



Police and Crime Commissioner elections in England and Wales

Report on the administration of the elections held on 15 November 2012

March 2013

Translations and other formats

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Foreword

The Police and Crime Commissioners elections held last November prompted much debate. At the time the most high profile issue was turnout. I said then that as part of our report into how the PCC elections were set up and run we would look at the issue of turnout, and we have done so. But while turnout was the most visible issue, there are other lessons to be learnt from the PCC elections about the way elections are run, and specifically what needs to be done if there are plans to introduce more new elections or to create new elected public positions.

The overriding lesson is that the Government cannot assume holding an election is enough on its own to inspire participation. People have to know what they are voting for, and understand what different candidates might offer, in order to participate. And to make sure that voters can play their part easily, those responsible for running the polls must have clarity far enough in advance of election day to allow for proper planning. The legislation for Police and Crime Commissioner elections failed to deliver on both these points.

As I said last November, the extremely low turnout – at just 15.1% – must be a concern for anyone who cares about democracy. There were a number of factors at play here: the arguments about these being new elections taking place at an unfamiliar time of year are well rehearsed. But the decision to limit public support to candidates in getting information about themselves to voters, so that candidate information was provided primarily via a website, was a mistake. Lack of information was cited as a reason for not voting in the election by more than five times as many non- voters at the PCC elections than at the May 2012 local elections.

It may be that voter information will not be such an issue when Police and Crime Commissioners are next elected. Turnout at the next set of elections is likely to be higher in part because the next PCC elections will take place alongside other, more familiar polls. But we know that relying on people to seek out information online or order printed copies meant very few people knew who their candidates were last November. There is no reason to believe this will be different in future. At the 2016 PCC elections, there needs to be a candidate information booklet sent to every household where there are elections.

This was just one aspect of making sure that the legislative framework that underpins these elections – or indeed any elections – is fit for purpose. It was right that the Home Office had policy responsibility for the Police and Crime Commissioner legislation. But the Home Office does not have the necessary expertise to set the detailed legal framework for holding elections. As a result some of the rules were confirmed too late, which caused confusion or a lack of certainty for candidates and electoral administrators. This is unacceptable. This expertise resides with the Cabinet Office, and they should have played a greater role. This lesson must be learnt for future elections and referendums.

Finally, there were clearly a number of challenges for those running these elections. These elections were well run. Returning Officers and electoral administrators should be congratulated for their work in running new elections effectively with new

legislation and new guidance, much of which was provided to them late in the day. But none of us can afford to be complacent. There were issues about how some counts were run, and how long they took. Last November turnout averaged only 15.1%. With a higher turnout it's possible that we could have seen many counts running into Friday night. We must make sure this does not happen next time.

Jenny Watson

Chair

1 Summary

About this report and our role

1.1 The Electoral Commission is an independent body which reports directly to the UK Parliament. We regulate political party and election finance and set standards for well-run elections. We put voters first by working to support a healthy democracy, where elections and referendums are based on our principles of trust, participation, and no undue influence. We are responsible for publishing reports on the administration of elections and referendums.

1.2 This report provides our assessment of how well the first ever Police and Crime Commissioner (PCC) elections held on 15 November 2012 across England (excluding London) and Wales, were run, and how well the framework for the new PCC elections was established. It includes assessment of three UK Parliamentary by-elections in Manchester Central, Corby and Cardiff, a local mayoral election in Bristol, and a local referendum in Hartlepool to decide whether to keep the directly-elected mayoral structure, which were also held on 15 November.

1.3 Our analysis reflects the experience of voters, based on public opinion research and electoral data provided by Local Returning Officers (LROs), as well as feedback and views about the administration of the election from candidates and agents, those responsible for delivering the poll, and other participants.

Background to the elections

1.4 Following the May 2010 UK Parliamentary general election, the UK Government published its programme for government, which included a commitment to 'introduce measures to make the police more accountable through oversight by a directly elected individual, who will be subject to strict checks and balances by locally elected representatives'.¹ As the lead department for policing, the Home Office published a White Paper, *Policing in the 21st Century: Reconnecting police and the people*, for consultation in July 2010.

1.5 The Police Reform and Social Responsibility (PRSR) Bill was introduced in the House of Commons on 30 November 2010. The PRSR Bill provided for the election of PCCs to replace police authorities in 41 police force areas in England and Wales from May 2012.

¹ The Coalition: our programme for government; Cabinet Office page 13
http://www.cabinetoffice.gov.uk/sites/default/files/resources/coalition_programme_for_government.pdf

1.6 The 41 police areas in England and Wales vary considerably in size and population from Greater Manchester with two million electors to Dyfed Powys with under 400,000.

1.7 In September 2011, during its passage through Parliament, the UK Government tabled amendments to the Bill to change the date of the first PCC elections from 3 May 2012 to 15 November 2012. The Police Reform and Social Responsibility Act received Royal Assent on 15 September 2011.

Key facts and figures

Legislation for the elections

1.8 The detailed rules for the PCC elections on 15 November 2012 were contained in secondary legislation. Despite recognition by the UK Government of the importance of ensuring that detailed rules were clear at least six months before polling day, several key pieces of legislation were not laid until much later:

- The Order setting out the detailed rules for the conduct of the elections was laid in the UK Parliament on 15 May 2012 and came into force on 25 July, just over **ten weeks before the start of the election period**.
- The Order setting out the maximum amounts available to Returning Officers (ROs) for recovering costs for their services and running the election was made on 12 September 2012 and came into force the next day, just **3 and a half weeks before the start of the election period**.
- The Order 2012 specifying a bi-lingual ballot paper to be used for the PCC elections in Wales was laid in the UK Parliament on 29 October 2012, and came into force on 31 October, just **14 days before polling day**.²

Participation at the elections

1.9 Just over 36 million people were registered to vote in the November 2012 PCC elections. A total of 5.49 million votes were cast in these elections, representing a turnout of just 15.1% – the lowest recorded level of participation at a peacetime non-local government election in the UK.

1.10 Turnout at the three UK Parliamentary by-elections ranged between 18.3% in the Manchester Central constituency and 44.8% in the Corby constituency.

1.11 Turnout at the first mayoral election in Bristol was 27.9%, and at the local

² The Police and Crime Commissioner Elections Order 2012; The Police and Crime Commissioner Elections (Local Returning Officers' and Police Area Returning Officers' Charges) Order 2012; The Police and Crime Commissioner Elections (Welsh Forms) Order 2012.

governance referendum in Hartlepool turnout was 18%.

1.12 More than 5.8 million postal votes were issued for the PCC elections -16.1% of the eligible electorate. Approximately 2.8 million postal votes were returned for the PCC elections. Postal votes accounted for 48.9% of all votes counted, and the remaining 51% of votes were cast by voters or appointed proxies at polling stations.

1.13 Just under 50% of electors issued with a postal ballot returned it. Only 9.2% of 'in person' electors used their vote.

1.14 One hundred and ninety-one candidates were nominated and stood for election to the 41 PCC posts. In addition, 34 candidates stood in the three UK Parliamentary by-elections, and 15 candidates stood in the mayoral election in Bristol.

1.15 Thirty eight of the 41 November 2012 PCC elections were held using the Supplementary Vote electoral system, and of those, five were concluded without having to proceed to a second round because the winning candidate received more than 50% of valid first preference votes cast. Three PCC elections were held using the first-past-the-post electoral system as they had only two candidates standing.

Why people did not vote

1.16 The most commonly cited reasons for not voting in the PCC elections related to a lack of awareness (37%), primarily a lack of information about the elections and not knowing who the candidates were or where to find information about them. This figure was over five times greater than the proportion of non-votes who gave a similar response following the May 2012 local elections (7%).

1.17 Over a quarter (28%) of people said that they knew 'nothing at all' and 48% knew 'not very much' about what the PCC elections were about. Only 24% said that they knew 'a great deal' or 'a fair amount' about the PCC elections.

1.18 There is some evidence to suggest that the lack of information about the elections and candidates had a more significant impact on participation among groups who are traditionally more likely to vote in elections.

1.19 'Circumstances' was the second most common reason given by respondents for not turning out to vote (31%), with non-voters in England more likely to cite this as a reason than those in Wales (32% compared to 20% in Wales). The proportion of non-voters who cited circumstantial reasons for not voting in November 2012 was significantly less than the proportion that cited this as a reason following the May 2012 polls (53%).

People's experience of voting

1.20 Voters continue to report high levels of satisfaction with the process of casting their vote. Both polling station and postal voters remain positive about their experience. Nearly all polling station voters were satisfied with their experience (94%) and 96% said it was a convenient way to vote. Similarly, 97% of postal voters were satisfied with voting in this way and a similar proportion (96%) also said that it was a convenient way of casting their vote.

1.21 Ninety-four per cent of those who voted in the PCC election said that they found the ballot paper easy to complete, with 77% finding it very easy. Our research also indicates that voters understood how to complete their ballot papers for the mayoral election in Bristol and the local referendum in Hartlepool.

1.22 155,883 PCC ballot papers were rejected at the first stage of the count - 2.8% of all votes cast. Although higher than recent polls using the first-past-the-post electoral system, this figure is comparable with other elections held under the Supplementary Vote system (SV).

1.23 The proportion of ballot papers rejected at the first preference stage of the count ranged from 1.7% in Humberside to 7.2% in North Yorkshire. Anecdotal evidence from candidates, LROs and observers suggests that a significant proportion of rejected ballot papers were deliberately spoiled by electors wanting to register their concerns about the elections, although it has not been possible to quantify the extent of this activity through available electoral data.

1.24 Full details of our research findings are made available on our website.

Information for voters

1.25 The PCC elections were new elections, for a new role, which took place at an unfamiliar time of year and were held using SV, with which many voters were not familiar. It was therefore important that voters had sufficient information about the voting system, the issues, and the candidates that were standing, to allow them to make an informed decision and be able to participate with confidence.

1.26 The Commission ran a public awareness campaign to make people aware of the elections and explain how to participate in them. This included sending an information booklet to all households in areas where elections were taking place containing information on the date of the elections, the subject matter and how to complete the SV ballot paper.

1.27 While this information is important for voters, it is the parties and candidates themselves that give people a reason to vote; there is little evidence that public awareness campaigns alone – whether run by the Government, the Commission or the LRO – provide voters with the motivation to vote.

1.28 In most other elections with large geographic constituencies,³ candidates would be provided with a means of raising awareness among all voters that they are standing for election, to communicate their policies and to encourage people to vote. This has taken the form of a free mailshot (e.g. UK general election) or booklet with address from each candidate (e.g. mayoral elections). However, the UK Government

³ Freepost mailing facilities or booklets are provided to candidates at elections to the UK Parliament, European Parliament, London Mayoral, and Northern Ireland Assembly and local councils in Northern Ireland.

took the decision not to provide candidates with this for the PCC elections and instead chose to build a central website containing information from candidates and a phone line that the public could use to order printed material.

Summary of conclusions

Legislation for the elections

1.29 Although the Police Reform and Social Responsibility Act received Royal Assent in September 2011, more than a year before the elections, the detailed secondary legislation was not in place until much closer to polling day.

1.30 There was no reason why the Government wasn't able to avoid such late confirmation of the detailed framework for the conduct of the PCC elections. The legislation was framed using existing legislation, requiring relatively straightforward amendments to reflect the specific requirements for the PCC elections. Better planning, and a more collaborative approach to legislative development across (and between) Government departments, and greater clarity about policy goals is needed to support more effective and timely delivery of legislation for future polls.

1.31 We propose to return to these issues in more detail to inform the planning process after May 2014 and to make public our assessment of the state of readiness for combination, in time for the 2016 elections.

Participation by voters

1.32 The expected level of participation in the November 2012 PCC elections was one of the most salient issues for elected representatives and media commentators during the months leading up to polling day, and the historic low turnout of just 15.1% was a concern for everyone who cares about democracy. It is important to use the evidence and data available from these elections to understand why participation was so low, in order to be able to identify whether changes to policy and delivery approach could help improve participation at future elections.

1.33 The Government should not take for granted that people will automatically feel able to participate in new elections. A perceived lack of information about the contests and the candidates for these elections was the main reason that people said they did not vote. In particular, only 22% of people said they had enough information on candidates to be able to make an informed decision.

1.34 We do not believe that the information needs of voters at these elections were adequately considered when deciding whether or how to support the provision of candidate information directly to electors or households. Although improved delivery of information about candidates would not in itself be enough to improve turnout, it would address the unacceptably low levels of information/awareness and provide a better basis for encouraging participation in future elections.

1.35 This conclusion suggests some significant implications for the management and delivery of all new elections proposed in future. Decisions about information for

voters at new elections should be supported by much more thorough analysis by governments of what kind of information people need to participate and make an informed choice, and how they should be able to access that information.

1.36 The UK Government will need to begin planning now to carry out an analysis of options for providing information in advance of the 2016 PCC elections. We have a rich set of data from these elections about electors' views and needs which is available to inform that analysis. Any proposals for new polls – including referendums – also need to be supported by a robust analysis of the information needs of voters.

1.37 Electoral data and our research with voters indicates that those who generally vote found the supplementary vote electoral system and ballot paper for the PCC elections easy to use and to complete without making mistakes. While rates of rejected ballot papers for the first preference stage were within the range recorded at other UK elections using preferential voting systems⁴, they were higher than for elections using the first-past-the-post electoral system.

1.38 The number and proportion of ballot papers which were not included in the count suggests that there is, however, still scope for further improvements to the design and wording used on ballot papers to reduce the risk of electors inadvertently spoiling their ballot paper.

Participation by candidates and campaigners

1.39 Many of the rules for the qualification and nomination of candidates at the PCC elections were significantly different from those in place for other elections in the UK. Some of these differences – notably the stricter disqualification rules for people with certain previous convictions – were not well-understood by candidates, leading to confusion and, in one well-publicised case, a candidate remaining on the ballot paper despite acknowledging his disqualification.

1.40 The Commission has begun a comprehensive review of the procedures used for standing for election in the UK. As part of this review, we will take into account the views and experience of candidates at the first PCC elections in November 2012. Our review will consider any barriers which prevent people from putting themselves forward as candidates for election, and whether there are any unnecessary barriers which could be removed. The review will include qualifications, disqualifications and the requirements for becoming nominated as a candidate, as well as the benefits and support available to candidates once nominated. We expect to publish any recommendations for legislative change by the end of 2013.

1.41 There is, however, one specific issue which must be addressed before the next PCC elections in May 2016. Important lessons need to be learned by the Commission, political parties, Returning Officers and the UK Government about how

⁴ Including the Supplementary Vote and Single Transferrable Vote systems.

best to ensure prospective candidates fully understand the rules surrounding eligibility to stand as a candidate. While the primary responsibility for ensuring individual candidates understand whether they are qualified or disqualified will continue to remain with them and their election agents, it is clear that a small but significant number of people were unable to access accurate advice about whether the disqualification relating to convictions for imprisonable offences applied to their specific circumstances.

Trust in the delivery of the elections

1.42 For the PCC elections, the UK Government designated 41 Police Area Returning Officers (PAROs) by Parliamentary Order, whose role it would be to co-ordinate the administration of the election across each police area as well as serving as the LRO in their own authority (see page 68).

1.43 This statutory management structure was different from the UK-wide regional structures in place for European Parliament elections and the May 2011 Referendum on the voting system for UK parliamentary elections, and also from the regional structure used for National Assembly for Wales general elections.

1.44 For most Returning Officers, especially in England, formal coordination and management at a sub-regional level was a new experience. Nevertheless, our assessment is that this structure generally worked well for these elections, and Returning Officers and the Commission have each learnt from the experience of the 2012 polls to improve management and coordination for the May 2016 elections. The UK Government also needs to ensure that it learns lessons about its role and approach.

1.45 In two police areas, unanticipated changes in local authority management personnel meant that the PARO was no longer able to carry out the role. In both cases, the PARO acted from a different authority to the PARO electoral services team. While these changes certainly presented some risk to the successful delivery of the elections in those areas, we are not aware of any significant negative impact on the administration of the elections which is attributable, solely or in part, to the change in management structure.

1.46 Overall, based on analysis of the performance of LROs and PAROs, our assessment is that the administrative aspects of these elections were well-run. Research with the public also indicates high levels of satisfaction with the administration of the elections. Given the high-profile concerns about the provision of information about the elections and the candidates discussed previously in this report, it is important to reiterate that LROs and PAROs were not themselves responsible for those aspects of the elections.

1.47 Nevertheless, we have identified two specific aspects of the administration of the elections which need to be reviewed in more detail to identify improvements for future PCC elections. First, postal voters need to receive the right instructions for marking their ballot papers based on the voting system in use in their police area (first-past-the-post or supplementary vote). Second, LROs and PAROs should

review and evaluate their plans for managing the verification and counting of votes to identify efficiency improvements in advance of the next PCC elections.

1.48 Many counts took significantly longer than expected to conclude. Turnout for the May 2016 polls, however, may be higher than in November 2012, particularly if the PCC elections are combined with other scheduled polls, and the administration of the count will be more complex as a result of the combination. PAROs and LROs will need to ensure that their count processes are as accurate and efficient as possible, to reduce the risk of negative perceptions about the quality and competency of electoral administration overall.

1.49 The Commission has started work on an analysis of the most efficient procedures for managing the count at major polls, with a view to identifying more accurately the resources required, and to understand how spend relates to the detailed activities undertaken in respect of verification and count processes and how effectively they have been delivered. We will carry out case studies at the scheduled 2013 and 2014 elections to collect and assess financial and other information to enable us to develop a robust count model to be issued in good time for use at the 2015 UK Parliamentary general election.

No undue influence

1.50 Despite proactive efforts by Returning Officers and the police to minimise the risk of electoral malpractice, there remains a worrying contrast between the low levels of recorded cases of alleged electoral malpractice, and the higher levels of concern about electoral fraud expressed by respondents in our post-election survey. It is, nonetheless, important to recognise that very few allegations have been recorded in relation to the November 2012 PCC elections.

1.51 The Commission has begun a comprehensive review of potential vulnerabilities within the current voting system and processes, which will aim to achieve consensus about the best balance between ensuring the integrity and the accessibility of electoral processes in the UK. It will consider whether any changes to legislation or practice are needed to ensure confidence in the integrity of elections in the UK. We intend to publish this review in time for legislation to be brought forward during the life of this UK Parliament if necessary.

1.52 We have also agreed a new code of conduct for campaigners with the parties represented on the UK Parliament Political Parties Panel. The code has been sent to all registered political parties in Great Britain, and Returning Officers will draw it to the attention of all candidates and parties contesting elections from May 2013 onwards. Any concerns that the code has been breached will be raised with the relevant party or campaigner if appropriate, and we will agree appropriate actions to remedy or prevent a reoccurrence of any breach. We will publish the outcome of any such breaches in our statutory reports for future elections.

Recommendations

Recommendation 1: Improving planning and management of legislation for future elections

For future elections where new or amended legislation is required, the relevant Government department responsible for those polls must learn from the experience of the 2012 PCC elections to put in place better medium-term planning for the delivery of all necessary legislation.

Not later than two years in advance of polling day for any scheduled elections, the Minister responsible for the elections policy should set out a plan for how they intend to manage the policy development, drafting and legislative scrutiny processes required to meet the following key milestones and deadlines:

- Confirmation (whether by Royal Assent to primary legislation or laying secondary legislation for approval by Parliament) of the campaign funding and spending rules **at least three months before the start of the regulated period.**
- Where elections are held for the first time, or where the campaign funding and spending rules are materially different from those at previous elections, the rules should be confirmed **at least six months before the start of the regulated period.**
- Confirmation of all detailed rules for the conduct of and funding for the delivery of the polls (including any orders required to specify bilingual ballot papers and forms in Wales) **not less than six months before polling day.**

Not later than 18 months before polling day we will review the Government's proposals and publish a report setting out our assessment of progress towards meeting those milestones and deadlines.

It will be particularly important for the Home Office to set out clearly **by May 2014** how it will work with the Cabinet Office and the Welsh Government to manage the development of any changes to the legislative framework for the May 2016 PCC elections, so that the challenges of combining the poll with the poll for the scheduled National Assembly for Wales general election and local government elections in England can be addressed.

We will review the UK Government's plans **by November 2014** and publish our assessment of progress towards meeting the key milestones and deadlines for the May 2016 PCC elections.

Recommendation 2: Improving access for electors to information about candidates at future PCC elections

The UK Government should amend paragraph 52 and Schedule 8 to the Police and Crime Commissioner Elections Order 2012 to ensure that electors are sent printed information about candidates standing for election as PCC in their force area. This should take the form of a booklet with addresses from each candidate sent by the

relevant Police Authority Returning Officer to every household in the police authority area.

The UK Government should ensure that these changes are made to the 2012 Order **by November 2015**, in line with the timescales set out in our Recommendation 1 above for improving planning and the management of legislation for the May 2016 PCC elections.

For any new elections which are proposed in future, the relevant government should make clear **at the time of introducing legislation** how they will ensure that electors have appropriate access to information about candidates.

In doing so the relevant government should draw on data collected by the Electoral Commission and others from the November 2012 elections, and should consider:

- The extent to which electors have reliable and easy access to online or other non-physically published sources for information about candidates.
- The extent to which candidates themselves can feasibly communicate messages directly to electors, taking into account the geography of police force areas and the statutory limits on campaign spending.
- How best to inform electors about how they can access information about candidates, including simplifying the process as much as possible for electors.

Recommendation 3: Ensuring cost-effective and neutral public awareness information about future elections

The Home Office and Electoral Commission both ran public awareness campaigns ahead of the election.

Whilst both campaigns achieved awareness of their respective messages, it would have been more cost effective having one integrated campaign from an independent source that covered awareness of the elections, what the elections were about, the date, candidate information and the voting system.

We have demonstrated our experience and capacity to deliver cost-effective and neutral public awareness activity at a wide range of UK elections and referendums. Parliaments should continue to give the Electoral Commission statutory responsibility for providing information for voters about elections and how to vote in them, and it would not be an appropriate or sensible use of public funds for governments to duplicate that activity.

No government should commission public awareness activity for future elections or referendums, including the May 2016 PCC elections.

Recommendation 4: Ensuring that ballot papers for future elections are accessible and well-designed

The UK Government should review options for the design and wording of ballot papers for future elections using the supplementary vote electoral system, in order to reduce the risk of ballot papers not being counted because they have been incorrectly completed.

The Government's review should:

- Consider evidence from the range of elections held using the supplementary vote electoral system, including local authority mayoral and London mayoral elections and the November 2012 PCC elections.
- Consider both single column ballot paper designs (using numerals to record first and second preferences) as well as double column designs (using crosses).
- Consider the potential combinations of elections using the supplementary vote electoral system at the same time as those using the first-past-the-post system.
- Include research with voters and input from plain language and accessibility experts to ensure that the design and wording of ballot papers for future elections is simple and straightforward to use by as wide a range of people as possible.

The UK Government should publish the results of its analysis and consult on any proposals for changes to the design and wording of ballot papers for elections using the supplementary vote electoral system **not later than November 2014**, 18 months before polling day for the scheduled May 2016 PCC elections.

If the Government decides not to carry out this review, we will undertake our own design and research with voters on ballot paper designs for elections using the supplementary vote system. We would begin this work **by October 2013** and would publish any recommended designs for consultation **by November 2014**.

Any changes to the prescribed form for the ballot paper to be used at the May 2016 PCC elections should be clear (whether in primary legislation which has received Royal Assent or secondary legislation which has been laid before Parliament) **no later than the beginning of November 2015**, six months before polling day for the next PCC elections.

