

# Management of a referendum on the UK's membership of the European Union

Consultation on the proposed scope of the Chief Counting Officer's directions

**August 2015**

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# 1 Background

1.1 In accordance with the framework laid out in the EU Referendum Bill, the Chair of the Electoral Commission, Jenny Watson, will be the Chief Counting Officer (CCO) with responsibility for the management of the EU referendum. The CCO will be supported by Andrew Scallan, Director of Electoral Administration at the Commission, as Deputy CCO. The Bill provides that the CCO may appoint a Regional Counting Officer (RCO) for each electoral region in Great Britain, and the CCO has been taking steps to put such arrangements in place. The CCO and RCOs will have a power of direction over Counting Officers (COs) relating to the discharge of their functions and preparations for the referendum.

1.2 The EU Referendum Bill sets out that the referendum must take place before the end of 2017 but the date of the referendum is not yet known.

1.3 Regardless of the uncertainty over the date and the fact that the legislation providing for the referendum and specifying rules for its conduct is not yet in place, the CCO and RCOs have identified a shared objective of achieving as much clarity as possible early in the process in order to enable COs to prepare for the referendum locally.

1.4 RCOs have also expressed strong support for the principle that the legislation should be clear six months in advance of the poll, and have additionally been clear that there should be 6 months' notice of the poll. The CCO and the Commission will continue to stress to the UK Government the risks associated with the poll being called with less than six months' notice and with the legislation not being clear six months in advance of it needing to be applied or complied with.

1.5 All RCOs asked that as much preparatory work as possible be undertaken at an early stage, with the approach to and scope of the CCO's directions and guidance being identified as a key aspect where early clarity will support effective planning and delivery.

## 2 Purpose and scope of consultation

2.1 This consultation paper sets out the CCO's proposed approach to managing the EU referendum, including the issuing of directions and provision of guidance. The paper builds on:

- Discussions at the 9 June 2015 meeting of the UK Electoral Advisory Board (EAB)<sup>1</sup>
- Subsequent discussions held in July and August 2015 between the CCO, the DCCO and individual RCO designates
- Discussions at the 5 August meeting of the EU Referendum Management Board (EURMB)<sup>2</sup>

2.2 The directions being consulted on therefore reflect input from the RCOs for the electoral regions in England, Scotland and Wales and the Chief Electoral Officer for Northern Ireland, who will be the Counting Officer for the whole of Northern Ireland.

2.3 The proposed approach set out in the consultation is based on the draft legislation as it currently stands and therefore may be subject to change as the Bill and subsequent Regulations complete the Parliamentary process.

### How to respond

2.4 We welcome your views and comments on the proposed directions set out in section 5 and summarised in Appendix 1 of this consultation paper.

2.5 Comments can be provided by email to [referendumdirections@electoralcommission.org.uk](mailto:referendumdirections@electoralcommission.org.uk) or by telephone to your [local Commission team](#).

2.6 The CCO is also consulting more widely on her approach to managing the referendum, and in particular has published a separate paper which seeks the views of voters, campaigners, political parties and broadcasters on the timing of the referendum count. This paper can be found [here](#).

2.7 Both consultations will close on **Wednesday 30 September 2015**. The CCO then intends to review the responses with the EU Referendum Management Board in October, before confirming her proposed approach to directions by 13 November 2015.

## 3 Assumptions

3.1 The approach in this consultation paper has been developed on the assumption that the referendum will be held as a stand-alone poll and not combined with any other scheduled polls. Should the poll at the referendum

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<sup>1</sup> The EAB is an advisory group convened by the Electoral Commission and made up of senior Electoral Registration and Returning Officers, and also attended by representatives from the Society of Local Authority Chief Executives (SOLACE) and the Association of Electoral Administrators (AEA). The EAB gives the Commission strategic advice about elections, referendums and electoral registration.

<sup>2</sup> The EURMB has been established to support the Chief Counting Officer (CCO) in managing the effective delivery of the EU referendum. The Board is chaired by the CCO and its current membership includes the DCCO, the RCO designates for each of the electoral regions in Great Britain and the CO for Northern Ireland.

be combined with the poll at those elections scheduled for May 2017, we would need to consider what amendments would be required in that case.

3.2 Many aspects of planning for the referendum will need to reflect assumptions as to the likely turnout for the poll. Establishing such assumptions at an early stage in planning is of key importance as the scope for adjusting plans is limited at a later stage in the process. This is particularly relevant for this poll given the uncertainty not only as to the date but also as to how much notice there will be of the date of the poll.

