent vote deadlines (these are given in the attached timetable).

In anticipation of a UK Parliamentary general election being called for 6 May a note could be added to the notice of election giving the revised date of any poll as 27 May 2010. In addition, after the section dealing with the deadline for nominations there could be inserted a note stating that "If, after 12 Noon on Tuesday 13 April 2010, there are more than [x] validly nominated candidates there will be a further nomination period that will begin on [Wednesday 21 April 2010 / Thursday 22 April 2010 at the discretion of the Returning Officer] and will end at 12 noon on Thursday 29 April 2010.

If the parish council poll has been postponed the notice of election should be republished. This notice of election should include the new deadlines for nominations, registration and absent voting. The attached timetable gives the appropriate dates. This notice should be published after the notice of poll for the UK Parliamentary general election has been published (4pm on Tuesday 20 April 2010) and by latest Wednesday 21 April 2010.

What happens to the nomination period?

Nominations will close for all parish elections at 12 noon on Thursday 8 April, even if a UK Parliamentary general election has been announced for 6 May. The withdrawal deadline also remains the same, at 12 noon on Tuesday 13 April.

For contested elections, there will be a further nomination period and we would suggest that this should begin the day after the republished notice of election. It will end as usual on the nineteenth day before the poll, which will be Thursday 29 April. Any valid nominations from the first nomination period remain valid for the postponed poll.

All validly nominated candidates from both nomination periods may withdraw by the new withdrawal deadline of Wednesday 5 May.

What if, after the second withdrawal period, the parish or community becomes uncontested?

Those remaining validly nominated candidates from both nomination periods should be declared elected. The election ends at that point. For issues related to

retirement and taking up seats (as described above), the ordinary day of election remains 27 May.

Who will pay for the costs of postponing the parish election?

The Ministry of Justice will be providing guidance on how expenditure specifically incurred due to the postponement of the parish poll can be claimed.

APPENDIX

Sample combined election timetable for 6 May 2010

Event	Working days before poll (deadline if not midnight)	Date
<i>Register for nominations for local government election published</i>		<i>Monday 1 March 2010</i>
<i>Notice of election for local government election published</i>	<i>Not later than 25 days</i>	<i>Not later than Monday 29 March 2010</i>
Register for nominations published		Thursday 1 April 2010
<i>Close of nominations for local government election (including parish election)</i>	<i>19 days (noon)</i>	<i>Noon on Thursday 8 April 2010</i>
Issue of writ/proclamation	17 days	Monday 12 April 2010
<i>Statement of persons nominated for local government election</i>	<i>17 days (noon)</i>	<i>Noon on Monday 12 April 2010</i>
Receipt of writ (Probable date)	17 or 16 days	(Tuesday 13 April 2010)
Notice of election (Probable date)	Not later than receipt of writ +2 (by 4pm) (Most likely, however, to be published on date of receipt of writ)	(Tuesday 13 April 2010)
<i>Deadline for withdrawals of nomination for local government election</i>	<i>16 days (noon)</i>	<i>Noon on Tuesday 13 April 2010</i>
Nominations begin (Probable date)	Not earlier than publication of notice of election +1 day (10am)	(Wednesday 14 April 2010)
Nominations close	11 days (4pm)	4pm on Tuesday 20 April 2010
Statement of persons nominated and notice of poll (if no objections to nominations)	11 days (5pm)	4pm on Tuesday 20 April 2010
Postal vote deadline	11 days (5pm)	5pm on Tuesday 20 April 2010

Registration deadline	11 days	Tuesday 20 April 2010
Deadline for new proxy applications	6 days (5pm)	5pm on Tuesday 27 April 2010
<i>Notice of poll for local government elections</i>	6 days	<i>Tuesday 27 April 2010</i>
Register publication	5 days	Wednesday 28 April 2010
Polling day (except contested parish elections)	0 (7am to 10pm)	7am to 10pm on Thursday 6 May 2010

Deadlines for the postponed parish elections (*where the election is contested after 13 April withdrawal deadline and UK Parliamentary general election election is contested on 20 April*)

Event	Working days before poll (deadline if not midnight)	Date
<i>Republish notice of election (giving new election deadlines (registration, absent voting and nominations))</i>	<i>Not before publication of UK Parliamentary general election notice of poll, not later than 25 days</i>	<i>Not before 4pm on Tuesday 20 April 2010, not later than Wednesday 21 April 2010</i>
<i>Final parish nomination deadline</i>	19 days (noon)	Noon on Thursday 29 April 2010
<i>Deadline for withdrawals of nomination for parish election</i>	16 days (noon)	Noon on Wednesday 5 May 2010
<i>Parish postal vote deadline</i>	11 days (5pm)	5pm on Wednesday 12 May 2010
<i>Parish registration deadline</i>	11 days	Wednesday 12 May 2010
<i>Deadline for new proxy applications at the parish election</i>	6 days (5pm)	5pm on Wednesday 19 May 2010
<i>Parish polling day</i>	0 (7am to 10pm)	7am to 10pm on Thursday 27 May 2010