The Government should ensure that forms produced in accordance with the legislation are correct and accurate as soon as possible, and ensure that they can be used for the next set of PCC elections in 2016 and any by-elections which might take place before then.

Recommendation 5: Ensuring that candidates have access to guidance and advice on the rules on standing for election as a PCC

The Commission will work with Returning Officers, political parties and the UK Government to develop proposals to ensure that all candidates for future PCC elections continue to have access to guidance and advice about standing for election.

In particular, we will review feedback and the results from our survey of candidates to identify opportunities for providing more specific advice about the circumstances in which people might be subject to a disqualification on the basis of a previous conviction.

We will work with others to develop proposals to supplement the guidance and advice we provide on electoral law, ensuring that expertise on relevant aspects of criminal justice law can be made available to those who need it.

The UK Government should consider whether further clarification of provisions for filling a vacancy in the office of Police and Crime Commissioner are required to cover circumstances where a candidate is discovered to be disqualified after the deadline for withdrawal of nominations but before the poll. The Government should ensure that any changes to the law are made so that the rules are clear by November 2015, six months before the next PCC elections.

Recommendation 6: Ensuring effective management and coordination for future PCC elections

The UK Government should review its approach to supporting the management and coordination for future PCC elections, drawing on lessons identified in this report and any other feedback from local Returning Officers and Police Area Returning Officers (PAROs).

The UK Government should consult Returning Officers, professional associations, the Commission and the Welsh Government in order to develop a comprehensive plan for the management and coordination of the May 2016 Police and Crime Commissioner elections covering:

- The appointment of PAROs.
- Contingency arrangements for areas where nominated PAROs leave the authority for which they acted as Returning Officer.
- Support and briefing for PAROs.

The UK Government should publish its plan for the management and coordination of the May 2016 Police and Crime Commissioner elections **by May 2014**, in line with the timescales set out in our Recommendation 1 above for improving planning and the management of legislation for the May 2016 PCC elections.

Recommendation 7: Improving the administration of future PCC elections

Returning Officers in England and Wales should ensure that they review and evaluate their approach to planning and the delivery of the 2012 PCC elections, to identify what worked well as well as areas where performance could be improved.

The Commission will review procedures for managing the count at major polls, with a view to identifying more accurately the resources required and understanding how spend relates to the detailed activities undertaken.

We have also previously identified a need to review how our guidance and performance standards framework should operate for polls where there are statutory office holders with a power to direct local Returning Officers.

We will issue any revised guidance, performance standards and supporting materials for the 2016 PCC elections **no later than December 2015**.

2 Legislation for the elections

2.1 Elections are a cornerstone of our democracy and it is vital that the rules surrounding them are well-drafted, clear, workable and, as far as possible, consistent with the rules for other types of elections.

2.2 This chapter examines the development of the legislation for the PCC elections by the Home Office. It looks at the delays in finalising key pieces of secondary legislation, including both the Welsh Forms Order, and the Fees and Charges Order and accompanying guidance. The chapter looks ahead to the 2016 PCC elections which will be held alongside the Welsh general election and sets out recommendations for how legislation can be better planned and implemented for any future election.

The Police Reform and Social Responsibility Act 2011

2.3 When the Police Reform and Social Responsibility (PRSR) Bill was published for First Reading in the House of Commons on 30 November 2010, we highlighted a number of issues for the UK Government to address:

- The rules on how the elections were to be conducted had to be clear from at least six months before polling day. We stressed that the ‘entirely new legal framework being implemented’ made it ‘particularly important...that this principle should be observed’.⁵
- A framework had to be established to support planning for the new elections and provide overall coordination, consistency of practice, and monitoring of any difficult issues. We emphasised that the ‘coordination of those involved in running these new elections on police authority boundaries...will be essential in ensuring that they [the elections] are delivered professionally and consistently...in a way that meets the needs of voters.’⁶

2.4 Neither of these issues was adequately addressed. As we discuss in this chapter and later in chapter 5, essential pieces of secondary legislation were delayed and despite some efforts to co-ordinate the elections, the inexperience of the Home Office in electoral law and practice resulted in flawed policy decisions

⁵ The Electoral Commission, House of Commons Second Reading Briefing Paper, 13 December 2010 http://www.electoralcommission.org.uk/_data/assets/pdf_file/0016/107215/Police-Reform-And-Social-Responsibility-Bill-Second-Reading-Briefing.pdf

⁶ *ibid.*

being made. Formal co-ordination by the Cabinet Office could have mitigated many of the difficulties of the PCC elections.

2.5 During the passage of the PRSR Bill, the date of the first Police and Crime Commissioner elections was moved from the ordinary date of local elections on 3 May 2012 to 15 November 2012.

2.6 The Home Secretary gave evidence to the Home Affairs Committee that the change was a result of the delays to the legislation and would allow time to ensure that ‘the practicalities of the election are in place, as with the requirements of the Electoral Commission’. She also stated that holding the elections in November would allow time for the public to become ‘fully aware’ of the candidates, the responsibilities of PCCs and the importance of the elections while still enabling the PCCs to oversee the 2013-14 police budgets.⁷ The Opposition⁸ and media reports⁹ claimed however, that the decision to delay the elections was the result of lobbying by the Liberal Democrats.

2.7 Whilst it is for the UK Parliament to decide the date for an election to take place, we highlighted a number of risks arising from holding the election in winter; namely that the election period would coincide with the annual canvass¹⁰, that there are almost half as many daylight hours on 15 November than 3 May, and that standalone elections incur greater costs than those combined with other electoral events. The impact of holding the elections in November, particularly the effect on the annual canvass is discussed later in the report (page 73).

2.8 The PRSR Bill received Royal Assent and became an Act of Parliament on 15 September 2011.

Secondary legislation

2.9 As well as the election provisions in the PRSR Act, a further 11 pieces of secondary legislation were required to set out the precise rules for the elections. This volume of secondary legislation is not untypical and the UK Government should have factored it into their planning and timetabling. The secondary legislation could only be made once the Bill had received Royal Assent. By law, the Electoral Commission must be consulted on relevant secondary legislation.¹¹

⁷ Q197 – Q200, Home Affairs Committee, Uncorrected transcript of Oral Evidence HC 1456-i i Thursday 8 September 2011

<http://www.publications.parliament.uk/pa/cm201012/cmselect/cmhaff/uc1456-ii/uc145601.htm>

⁸ *ibid.* Q199.

⁹ <http://www.bbc.co.uk/news/uk-politics-14819550>

¹⁰ Each year Electoral Registration Officers (EROs) undertake a comprehensive refresh of the electoral register for their area, known as the annual canvass.

¹¹ Section 7(2)(hb) and (hc) of the Political Parties, Elections and Referendums Act 2000 (PPERA).

2.10 When the date of the first elections was moved, we were assured by UK Government officials that the timetable for the publication of secondary legislation would not change significantly. A bulletin issued by the Home Office on 22 December 2011 confirmed that 'It is intended to complete secondary legislation on elections by February 2012, with the legislation laid before parliament early next year, well ahead of the Electoral Commission's recommendation of 6 months before the election.'¹²

2.11 In practice, however, there were considerable delays. Under the initial timetable released to us by the Home Office after the date of the election had changed, a draft of the PCC Elections Order (setting out the detailed rules of the election) was due to be issued for consultation in late November 2011; subsequent timetables scheduled the publication for late December 2011, and it was finally sent on 16 February 2012.¹³

2.12 As the draft orders were not made widely available, delays to legislation meant that many PAROs and LROs did not see the rules until the final PCC Elections Order was laid in the House of Commons. Although many PAROs and LROs would have been busy preparing for the May polls in early 2012, having sight of the legislation at an early stage would have allowed them to devote some time to plan and prepare for the PCC elections before May.

The PCC Elections Order

2.13 The Police and Crime Commissioner Elections Order 2012 (the 'PCC Elections Order') was laid in Parliament on the evening of 15 May 2012; exactly six months before polling day and eight months after the Bill received Royal Assent.

2.14 These elections were for an entirely new role, conducted on untried boundaries, using a largely unfamiliar voting system and under a new and untested management structure. PAROs, LROs and administrators needed sufficient time to put clear plans in place to ensure electors were able to cast their votes easily and with confidence. Candidates also needed to be aware of the requirements upon them and how the rules differed from other elections. The on-going delays to the secondary legislation and the uncertainty this created, caused difficulties for candidates wishing to stand for election, and for PAROs and LROs in planning and preparing for the elections.

2.15 The delay in laying the PCC Elections Order in Parliament delayed the publication of our guidance documents which are used by candidates and agents to

¹² Home Office *POLICE AND CRIME COMMISSIONERS: PCC BULLETIN No 4 – 21 December 2011* <http://www.homeoffice.gov.uk/publications/police/police-crime-comms-bulletin/pcc-bulletin-4?view=Binary>

¹³ We published our response to the consultation on the draft Police and Crime Commissioner Elections Order on 15 March 2012. It is available in full on our website: http://www.electoralcommission.org.uk/_data/assets/pdf_file/0020/147116/Electoral-Commission-Response-PCC-Secondary-Legislation-2012-03-15-FINAL.pdf

understand the processes and legal requirements of standing for election. We also produce guidance for Returning Officers in following the practice and procedure of running elections. Our guidance sets out what Returning Officers are required to do by law; the criteria that must be met in order to meet the Commission's performance standards; and recommended practice.

2.16 For a new electoral event, we aim to publish guidance at least six months before polling day. While we were able to prepare draft guidance for candidates and agents and for LROs on the basis of the draft legislation, we were not able to finalise and publish our guidance until the PCC Elections Order was laid before Parliament and there was sufficient certainty about the content of the rules.

2.17 Having originally planned to publish our guidance by the end of March 2012, we were not able to do so until the end of June 2012. This was just over three months before the start of the election timetable and the period during which candidates must comply with rules about election spending, and four and a half months before polling day.

2.18 In his Independent Review for the Electoral Commission of the 2007 Scottish Parliamentary and Local Government Elections, Ron Gould recommended that electoral legislation should not be 'applied to any election held within six months of the new provisions coming into force'.¹⁴ We support this recommendation and remain concerned that the UK Government has not accepted it and that repeatedly, provisions which make changes to elections are issued within the six month timeframe. The UK Government should formally recognise this recommendation and officials should work to ensure that legislation is in place as early as possible but by the six month mark at the latest. The six month mark is never more crucial than in an entirely new set of elections where administrators and candidates have nothing to draw upon to help them to prepare prior to the rules being in place.

2.19 Elections are complex and should be recognised as a specialist area of the law. It is crucial that officials responsible for creating and overseeing elections have an in-depth understanding of all the factors involved in the electoral process, from drafting primary legislation to declaring the results. Whilst we recognise that there was some input from lawyers and officials from the Cabinet Office, we have been disappointed by the lack of coordination and the absence of a clear and joined up approach to the process across the relevant UK Government departments.

2.20 The Commission met UK Government officials from both the Home Office and the Cabinet Office from an early stage in the development of the legislation, providing considerable support to the drafting and policy development teams. The level of support required was far in excess of what would normally be required in the development of a new electoral event or in the practice of elections.

¹⁴ <http://www.electoralcommission.org.uk/document-summary?assetid=13223> page 112

2.21 Though we recognise why the Home Office, with responsibility for policing, was the lead department on the PRSR legislation as a whole, its role in the drafting of the detailed rules for the PCC elections led to avoidable and unnecessary complication, delay and uncertainty. The scale of the challenge facing the policy team in attempting to draft workable legislation to hold effective elections in a timely manner was underestimated, with insufficient expertise and resources made available to the officials tasked with its creation. The UK Government did not ensure that the specific experience and skills of officials and lawyers at the Cabinet Office in dealing with changes to electoral law were fully utilised to support the development of the rules. It is essential that such work be properly resourced in future, regardless of which department is responsible for the overall election policy, to ensure that the rules surrounding elections are clear and accurate.

The late legislation was also particularly unhelpful and it appeared from the outside that the Home Office lacked basic understanding of election planning... There should, I feel, be only one government department with responsibility for election planning to ensure consistency of approach and expertise.

Local Returning Officer, Yorkshire and the Humber

Forms and notices

2.22 A key priority for the Electoral Commission is that voters are able to vote easily and confidently, knowing that their vote will be counted in the way they intended. We were therefore pleased that the UK Government acknowledged the need for the forms and notices used for the PCC elections to be easy for voters to use and understand.

2.23 The Commission repeatedly made clear to the Home Office from the very early planning stages for these elections that based on our past experience, the best way to achieve this in practice was for the legislation to specify the required content (though not necessarily detailed wording) and any key formatting requirements, and then for the Commission to have a power to provide example design templates which would specify the design and format of the forms and notices and could be used by Returning Officers to produce forms and notices locally.

2.24 We considered that this approach would be user-friendly for Returning Officers (ROs) and electoral administrators and providers of electoral stationery, and was the most effective way of achieving consistency and compliance from PAROs and LROs. This was also the approach that the Commission took at the May 2011 referendum on the UK Parliamentary voting system and was successful in achieving clear, consistent and user-friendly forms and notices. We have since built on this approach to provide templates for Returning and Counting Officers to use at other elections and referendums, and since December 2011 these have formed part of our performance standards for Returning Officers, designed to ensure that electors receive information that is clear and easy to understand and use.

2.25 Instead, the UK Government was clear in its intention to prescribe in legislation both the content and the detailed design and formatting of the voter forms and notices for PCC elections, rather than by providing for the production of templates.

We had concerns about the practicality of the chosen approach, and the way in which it was executed. Feedback from electoral administrators suggests that the PDF format in which the forms and notices were provided could not be easily edited, requiring that they spend considerable time on producing new versions 'to like effect' and that the file format provided was incompatible with some printers' systems.

2.26 In addition, when the legislation was finally made, a number of the prescribed forms contained errors and inaccuracies, including in relation to the printing of the ballot paper, which could not be rectified in advance of the poll. As and when these problems were identified, the Commission provided further guidance to LROs and PAROs on how to address them, but there remains a risk that forms produced in accordance with the legislation are not correct or accurate, and ROs will have to identify and correct errors in the prescribed forms in order for them to be fit for purpose for future PCC elections. Had the UK Government followed our recommended approach to providing template forms and notices and not prescribing, such errors could be easily rectified immediately, and without the need for legislative change. English language versions of all voter forms and notices were prescribed in legislation.

2.27 The Home Office should fix the prescribed forms as soon as possible and ensure that they can be used for the next set of PCC elections in 2016.

Welsh Forms Order

2.28 The law requires that, in Wales, the Welsh language is treated no less favourably than the English language. It is important that voters in Wales are able to participate in any given election through the medium of Welsh should they choose to do so. Therefore, all electoral forms, notices and ballot papers need to be made available bilingually for voters to use.

2.29 In our response to the consultation on the draft PCC Elections Order in March 2012, we noted the UK Government's intention to wait until the English language versions of the forms and notices were finalised before the bilingual English and Welsh language versions were prescribed in a Welsh Forms Order. We recognised this as a sensible approach to minimise the risk of errors or discrepancies occurring between the two but stressed that it was essential for LROs in Wales for the Welsh Forms Order be made at the same time as the PCC Elections Order which prescribes the English language version of the forms.¹⁵

2.30 However, we were sufficiently concerned by the significant delays that occurred to the introduction of the Welsh Forms Order to the UK Parliament that we offered a briefing to parliamentarians and other key stakeholders on the issue. In an effort to speed the process along, the UK Government dropped the aim of prescribing Welsh language versions of all the forms and notices that were prescribed in English, and

¹⁵ Paragraph 4.35

proceeded with a draft Order containing the ballot paper only. The Police and Crime Commissioner Elections (Welsh Forms) Order 2012, prescribing the bilingual ballot paper, was eventually introduced in the UK Parliament on 29 October 2012, and came into effect on 31 October 2012. As we made clear in briefings to MPs in Parliament, should the Order have come into effect any later, voters in Wales would have had to cast their vote on an English-only ballot for the first time since the introduction of the Welsh Language Act in 1993.

2.31 In our survey, all LROs in Wales confirmed that the delays in the legislation resulted in severe problems. For example, LROs had been expecting the Welsh Forms Order to include translations for all the forms and notices that were prescribed in English. The late decision by the Home Office to prescribe only the ballot paper bilingually failed to meet those expectations and caused unnecessary problems and extra work. ROs had to rely on their own translations of forms and notices and on resources from the Commission which we provided bilingually at short notice, such as the nomination form for candidates.

2.32 The delays to the Welsh Forms Order being made necessitated that PAROs put in place contingency arrangements, printing both bilingual and English language ballot papers so that postal ballot packs could be issued promptly. The UK Government agreed to provide additional funding to cover the additional cost of printing duplicate postal ballot packs with UK Government sources estimating an additional cost of £350,000.

2.33 After the election, we asked LROs in Wales to provide us with an estimate of the actual costs incurred as a result of implementing these contingency arrangements, including the production, printing and any disposal of additional English-only ballot papers. The estimated total cost incurred by the 22 LROS for the implementation of the contingency arrangements was £134,400.

2.34 The costs incurred by LROs were lower than the amount set aside by the UK Government as, in the event, LROs only had to implement their contingency arrangements for postal ballot papers. The Welsh Forms Order was made in Parliament by 31 October, just before postal votes were due to be dispatched.¹⁶ Therefore, although most LROs produced English only postal ballot packs which were later destroyed, the Order was in place before it became necessary for them to implement similar contingency arrangements for ballot papers to be used in polling stations.

¹⁶ Postal ballot packs can and should be dispatched as soon as possible after the registration deadline has passed to ensure that postal voters have as much time as possible to complete and return their votes.

Fees and Charges Order

2.35 The Police and Crime Commissioner Elections (Local Returning Officers' and Police Area Returning Officers' Charges) Order 2012 was made on 12 September 2012 and came into force the next day, barely two months in advance of polling day. The Order set out maximum recoverable amounts available to LROs and PAROs for recovering costs for running the elections, and set out fees for their services.

2.36 Returning Officers need early confirmation of these recoverable amounts far in advance of polling day, to be able to plan effectively for any event and to make efficient use of the resources available to them. Had the fees and charges legislation been better managed, there would have been no reason why ROs could not have been confirmation of the recoverable amounts much further in advance of polling day.

2.37 The accompanying guidance for LROs and PAROs, which set out the detailed reasoning behind the amounts, and clarified what was and was not acceptable as permitted expenditure, was not made available until 9 November 2012, just three working days before polling day. We agree with the feedback received from both LROs and PAROs that the delay to guidance was unacceptable.

2.38 By the time the fees and charges legislation and guidance had been published, LROs and PAROs had already made plans and committed resources, including the recruitment of staff, booking polling stations and count venues, and putting in place all of the associated detailed arrangements, all without sight of the explanations or guidance on permitted expenditure.

Any professional project planner would expect to know what budget they have to work with right at the beginning of the project. It is unacceptable and totally unprofessional that central government expect electoral services staff to 'work in the dark' on this

Local Returning Officer, South East

2.39 The cost assumptions for the PCC elections were updated based upon real levels of expenditure incurred in respect of the 2010 UK Parliamentary general election, and so are expected to be more realistic than those used during the May 2011 referendum on the UK Parliamentary Voting System. The cost model was based largely upon that used at European Parliamentary elections where a regional organisational structure, similar to PAROs and LROs, was in place. Our report on the Costs of the May 2011 Referendum on the UK Parliamentary Voting System¹⁷ (PVS Referendum), published in December 2012, highlighted a number of positive changes to the detail of the fees and charges process for the PCC elections, changes which we had recommended in our report.

¹⁷ http://www.electoralcommission.org.uk/data/assets/pdf_file/0009/153000/Costs-of-UK-May-2011-UKPVS-referendum.pdf

2.40 The UK Government has announced that it is undertaking a wider review of the 'fees and charges' framework for major polls. We expect to see a scope and terms of reference for this review, and for the report to address whether the benefits of changes achieved at the PCC elections in November 2012 were realised.

2.41 However, we would also like to see all of our other recommendations set out in the report adopted, including:

- The UK Government to publish full details of the costs of the PCC elections once the process has been completed.
- The UK Government should also accept and implement the principle of agreeing funding legislation for polls by six months before polling day.

Campaign funding and spending rules

Timing

2.42 At most elections, there are rules on how much campaigners can spend before polling day, and controls on who they can receive donations from. The time during which these rules apply is called the 'regulated period'. We aim to produce guidance on these rules for campaigners at least three months before the regulated period begins. Since these were the first PCC elections, it was crucial that the rules were settled in good time for us to produce this guidance, to enable campaigners to plan ahead and ensure they were ready to comply with the rules.

2.43 We first drew this to the attention of Home Office Ministers in December 2010, and continued to emphasise the point in subsequent discussions on the elections. In February 2012, the UK Government indicated that the rules would only cover campaigning by candidates, and by local campaigners for or against individual candidates, and would cover a period between early October 2012 and polling day on 15 November 2012.

2.44 Final confirmation of the campaigning rules was only received when the PCC Elections Order 2012 was laid in Parliament in mid-May 2012. We were then able to prepare guidance for campaigners in time to publish it on 29 June 2012, just over three months before the start of the regulated period on 8 October 2012. However, the six week period between confirmation of the rules and publication of our guidance created a challenging timetable which made it difficult to plan the use of our limited resources efficiently. We do not think this amount of notice of the rules is adequate for elections that are being held for the first time, or where the rules are materially different from those at previous elections.

The development of the campaigning rules

2.45 We understand that during 2011 and early 2012, the UK Government explored several options for framing the rules, including imposing limits on national campaigning for or against groups of candidates by political parties and others. In

July 2011, the UK Government amended the PRSR Bill to include a wide power to set the rules through secondary legislation after the Bill had received Royal Assent.

2.46 In October 2011, the Home Secretary invited views from the Commission and political parties on a range of options for the rules on campaigning by candidates, political parties and other campaigners. In our response we set out views on the options and again stressed the need for secondary legislation on the campaigning rules to be finalised quickly.

2.47 The February 2012 consultation on the draft PCC Elections Order included rules on campaigning by candidates and by those campaigning for or against individual candidates, but no rules in respect of national campaigning. In our response, we recommended several changes to the draft rules including the use of specified limits on campaign spending, rather than a formula which would require candidates and campaigners to obtain information on the number of registered electors in each voting area in order to calculate the limit applying to them.

2.48 As described above, we received confirmation of the UK Government's final decisions on the campaign rules when the Order was laid in Parliament on 15 May 2012. We were pleased that the Order adopted all the changes to the campaigning rules that we had recommended in our consultation response.

Evaluating how the rules worked in practice

2.49 For the 2012 PCC elections, candidates were required to submit a return to their relevant PARO by 25 January 2013, setting out their campaign spending between 8 October 2012 and polling day, and the donations they received towards that campaigning; the PARO must make these returns available for public inspection for a period of two years.

2.50 In a guidance document circulated to PAROs after the election on the treatment of late-submitted returns, we recommended that PAROs publish redacted copies of the returns online. Shortly before the deadline for the submission of the returns, we received representations on behalf of some political parties and candidates raising concerns about this recommendation, including the lack of reference to this approach in our main guidance for PAROs, candidates and agents. We concluded that candidates and administrators had not received sufficient notice of the proposal, and contacted PAROs withdrawing the recommendation. We have apologised to PAROs, candidates and agents for any inconvenience this caused. We will consider how best to take forward online publication of candidate returns at future elections.