3.3 There are always challenges with developing such planning assumptions, with it often being difficult to predict in advance of the election or referendum period what the levels of engagement in the particular poll are likely to be. Given the potential for significant levels of interest and engagement in the EU referendum, some of which may not emerge until close to the poll, the planning assumptions underpinning the CCO's proposed approach take account of the possibility of a high turnout, using the Scottish referendum as a basis.

## 4 Approach to managing the referendum

### Background

4.1 In accordance with the framework laid out in the EU Referendum Bill, the management structure for the EU referendum will see the Chair of the Commission, Jenny Watson, acting as the CCO. The CCO will be supported by Andrew Scallan, Director of Electoral Administration at the Commission, as DCCO.

4.2 The Bill provides that the CCO may appoint an RCO for each electoral region in Great Britain, and the CCO has been taking steps to put such arrangements in place. The local government Returning Officer for each local authority in Great Britain will be the Counting Officer (CO) for that area; the Chief Electoral Officer will be the CO for Northern Ireland. While recognising the differences in the structure for the delivery of the poll that exist in Northern Ireland, for the purposes of this paper, reference to RCOs should be taken to include the CO for Northern Ireland.

4.3 The CCO and RCOs will have a power of direction over COs relating to the discharge of their functions and preparations for the referendum.

### Proposed approach

4.4 The CCO intends to approach the management of the referendum in a similar way to that followed by Mary Pitcaithly as CCO for the Scottish independence referendum in September 2014.

4.5 At the Scottish independence referendum, the CCO sought to deliver by consensus where possible, by guidance where needed and by directions

where appropriate and following consultation. The CCO chose to limit the use of directions to matters in which she considered consistency was essential in order to achieve the overall objective of ensuring confidence in the result, based on an accessible, consistent and efficient electoral process operated to the highest standards of integrity.

4.6 All RCO designates have expressed support for this as the starting point for the approach to managing the EU referendum. In August 2015, the EURMB discussed the CCO's proposed approach to managing the referendum, including the issuing of directions and provision of guidance, and agreed the scope of the directions which form the basis for this consultation.

4.7 In relation to the provision of guidance and resources to COs, the intention is that these will mirror that which has been produced for previous electoral events, including the May 2015 polls, in both approach and content.

4.8 We intend to work closely with the EU Referendum Delivery Group (EURDG)<sup>3</sup> on the development of the core guidance and supporting resources. The current planning assumption – which is reliant on having sufficient clarity as to the detailed rules for the delivery of the poll – is that the core guidance for COs will be made available by not later than the end of January 2016.

## 5 Proposed directions

5.1 At the Scottish independence referendum, the CCO issued directions in nine areas. The CCO for the EU referendum has used these as the basis for her proposed directions, and the proposed approach is set out below for consultation.

### Ballot papers

5.2 A key priority is that voters are able to vote easily and confidently, knowing that their vote will be counted in the way they intended. Fundamental to this is the production of clear and accurate election materials, including ballot papers. The CCO therefore proposes issuing four directions relating to the design and printing of referendum ballot papers.

#### **Colour of ordinary and tendered ballot papers**

5.3 At the Scottish independence referendum, the CCO directed that ordinary ballot papers must be white and that tendered ballot papers must be pink.

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<sup>3</sup> The EURDG, whose members will be nominated by and represent the 11 RCOs and the Chief Electoral Officer for Northern Ireland, will work alongside the EURMB and will focus on the practical and workability aspects of planning for and delivering the referendum.

5.4 To ensure that the ballot paper to be issued to all electors in the UK is in the same form, the CCO proposes issuing a direction on the colour of the referendum ballot paper. In selecting the colour to be used, the CCO has considered issues around the colour and contrast of ballot papers in order to ensure that voters with visual impairments are able to distinguish the text on the ballot paper easily, and has also sought to avoid any colours which have obvious political connotations. The CCO has also taken into account feedback on the availability and sourcing of paper stocks.

5.5 The CCO therefore proposes directing that ordinary ballot papers must be white and tendered ballot papers must be pink.

5.6 As part of this consultation on the directions, we will invite the views of a range of disability groups on the proposed colour of the ballot papers to inform the final direction.

#### **Official mark, unique identifying mark and ballot paper numbers**

5.7 At the Scottish independence referendum, in order to ensure that no two ballot papers had the same number, the CCO directed that COs had to use a prefix made up of three alpha characters. There was also one official mark for the whole of Scotland for ballot papers to be issued from polling stations and a separate official mark for ballot papers to be issued to postal voters.