2.51 In line with our approach at most other elections, we are currently gathering headline data on candidate spending and donations from all PAROs, and will publish it on our website in Spring 2013. Since these were the first PCC elections, we also intend to publish a further report that will discuss what lessons can be drawn from the candidate returns and from campaigning at the 2012 PCC elections more generally. It will assess how well the rules worked in 2012 to inform the UK Government's and Parliament's consideration of the campaigning rules for future PCC elections. This report will take into account views on the campaigning rules from our public opinion research and our candidates' and agents' survey.

Elections in Wales 2016

2.52 The next PCC elections are scheduled to be held in May 2016, on the same day as the next National Assembly for Wales general election. At present, there is no provision in law for the poll for these two elections to be combined.

2.53 In our view, there are some significant risks inherent in this particular combination of elections that will need to be mitigated for both sets of elections to be well-run (further detail on these issues can be found in Annex B to this report):

- There will be two different electoral systems in use, incorporating three methods of voting, and three ballot papers.
- The voting areas for the two sets of elections are not the same, with the majority of local authority areas in Wales being covered by different police force and Assembly electoral regions.
- Police Area Returning Officers for the PCC elections will be appointed by the Home Office, while Assembly Regional Returning Officers are appointed by Welsh Government Ministers.
- The timing of the counts in each election will need to be considered alongside expected levels of voter turnout.

2.54 The practical implications of any proposals to combine the polls for these elections will need to be considered by campaigners, ROs and the Electoral Commission well in advance of May 2016 to allow effective planning and management of key activities. Further legislation will be required to enable the polls to be combined, and the UK Government should aim to communicate whether or not it intends to legislate to combine the polls significantly in advance of polling day.

2.55 If it is the intention of the UK Government for the PCC elections to be combined with those for the National Assembly for Wales, confirmation that enabling legislation will be brought forward must be provided in sufficient time for ROs in Wales to be able to plan thoroughly. We will closely scrutinise the UK Government's plans for managing the development of any changes to the legislative framework for the May 2016 PCC elections, so that the particular challenges of combination with the poll for the scheduled National Assembly for Wales general election and local government elections in England can be addressed. Equally, if the UK Government decides that the polls for these elections are not to be combined, this should be communicated to Returning Officers at the earliest opportunity.

Legislation for the elections: conclusions and recommendations

2.56 The November 2012 Police and Crime Commissioner elections were the first new set of elections in the UK for more than a decade. Establishing the framework for the elections required a range of significant and novel policy decisions to be made and comprehensive new legislation to be developed. This section sets out our conclusions about the process of establishing the framework for these elections, and

identifies our recommendations for future PCC elections and for the development of a framework for any new elections.

2.57 Although the PRSR Act received Royal Assent in September 2011, more than a year before the elections were scheduled to take place, development of the detailed secondary legislation was not concluded until much closer to polling day: the detailed conduct order for the elections was laid six months and came into force less than four months before polling day; the order specifying the amounts which could be claimed by LROs to conduct the elections was laid and came into force two months before polling day; the order specifying the form to be used for bilingual ballot papers in Wales was laid and came into force less than three weeks before polling day.

2.58 It should have been possible for the UK Government to avoid such late and, in the case of the Welsh Forms Order, costly confirmation of the detailed framework for the conduct of the PCC elections. Much of the framework was based on existing legislation, requiring a relatively straightforward amendment to reflect the specific requirements for the PCC elections. Better planning, and a more collaborative approach to legislative development across (and between departments), and greater clarity about policy goals would help to support more effective and timely delivery of legislation for future polls.

2.59 We are pleased that the Cabinet Office has already circulated to Returning Officers represented on its own planning and coordination group, a timetable setting out the key planning activities, milestones and deadlines for the European Parliament elections scheduled for summer 2014. This will enable Returning Officers and the Commission to monitor and hold the Government to account for the progress it is making towards ensuring planning and legislative frameworks are in place in good time before the polls.

2.60 We propose to return to these issues in more detail to inform the planning process after May 2014 and to make public our assessment of the state of readiness for combination, in time for the 2016 elections. We will carry out a similar exercise should there be elections in Northern Ireland combined with the UK Parliamentary General Election in 2015.

Recommendation 1: Improving planning and management of legislation for future elections

For future elections where new or amended legislation is required, the relevant Government department responsible for those polls must learn from the experience of the 2012 PCC elections to put in place better medium-term planning for the delivery of all necessary legislation.

Not later than two years in advance of polling day for any scheduled elections, the Minister responsible for the elections policy should set out a plan for how they intend to manage the policy development, drafting and legislative scrutiny processes required to meet the following key milestones and deadlines:

- Confirmation (whether by Royal Assent to primary legislation or laying secondary legislation for approval by Parliament) of the campaign funding and

spending rules **at least three months before the start of the regulated period.**

- Where elections are held for the first time, or where the campaign funding and spending rules are materially different from those at previous elections, the rules should be confirmed **at least six months before the start of the regulated period.**
- Confirmation of all detailed rules for the conduct of and funding for the delivery of the polls (including any orders required to specify bilingual ballot papers and forms in Wales) **not less than six months before polling day.**

Not later than 18 months before polling day we will review the Government's proposals and publish a report setting out our assessment of progress towards meeting those milestones and deadlines.

It will be particularly important for the Home Office to set out clearly **by May 2014** how it will work with the Cabinet Office and the Welsh Government to manage the development of any changes to the legislative framework for the May 2016 PCC elections, so that the challenges of combining the poll with the poll for the scheduled National Assembly for Wales general election and local government elections in England can be addressed.

We will review the UK Government's plans **by November 2014** and publish our assessment of progress towards meeting the key milestones and deadlines for the May 2016 PCC elections.

3 Voter participation

3.1 Participation in elections and referendums should be straightforward, and people should be confident that their vote is counted in the way they intended. This chapter examines participation by the public at the November 2012 polls, including why people did not vote in the PCC elections and whether people felt that they had received enough information about the elections and candidates to be able to make an informed choice.

3.2 Where data is available, we have sought to identify any significant differences in the views of people living in England and Wales, as well as different demographic groups. In general, there were no significant differences, and any notable contrasts are highlighted in the text below.

Turnout

3.3 A total of nearly 36.3 million people were registered to vote at the November 2012 polls, and 5.49 million votes were cast. At 15.1%, turnout at the PCC elections was the lowest recorded level of participation at a peacetime non-local government election in the UK.¹⁸

3.4 The highest recorded turnout was 19.8% in the Northamptonshire Police Area, which included the UK Parliamentary constituency of Corby where a high-profile by-election was held on the same day. The lowest turnout was 12% in the Staffordshire Police Area. Chart 1 on page 32 below shows the level of turnout for all 41 police areas.

3.5 More than 5.8 million electors were issued with postal votes for the November 2012 PCC elections, representing 16.1% of the eligible electorate. Just under half (48.2%) of those who were sent a postal vote returned it, while only 9.2% of all other electors voted in person at a polling station. In both England and Wales, postal votes represented about half of all votes counted in the November 2012 elections.

3.6 Chart 2 on page 33 below shows the level of turnout among electors issued with postal votes and other electors voting in person for a range of polls since 2010. While participation by electors issued with postal votes at the November 2012 PCC elections was consistent with a general trend of higher turnout compared with other electors voting in person at polling stations, turnout among postal voters in November 2012 was the lowest for any other non-local government election for which we have data available.

¹⁸ Turnout at a by-election for the Poplar South UK Parliament constituency in 1942 was recorded at 8.5%.

Chart 1: Turnout by police force area at the November 2012 PCC elections

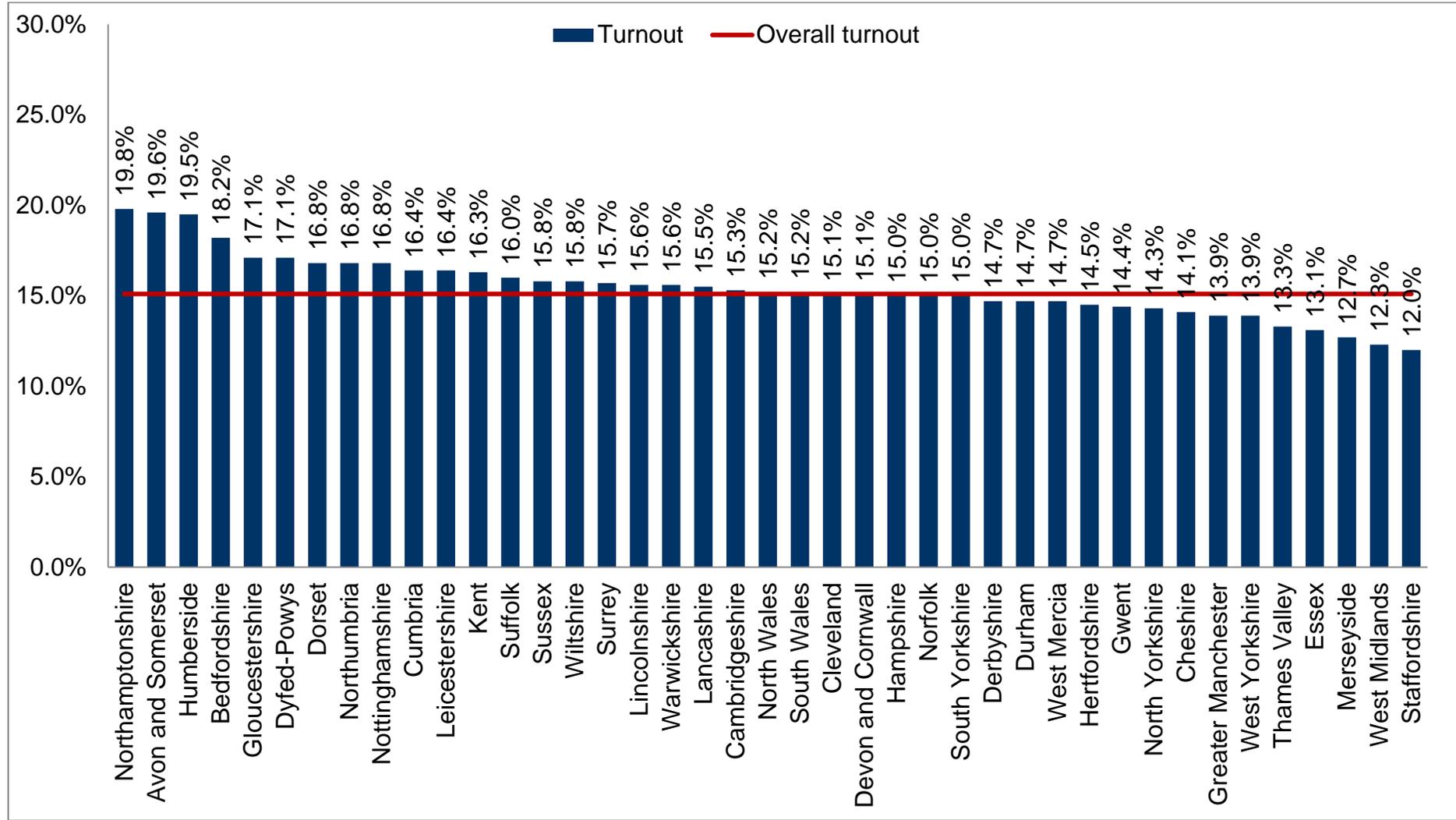
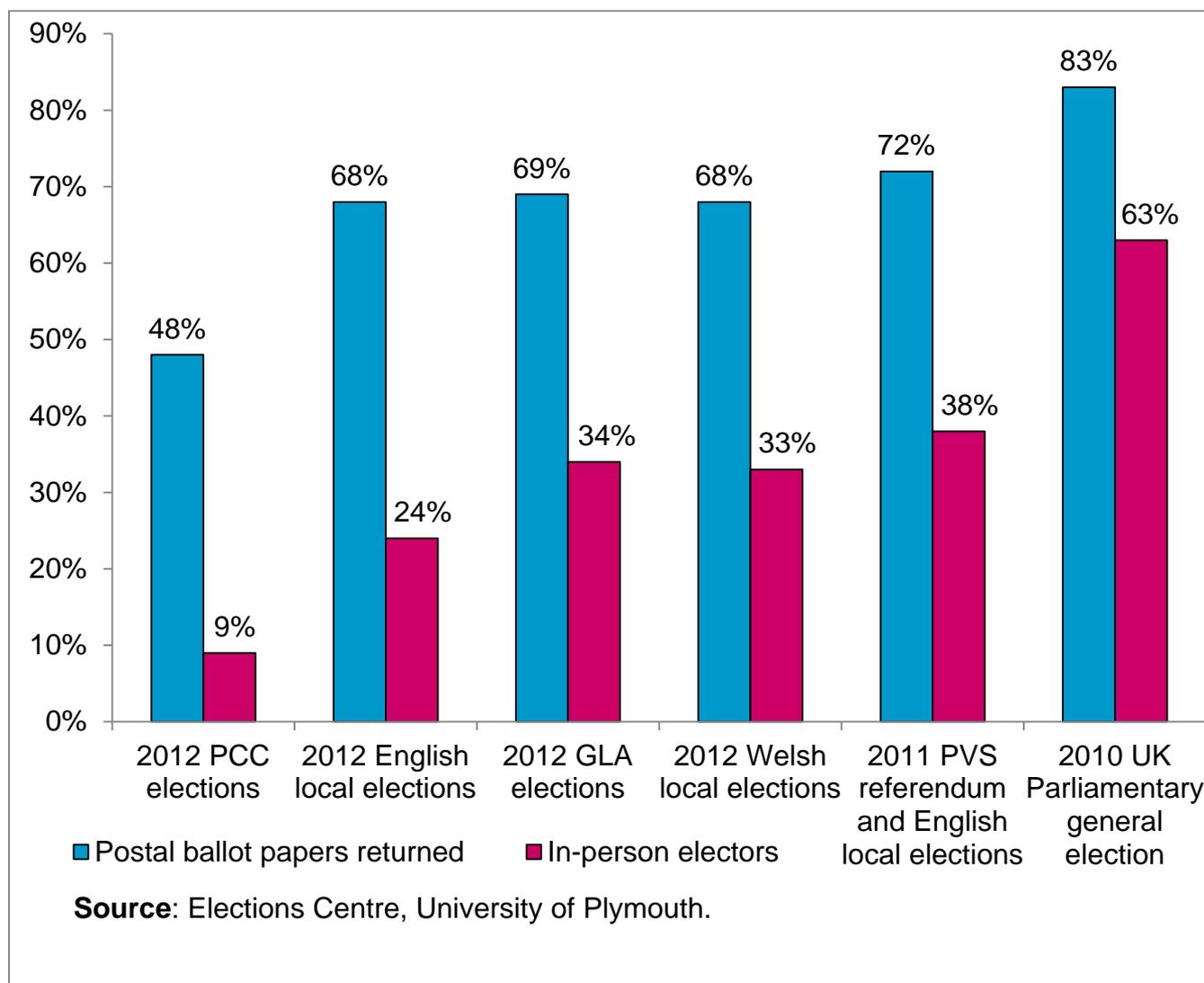


Chart 2: Turnout rate by voting method at selected polls 2010-12



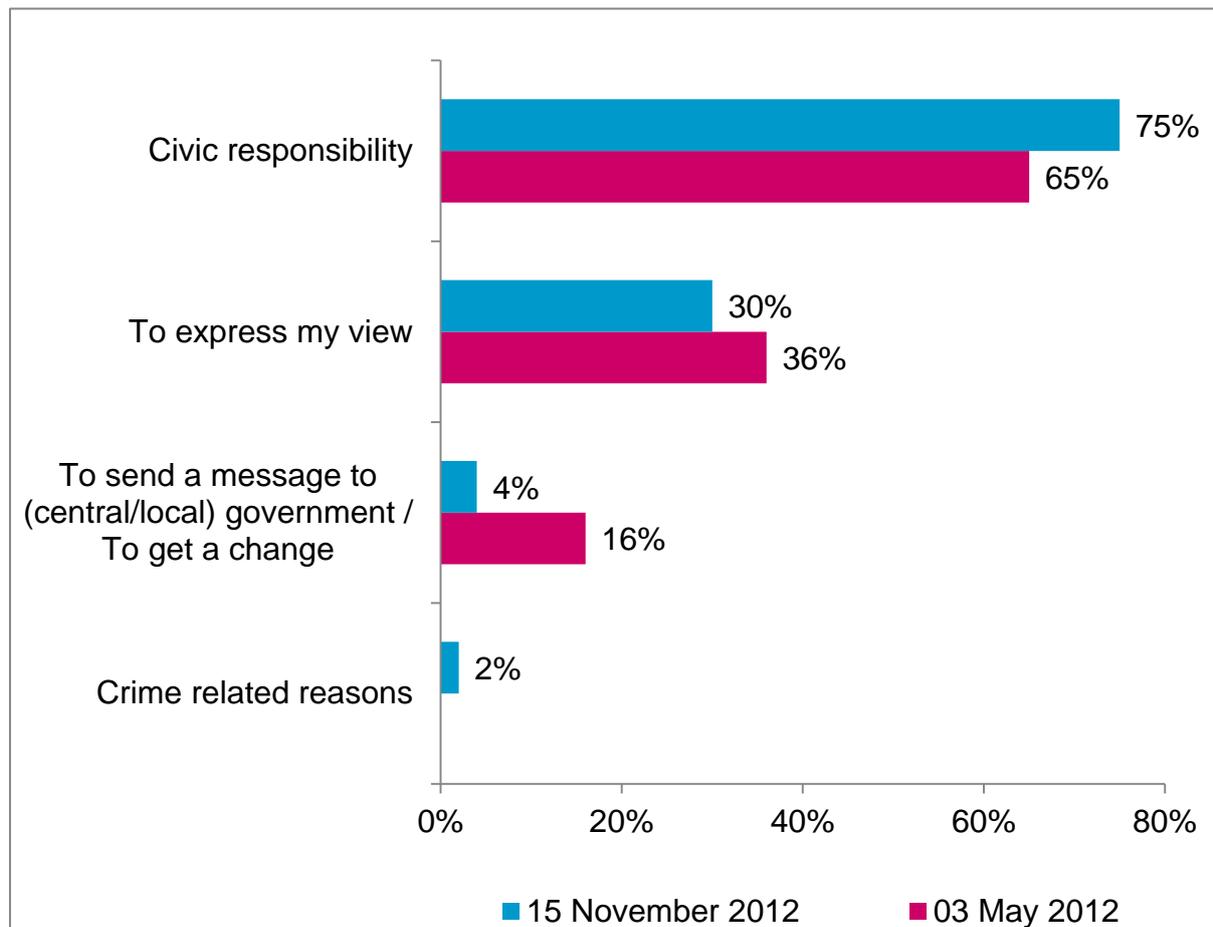
3.7 Approximately 24,000 electors were appointed as a proxy for another elector at the PCC elections, representing 0.07% of the total electorate. Of that total, 196 were proxies appointed as result of medical emergencies.

Why did people vote?

3.8 Our public opinion research explored why people voted in the PCC elections. As shown in the chart below and broadly consistent with findings from previous elections, the most common reasons cited for voting related to a feeling of civic duty (75%) and to express a view (30%).

3.9 Only 4% of voters said that they voted in order to send a message to government, which was less than in May 2012 when 16% said that they voted for this reason. Only 2% said that they voted due to crime related reasons.

Chart 3: Why did you vote? Comparison between May 2012 local government elections and November 2012 PCC elections



PCC election 2012 - Post-election public opinion research. Source: ICM.

Base: Voters only - 620 (unweighted). PCC areas only (excl. Bristol and Hartlepool).

Q: People have many reasons for voting in elections and referendums. Why did you vote on Thursday 15 November?

What else?

(Open question - answers grouped post-fieldwork)

May 2012 election - Post-election public opinion research. Source: ICM.

Base: Non-voters - 2,226 (unweighted).

Q: People had many reasons for voting in the elections and referendums. Why did you not vote on Thursday 3 May?

What else?

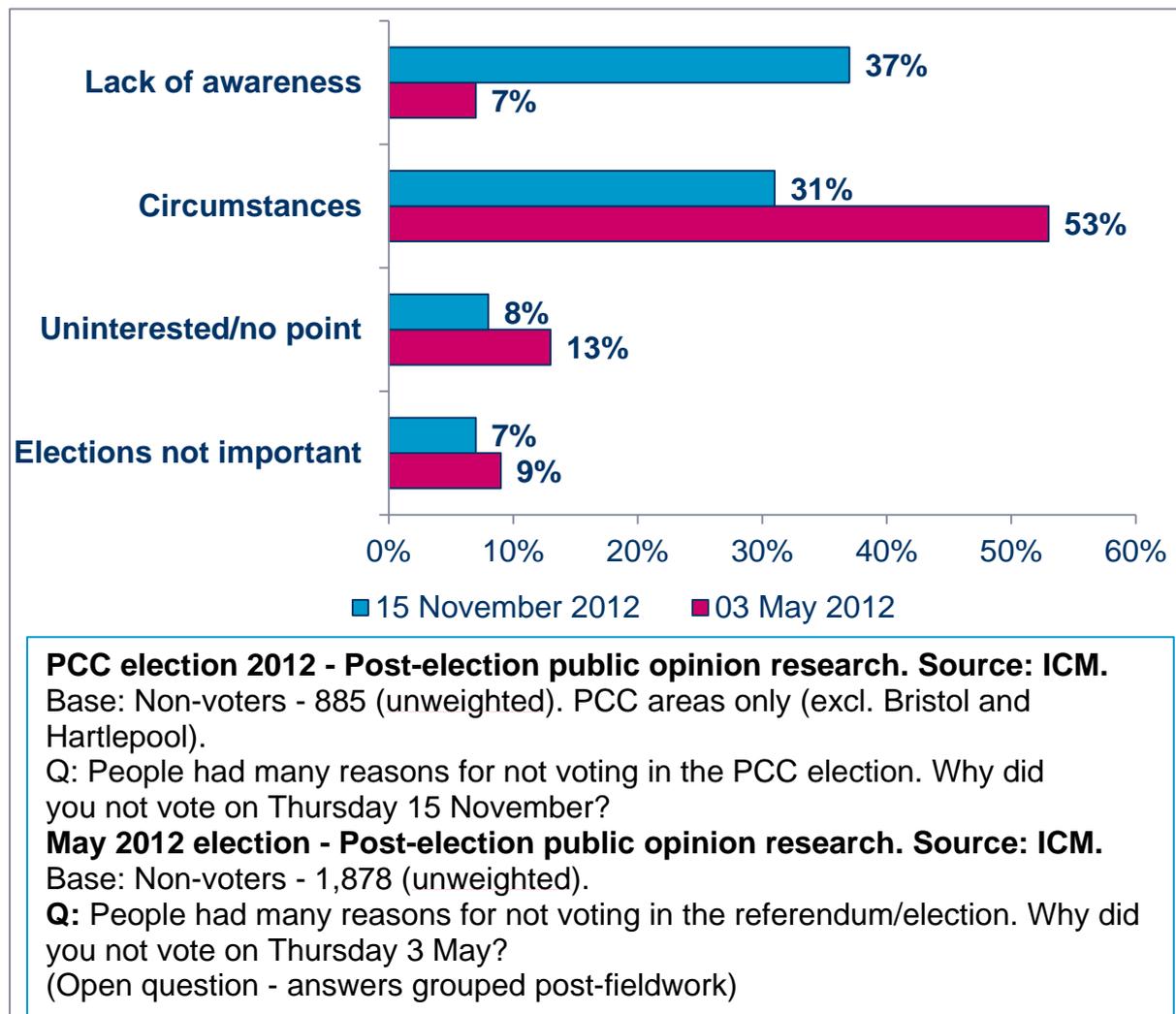
(Open question - answers grouped post-fieldwork)

Why didn't people vote?

3.10 Our public opinion research also explored the reasons given by people who said they did not vote in the November 2012 polls, and Chart 4 below shows the main reasons given by people about why they did not vote. The most commonly cited reason for not voting related to a lack of awareness (37%), primarily a lack of

information about the elections and not knowing who the candidates were or where to find information about them. The proportion of non-voters who cited lack of awareness was over five times greater than the proportion who gave a similar response following the May 2012 local elections (when 7% mentioned awareness issues).

Chart 4: Why didn't you vote? Comparison between Local Government elections May 2012 and PCC elections November 2012



3.11 There is some evidence to suggest that the lack of information about the elections and candidates had a more significant impact on participation among groups who are traditionally more likely to vote in elections.¹⁹ Those aged 18-24

¹⁹ Our public opinion surveys sample a roughly equal proportion of voters and non-voters which makes it unsuitable for providing turnout estimates. However, it does allow us to say which demographic groups are more or less likely to vote relative to each other. This survey, in line with past research, found that older age groups are more likely to vote, especially 65+ and 55-64, with people in

were less likely than people in older age groups to say that they didn't vote because of a 'lack of awareness', and more likely to say that 'circumstances' had prevented them from voting. Older people were more likely than those in younger age groups²⁰ to say that they didn't vote because of reasons relating to parties or candidates, which included reasons such as 'I didn't like the candidates', 'They are all the same' and 'I didn't like the choices on offer'.

3.12 Respondents in the higher social grades AB were more likely than those in grades DE to say that they didn't vote because of a lack of awareness about the elections. Those in social grades AB and C1 were also more likely than other grades to say that they did not have enough information about candidates to be able to make an informed decision.

3.13 'Circumstances' was the second most common reason given by respondents for not turning out to vote (31%), with non-voters in England more likely to cite this as a reason than those in Wales (32% compared to 20% in Wales). The proportion of non-voters who cited circumstantial reasons for not voting in November 2012 was significantly less than the proportion that cited this as a reason following the May 2012 polls (53%). The main reasons for not voting classified as 'circumstantial' are 'Lack of time', 'I forgot' and 'I really wanted to vote but circumstances on the day prevented me'. Problems with the weather or the time of year were not identified by any respondents to our public opinion research as reasons why they didn't vote, but 2% of non-voters said they couldn't get to the polling station or it was inconvenient.

3.14 Immediately following the elections, the Home Secretary had suggested that a lower level of turnout was to be expected for new elections.²¹ While it may be the case that turnout for the next PCC elections in 2016 is higher than it was in 2012, Chart 5 below shows that turnout at the November 2012 PCC elections was nonetheless markedly lower when compared with the levels of participation at the first elections for other institutions.

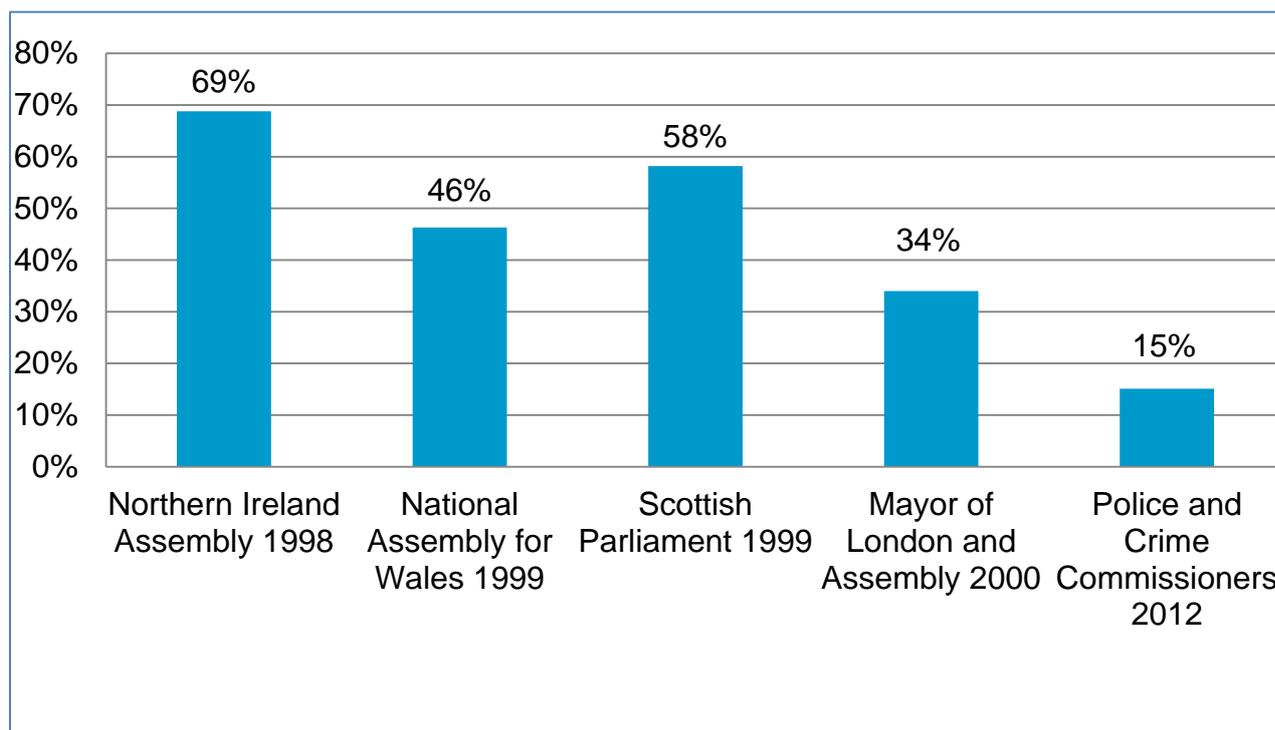
the age group 18-24 the least likely to turn out. Less typically, members of the least affluent social grouping DE were more likely to turnout than all other socially classified groups, including ABs.

²⁰ Figures from our public opinion research show that people in the 65+ age group were significantly more likely than those aged 35-54 not to have voted due to reasons relating to candidates. While this difference was observed between those aged 65+ and all age groups the small base sizes in some cases mean these other differences are not statistically significant.

²¹ The Rt. Hon Theresa May, 16 November 2012 cited in The Telegraph

<http://www.telegraph.co.uk/news/politics/9682898/Police-and-commissioner-elections-and-parliamentary-by-elections-Live.html> 'I'm obviously disappointed in the turnout but these were first elections and first elections are always difficult. I'm sure next time round we will see an increase in the turnout because next time round people will be used to the idea of police and crime commissioners, they'll have seen them in action and, of course, there will be an incumbent who will be challenged.'

Chart 5: Turnout in first elections to new bodies since 1998^{22 23 24 25}



Awareness of the polls

3.15 We also asked people in our public opinion survey how much they thought they knew about the PCC elections, and the main findings are summarised and compared with the other polls which took place in November 2012 in Chart 6 below.

²² Table 5.2, page 11

<http://www.niassembly.gov.uk/Documents/RaISe/Publications/2011/General/5511.pdf>

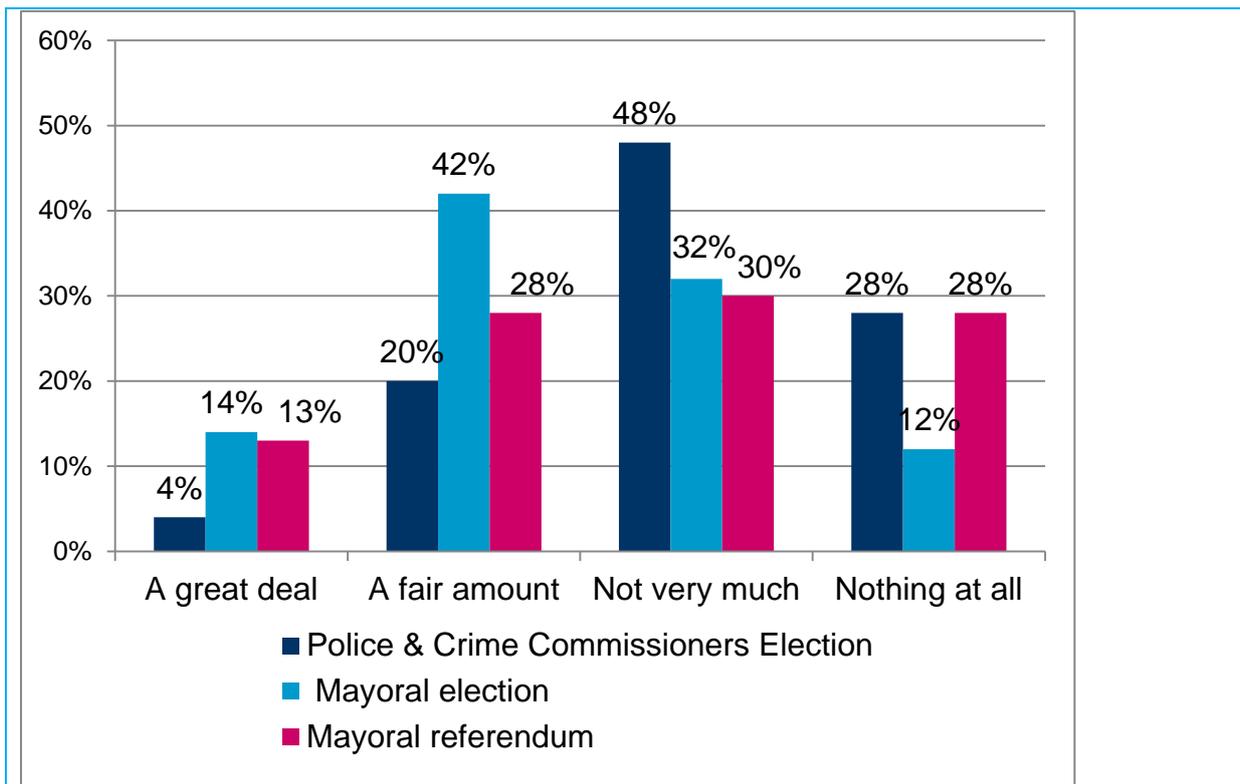
²³ Table 2, page 7 <http://www.parliament.uk/documents/commons/lib/research/rp99/rp99-051.pdf>

²⁴ Constituency level figures;

http://www.scottish.parliament.uk/Electionresults/2011%20election/5_Turnout_Region.pdf

²⁵ London Elects, <http://www.londonelects.org.uk/im-voter/results-and-past-elections/results-2000>

Chart 6: Knowledge of the PCC elections, mayoral election and referendum



PCC election 2012 - Post-election public opinion research. Source: ICM.

Base: 2,005 (unweighted) - PCC election areas only (1,505), Bristol (250), Hartlepool (250).

Q: How much, if anything, did you feel you knew about the...election/referendum on 15 November? Would you say you knew?

3.16 Over a quarter (28%) of people said that they knew ‘nothing at all’ and 48% knew ‘not very much’ about what the PCC elections were about. Only 24% said that they knew ‘a great deal’ or ‘a fair amount’ about the PCC elections.²⁶

3.17 In May 2012, 52% said they knew ‘a great deal’ or ‘a fair amount’ about the local council elections²⁷ and 73% for the Greater London Authority elections.

²⁶ Our public opinion survey did not include sampling voters and non-voters in areas where parliamentary by-elections were held. Whereas we knew in advance that the PCC elections and Mayoral election and referendum were taking place, we did not know where the by-elections would be held until shortly before they took place. In practice this was too short notice for questionnaire design and sampling.

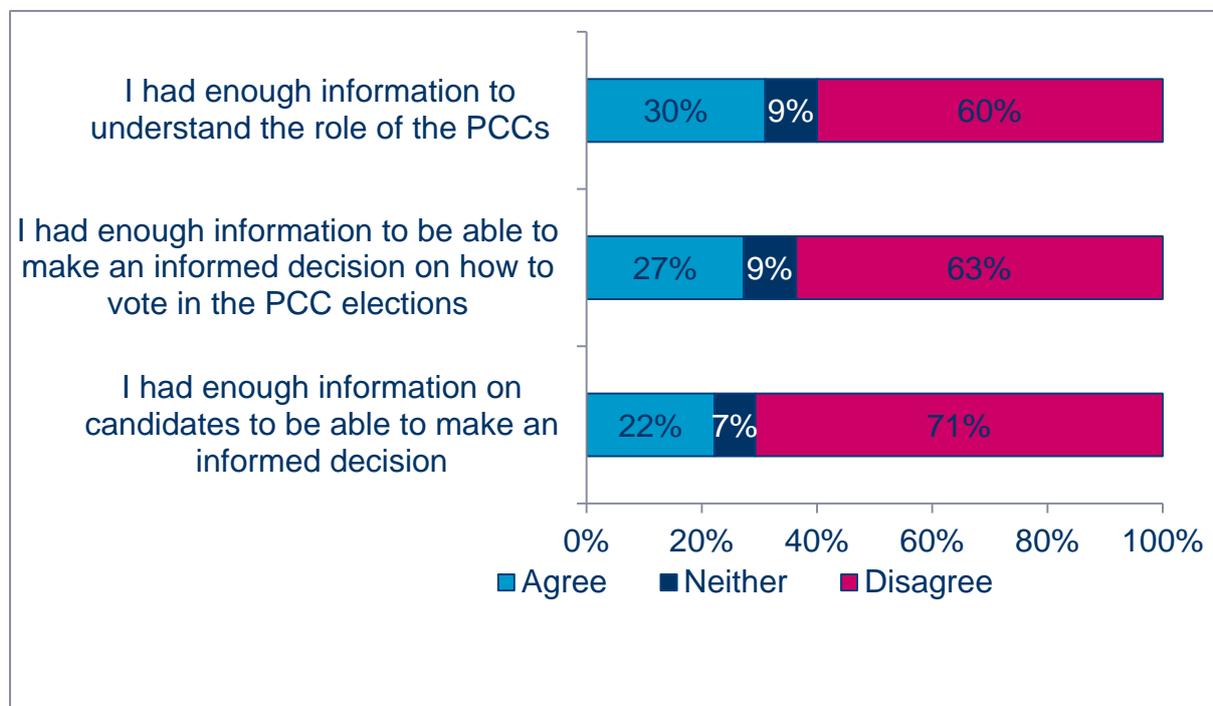
²⁷ The figure is combined for local council elections in England, Scotland and Wales in May 2012.

3.18 There was also much greater awareness of what the November 2012 Bristol mayoral election and Hartlepool referendum were about: 56% and 40% of people respectively in those areas considered that they knew a 'great deal' or 'a fair amount' about the polls.

Access to information

3.19 Just under one-third (30%) of people responding to our public opinion survey agreed that they had enough information to understand the role of the PCCs, with voters more likely to say they had enough information (46% against 22% of non-voters). Just over one-quarter (27%) said they had enough information to make an informed decision on how to vote in the elections, and again voters were likely to say they had enough information (43% against 18% of non-voters).

Chart 7: Access to information about the PCC elections



PCC election 2012 - Post-election public opinion research. Source: ICM.
 Base: All respondents 1,505 (unweighted). PCC areas only (excl. Bristol and Hartlepool).
 Q: To what extent do you agree or disagree with the following statements?

3.20 By comparison, 70% of people in Bristol agreed they had enough information to make an informed decision on how to vote at the mayoral election. For the Hartlepool referendum on local governance arrangements, 44% of people agreed they had enough information to make an informed decision on how to vote. The higher percentage of people who agreed that they had enough information in Bristol may be explained by the fact that each household received a booklet which included information on how to vote and about the candidates standing.

3.21 Almost half of people responding to our survey (48%) found it very or fairly easy to access information on how to vote in the PCC elections. Thirty per cent said they found it very or fairly easy to access information about 'what the PCC elections were for and the role of the Police and Crime Commissioners'. People in Wales were more likely to say it was 'very difficult' (26% against 20% in England).

3.22 More than half of respondents (55%) said that they found it fairly (21%) or very (34%) difficult to access information about the candidates standing in the election, while 21% found it easy.

Feedback directly from the public about the elections

3.23 In the four working days following the election, the Commission received over 500 emails from the public about the PCC elections. This was a significant increase of more than 600% compared with the number of emails we received from members of the public after the May 2012 polls.²⁸

3.24 The main themes of comments provided in emails from the public were:

- People felt that the elections had been imposed on them and there should have been a referendum before the elections took place.
- Concern at the lack of information on the elections and from candidates, including candidate information being predominantly available on the internet.
- Candidates should have been independent rather than party affiliated.
- Non-delivery of the Commission's information booklet.
- The cost of the elections.
- Concern at the number of rejected ballots.

3.25 We have highlighted below a selection of quotes from emails received from members of the public which are illustrative of the range of concerns raised:

I did not vote yesterday because I find it so difficult to support the concept of elected commissioners, and feel that the whole process does not represent good use of public money. I considered submitting a spoilt ballot paper as this is the first election in 30 odd years where I have not voted.

²⁸ The May 2012 elections included local government elections in England, Scotland and Wales, London Mayoral and Assembly elections, and local government referendums in some parts of England.

I spoiled my ballot paper for the first time in my life and I have been voting at every election since the 1950s. I do not think it is appropriate that the Police Commissioners should be political. The time of year had nothing to do with my decision.

It is of absolutely [no] use saying it was all on the website A LARGE PERCENTAGE OF THE ELECTORATE DO NOT HAVE ACCESS TO THE INTERNET NEITHER DO THEY WANT TO.²⁹

I didn't bother to vote because I had no idea who was standing, their background or their views. No election material was circulated, no canvassing carried out.

Emails received from members of the public November 2012

3.26 Anecdotal feedback from ROs, candidates and other observers present at count venues also indicates that similar views were expressed by voters through comments written directly on their ballot papers (see paragraph 3.94).

Feedback from candidates about access to information

3.27 In the week after the PCC elections, we issued a postal survey to all 191 candidates and received 96 responses by 18 December.³⁰ The most common response to our candidate survey related to the absence of a candidate mailshot. Candidates felt strongly that electors were not given sufficient information about the elections (both overall, and on the individual candidates) and that they believed this contributed to the low turnout.

3.28 Candidates reported that voters had expressed concern about voting in an election where they did not have information about all candidates, but also noted the prohibitive costs and resources of organising this mailshot individually. Candidates also felt that the challenge of engaging voters was exacerbated by perceived hostile or negative press coverage, often focusing on personalities rather than the issues concerned.

3.29 Candidates expressed concern that relying on voters accessing online information alone was inadequate and disadvantaged voters (particularly older people) who did not have internet access. Candidates also felt that even voters with internet access seemed unwilling to access this sort of information online. In addition, they noted technical problems with the Home Office website and supporting

²⁹ Emphasis correspondent's own.

³⁰ In some instances, where a candidate's address was not available, we wrote to the election agent to ask if they would pass on the survey. The 191 candidates who actively campaigned, excluding the candidate who found himself to be disqualified but whose name remained on the ballot paper.

phone line, such as delays in sending out requested hard copy candidate information.

3.30 We have highlighted below a selection of quotes from responses by candidates which are illustrative of the range of concerns raised:

Public apathy has been exacerbated by the lack of a candidate mailshot. This should have been provided to increase public confidence in the process.

In my opinion the [decision not to provide candidate mailshots] was unnecessarily parsimonious and extremely short-sighted. It led to voter frustration, which in turn contributed to voter apathy.

Quite simply, the public knew nothing about this fundamental change to police governance or anything about the voting system or any of the candidates... more effort should have been put in to inform the public.

Comments from respondents to our survey of PCC candidates

Provision of information to voters

Decisions about candidate mailings

3.31 The UK Government decided not to provide a freepost mailing to candidates standing in the elections. This was a significant change from other elections of a comparable scale³¹ and we raised concerns about the potential impact of the Government's decision on voter awareness while the PRSR Bill was still before Parliament.³²

3.32 Although there was time between our initial objection and the legislation receiving Royal Assent, the impact of not providing any free mailings for candidates was not explored by the UK Government in sufficient depth.

3.33 The UK Government explained that the option of a candidate mailing had been rejected on the basis of cost, which it estimated to be up to £35 million.³³ We

³¹ Freepost mailings are not provided at local government elections (except in Northern Ireland) and, although relative sizes of the electoral areas differ vastly, it is not inconceivable for a candidate and their supporters to canvass or distribute leaflets across the whole of a local authority ward. As at October 2012, the largest number of parliamentary electors in a ward in England was the Springfield ward in Birmingham at just over 20,000 and smallest in Ravenstonedale ward in Eden valley, Cumbria at around 800 (Source: Boundary Commission for England). This contrasts with the largest police area, Greater Manchester, with approximately 2 million electors and the smallest, Dyfed Powys, with 380,000.

³² Letter from Jenny Watson, Chair to Baroness Browning – 27 July 2011

³³ Postage for election mailings from each PCC candidate to each elector could have cost as much as £35 million in total, and even posting a consolidated booklet to every elector, as happens in

challenged this figure and suggested ways of reducing the costs involved - such as producing one booklet for each police area with statements from each candidate sent to households, rather than giving individual candidates a separate mailing. As well as statements from candidates, the booklet could have included general information about the elections and how to vote in them.

3.34 Based on our understanding of door drop costs, £9-10 million would be a more reasonable estimate of the cost to produce 41 different versions (for each police area) of a 16-page centralised booklet containing candidate details that could be sent via addressed mail to every household.³⁴ If this were to happen, as we made clear, the Commission would then not have needed to send its general information booklet to each household at a cost of approximately £1.2 million as we could have included the information in the candidate booklet. Only running one advertising campaign would also have produced further cost savings (the Home Office campaign cost approximately £3 million).

3.35 However, neither option was pursued further and instead, the UK Government decided to host candidate information on a central website with printed copies available on request via an automated order phone line. We highlighted a number of significant concerns with this proposed approach,³⁵ on the grounds that voters need to receive information from candidates, via a reliable means, in order to make an informed choice at the elections. We highlighted evidence to the UK Government that as many as seven million people in England (outside London) and Wales were estimated not to have used the Internet in the last twelve months.³⁶

3.36 In responding to the Commission's concerns about the proposals included in the draft *Police and Crime Commissioner Elections Order 2012*, the Home Secretary said:

mayoral elections, would cost approximately £12 million' Nick Herbert MP, 26 June 2012, Second Delegated Legislation Committee at Col 4

<http://www.publications.parliament.uk/pa/cm201213/cmgeneral/deleg2/120626/120626s01.htm>

³⁴ Our door drop management supplier suggested that, even being generous with the figures, £9-10 million would be a fairer estimate of the cost.

³⁵ Letter from Jenny Watson, Chair to the Home Secretary - 22 February 2012

³⁶ Target Group Index – Q1 2012 (<http://kantarmedia-tgigb.com/tgi-surveys/gb/>)

Whilst I am aware that this represents change from what happens in some elections, detailed work has taken place to look at the practical impact the policy with (sic) have for electors, candidates and administrators. As the Commission knows from our extensive discussions on the matter, we have considered a number of options very carefully and have concluded that a combination of a website and a print-on-demand service is the most effective, and best value for money, way of providing candidate information and ensuring a level playing field in the circumstances. We will of course publish an assessment of the impacts of the proposals in promoting equality when the Order is laid in Parliament.

**Rt. Hon Theresa May MP, Home Secretary
May 2012³⁷**

3.37 The Home Office published a Policy Equality Statement on its proposals for using a website for publicising candidate information.³⁸ The Equality Statement argued that the UK Government's approach would enable cost-effective access to candidate information within a short timescale and, since an estimated 80% of households have internet access, would make the information 'far more accessible to the general public than a single channel alone, and especially those groups normally less likely to engage in elections'. The Equality Statement disagreed that a candidate information mailing sent directly to electors or households would be fairer, arguing that people often do not read unsolicited mail. Instead, it asserted that 'An on-demand service ensures that everyone who wants the information can receive it, and will be expecting it to arrive.'