5.8 The CCO does not intend to direct on the use of a single official mark for the whole of the UK and instead proposes that each RCO should have the discretion as to how to manage this within their electoral region, including whether they wish to direct on the mark or marks to be used or whether they wish to leave this to individual COs' discretion. Similarly, the CCO does not intend to make any direction relating to unique identifying marks on ballot papers.

5.9 The CCO does, however, propose making a direction relating to the numbering of ballot papers in order to ensure that no two papers bear the same number on the assumption that this will be required by the legislation. The CCO therefore intends to direct that ballot paper numbers must contain a prefix made up of three alpha characters which will be specified for each counting area, mirroring the approach taken at the Scottish independence referendum.

#### **Form of ballot paper**

5.10 In the course of discussions between the CCO and RCOs, RCOs have proposed that rather than produce a template indicating what the ballot paper should look like, the CCO should provide a specimen ballot paper setting out the front and back of the ballot paper exactly as it must be reproduced by COs. The CCO agrees that such an approach would help to ensure consistency in the appearance of ballot papers and minimise the risk of errors in production and printing.

5.11 The CCO therefore proposes directing that COs must produce ballot papers in the form specified by the CCO. The CCO recognises the importance of ensuring that the specimen can be reproduced in practice, for example, to

accommodate the production of ballot papers which are capable of being used with a one-piece mailer postal ballot pack, and will work with the RCOs and print suppliers in its development. The CCO is also committed to working with the RCO and COs in Wales as appropriate in developing the specimen bilingual ballot paper.

### **Ballot paper printing**

5.12 Given the high turnout expected at the Scottish independence referendum, COs were directed to ensure printing of 120% of the ballot papers required for both postal voters and those voting in person at polling stations. This was designed to ensure an appropriate contingency in case of unexpected printing problems or damage to or loss of ballot papers; it also reflected the use of separate official marks for postal ballot papers and polling station ballot papers.

5.13 The CCO for the EU referendum intends to follow the same principle and ensure that an appropriate contingency is available. The CCO therefore proposes directing that, as a minimum, 120% of the total number of ballot papers that may be required in the counting area must be printed. In discussion at the EURMB, RCO designates were strongly of the view that this minimum level was needed to ensure an appropriate contingency, particularly taking into account the potential for late engagement in the referendum from the electorate translating into a high number of late applications for registration.

5.14 In the course of conversations with individual RCOs, the potential for the use of a regional or national contract for procurement of printing services has been raised as an issue. Taking into account the risks and challenges of delivering this at a UK-wide level, the CCO does not intend to carry out a national procurement exercise for the printing of ballot papers. While the CCO is content for any individual RCO to explore the development of regional procurement within their own electoral region if they feel that such an approach may be a viable option and could be of benefit in their area, she does not intend to issue any directions or guidance on this point.

5.15 Concerns have also been raised about the capacity of specialist printers to produce election materials including ballot papers, which would be exacerbated by a short notice period. While the CCO does not intend to direct on when ballot papers should be printed, the guidance will strongly recommend that printing is carried out as early as possible and in advance of the referendum timetable, on the assumption that there is nothing within the legislative framework that will prevent this. The draft referendum conduct rules require the date of the poll to be included on the ballot paper. The Commission has therefore asked the UK Government to consider the purpose of including the date of the poll on the ballot paper given all the other safeguards in place, and has indicated that removing the date could support Counting Officers with the early printing of ballot papers, which in turn is likely to help to facilitate the efficient dispatch of postal votes.

## Polling scheme

5.16 As with all polls it will be important that polling stations are set up and staffed in such a way as to ensure that voters are able to receive a consistently high-quality service.

5.17 At the Scottish independence referendum the CCO directed that there should be a maximum of 800 electors, excluding postal voters, allocated to each polling station. The CCO at that referendum anticipated a high turnout, and was concerned to ensure that the arrangements for polling stations were such that voters would be able to easily cast their vote within the 900 minutes of polling day. Where a CO chose to allocate more than 800 electors to a polling station, that CO was required to provide the CCO with an explanation of how their proposed arrangements would address expected turnout.

5.18 While recognising the merits of this level of allocation of electors to polling stations, particularly at a poll where 16 and 17 year olds were voting for the first time, this doesn't necessarily reflect established practice across the whole of the UK. The Commission has developed ratios for allocating electors and staff to polling stations. The ratios for use at a standalone poll are set out in our election guidance as follows:

- A polling station should not have more than 2,500 electors allocated to it.
- In addition to a Presiding Officer, there should be one Poll Clerk for polling stations with up to 1,000 electors.
- One additional Poll Clerk should be appointed for polling stations with up to 1,750 electors.
- One further Poll Clerk should be appointed to a polling station with up to the maximum of 2,500 electors.