3.38 The Home Office website, choosemypcc.org.uk, received over 1.9 million visits from 5 October -15 November 2012.³⁹ Over 122,000 people ordered printed candidate information (90,000 via the Home Office's helpline and 32,000 via choosemypcc.org.uk). This is equivalent to an estimated 0.3% of eligible voters seeing printed candidate information from the Home Office. Even if every person that viewed the [choosemypcc](http://choosemypcc.org.uk) website downloaded or viewed the candidate information for their area, this, combined with printed material is the equivalent of 5.6% of eligible voters seeing candidate information from the Home Office. In addition, a significant number of callers to the Commission's helpline reporting problems accessing information about candidates were over 55. While this may in part be because older people tend to be more engaged, it may also result from their lower levels of internet usage.

³⁷ Letter from Home Secretary to Jenny Watson, Chair of Electoral Commission received 17 May 2012.

³⁸ Home Office, *Policy Equality Statement (PES): Police and Crime Commissioners – Candidate addresses* (May 2012) <http://www.homeoffice.gov.uk/publications/police/pcc/pcc-policy-equality-statement?view=Binary>

³⁹ A number of other websites also hosted information from candidates, some of them beginning to do so before the nominations deadline. These included www.topofthecops.com and www.policeelections.com.

3.39 Taken together, the evidence from the elections suggests that the Home Office significantly over-estimated the extent to which the public would actively seek information about their candidates and it is difficult not to conclude the Home Office's decision about how to provide this information was primarily driven by cost.

The Commission's public awareness campaign

3.40 The PRSR Act 2011 provided for the Electoral Commission to undertake 'such steps as it considered appropriate' to raise public awareness of the elections. This was consistent with our public awareness role for other elections.

3.41 Our public awareness campaign included an information booklet sent to all households in the 41 police areas in England (outside London) and Wales. The booklet contained information on the role of PCCs, how to complete the SV ballot paper, and details of the website and phone number where people could access candidate information.

3.42 This was supported by an advertising campaign which ran from 22 October –15 November on TV, radio, in regional and local press and through online search activity. The campaign message encouraged people to look out for their booklet and explained how to get one if it had not arrived. In the days before polling day, our advertising also highlighted polling station opening hours.

3.43 As with previous campaigns, all advertising directed people to the Commission's www.aboutmyvote.co.uk website where they could download a copy of the booklet. There was also a telephone helpline set up for the campaign period, which people could call for more information or to request a copy of the booklet.

3.44 To ensure our information was as accessible as possible for people with hearing or visual impairments, people with learning disabilities and for those who English is not their first language, we created a number of different editions of the booklet. In addition to English and Welsh, our information booklet was available in Arabic, Bengali, Chinese, Gujarati, Hindi, Punjabi, Urdu and these were available on www.aboutmyvote.co.uk from early October 2012. The booklet was also available in Audio, Easy Read, Braille, BSL and Large Print formats. Results from the campaign can be found below (page 48).

The UK Government's public awareness campaign

3.45 During the early planning stages of the PCC elections, the UK Government suggested they would run a voter information campaign for the elections. The UK Government's rationale for undertaking public awareness was to explain the purpose of the policy and the role of Police and Crime Commissioners. We made clear that our information booklet would explain the role of Police and Crime Commissioners and questioned the need for the UK Government to run its own campaign.

3.46 We also raised concerns around the propriety issues associated with government undertaking public awareness campaigns in relation to these or any other elections and the confusion that could be caused to voters seeing two distinct

campaigns. We sought early confirmation of what the UK Government's plans were – it was unclear, for example, whether or not the UK Government intended to run a large scale TV and radio advertising campaign or simply run an online campaign supported by editorial briefing to the media - to inform the development of our public awareness plans.

3.47 The Home Office were only able to confirm for us in July 2012 that they were planning to run a TV and radio advertising campaign.⁴⁰

3.48 Had this been confirmed at an earlier stage, it is likely that we would have revised our own plans in order to co-ordinate campaign development with their campaign and offer advice on what they could include.

3.49 While we would have still provided information to voters on how to participate in the elections, we would not have recommended running two separate mass media advertising campaigns – each containing a separate website address for voters to contact and each with significant cost implications. This approach risked confusing voters with different messages and considering the Home Office campaign cost in the region of £3 million, it risked being an inefficient use of public funds.

3.50 Unfortunately, the UK Government's decision to undertake a separate public awareness campaign came too late for us to change our plans as we had already committed expenditure and had commenced production of the advertising materials.

3.51 Therefore the priority was to make sure that the arrangements worked for voters. We agreed to work with UK Government officials to ensure that both campaigns were co-ordinated and that people had access to the information they needed at the right time.

3.52 In the absence of a candidate mailing, we agreed that the priority was to make the PCC candidate website (www.choosemypcc.org.uk) and phone line as easy for voters to find as possible. The phone line was an automated service for booklet orders. We amended the aboutmyvote website to include a large panel which voters who were on our site looking for information could click on to be taken directly to the choosemypcc site (see Appendix C). We also included the details of the choosemypcc website address and phone number in a prominent position in our information booklet. Our call centre protocol ensured that every caller was given the option of finding out information about candidates if they wished by being transferred to the Home Office line at the end of every call.

Overlap of communication to voters

3.53 To minimise voter confusion, we requested that there would be no overlap in the timing of the two campaigns. However, the UK Government chose to run its

⁴⁰ Letter from Home Secretary to Jenny Watson - 12 July 2012.

campaign from 6 – 24 October (the start of the pre-election period) across TV, press and online. This resulted in an overlap of three days where voters were exposed to both campaigns, each directing voters to separate website addresses to access information.

3.54 As candidate addresses were not uploaded until Friday 26 October (two days after the UK Government's campaign ended), voters were being directed to the PCC website before candidate information was available. To mitigate this, the website included a facility for people to request an email reminder to re-visit the website once the addresses had been published. There was also an option for people who called the automated print on demand candidate information phone line to leave their details in advance of the addresses being made available.

3.55 As prescribed in legislation, Electoral Registration Officers (EROs) printed the choosemypcc website address and phone number on poll cards, which in many cases were dispatched on 22 October 2012; again, before the candidate information was online. Anecdotally, administrators seemed to think it wasn't very effective, as people aren't used to looking at poll cards to direct them towards candidate information.

3.56 This was also the same day that our information booklet was sent out to all households in England (excluding London) and Wales. As a result, we saw a sudden increase in the number of calls to our helpline from voters who had received our booklet and/or their poll card and had tried to access information about candidates and were frustrated that no information was available and that the automated print on demand service offered no option to speak to somebody. This sudden increase meant that voters were not always able to reach a call adviser.

3.57 This demand for information highlighted a number of issues with the print on demand candidate information phone line. We received complaints from people about usability issues such as the system timing out before they could leave their full address and not having the option of speaking to an advisor.

3.58 Having alerted UK Government officials to this increase in calls, it was agreed that people who phoned the Commission's helpline to complain about the lack of information available about candidates or the elections should be given the Home Office public enquiries line where they could register their complaint. However, it emerged that calls to this number were being diverted back to the Commission by the switchboard,⁴¹ resulting in further frustration for the callers. After further requests to provide a facility for people to call to speak to an advisor, officials agreed to take calls via the Home Office policy team.

⁴¹ The Electoral Commission and Home Office share a switchboard used by a number of UK Government Departments and public bodies.

3.59 It was clear that the UK Government had not given consideration to the infrastructure that would need to be in place in order to deal with the volume and types of calls generated by people having been given the candidate website and phone number ahead of the candidate information being available, or who wanted more information about the policy behind the elections.

3.60 Results show that the Home Office campaign was recognised by electors and raised awareness of the elections ahead of our campaign. Our tracking results show that the neutrality of the Home Office campaign was not an issue or concern to electors, although one representative of a youth organisation suggested the adverts presented a negative picture of young people.⁴²

Awareness of the Commission's campaign

3.61 During the public information campaign period, the Commission's helpline received 23,000 calls with the top three questions being: 'Why can't I access candidate information yet?', 'Who is standing in my area?' and 'Who are the candidates?' A total of 74% of callers were aged 55+ which suggests that traditionally engaged people struggled to find information. The aboutmyvote.co.uk homepage received 300,000 visits.

3.62 We were made aware of a number of postcodes that did not receive a booklet. We worked closely with our door drop management supplier to check delivery at various stages in the door drop delivery process. Although, due to the large number of households involved in the delivery, we are unable to confirm delivery to every household, the independent booklet door drop audit,⁴³ showed a delivery rate of the booklet of 96%. This figure is, however, very significantly higher than the number of people that recognised the information booklet (see below) and this apparent disparity is likely to be the result of at least two factors. Firstly, while we can expect that 96% of households received the booklet it may – as with any door drop of this type - have been discarded without reading by a significant number or not seen by everyone in the household. Secondly, we know from previous experience the ability of people to spot and then recall seeing the booklet is likely to be linked to the salience of the issues which it is about. The PCCs were of course a very low salience issue for most of the public.

3.63 We carried out tracking research to look at public awareness of our advertising before, during and after the campaign was live. Tracking research uses interviews with electors to track the awareness of our campaigns over a period of time. Our tracking results showed 50% of people claimed to have seen at least one element of the campaign; 32% of people recognised the information booklet, 60% of those who

⁴² Tony Gearing, founder of the Young People of the Year awards, reported by Press Association 10 October 2012.

⁴³ Door drop audit carried out by The Front Door, a specialist door drop validation agency that audits delivery rates in specific post codes to calculate the overall delivery rate.

claim to have read the booklet knew that you could vote using a first or second choice and 46% knew the date of the elections. These results met or exceeded all of our key performance measures. However, when seen alongside the other research evidence and the very low levels of turnout, they do also illustrate that an effective public awareness campaign aimed at explaining what the elections are about and how to participate will have little impact on people's decision to vote if they are not motivated to do so by the issues and what they know about the candidates.

3.64 We also asked our tracking research agency to look at the impact that running two separate advertising campaigns had on people's awareness of the elections. Given the overlap in timings of the two campaigns, it was very difficult to assess the impact of each campaign individually. However, both worked together to raise awareness of the elections and of the election date. Whilst the Home Office campaign did cut through better and achieve higher recognition than the Electoral Commission campaign, the Commission campaign did appear to have been more successful in delivering detailed messages about the elections and how to vote. Given the overlap in recognition of the two campaigns and furthermore the lack of differentiation between who was responsible, this suggests that having two separate campaigns by the Home Office and Electoral Commission was not an efficient use of public funds. Whilst both campaigns achieved awareness of their respective messages, it would have been more cost effective having one integrated campaign from an independent source that covered awareness of the elections, what the elections were about, the date, candidate information and the voting system.

People's experience of voting

3.65 As with previous elections, voters generally had a positive experience of casting their vote either in person at a polling station or by post. Both methods were considered to be convenient and no concerns were raised about the support and written guidance available.

3.66 Nearly all polling station voters were satisfied with their experience (94%) and 96% said it was a convenient way to vote. Similarly, 97% of postal voters were satisfied with voting in this way and a similar proportion (96%) also said that it was a convenient way of casting their vote.

3.67 We are also not aware of any difficulties that people may have had in completing and returning their postal ballot paper – 95% of postal voters found it easy to understand how to.

Invalid postal votes

3.68 For the PCC elections, just under 132,000 postal votes (4.7% of all those returned) were not able to be included in the count by ROs because the postal ballot pack was not properly completed or returned. The range of problems which prevented postal votes being included in the count is set out in Table 1 below. This overall rate compares to a rate of 4.6% of returned postal votes for the May 2012 local government elections, and 7.6% of returned postal votes at the May 2012 mayoral referendums.

Table 1: Reasons why returned postal votes were not included in the count for November 2012 PCC elections

| | Proportion of overall total not included in the count |
|---|--|
| Want of signature | 17% |
| Want of date of birth | 4% |
| Want of both | 10% |
| Mismatched signature | 21% |
| Mismatched date of birth | 16% |
| Both mismatched | 7% |
| Missing postal voting statement or ballot paper | 25% |

3.69 It continues to be the case that the most common reasons why returned postal votes are not included in the count are because either or both of the signature and date of birth provided by the voter do not match the records held by the ERO. For the November 2012 PCC elections, nearly half (44%) of the returned postal votes which were not included in the count were rejected because those fields did not match.

3.70 We welcome provisions which have now been made in the Electoral Registration and Administration Act 2013 which will allow EROs to notify electors that their postal vote was not included in the count because the postal voting statement was not properly completed, and to ask electors to confirm their date of birth or provide a new specimen signature. The UK Government needs to ensure this new provision is commenced in time for the 2014 elections to help to ensure that more returned postal votes can be counted at the scheduled May 2015 UK Parliamentary general election, while also ensuring that EROs continue to protect and maintain the integrity of postal vote applications.

Ballot papers

3.71 For the PCC elections, voters where more than two candidates were validly nominated were required to indicate their first and second preferences using a two-column ballot paper.⁴⁴ An example is shown in Figure 1 below.

Figure 1: Example PCC election ballot paper

The ballot paper is titled "Election of Police and Crime Commissioner for (insert name of police area) police area". It includes instructions: "Vote once in column 1 for your first choice, and Vote once in column 2 for your second choice".

| | Column 1 first choice | Column 2 second choice |
|---|-----------------------------|------------------------------|
| BOOTS, Dusty The League of Line Dancers Candidate | <input type="checkbox"/> | <input type="checkbox"/> |
| GREY, Earl The Mad Hatter's Tea Party Candidate | <input type="checkbox"/> | <input type="checkbox"/> |
| HOOD, Robin The Forest Party Candidate | <input type="checkbox"/> | <input type="checkbox"/> |
| JIANG, Mike Independent | <input type="checkbox"/> | <input type="checkbox"/> |
| MILLER, Windy The Alternative Power Forum Candidate | <input type="checkbox"/> | <input type="checkbox"/> |
| WILLIAMS, Rhys Independent | <input type="checkbox"/> | <input type="checkbox"/> |

3.72 We recommended to the Home Office in 2011 that they should test the design of the ballot paper to be used at the PCC elections to minimise confusion among voters when completing their SV ballot papers. The Home Office undertook research with the public to test their proposed ballot paper design which identified some problems with the design, which was subsequently revised. We are not aware that the Home Office considered testing a single-column ballot paper requiring voters to use numbers to indicate their first and second preferences.

3.73 We also recommended that the UK Government should adopt a similar approach to the design of other SV ballot papers, in particular for mayoral elections in England. We were pleased that the UK Government acted on our recommendation and in June 2012, laid before Parliament draft legislation prescribing revised voter-facing forms for mayoral elections in England – including a revised SV ballot paper, which is identical to the user-tested ballot paper used at the PCC elections; and revised voting instructions aimed at explaining clearly and simply how to complete the ballot paper.

⁴⁴ Where only two candidates were validly nominated, voters were required to mark a single column ballot paper to indicate their choice.

3.74 In future, the UK Government should undertake this work in a coordinated way for every poll, to ensure there is consistent good practice across all elections and to avoid the increasing disparities, and their negative effects on voters, created by a more piecemeal approach to change.

Completing the ballot paper

3.75 Our public opinion survey asked voters how easy they thought it was to fill in their ballot papers. Ninety-four per cent of those who only voted in the PCC elections said that they found it very or fairly easy, with 77% saying it was very easy.

3.76 In Bristol and Hartlepool where the PCC elections were combined with another electoral event, the majority of voters found it easy to fill in the PCC election ballot paper (88% in Bristol and 86% in Hartlepool). Ninety-four per cent of voters in Bristol and 90% in Hartlepool found it easy to complete the ballot paper for their respective mayoral election and referendum. In Hartlepool where the polls were held using two different voting systems (SV and first-past-the-post), 63% of voters said that they did not find it confusing to vote using more than one voting system. Twenty-three per cent said that they found it confusing, with 9% finding it very confusing.

Second preferences

3.77 In SV elections, first preference votes are counted first. If a candidate receives more than 50% of the valid votes cast they are elected. If no candidate has more than 50% of the vote, all candidates apart from those in first and second place are eliminated. The votes showing a first preference for the eliminated candidates are checked for their second preference. Any second preference votes for the two remaining candidates are then added to their first preference votes and the candidate with the most votes wins.

3.78 Voters could cast a second preference vote in 38 of the 41 PCC elections. However, in five of those areas one candidate received over 50% of first preference votes and was declared the winner. The second preference votes in these contests were not therefore counted.

3.79 In the remaining 33 areas, 1,597,027 second preference votes were available, i.e. this is the number of valid first preference votes that were cast for one of the eliminated candidates. Of that total, 721,747 valid second preference votes were cast for one of the remaining candidates (45.2%), 635,130 (39.8%) were cast for an already eliminated candidate and 240,150 (15%) were spoilt. Of those that were rejected, 91% had failed to record a second preference (unmarked).

Rejected ballot papers

3.80 Before being counted, ballot papers go through a sorting process. There will be 'good' ballot papers on which the voter has marked their ballot paper exactly following - or closely following - the instructions. These will be included in the count and allocated to the relevant candidate. Then there will be those ballot papers on which the voter has not followed the instructions for marking it. Those ballot papers

are called ‘doubtful ballot papers’ and are given to the Returning Officer for adjudication.

3.81 Those ballot papers that are not adjudicated as ‘good’ are formally rejected by the Returning Officer. The reasons and categories for rejected ballots are shown in the table below.

Table 2: Reasons for rejection of PCC ballot papers at the first preference stage

| PCC first preference rejected ballots | Total | Percentage |
|--|----------------|-------------------|
| Unmarked | 50,530 | 32.4% |
| Uncertain | 51,733 | 33.2% |
| Voting for too many | 51,026 | 32.7% |
| Writing identifying voter | 2,460 | 1.6% |
| Want of official mark | 134 | 0.1% |
| Total | 155,884 | |
| As a % of all ballots | 2.8% | |

3.82 A total of 155,884 PCC ballot papers were rejected at the first stage of the count, representing 2.8% of all votes cast. The proportion of ballot papers rejected at the count ranged from 1.7% in Humberside to 7.2% in North Yorkshire.

3.83 Although this proportion is higher than recent polls such as the 2011 PVS Referendum and the local government elections (1%) and the 2010 UK Parliament General Election (0.3%), it is comparable with other polls where the SV electoral system is used. For example, rejection rates at recent SV mayoral elections (that were combined with other elections) were 4.3% in Bedford and 3.3% Middlesbrough in 2011 and 2.8% in Liverpool in 2012.

3.84 The police area with the highest level of rejected ballot papers (North Yorkshire – 7.2%) had only two candidates standing for election and therefore used a first-past-the-post electoral system which would normally record very low levels of rejection. In addition, five times as many ballot papers were rejected in Bristol at the PCC elections (6.4%) as at the mayoral election (1.2%) taking place at the same time, even though both elections used the SV electoral system. In Hartlepool, 88 ballot papers were rejected in the referendum, compared with 699 at the PCC election. Although precise comparisons cannot be made for the parliamentary by-elections, 110 parliamentary ballots were rejected throughout the Corby constituency compared with 742 at the PCC election just within Corby borough.

3.85 In the other areas using first-past-the-post, Dyed-Powys and Staffordshire, the levels of rejection were closer to the overall average for the PCC elections at 4.3% and 2.8% respectively. Although these are still high rejection rates for a first-past-the-post election and, again, may indicate some deliberate spoiling of ballots, the evidence is inconclusive and the scale of any intentional spoiling of ballot papers is unclear.

3.86 Although we received feedback from LROs that some people deliberately spoilt their ballot paper, it is not possible to quantify the total number of ballot papers that were deliberately spoilt due to the categories used for recording reason for rejection. LROs have no power to reject a ballot paper under a separate category, such as 'deliberately spoilt'. We will explore with ROs whether and how this information could be recorded at future polls.

Participation by voters: Conclusions and recommendations

3.87 The expected level of participation in the November 2012 PCC elections was a key issue for elected representatives and media commentators during the months leading up to polling day. As results were declared during the day after polling day, we noted that the historic low turnout of just 15.1% was a concern for everyone who cares about democracy. It is important to use the evidence and data available from these elections to understand why participation was so low, in order to be able to identify whether changes to policy and delivery approach could help improve participation at future elections.

3.88 Our research with members of the public, both voters and non-voters, suggests that levels of satisfaction with the process and practical arrangements for voting at these elections were generally very high, and similar to those seen at other recent elections. Even the timing of the elections – in November rather than the usual period for elections between April to June – appears to have had little impact on the willingness or ability of people to vote in these elections.

3.89 Our key conclusion is that a perceived lack of information about the contests and the candidates for these elections was the main reason that people did not vote. In particular, our public opinion research found that only 22% of people had enough information on candidates and what they stood for to be able to make an informed decision.

3.90 Policy makers cannot take it for granted that people will automatically feel able to participate in new elections simply because they are being held. Although we do not consider that improved delivery of information about candidates would be in itself enough to improve turnout, it will address the unacceptably low levels of information/awareness and will provide a better basis for encouraging participation in future elections.

3.91 This conclusion suggests some significant implications for the management and delivery of future elections, not only for the next PCC elections but also for any new electoral events which may be established in future. We have seen no evidence

to demonstrate that the information needs of voters at these elections were adequately considered by policymakers when deciding whether or how to support the provision of candidate information directly to electors. Decisions about information for voters at new elections proposed in future should be supported by much more thorough analysis by governments of what kind of information people need to participate and make an informed choice, and how they should be able to access that information.

3.92 The UK Government will need to begin planning now to carry out an analysis of options for providing information in advance of the 2016 PCC elections. We now have a rich set of data from these elections about electors' views and needs which is available to inform that analysis. Any proposals for new polls – including future referendums – also need to be supported by a robust analysis of the information needs of voters.

3.93 Electoral data and our research with voters also indicate that those who did vote generally found the new supplementary vote electoral system and ballot paper for the PCC elections easy to use and to complete without making mistakes. While rates of rejected ballot papers for the first preference stage were within the range recorded at other UK elections using preferential voting systems, they were nonetheless still higher than for elections using the first-past-the-post electoral system.

3.94 Anecdotal evidence from candidates, LROs and observers suggests that a significant proportion of rejected ballot papers were deliberately spoiled by electors wanting to register their concerns about the elections, although it has not been possible to quantify the extent of this activity through available electoral data. The number and proportion of ballot papers which were not included in the count suggests that there is, however, still scope for further improvements to the design and wording used on ballot papers to reduce the risk of electors inadvertently spoiling their ballot paper.

Recommendation 2: Improving access for electors to information about candidates at future PCC elections

The UK Government should amend paragraph 52 and Schedule 8 to the Police and Crime Commissioner Elections Order 2012 to ensure that electors are sent printed information about candidates standing for election as PCC in their force area. This should take the form of a booklet with addresses from each candidate sent by the relevant Police Authority Returning Officer to every household in the police authority area.

The UK Government should ensure that these changes are made to the 2012 Order **by November 2015**, in line with the timescales set out in our Recommendation 1 above for improving planning and the management of legislation for the May 2016 PCC elections.

For any new elections which are proposed in future, the relevant government should make clear **at the time of introducing legislation** how they will ensure that electors have appropriate access to information about candidates.

In doing so the relevant government should draw on data collected by the Electoral Commission and others from the November 2012 elections, and should consider:

- The extent to which electors have reliable and easy access to online or other non-physically published sources for information about candidates.
- The extent to which candidates themselves can feasibly communicate messages directly to electors, taking into account the geography of police force areas and the statutory limits on campaign spending.
- How best to inform electors about how they can access information about candidates, including simplifying the process as much as possible for electors.

Recommendation 3: Ensuring cost-effective and neutral public awareness information about future elections

The Home Office and Electoral Commission both ran public awareness campaigns ahead of the election.

Whilst both campaigns achieved awareness of their respective messages, it would have been more cost effective having one integrated campaign from an independent source that covered awareness of the elections, what the elections were about, the date, candidate information and the voting system.

We have demonstrated our experience and capacity to deliver cost-effective and neutral public awareness activity at a wide range of UK elections and referendums. Parliaments should continue to give the Electoral Commission statutory responsibility for providing information for voters about elections and how to vote in them, and it would not be an appropriate or sensible use of public funds for governments to duplicate that activity.

No government should commission public awareness activity for future elections or referendums, including the May 2016 PCC elections.

Recommendation 4: Ensuring that ballot papers for future elections are accessible and well-designed

The UK Government should review options for the design and wording of ballot papers for future elections using the supplementary vote electoral system, in order to reduce the risk of ballot papers not being counted because they have been incorrectly completed.

The Government's review should:

- Consider evidence from the range of elections held using the supplementary vote electoral system, including local authority mayoral and London mayoral elections and the November 2012 PCC elections.
- Consider both single column ballot paper designs (using numerals to record first and second preferences) as well as double column designs (using crosses).

- Consider the potential combinations of elections using the supplementary vote electoral system at the same time as those using the first-past-the-post system.
- Include research with voters and input from plain language and accessibility experts to ensure that the design and wording of ballot papers for future elections is simple and straightforward to use by as wide a range of people as possible.

The UK Government should publish the results of its analysis and consult on any proposals for changes to the design and wording of ballot papers for elections using the supplementary vote electoral system **not later than November 2014**, 18 months before polling day for the scheduled May 2016 PCC elections.

If the Government decides not to carry out this review, we will undertake our own design and research with voters on ballot paper designs for elections using the supplementary vote system. We would begin this work **by October 2013** and would publish any recommended designs for consultation **by November 2014**.

Any changes to the prescribed form for the ballot paper to be used at the May 2016 PCC elections should be clear (whether in primary legislation which has received Royal Assent or secondary legislation which has been laid before Parliament) **no later than the beginning of November 2015**, six months before polling day for the next PCC elections.

The Government should ensure that forms produced in accordance with the legislation are correct and accurate as soon as possible, and ensure that they can be used for the next set of PCC elections in 2016 and any by-elections which might take place before then.

4 Participation by candidates and campaigners

4.1 This chapter provides information about participation by candidates and campaigners at the PCC elections and the mayoral election and referendum that took place on 15 November 2012. It also looks at campaigners' confidence and satisfaction with the support and advice they were given and the way the elections and referendum were run.

4.2 We want to be satisfied that candidates and agents are provided with clear and timely information to enable them to engage effectively in the election process, and that it is straightforward for them to participate.

4.3 We were encouraged that all PAROs reported that they issued written information to candidates and agents on the election process and provided briefing sessions, including local arrangements, in advance of polling day.

Standing for election

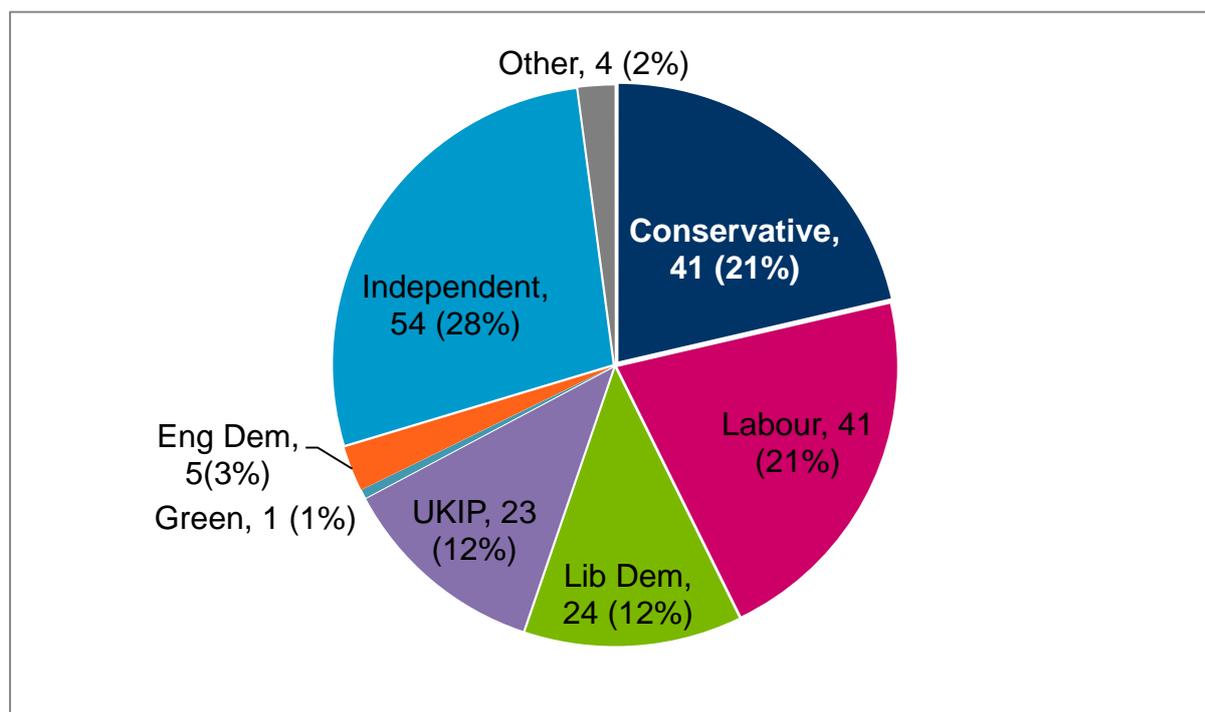
4.4 At the close of nominations, one hundred and ninety-four people were validly nominated to stand as candidates for the PCC elections. Two candidates withdrew their candidature before the deadline for withdrawal passed and one candidate later declared himself disqualified (see page 62).

4.5 Overall, our survey of candidates indicates that they knew what they had to do to stand in the PCC elections. Three-quarters of respondents⁴⁵ (77%) to our survey agreed that it was easy to find out what they had to do to become a PCC candidate.

4.6 Although most candidates (86%) understood the rules for becoming a PCC candidate and how to follow them, over four in ten felt that the timescale for submitting the election address was too tight.

⁴⁵ Any references in this report to a proportion of candidates – i.e. 'most candidates,' is referring to the candidates who returned our survey, and should not be taken to represent the views of all candidates.

Chart 8 – Candidates standing for PCC election by Party (%)⁴⁶



Nomination

4.7 To be validly nominated, candidates for the PCC elections were required to secure the signatures and elector numbers of 100 electors (known as subscribers) who are included in an electoral register within the relevant police area. This number of subscribers is irrespective of police force area size, and significantly more than that required for candidates at UK Parliamentary elections or local government elections (both ten). No subscribers are needed before nomination in European Parliamentary elections.

4.8 Candidates seeking nomination to stand for election as the Mayor of London are required to provide 330 subscribers, comprising ten subscribers from each of the 32 London Boroughs and the City of London. There was no similar requirement for subscribers to PCC nomination forms to be drawn from each relevant local authority, but LROs reported that some candidates had specifically sought subscribers from across the force area ‘not realising that this information would not be shared with anyone’.⁴⁷

⁴⁶ This chart includes the candidate who did not campaign but remained on the ballot paper in the Northamptonshire Police Area. See further discussion in paragraph 4.24

⁴⁷ LRO, South West Region

4.9 Feedback from LROs suggests that some candidates struggled to properly complete their nomination forms and electoral services staff spent considerable time verifying that the subscribers were registered electors.

The 100 signature requirement was an onerous process, not only for the candidates but for PARO and election team in administrating. I would also suggest that this is a barrier to many independent candidates standing for election.

Local Returning Officer, North West

4.10 These findings were reflected in our survey of candidates. More than four in ten candidates (44%) said it was difficult to get the number of signatures required to secure their nomination, This was particularly the case for independent candidates: three-quarters (74%) of independents agreed / tended to agree that it was difficult to get the number of signatures required to secure their nomination, compared with 29% of respondents who stood for election on behalf of a political party.

4.11 There are restrictions on who can be supplied with a copy of the electoral register and when they can be given it. By law, political parties can be supplied with a copy of the electoral register at any time for electoral purposes and for checking whether donations are permissible.

4.12 By contrast, candidates can only be given copies of the electoral register from the last day for publication of notice of election. This means that the earliest that an independent candidate can be given a copy of the electoral register is the last day for publication of notice of election, while candidates standing on behalf of a political party can have access to the register for campaign and nomination purposes at any time.

4.13 In addition to obtaining signatures from 100 eligible electors, potential candidates were required to raise a deposit of £5000 in order to be validly nominated. This could be made either in cash or by means of a bankers draft or by the electronic transfer of funds or by credit or debit card.

4.14 Deposits were returned to the candidate after the election if they received five per cent of the total number of valid first preference votes. Deposits from candidates who did not receive five per cent of the total number of valid first preference votes were forfeited to the Government.

4.15 The level of deposit is the same as that in European Parliamentary elections and ten times that required to stand in UK Parliamentary elections. In the event, few candidates lost their deposit. We are unable to quantify how many people decided against standing as a direct result of the required deposit.

4.16 Nearly four in ten (39%) candidates who responded to our survey said that it was difficult to raise the deposit required to secure a nomination. Independent candidates were more likely to agree it was difficult to raise the deposit required to secure nomination compared to candidates who stood on behalf of a political party (58% and 29% respectively).

Disqualification

4.17 Following debate in the House of Commons on the PRSR Bill in early 2011, a Government amendment was tabled and accepted at the Committee Stage of the Bill in February 2011 which prevented anyone convicted of any imprisonable offence (even if they were not actually imprisoned or the conviction had been spent) from standing for election as a PCC. This included offences that took place as a juvenile.

4.18 This is a lower threshold for disqualification on the grounds of criminal activity than that demanded of any other elected offices including local government or the UK Parliament. For example, Members of Parliament sentenced to less than twelve months in prison do not have to step down from Parliament and disqualification from office is limited to between three and five years after conviction. Certain electoral offences disqualify people from office for between three to five years even if the perpetrator was not imprisoned.

4.19 Nevertheless, the disqualification provision in the PRSR Act reflected consensus between both the UK Government and the Opposition that the sensitivity of the PCC role warranted such strict disqualification rules.

...an imprisonable offence is not likely to be so minor. We apply a test of that standard to police officers, and we are consciously applying a much higher test to police and crime commissioners in a way that is not done for a person in any other elected office.

**Nick Herbert MP, Minister for Policing and Criminal Justice,
8 February 2011⁴⁸**

We cannot overestimate the importance that members of the public will put on the integrity of the person who is standing for police and crime commissioner; it would be inconceivable not to have the most stringent test for a PCC.

Vernon Coaker MP (Lab), 8 February 2011⁴⁹

4.20 While the strict disqualification provision was intended to mirror the requirements for individual police officers, there is some discretion for police forces to consider the criminal records of individual applicants on a case by case basis. No such discretion is currently permitted for people considering standing for election as a PCC.

⁴⁸Committee Stage debate on the PRSR Bill in the House of Commons
<http://www.publications.parliament.uk/pa/cm201011/cmpublic/policerreform/110208/pm/110208s01.htm> at col 483

⁴⁹*ibid* at col 482

4.21 The unusual nature of the disqualification led to confusion among potential candidates about whether or not they could stand for election. Several prospective candidates found they were ineligible and were forced to withdraw. There was particular confusion about the application of the disqualification for offences which took place as a minor disqualifying an adult from office, in some cases, decades later.

4.22 Individual stories made headlines, such as Falklands War veteran Simon Weston,⁵⁰ and Bob Ashford⁵¹ who had worked at the Youth Justice Board, who had both received fines for imprisonable offences as minors and so could not stand for election despite having no subsequent convictions.

4.23 We set out the qualifications and disqualifications for standing for election as a PCC in our guidance for candidates and agents (issued on 15 June 2012), which stated that, 'you cannot stand for election if...You have ever been convicted of an imprisonable offence (even if you were not actually imprisoned or the conviction has been spent)'.⁵² However, as previously discussed, we were unable to publish our guidance until 15 June 2012, by which time several potential candidates had indicated their intention to submit nomination papers.

4.24 One candidate for election as the PCC for Northamptonshire did not realise that he was ineligible to stand for election as a PCC due to a previous conviction until after the deadline for nominations had passed. The legislation did not provide for any action to be taken by the PARO in response, and the candidate remained on the ballot paper. Although the candidate did not campaign, electors were still able to vote for him and in the event, he proceeded to the second round of counting but did not receive the most votes once second preferences had been counted.

4.25 While the PRSR Act includes provisions for filling a vacancy in the office of Police and Crime Commissioner which arises after an election, it is not clear that they adequately cover the circumstance which arose in Northamptonshire. The UK Government should consider whether further clarification of the law is required before the next PCC elections.

Candidate spending and donations

4.26 There are rules on candidates' campaign spending at PCC elections and on the donations they receive to fund their campaigns. In 2012 these rules controlled candidates' campaign spending between 8 October 2012 and polling day and any donations towards this spending. We published guidance for candidates and agents on 29 June 2012, as soon as practicable after the rules were confirmed in mid-May

⁵⁰ <http://www.bbc.co.uk/news/uk-wales-18670400>

⁵¹ <http://www.bbc.co.uk/news/uk-england-somerset-19181071>

⁵² http://www.electoralcommission.org.uk/_data/assets/pdf_file/0009/148743/PCC-Part-1-Can-you-stand-for-election.pdf

2012, allowing for time to confirm our guidance was correct and accurate. In the period before the rules were finalised, we put information about the key elements of the consultation draft of the PCC Elections Order on our website, and opened a mailing list for prospective candidates and others with an interest to receive regular updates about the rules for the elections.

4.27 Commission staff participated in several conferences and events aimed at PCC candidates in the run-up to the elections, including PARO briefings and Local Government Association conferences, in order to raise awareness of the campaigning rules as well as the rules on standing for election.

4.28 For the first time we held two webinars, one before polling day to help candidates and agents understand the rules on campaigning and standing for election, and one after the poll on how to complete their spending returns; the webinars also gave participants the opportunity to ask questions and receive immediate answers. In the period between the publication of our guidance and polling day, we responded to 236 queries about the rules on party registration and campaigning at elections, including the PCC elections. We registered 23 new parties and 21 changes to party descriptions over this period.

4.29 During the election campaign, we carried out a programme of campaign monitoring. The purpose of this work was to raise candidates' and agents' awareness of the rules, to identify emerging issues and opportunities for the Commission to offer advice and guidance to those it regulates, and to obtain information about campaigning to inform our review of candidates' spending returns. In advance of the elections we published a briefing note on our work:

http://www.electoralcommission.org.uk/_data/assets/pdf_file/0013/150502/Briefing-note-campaign-monitoring-Nov-2012.pdf

4.30 As a result of this work, we contacted one candidate's team on two occasions to offer advice about material on the candidate's website relating to donations, and also contacted potential local third party campaigners to check they were aware of the rules affecting them and referred them to our guidance.

4.31 Candidates who were elected as PCCs are classed as holders of elective office under the Political Parties, Elections and Referendums Act 2000 (PPERA) and have to comply with controls on donations and loans given to them in connection with their political activities. After the elections we contacted all successful candidates to give them advice on how to comply with the rules.

4.32 If we carry out any enforcement work in connection with potential breaches of the rules at these elections, we will publish information about these in due course in accordance with our disclosure policy.

4.33 In our survey of candidates, around half of respondents agreed that the rules on candidate campaign spending were appropriate, with a third (33%) of respondents disagreeing and 15% neither agreeing nor disagreeing. Respondents that stood as independent candidates were less likely to agree that rules on spending were appropriate (36% v 58% of those that stood for a political party). As we have not included this question in recent surveys for other polls, it is difficult to

identify whether this finding is particular to this election or common for all contests. These elections saw a higher percentage of independents standing than at other contests above local government level. We will comment in more detail on the rules on campaign spending at PCC elections in the further report we will publish after we have received all the candidate spending returns (see page 27).

4.34 In the run up to polling day we suffered an unexplained problem on our website which meant that, although we had published identical (and correct) versions of the candidate expenses form on our website, in both Excel and PDF formats, the PDF version of the form appeared on our website without the section for reporting a candidate's personal expenses for a period of around eight weeks. It was brought to our attention on 12 November 2012 and we immediately corrected the problem so that from 13 November onwards both versions of the form were again correct.

4.35 In the run up to the 25 January deadline for reporting expenses, we contacted all candidates and their agents to check that they had the correct version of the form. We also contacted all Police Area Returning Officers (PAROs) and asked them to check that the returns that had already been submitted to them used the correct format, as well as any others that arrived by the deadline. Around 30 candidates were affected by this problem and we contacted each of them, explained the problem and helped them complete the missing personal expenses section. We recognise that this problem with the form was not helpful to candidates and agents and have apologised to all those concerned for this error.

Feedback on support and guidance for candidates and campaigners

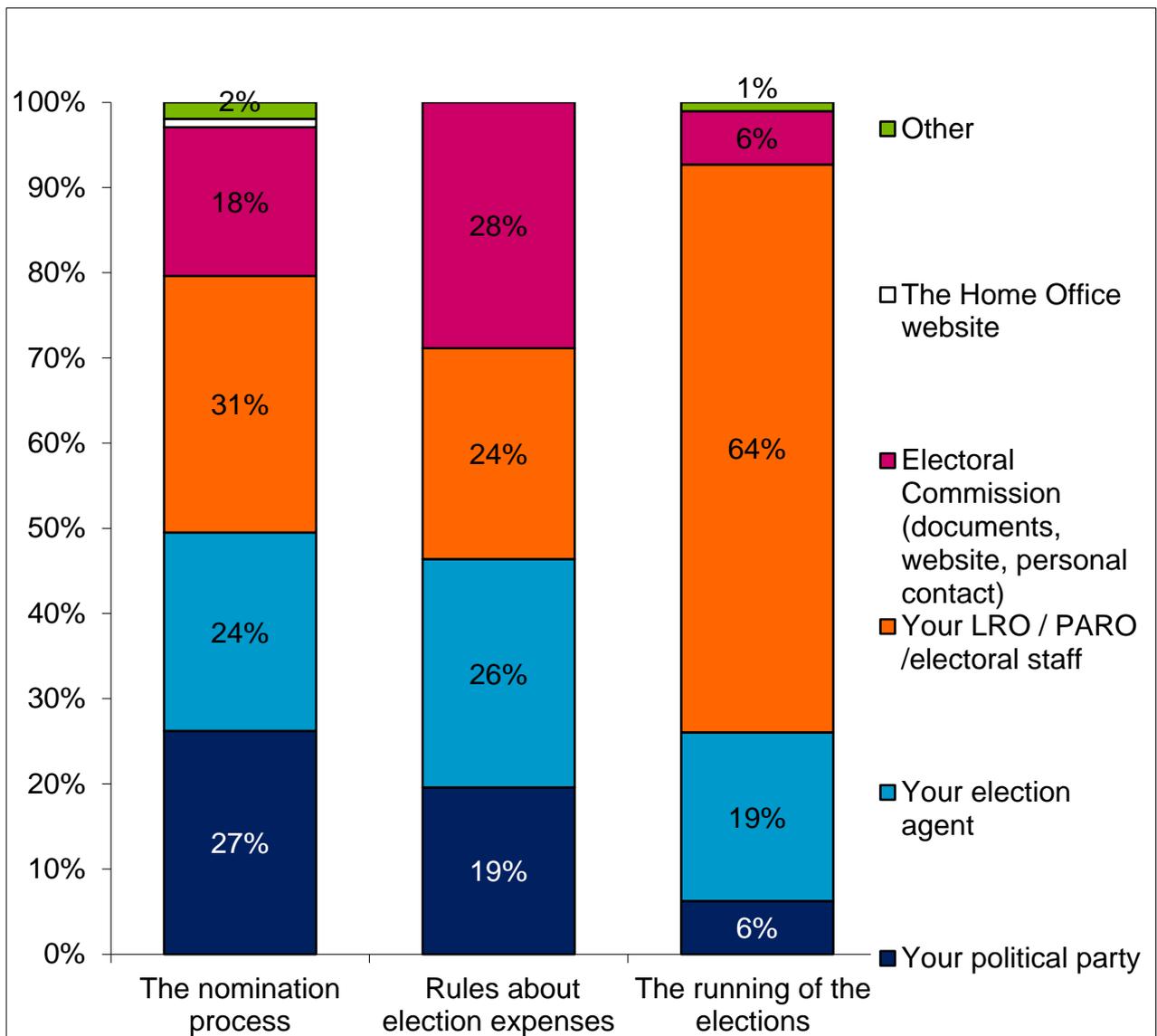
4.36 We asked candidates to rank the different sources of information about the electoral process according to how useful they were. These areas were: the nomination process; election spending and donations; and the administration of the elections overall.

4.37 Three in ten (31%) candidates rated Returning Officers (PARO/LRO/Electoral staff) as the source from which they gained most information about the nomination process. A quarter said their party (27%) and a further quarter (24%) selected their agent as their most used source. Eighteen per cent cited the Commission as their most used source of information (see chart below)

4.38 Nearly three in ten (28%) said the Commission was the source that provided them with the most information on election spending and donation rules. This was slightly more than the 26% that ranked their election agent as the primary source and 24% that said they got this information from their RO or local electoral services team.

4.39 Nearly two-thirds (64%) of respondents said that ROs were the primary source of information on the administration of the polls, followed by their election agent (19%). Only six per cent rated the Commission as their most used source of information, and the same percentage said that their political party was the most used.

Chart 9 – Candidates: Primary source of information for participating in the 2012 PCC elections



November 2012 PCC Candidate Survey Source: Electoral Commission

Base: All respondents (96)

Q. Thinking now about information, we would like to know which sources provided you with the most information on three different aspects of the election

4.40 Respondents were generally positive about the Commission’s advice and guidance; three-quarters agreed that the Commission’s written guidance for candidates and agents was clear and easy to use (16% neither agreed nor disagreed; 10% disagreed).

4.41 Our survey also found evidence to support the notion that independent candidates, who are unable to rely on their parties for information, were more likely to look to the Commission for help and support. For example, 39% of independents

said the Commission was the primary source of information on the nomination process (compared with 8% of candidates standing on behalf of political party candidates). Independent candidates were more likely to agree that Commission advice was useful (65% agreed with this statement, as opposed to 46% of party candidates).

4.42 The Commission's guidance and advice on the rules for election expenses was used for information to a far greater extent by independent than by party candidates. Nearly half of independents (45%) got most of their information from the Commission compared with one in five (20%) of those who stood for a political party.

Participation by candidates and campaigners: conclusions and recommendations

4.43 Many of the rules for the qualification and nomination of candidates at the PCC elections were significantly different from those in place for other elections in the UK. Some of these differences – notably the stricter disqualification rules for people with previous convictions – were not well-understood by candidates, leading to confusion and, in one well-publicised case, a candidate remaining on the ballot paper despite acknowledging his disqualification.

4.44 The Commission has begun a comprehensive review of the procedures used for standing for election in the UK. As part of this review, we will take into account the views and experience of candidates at the first PCC elections in November 2012. Our review will consider any barriers which prevent people from putting themselves forward as candidates for election, and whether there are any unnecessary barriers which could be removed. The review will include qualifications, disqualifications and the requirements for becoming nominated as a candidate, as well as the benefits and support available to candidates once nominated. We expect to publish any recommendations for legislative change by the end of 2013.

4.45 There is, however, one specific issue which must be addressed before the next PCC elections in May 2016. Important lessons need to be learned by the Commission, political parties, ROs and the UK Government about how best to ensure prospective candidates fully understand the rules surrounding eligibility to stand as a candidate. While the primary responsibility for ensuring individual candidates understand whether they are qualified or disqualified will continue to remain with them and their election agents, it is clear that a small but significant number of people were unable to access accurate advice about whether the disqualification relating to convictions for imprisonable offences applied to their specific circumstances.

Recommendation 5: Ensuring that candidates have access to guidance and advice on the rules on standing for election as a PCC

The Commission will work with Returning Officers, political parties and the UK Government to develop proposals to ensure that all candidates for future PCC

elections continue to have access to guidance and advice about standing for election.

In particular, we will review feedback and the results from our survey of candidates to identify opportunities for providing more specific advice about the circumstances in which people might be subject to a disqualification on the basis of a previous conviction.

We will work with others to develop proposals to supplement the guidance and advice we provide on electoral law, ensuring that expertise on relevant aspects of criminal justice law can be made available to those who need it.

The UK Government should consider whether further clarification of provisions for filling a vacancy in the office of Police and Crime Commissioner are required to cover circumstances where a candidate is discovered to be disqualified after the deadline for withdrawal of nominations but before the poll. The Government should ensure that any changes to the law are made so that the rules are clear by November 2015, six months before the next PCC elections.

5 Trust in the delivery of the elections

Structure and management of the elections

Police areas

5.1 Forty-one separate PCC elections were held on 15 November 2012 with each police area forming a single constituency. The 41 police areas in England and Wales vary considerably in size and population from Greater Manchester with two million electors to Dyfed Powys with under 400,000. The size of the electorate alone however, does not provide a true picture of the scale of these new constituencies; for example, despite having the smallest number of registered electors, Dyfed Powys is also geographically the largest police area, spanning over 4000 square miles.

5.2 Police areas are comprised of different numbers of local authorities ranging from two (in Durham and Wiltshire) to as many as 16 (Thames Valley).

5.3 Falling administratively within a single authority, local and Parliamentary elections are administered by individual Returning Officers. The Home Office recognised that the complex nature of these new constituencies and elections would require additional management, similar to that in place for European Parliamentary elections and for the 2011 PVS Referendum.

Police Area Returning Officers (PAROs) and Local Returning Officers (LROs)

5.4 The Home Office designated 41 Police Area Returning Officers (PAROs) by Parliamentary Order whose role it would be to co-ordinate the administration of the election across the entire police area as well as serving as the LRO in their own authority.

5.5 PAROs had responsibility for the overall conduct of the election of a PCC for their respective police area and were expected to provide leadership and promote good practice to LROs to ensure that the election was well-run and that voters received a high-quality service wherever they voted.

5.6 In order to identify suitable LROs to fill the new statutory posts as PAROs, the Home Office, in consultation with the Cabinet Office and the Electoral Commission, identified minimum criteria which interested parties must meet. This criteria included being an 'Acting Returning Officer (ARO) for a designated UK Parliamentary constituency falling wholly or partly within the force area',⁵³ having previous experience of large scale elections and meeting or exceeding the Commission's performance standards PS1 (skills and knowledge) and PS2 (planning processes in place).⁵⁴ Expressions of interest were invited from all relevant AROs. An interview panel was established with representatives from the Home Office, Cabinet Office and the Electoral Commission.

5.7 Applications were received from AROs representing thirty-six of the forty-one police areas; interviews were held in late August/early September 2011. For areas where no applications were received, a designation process was agreed upon, through which the remaining PAROs were appointed.

5.8 The PAROs remained 'designate' until the *Police and Crime Commissioner Elections (Designation of Police Area Returning Officers) Order* came into force on 25 July 2012. The Order designated as PARO the appointed ARO for a specific UK Parliamentary constituency rather than a named individual. In two cases, a PARO left the authority before the election and in these instances, alternative structures were implemented with the electoral services team remaining in the original local authority but the PARO located elsewhere.

5.9 PAROs were granted a power to direct LROs which could be used to ensure consistency across their police area as well as to intervene and improve performance. The power of direction was just one of the tools that the PARO, who is accountable for the overall delivery of the election, was able to employ in planning the election and working with other authorities. Each PARO exercised the power differently with some choosing to issue directions on a wide variety of matters and others favouring a collegiate approach, where decisions were arrived at as a group and the PARO acted as 'first amongst equals'.

Early meetings with PARO focused the outputs required – all the Police Area authorities are used to working together and this provided a good foundation for the PCC election.

Local Returning Officer, North East

5.10 Due to the number of police areas, each region nominated one PARO, as regional lead, to represent them at some meetings. Unlike at the 2011 PVS Referendum or the European Parliamentary elections, this regional role was

⁵³ http://www.electoralcommission.org.uk/_data/assets/pdf_file/0005/119435/PCC-Elections-PARO-Job-description-12-07-2011-FINAL.pdf

⁵⁴ These standards were taken from our previous performance standards system which was in place at that time.

established on a non-statutory basis and the Regional PAROs did not receive any additional powers.

5.11 From February 2011 until after the election, the Home Office convened regular advisory panel meetings which included representatives from the Cabinet Office, the Commission, SOLACE⁵⁵ and the Association of Electoral Administrators, and some Regional PAROs. The panel discussed issues across all aspects of running elections to assist the planning. This group acted as an expert body to which officials could ask questions and discuss the relative merits of different options. However the panel had no role in determining legislation or policy decisions.

5.12 The Home Office ran two seminars for PAROs in March and September 2012. The seminars focused on the specific responsibilities of the PARO including the count and the power of direction. Feedback from PAROs suggests that though the concept of these seminars was useful, the timing was not ideal, particularly in the case of the September session which focused on the verification and count, which was too late to be of optimum use. For future PCC elections, the Home Office should have clearer strategies in place for communicating information on a timely basis to LROs and PAROs.

Performance and satisfaction with the delivery of the elections

Monitoring performance

5.13 We use a performance standards framework to identify where elections are well run and to challenge ROs where the service received by electors is below standard.⁵⁶ With these standards we aim to ensure that voters share a consistent experience, and receive the same high-quality service irrespective of where they are registered to vote. We publish online guidance for ROs on all aspects of the administration of elections, along with templates and resources, which also assist them in meeting the performance standards. Our guidance and performance standards have been developed in consultation with ROs, electoral administrators, and other key stakeholders.

5.14 LROs were required to submit monitoring returns at predetermined points in advance of and during the election period, demonstrating their performance against

⁵⁵ SOLACE – Society of Local Authority Chief Executives and Senior Managers

⁵⁶ The Electoral Administration Act 2006 gave the Commission powers to determine and publish standards of performance for ROs, direct them to provide the Commission with reports regarding their performance, and publish its assessment of the level of performance by relevant officers against the published standards.

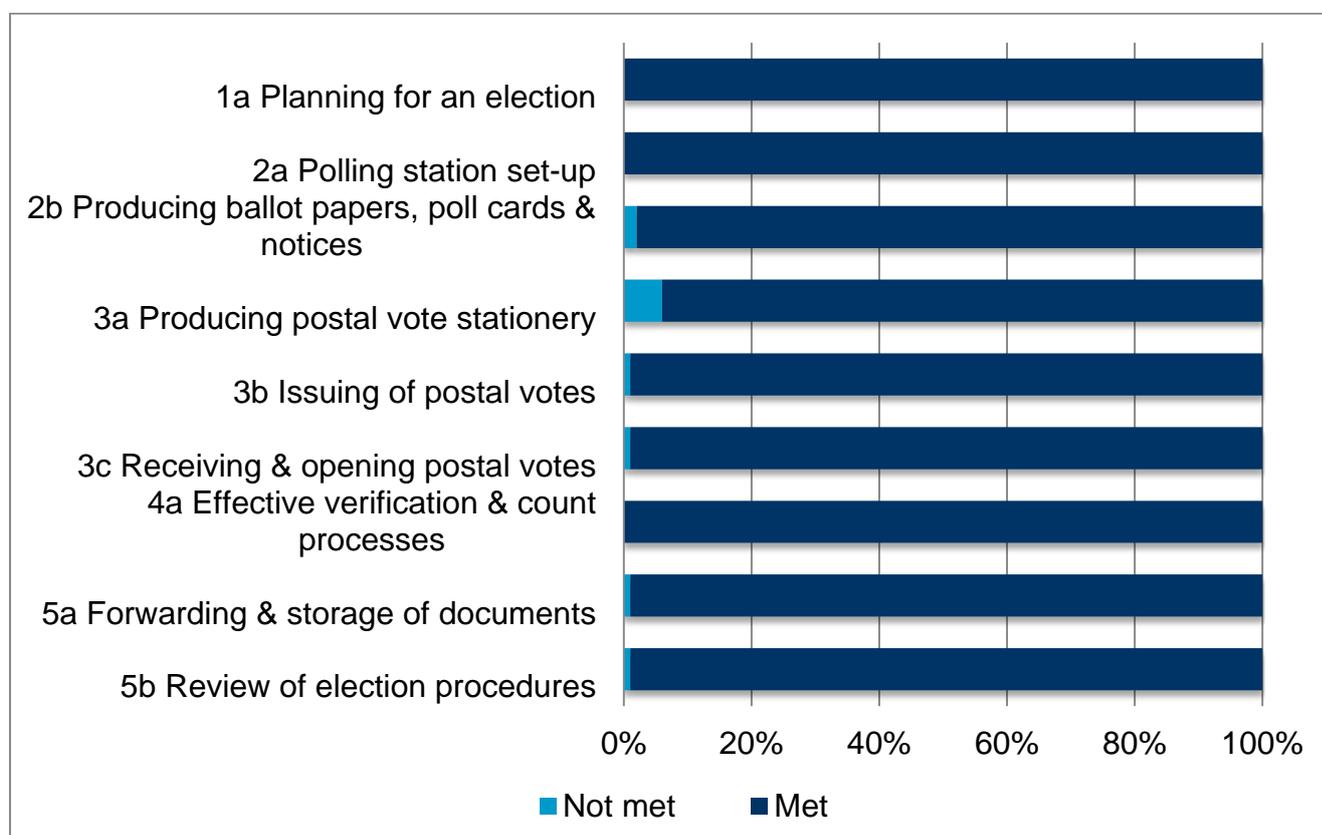
the standards. We also assessed supporting data and evidence from a sample of LROs in England and Wales.⁵⁷

5.15 Our pre-poll monitoring and follow-up activity with LROs provided us with sufficient assurance that the polls were being planned for and delivered effectively. Throughout the period of our performance monitoring, we communicated any issues we identified with LRO performance to the relevant PARO through regular highlight reports, to enable them to direct or recommend any improvements as they saw fit.

5.16 Overall, LROs at the PCC elections performed well against the performance standards. Information about the performance of individual LROs with the facility to compare performance between authorities is available on our website.⁵⁸

5.17 Chart 10 below shows the proportion of LROs who met (or did not meet) each of our standards for administering elections held on 15 November 2012.

Chart 10: LRO performance standards: PCC elections



⁵⁷ Our latest (4th) annual assessment of ERO performance can be found on our website: <http://www.electoralcommission.org.uk/performance-standards>. The 5th annual assessment is expected to be published in May 2013 and will cover the period including the PCC elections. The report will be published on our website.

⁵⁸ This information can be found on our website at www.electoralcommission.org.uk/performance-standards/results_and_analysis/assessment

5.18 A total of 32 LROs (10%) did not meet one or more of our performance standards. In the majority of cases, this was due to postal voting statements which were not in accordance with the prescribed form or our guidance; this is discussed in more detail below at paragraph 5.36 below.

PARO performance

5.19 Our monitoring of PARO performance focussed on the management and coordination aspects of the PARO's role, particularly in terms of the importance of ensuring consistency of delivery of the election by LROs, including the need for clear and effective communication strategies. We monitored PARO performance in three areas: planning and organisation; candidates and agents; and verification and counting. Overall, we are satisfied that PAROs achieved the standards and performed well. Where any issues were identified during our monitoring these were fed back to individual PAROs and we also gave feedback to PAROs following the elections, including identifying any areas where improvements could be made for future polls.

Satisfaction with the delivery of the elections

5.20 Across England and Wales, over half (54%) of respondents to our public opinion research were not confident that the PCC elections were well run. This contrasts with the Mayoral election in Bristol and referendum in Hartlepool where 21% and 44% of respondents respectively were either 'not very' or 'not at all' confident that their polls were well-run. It also represented a significant decline in levels of confidence in relation to the May 2012 elections, when only 13% of respondents (across England, Scotland and Wales) said that they were not confident the elections were well run.

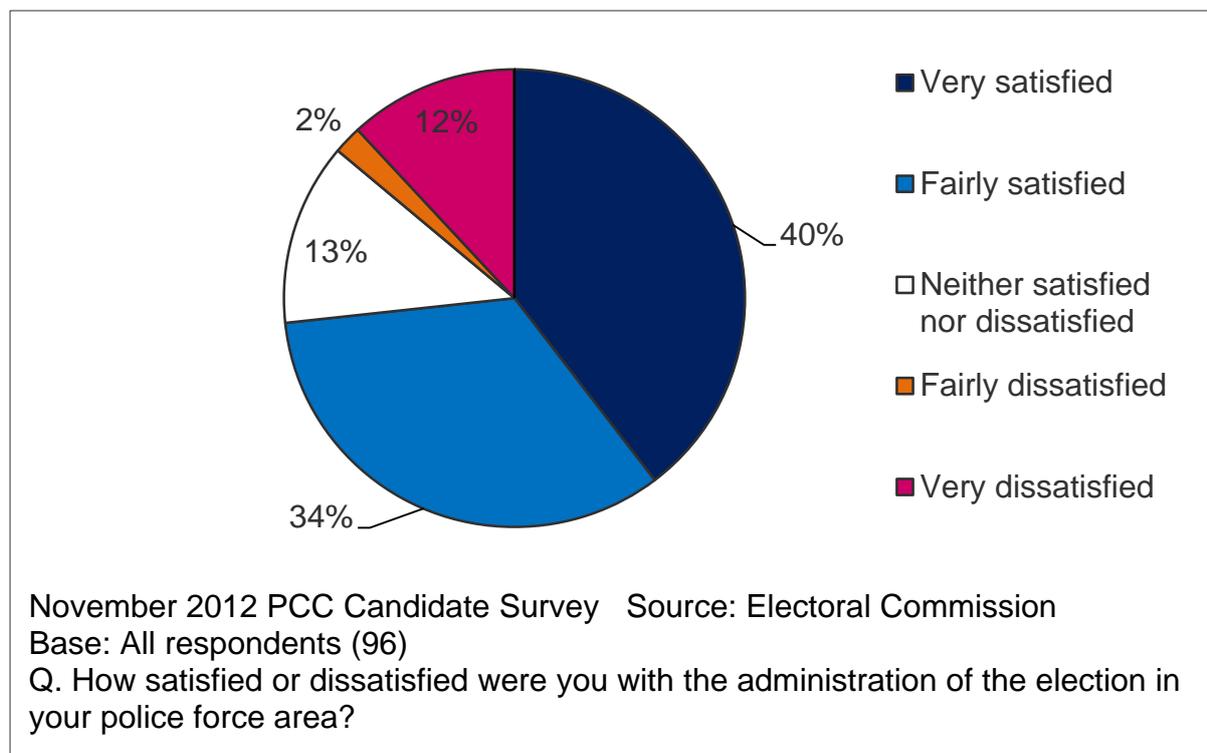
5.21 It is important to note that the primary reason given for such lack of confidence in the PCC elections was lack of information about the elections, rather than the process of running the polls themselves. Dissatisfaction with the information available was cited by 79% of people who were not confident that the elections were well run. However, satisfaction with the procedure for voting in general was as high in relation to the November 2012 polls as it had been for the May 2012 polls (78% and 79% of respondents respectively said they were very or fairly satisfied with the process of voting).

5.22 There were no significant differences between people in England and Wales in terms of confidence that the polls were well-run.

5.23 We also sought views from candidates at the PCC elections, and received responses to a postal survey from 96 out of 191 candidates.

5.24 As illustrated in Chart 11 below, most candidates (74%) were satisfied with the administration of the election in their police force area.⁵⁹ Independent candidates, however, were significantly more likely to express dissatisfaction with the administration of the elections than those candidates who stood for election on behalf of a political party (23% v 6%).

Chart 11 – Candidates’ satisfaction with the administration of the PCC election



5.25 Nearly all respondents (96%) agreed that LROs / staff were helpful during the campaign, and more than eight in ten (83%) agreed that the elections were well-run. A similar proportion (82%) of respondents were satisfied with how efficiently the verification and count process was run.

Electoral administration issues

Impact of the elections on the annual canvass

5.26 Each year Electoral Registration Officers (EROs) undertake a comprehensive refresh of the electoral register for their area, known as the annual canvass. Legislation requires that the register be taken by reference to residence as of the 15 October (known as the ‘reference date’). EROs typically carry out the canvass in

⁵⁹ Please note that percentages may not always sum to 100% due to rounding.

October and November and must publish the register by 1 December of the given year.

5.27 The decision to hold the PCC elections on 15 November 2012 meant that the polls were scheduled during the normal annual canvass period. To ensure that the registers to be used for the elections were as accurate and complete as possible, in the interests of voters and political parties and candidates, the Commission recommended that the Secretary of State give a direction to EROs in areas with PCC elections to begin the canvass as soon as practicable after 2 July (if not before) and to publish their revised register on 16 October.

5.28 In order to be validly nominated, candidates for PCC elections must be on the electoral register in the relevant police area both on the date they are nominated and on election day itself. Furthermore, candidates must receive the support of 100 eligible registered electors ('subscribers') in the police area in which they wish to stand (see page 59). Candidates (and their agents) use the electoral register to ensure that the subscribers who have signed their nomination are registered.

5.29 As the PCC election timetable had already begun by that time, subscribers were only valid if they were on the register in force before the canvass (the 2 July register as amended by any by-election updates). Therefore candidates were faced with one register for collecting subscribers and another version, published on 16 October, which would be in force for polling day.

5.30 With the polling day register available much later than usual, it was more difficult for candidates to plan their campaigns. It was also more difficult for LROs to prepare for crucial election tasks such as sending out poll cards and preparing postal vote packs.

5.31 Feedback from some LROs and EROs also indicates that moving the canvass and ensuring that registers were ready for the election led to increased canvassing and processing costs as a consequence of the tight timescale. Although feedback suggests that EROs coped well with holding the canvass in the summer months, it did cause considerable strain on staff resources. Many authorities had conducted local elections in May 2012 and then moved immediately onto the canvass. Furthermore, the PCC election period commenced immediately after the canvass had concluded. Consequently, electoral service departments managed three crucial, intensive and overlapping projects.

5.32 Political parties had raised some concerns about the impact on their campaign activities of significant revisions to electoral registers being made so close to polling day. Broadly, they expressed concern that their campaigners would need to have access to up-to-date and usable electoral register data to be able to contact electors during the campaign period. While we are not aware of parties and candidates who have identified that they experienced significant problems in practice, it will be important to ensure that campaigners are again consulted on any proposals for changes to the timing of future annual canvass activity.

Poll card despatch

5.33 Poll cards contain important information about when and where an election is taking place, and how to vote. Legislation requires cards to be despatched as soon as practicable after the publication of notice of election (which for these elections was required to be published not later than Monday 8 October 2012). All electors should receive their poll cards as soon as possible so that they have the maximum amount of time to apply for absent votes, change registration details, or decide to stand as a candidate.

5.34 As described above, the revised electoral register (used as a basis for identifying who was eligible to vote) could not be published until 16 October. Reflecting this, to meet our performance standards LROs were required to despatch poll cards no later than 22 October 2012, 18 working days before polling day. Given that this was much closer to polling day than would ordinarily be the case,⁶⁰ it was particularly important that poll cards were issued promptly to electors.

5.35 In our monitoring of actual dates of despatch of poll cards, we identified six LROs who did not meet our criteria. Of these, five sent out their poll cards before the publication of the revised electoral register on 16 October. One LRO issued their poll cards a day late, due to IT issues. We have since followed up with each of these LROs, reminding them of the benefits it would have for voters.

Postal voting statements

5.36 In total 27 LROs did not meet one or more of the standards set for absent voting. In the majority of cases (22 LROs) this related to postal voting statements, which were not in accordance with the prescribed form or our guidance.

5.37 The voting system used for the PCC elections differs depending on whether there are only two candidates (the first-past-the-post voting system), or more than two candidates (the supplementary vote system). The prescribed form of the postal voting statement therefore contains the wording to be used for both systems, and requires the LRO to select the correct instruction. We issued guidance on this point in August 2012 when the prescribed forms were published for ROs to use. PAROs could not confirm to LROs the voting system to be used until the deadline for the withdrawal of nominations had passed, and the number of candidates standing for election was known.

5.38 At the end of September, we became aware that a number of LROs were considering issuing postal voting statements containing both sets of voting instructions, directing the voter to follow whichever instruction was applicable to their ballot paper, rather than following the prescribed form which required only one voting

⁶⁰ By comparison, at the May 2012 local government elections in England and Wales, our standards required poll cards to be despatched no later than 24 days before polling day.

instruction to be included. We understood that this was as a consequence of concerns that printers would not have the capacity to print postal voting statements on time if it was necessary to wait until the close of withdrawals to know which instructions to include on the statement. If postal ballot packs were not printed promptly, there was risk of a delay in them being issued, giving electors less time to complete and return their postal vote.

5.39 Recognising this, we issued guidance at the beginning of October advising LROs in this situation to consider omitting both instructions from the postal voting statement, to avoid confusion, and replace them with an instruction that referred the voter to the ballot paper for instructions on how to vote, enabling the postal voting statements to be printed before the close of withdrawals. This was to ensure that postal voting statements with clear instructions could be issued to voters in good time for them to receive, complete and return their postal vote, while avoiding the inclusion of instructions which were not relevant to the voting system being used.

5.40 In the course of our performance monitoring, we identified a number of LROs whose proposed postal voting statement contained both sets of instructions. We understand that those LROs who subsequently issued postal voting statements that were not in line with the prescribed form had printed them before the voting system to be used was confirmed, and before we became aware of the issue and were able to provide guidance on how to address it.

5.41 We asked PAROs to contact all LROs to check whether their postal voting statements were in accordance with the prescribed form and if not, to take any action as they saw fit. Some PAROs decided not to require LROs to re-print their postal voting statements at that stage in the process to avoid causing a delay in issuing postal ballot packs.

5.42 We are also aware that one PARO had undertaken to provide the 'artwork' to be used by LROs when printing postal voting statements to issue locally. LROs remained responsible, however, for proof-checking and approving the artwork for their local area (which is also one of the criteria of our performance standard relating to producing postal voting statements). The postal voting statement provided by the PARO contained both sets of voting instructions and as all LROs in that police area used this statement, they did not meet the criteria of the performance standard.

5.43 Some of these LROs have since made representations to us that in their view, the instructions they included were sufficiently clear, and at the point that we identified the problem and issued guidance on how to address it, reprinting the statements would either not have been possible, given the capacity of their printers, or could have caused an unacceptable delay to postal votes being sent out. Some also said that they had decided to include both instructions for pragmatic reasons as their printer would be unable to print their postal voting statements in time if they waited until the withdrawal deadline. Others have said that they were using the statement provided to them by the PARO and that they were therefore not directly responsible for its content.

5.44 A key objective of our performance standards is to ensure that people are able to easily participate in elections and that they are confident that they know how to cast their vote successfully, and so we do not believe that voters should have to

work out which instructions apply to their particular ballot paper. Where we have identified LROs whose postal voting statements were not in line with the legislation or our guidance because they had multiple instructions, we have assessed them as not meeting that standard, because we consider that the instructions risked confusing voters or potentially leading them to mark their ballot paper in a way that meant that it might not be counted, or be counted in the way they intended it to be. This includes those where the PARO had provided a statement to LROs to use. We accept that the LROs in this police area were faced with the dilemma of advice from the PARO and performance standards set by the Commission. While we acknowledge that these LROs were following the PARO's instructions, LROs remain responsible for ensuring that the statements they issue meet the legislative requirements and are in accordance with the performance standards and we do not consider that these LROs can be assessed as meeting the standard because the outcome of their decision had a potentially detrimental impact on electors.

5.45 On the basis of the existing PCC election timetable, the same uncertainty about the voting system to be used in each police area will arise at future PCC elections, presenting a challenge for PAROs and printers. If PAROs cannot confirm which voting system is to be used until just over three weeks before polling day, this gives little time for the postal voting statements for every police area to be finalised and printed, and postal voting packs compiled in time to be sent out promptly to electors.

The performance standards framework

5.46 Throughout the period of our performance monitoring, we communicated any LRO performance issues that we identified to the relevant PARO through regular highlight reports, to enable them to direct or recommend any improvements as they saw fit. The issue described above relating to instructions on postal voting statements was one such issue we highlighted to PAROs. In practice, the extent to which PAROs followed-up on information about under-performing LROs and addressed performance issues varied.

5.47 The Commission is planning to review its approach to providing guidance to and monitoring the performance of ROs during 2013, in advance of the local government and European Parliamentary elections scheduled to take place in 2014. This will be an opportunity for us to look again at our approach to guidance and performance standards, including whether they focus on the right things and ask for the right information at the right time.

5.48 Currently there are no specific performance standards for Returning Officers who have a statutory power of direction such as PAROs, or Regional Returning Officers (RROs) at European Parliamentary elections. We intend in our review, therefore, to focus in particular on the framework for monitoring performance at polls where there is someone with a statutory power of direction and how the performance of, for example, both local Returning Officers and RROs at the European Parliamentary Elections is monitored.

5.49 We will work closely with the Electoral Advisory Board in developing any recommendations for change and expect to have implemented any changes well in advance of the polls scheduled to take place in 2014. If we propose to make

changes to performance standards, these will be subject to a statutory consultation. In practice, we would expect to consult on any revised performance standards from late summer 2013 with the aim of laying the final version before Parliament in December 2013, and publish all supporting guidance by the end of December 2013.

Counts

5.50 The legislation allowed flexibility for PAROs to decide on the most appropriate structure for counting the votes across their police area and a variety of methods were implemented. Of the 41 PCC election counts, five were concluded without having to proceed to a second round and three were held under the first-past-the-post electoral system.

5.51 For the majority of LROs, the PCC election was their first experience of holding an SV count. SV counts differ from first-past-the-post counts (the system used in UK parliamentary and local government elections) as they may progress to a second round.

5.52 The range of count approaches included local verification and central count with centralised teams (i.e. run by PAROs including Devon and Cornwall), local verification and central count with localised teams (i.e. run by LROs within a central count including Avon and Somerset, Greater Manchester), and local verification and counts (including Gloucestershire, Kent). Wiltshire police area held its count overnight on Thursday 15 November whereas the remaining counts all took place throughout the day on Friday 16 November 2012. Although each PCC election is separate, PAROs in Wales sought consistency across the country by co-ordinating their respective count timings.

5.53 Some training and support was available through external organisations such as the Association of Electoral Administrators, although most PAROs ran planning and training sessions with the LROs in their police area. The Commission produced guidance⁶¹ including a doubtful ballot booklet and 'placemats' to support PAROs and LROs in preparing for and running the count. The Home Office held a PARO seminar in London in September 2012, and we received feedback from PAROs that the mid-September date was too late, since they had already begun the planning process. Any future training or planning events should be scheduled with understanding of the timescales in which the PAROs/LROs must operate to support their work best.

5.54 Feedback from those PAROs who held central counts revealed that they felt they had worked well and that the cohesive structure meant it was clear what was happening to all in attendance.

⁶¹ Our full suite of guidance for the PCC elections is available on our website <http://www.electoralcommission.org.uk/guidance/resources-for-electoral-administrators/police-and-crime-commissioner-elections>

5.55 The PARO has responsibility for calculating the total number of valid votes cast for each candidate across all local authorities in the police area. Unless a candidate has polled over 50% of valid first preference votes, the two candidates with the highest number of first preference votes will proceed to a second round.

5.56 The SV count in a PCC election is comprised of several stages:

- Verification – the process for checking that the number of ballot papers in each ballot box either matches the number of papers recorded on the account completed by the Presiding Officer as issued in the polling station, or if it does not, that the source of the variance can be identified and explained. It also gives a figure that can be used to reconcile the total number of votes counted.
- First stage count – where first preference votes for all candidates are counted.
- First calculation – the PARO calculates the number of first preference votes per candidate and determines whether a second stage count is necessary.
- Second stage count – any second preference votes cast for the two candidates who have progressed are counted.
- Second calculation – the PARO calculates the total number of votes for the remaining candidates.
- Declaration – the duly elected candidate is announced.

5.57 In addition, doubtful ballots are adjudicated throughout the first and second stages of the count. Ballots are either adjudicated as valid and are returned to be counted or they are rejected on specific grounds. Any rejected ballots are shown to candidates or their agents who have the opportunity to object to the decision.

5.58 As part of our survey of candidates, we asked a series of statements about the election count, with which respondents were asked to agree or disagree. Across all questions the results were positive with most respondents agreeing that:

- Elections staff were available to explain what was happening at the count if needed (88% agreed).
- It was clear what was happening during the verification and counting of ballot papers (80% agreed).
- The process for judging doubtful ballot papers was transparent (73% agreed).
- The LRO explained each stage of the count clearly (79% agreed).
- Overall the count process was transparent (82% agreed).

5.59 A significant minority of candidates, however, were not satisfied with some aspects of the election process. A total of 15% of respondents did not think that the process for adjudicating doubtful ballot papers was transparent, and 10% did not think the overall count process was transparent. Respondents who said that they

had stood for election as independent candidates were also less likely to think that count processes were transparent. One third (32%) of independent candidates responding to our survey did not think the process for judging doubtful ballot papers was transparent compared with only 6% of candidates who said that they had stood for election on behalf of a political party.

5.60 Feedback from some PAROs suggests that they considered that the verification process had taken some LROs longer than anticipated and there were a number of discrepancies in the figures. The counts themselves were also felt to have taken longer than expected, especially given the low turnout.

5.61 Despite the low turnout, results were not finalised in all police areas until almost midnight on the 16 November. However despite this, most (82%) respondents in our survey of candidates were satisfied with how efficiently the verification and count process was run, although 7% of respondents were dissatisfied.

The count went to a second stage and was completed by around 6.30 pm on a very low turnout. Had the turnout been around 40% as is possible at a local government election, I fail to see how it could possibly have been completed in one day.

Local Returning Officer, Yorkshire and the Humber

5.62 Several PAROs suggested that, with a higher turnout, the counts would have taken substantially longer and many felt that had there been a higher turnout, it would have been unlikely that the counts would have been completed on the Friday. This would be an issue for the future when these elections could well be combined with other electoral events.

5.63 Although the counts appear generally to have been well run, the length of time some counts took to conclude is a concern. The count is the most visible element of an election; it is the focal point for many observers, the candidates and the media. Although the priority for all involved in the administration of the count must be for it to produce accurate results, an apparently unnecessarily slow count may raise questions about the effectiveness of its management and the processes employed.

Trust in the delivery of the elections: conclusions and recommendations

5.64 An entirely new statutory management structure was put in place for the PCC elections, different from the UK-wide regional structures in place for European Parliament elections and the May 2011 Referendum on the voting system for UK parliamentary elections, and also from the regional structure used for National Assembly for Wales general elections.

5.65 For most Returning Officers, especially in England, formal coordination and management at a sub-regional level was a new experience. Nevertheless, our assessment is that this structure generally worked well for these elections, and Returning Officers and the Commission have each learnt from the experience of the

2011 polls to improve management and coordination for the November 2012 elections.

5.66 In two police areas, unanticipated changes in local authority management personnel meant that the PARO was no longer able to carry out the role. In both cases, the PARO acted from a different authority to the PARO electoral services team. While these changes certainly presented some risk to the successful delivery of the elections in those areas, we are not aware of any significant negative impact on the administration of the elections which is attributable, solely or in part, to the change in management structure. While it may not be possible to entirely minimise the possibility of such changes, it is nevertheless a risk which needs to be reviewed and more actively managed by the UK Government for future PCC elections.

5.67 Overall, based on analysis of the performance of LROs and PAROs against our published performance standards, our assessment is that the administrative aspects of these elections were well run. Research with the public also indicates high levels of satisfaction with the administration of the elections. Given the high-profile concerns about the provision of information about the elections and the candidates discussed previously in this report, it is important to reiterate that LROs and PAROs were not themselves responsible for those aspects of the elections.

5.68 Nevertheless, we have identified two specific aspects of the administration of the elections which need to be reviewed in more detail to identify improvements for future PCC elections. First, postal voters need to receive the right kind of information about how to mark their ballot papers. It has not been possible for us to assess the specific impact on voters of the decision by some LROs to send postal voters instructions which referred to both first-past-the-post and supplementary vote processes. Nevertheless, we believe it is reasonable to assume that this approach will have caused confusion for at least some voters

5.69 Second, LROs and PAROs need to review and evaluate their plans for managing the verification and counting of votes to identify efficiency improvements in advance of the next PCC elections. Despite the historic low turnout at November's elections, many counts took significantly longer than expected to conclude.

5.70 Turnout for the May 2016 polls may be higher than in November 2012, particularly if the PCC elections are combined with other scheduled polls, and the administration of the count will be more complex as a result of the combination. LROs will need to ensure that their count processes are as accurate and efficient as possible, to reduce the risk of negative perceptions about the quality and competency of electoral administration overall.

5.71 The Home Office took some positive steps to co-ordinate the elections. It is a sensible measure to seek the views of experts in the electoral community when making policy decisions, especially where officials are not experienced in election law and practice. Other steps, including PARO seminars were generally well-received but would have benefitted from a clearer understanding of the planning timescales within which the PAROs and their teams were operating to have been of most use.

Recommendation 6: Ensuring effective management and coordination for future PCC elections

The UK Government should review its approach to supporting the management and coordination for future PCC elections, drawing on lessons identified in this report and any other feedback from local Returning Officers and Police Area Returning Officers (PAROs).

The UK Government should consult Returning Officers, professional associations, the Commission and the Welsh Government in order to develop a comprehensive plan for the management and coordination of the May 2016 Police and Crime Commissioner elections covering:

- The appointment of PAROs.
- Contingency arrangements for areas where nominated PAROs leave the authority for which they acted as Returning Officers.
- Support and briefing for PAROs.

The UK Government should publish its plan for the management and coordination of the May 2016 Police and Crime Commissioner elections **by May 2014**, in line with the timescales set out in our Recommendation 1 above for improving planning and the management of legislation for the May 2016 PCC elections.

Recommendation 7: Improving the administration of future PCC elections

Returning Officers in England and Wales should ensure that they review and evaluate their approach to planning and the delivery of the 2012 PCC elections, to identify what worked well as well as areas where performance could be improved.

The Commission will review procedures for managing the count at major polls, with a view to identifying more accurately the resources required and understanding how spend relates to the detailed activities undertaken.

We have also previously identified a need to review how our guidance and performance standards framework should operate for polls where there are statutory office holders with a power to direct local Returning Officers.

We will issue any revised guidance, performance standards and supporting materials for the 2016 PCC elections **no later than December 2015**.

6 No undue influence

6.1 There should be no undue influence in the way our electoral and political finance system works. We work closely with the UK's Associations of Chief Police Officers (ACPO and ACPOS) to produce guidance for police forces and Returning Officers (ROs) on how to detect and prevent electoral malpractice. We also set performance standards, which require ROs to confirm that their election plans detail the processes they have in place to identify any patterns of activity that might indicate potential integrity issues, and what steps are to be taken to deal with any problems that might arise. Where allegations of malpractice have been brought to our attention we report these to the police for them to investigate.

Allegations of electoral malpractice at the November 2012 polls

6.2 Through the ACPO Police National Information Co-ordination Centre, we have collated reports from all police forces in England and Wales relating to allegations of electoral malpractice at the November 2012 polls. It may be that further allegations come forward but as at the end of December 2012, we are aware of 21 cases of alleged electoral malpractice relating to the 15 November PCC polls. No evidence has emerged to date of any large scale attempts to influence the result of any PCC election through electoral fraud.

6.3 The overwhelming majority of cases reported to the police (18) relate to potential campaign or nomination offences, including alleged false statements about the personal character or conduct of candidates, election material failing to include the correct imprint, ineligible candidates, and allegations about the distribution of election material. One further case relates to an alleged false registration and a related false statement of eligibility to stand on the grounds of residency, and this case is still under investigation.

6.4 At the time of finalising this report, we are aware that 16 cases have been resolved. This includes nine cases where investigation by the police determined that no offence had been committed, two cases where there was no evidence to support further investigation, and one case which was not in fact an electoral offence. A further four cases were locally resolved where informal advice was given by the police, and five cases remain under investigation or are awaiting prosecution advice.

6.5 We have tracked these and other allegations of electoral malpractice reported during 2012, and we expect to publish data on the outcome of police investigations on our website by mid-May 2013.

Public perceptions of electoral fraud

6.6 As part of our public opinion research, we asked people how much they feel they understand about electoral fraud in the UK. Broadly in line with past research, 50% said they understand electoral fraud (44% in May 2012), with 10% of respondents saying they understand 'a lot' and 40% 'a little'.

6.7 Three quarters of people (76%) said that they believe that voting in general is safe from fraud and abuse, with 15% describing it as 'very safe' while 10% think that the process is 'unsafe' (and 11% said it is 'neither safe nor unsafe'). These figures are similar to those reported following elections in recent years.

6.8 Just over a quarter of people taking part in our research (27%) think that electoral fraud took place at the 15 November polls, with 24% saying it happened 'a little' and 3% saying 'a lot'. This figure is lower than that reported following the May 2012 elections, when 34% of respondents said that they thought electoral fraud had taken place.

6.9 Overall, respondents in Wales were more likely than those in England to think that no fraud had taken place (19% of respondents in Wales compared with 13% in England).

6.10 In line with past research, polling station voting is still perceived by all respondents as safer than postal voting (85% of respondents felt that voting at a polling station is safe, compared to 57% who felt that voting by post is safe).

6.11 Of candidates who responded to our survey, 14% said that they thought electoral fraud took place a lot (5%) or a little (9%). However, over a third (35%) of responding candidates answered that they didn't know (in comparison to 24% of the public) and the proportion that said it happened hardly or not at all was similar among both candidates and the public (50% and 49% respectively).

6.12 We asked candidates in our survey directly whether they had witnessed anything which they believed constituted electoral fraud at these elections. Overall 3% of respondents said that they had witnessed fraud, with just over 2% (17 people) saying that they reported it to the LRO, the police or both, and the remainder (seven people) saying that they did not report it.

No undue influence at the November 2012 polls: conclusions

6.13 Despite proactive efforts by Returning Officers and the police to minimise the risk of electoral malpractice, there remains a worrying contrast between the low levels of recorded cases of alleged electoral malpractice, and the higher levels of concern about electoral fraud expressed by some people. It is, nonetheless, important to recognise that very few allegations have been recorded in relation to the November 2012 PCC elections.

6.14 The Commission has begun a comprehensive review of potential vulnerabilities within the current voting system and processes, which will aim to achieve consensus about the best balance between ensuring the integrity and the accessibility of electoral processes in the UK. As well as seeking views from ROs, political parties, campaigners, police and prosecuting authorities, we have commissioned qualitative research with voters to explore in more detail the reasons why they believe electoral fraud takes place.

6.15 Our review will consider whether any changes to legislation or practice are needed to ensure confidence in the integrity of elections in the UK. We intend to publish this review in time for legislation to be brought forward during the life of this UK Parliament if necessary.

6.16 We have also agreed a new code of conduct for campaigners with the parties represented on the UK Parliament Political Parties Panel. The code provides a guide for campaigners, electoral administrators and police forces to what is, and is not, considered acceptable behaviour at polling stations and in the community during the lead-up to polling day. It covers postal and proxy vote applications, handling returned postal ballot packs and campaign activities around polling stations.

6.17 The code has been sent to all registered political parties in Great Britain, and Returning Officers will draw it to the attention of all candidates and parties contesting elections from May 2013 onwards. Any concerns that the code has been breached will be raised with the relevant party or campaigner if appropriate, and we will agree appropriate actions to remedy or prevent a reoccurrence of any breach. We will publish the outcome of any such breaches in our statutory reports for future elections.

Appendix A: Research methodology

Public opinion

ICM interviewed a representative sample of 2,005 voters and non-voters in Wales and England (excluding London), of which 500 were sampled from Bristol and Hartlepool where a local mayoral election and referendum respectively were also taking place. Interviews were conducted by telephone between 16 and 28 November 2012. Interviews were distributed as follow:

- 1,001 in England,
- 504 in Wales,
- 250 in Bristol,
- 250 in Hartlepool.

The profile of the contacted sample was representative of the eligible electorate aged 18+ with quotas set by voting/not voting, age, gender and region. The data has been weighted by election holding areas, age, gender, social class and work status.

Based on the full sample of 2,005 and assuming a 95% confidence interval, data is assumed to be correct to within +/-2.2%.

Unless otherwise stated, results are based on interviews with those in English or Welsh areas holding Police and Crime Commissioner election only (excluding Bristol and Hartlepool).

Comparisons made between these polls and those held in previous years are indicative and should be treated with some caution.

Public awareness tracking research

TNS BMRB was commissioned to conduct research to evaluate the Commission's public awareness campaign among eligible voters, with key objectives of measuring awareness, recognition and message take-out of the campaign. All interviewing was conducted in-home, face-to-face using the TNS CAPI* GB Omnibus. Those in Wales were given the opportunity to complete the survey in Welsh.

Three waves of research were conducted in England (excluding London) and Wales to fully evaluate the campaign:

- Pre-wave prior to any activity (including prior to UK Government campaign) (21 Sep – 3 Oct '12);
- Mid-wave towards the end of the campaign but immediately before elections (7-14 Nov '12); and
- Post-wave immediately after the elections (21 Nov – 6 Dec '12).

At each wave questions were asked of a representative sample of adults 18+, eligible to vote:

- England (excl. London): Pre = 713; Mid = 691; Post = 740
- Wales: Pre = 211; Mid = 226; Post = 174

Electoral data

Professors Colin Rallings and Michael Thrasher at the Elections Centre, University of Plymouth, collected and collated data from Returning Officers on the Commission's behalf. This included data relating to electoral registration, turnout, absent voting and rejected ballots. We received data from all police areas and local authorities within them in England and Wales.

Survey of candidates

We issued a postal survey to all 191 candidates⁶² in the week after the elections. Figures provided in this report are based on the 96 responses received by 18 December and should not be considered to be representative of the views of all candidates.

⁶² In some instances, where a candidate's address was not available, we wrote to the election agent to ask if they would pass on the survey.

Appendix B: Combination with the Welsh General Election in May 2016

In our view, there are some significant risks inherent in this particular combination of elections that will need to be mitigated for both sets of elections to be well-run.

- **There will be two different electoral systems in use, incorporating three methods of voting, and three ballot papers.** The PCC election uses the supplementary vote electoral system, with two choices on one ballot paper. The National Assembly for Wales general election uses the Additional Member electoral System, with a constituency election using first-past-the-post as well as a regional election on a separate ballot paper on which electors vote for a party list. Clear and tailored information for voters on how to cast their vote will be essential to seek to minimise confusion.
- **The voting areas for the two sets of elections are different.** In Wales, the PCC elections are based on 22 local authority areas within four police areas whereas the Assembly general election is based on 40 Assembly constituencies within five electoral regions. Furthermore, a number of Assembly constituencies span local authority boundaries. Although two police areas coincide with two Assembly regions,⁶³ South Wales and Gwent police areas are covered by three Assembly electoral regions. These differences may cause voter confusion and will also present challenges for political parties campaigning in both sets of elections and for those administering them.
- **PAROs are appointed by the UK Government while Assembly Regional Returning Officers are appointed by Welsh Government Ministers.** Consequently, different individuals may be appointed to cover the coterminous electoral areas of North Wales and Dyfed Powys/Mid and West Wales. In South Wales and Gwent police areas and the three South Wales Assembly regions, there will be two PAROs but three Regional Returning Officers (RROs).

The PARO would have a power of direction available to them to achieve consistency of practice across the police area, whereas the RRO would not be able to direct for the Assembly elections. This will be a particular risk to consistency of practice in the South Wales and Gwent police areas and three South Wales Assembly regions. In other areas there is a risk of conflicting directions and guidance between the two sets of elections unless the PARO and the RRO is the same person in each case.

⁶³ Mid and West Wales Assembly region covers the same geographic area as Dyfed Powys police area and North Wales covers the same geographic area in both elections

- **The timing of the counts in each election will need to be considered alongside expected levels of voter turnout.** The verification of the three ballot papers will need to take place before other results can be declared. This is likely to take considerable time, particularly if turnout at the Assembly general election is consistent with previous National Assembly elections (circa 40%). The Assembly election may have the effect of increasing voter turnout at the PCC elections.

We have previously recommended that there must be improvement in the national planning process to avoid any similar difficulties on the timing of the election count to those experienced ahead of the Assembly general election in 2011. We have recommended that the default position should be that RROs and Returning Officers in all five Assembly electoral regions plan to count votes at the same time.

Appendix C: aboutmyvote.co.uk

The image below shows how visitors to our aboutmyvote homepage could link to the candidate website (www.choosemypcc.org.uk).

The screenshot shows the homepage of aboutmyvote.co.uk. At the top, there is a yellow banner with a cookie policy link. Below it is a dark blue navigation bar with the text 'About my vote' and links for 'Cymraeg', 'Languages', 'About', 'Accessibility', 'Contact', and 'FAQ'. A search bar is also present. Below the navigation bar are four white buttons: 'Register to vote', 'Police and Crime Commissioner elections', 'How do I vote?', and 'What can I vote for?'. The 'Police and Crime Commissioner elections' button is highlighted with a red dashed box. Below this is a large pink banner for 'POLICE AND CRIME COMMISSIONER ELECTIONS' on 'Thursday 15 November'. To the right of the banner is a 'Your local area' section with a postcode input field (containing 'eg BH88EJ') and a 'Go*' button. Below the banner are four grey boxes with icons and text: 'Register to Vote' (with a clipboard icon), 'Police and Crime Commissioner elections - candidates in your area*' (with an information icon), 'How do I vote?' (with a hand icon), and 'Am I already registered to vote in the UK?' (with a question mark icon). To the right of these boxes is a green box for 'Electoral information' and 'Your Electoral Registration Office'. At the bottom right, there is a 'Latest News' section.

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