5.19 We are not aware of any issues arising in cases where these have been followed in full, with the number of electors allocated to a station supported by the requisite number of staff. These ratios are specifically concerned with polling stations – we recognise that there may be instances where there are a higher number of electors allocated to vote in a particular building, but in these cases we would expect there to be a distinct, suitable space for each polling station within this which is staffed accordingly.

5.20 The CCO has discussed with the RCO designates how best to ensure that polling stations can be appropriately staffed so that all voters are able to vote easily and without undue delay, particularly given the potential for a high turnout and also recognising that there could be a significant number of voters who have never voted before or have not voted for a long time and so may need more support to be able to cast their vote.

5.21 The CCO and RCOs considered what options are available to achieve this, and in particular looked at the risks and benefits of maintaining the existing ratios but supplementing them with more practical requirements around resourcing and training and of changing the ratios to reduce the maximum numbers of electors per polling station. We are aware of the

practical implications of making changes to the established ratios, and in particular of the fact that a reduction in the number of electors allocated to each polling station may require a polling district and polling place review to be carried out to implement this in practice, and of the associated challenges around the timing of any such review. We are also conscious of the fact that the referendum could be held at relatively short notice, which could limit the time available for making any such changes.

5.22 The CCO believes that while it is possible for a polling station with up to 2500 electors to operate effectively and ensure a high standard of service can be provided to all voters allocated to it, this would not always be the case, particularly in the event there is a high turnout. Any polling station over 2000 electors will create particular challenges in ensuring voters can vote without delay, taking into account the hours of poll and the fact that voters will not typically vote in an even spread across the day. To be able to respond to these challenges, staff would need to be capable of being deployed flexibly to respond to peaks in voter activity and limit the time voters are expected to queue to receive their ballot paper. One mechanism for managing larger polling stations effectively would be to split the register within that polling station to create two separate issuing desks each managed by two members of staff, thereby doubling the capacity for processing, while recognising that there would need to be sufficient space within the polling station for this to operate effectively.

5.23 The CCO therefore proposes directing that, **as a minimum**, the ratios as set out in the Commission's election guidance must be complied with **and** in any case where a polling station has more than 2000 electors allocated to it, the CO must seek agreement from their RCO to their approach in that polling station, setting out how they intend to manage it so as to ensure that all voters allocated to it can vote easily and without delay. COs should therefore review their current allocations and consider whether any polling stations which currently have more than 2000 electors allocated to them can be managed effectively taking into account their specific circumstances or whether they would need to be split into separate polling stations. In doing so, COs should take into account lessons learnt from their experience of managing polling stations in their area at recent elections.

5.24 Should any CO believe that their particular circumstances are such that they wish to adopt an approach in a particular polling station which does not meet the minimum ratios, they will be able to apply for an exception.

## Poll card despatch

5.25 At the Scottish independence referendum, COs were directed to ensure that poll cards were handed over by their printer for despatch over a two day period between 14 August and 15 August (ahead of an 18 September poll). A narrow window of time was prescribed rather than a single date in order to provide consistency in voter experience while still allowing an element of flexibility for COs.

5.26 The CCO for the EU referendum proposes following the same principle of ensuring that electors receive the same information at a similar time regardless of where they live in the UK, while still allowing an element of flexibility for COs. The CCO therefore proposes directing that COs ensure that poll cards are received by voters within a period of five working days starting with the day after the last date for publication of the notice of referendum. This timing will help to ensure that people receive their poll card well in advance of polling day and, importantly, in good time to enable them to change their voting method if they so wish.

5.27 If, however, the referendum date is fixed for the early part of June 2016, it may be necessary to revise this assumption in order to ensure that poll cards are received by electors as early as possible but not before the date of the scheduled May 2016 polls in order to limit potential voter confusion.

## Postal ballot despatch

5.28 The draft legislation for the EU referendum mirrors that in place for other polls and requires postal ballot packs to be sent out to electors as soon as is practicable. While the overriding principle in all cases is that postal votes should be sent as early as possible to maximise the time available for electors to receive, complete and return their postal vote, we believe that there are separate considerations relevant to determining the most appropriate point for the despatch of postal votes depending on whether they are to be sent to addresses within the UK or to addresses overseas.

### **Postal ballot packs to be sent to UK addresses**

5.29 At the Scottish independence referendum, COs were directed to ensure that postal votes were handed over by their printer for despatch over a three day period (between 26 August and 28 August 2014). As with poll cards, this helped to ensure consistency of voter experience while still allowing an element of flexibility for COs.

5.30 The CCO for the EU referendum supports this general approach and the principle behind it. She therefore proposes to direct that all COs should ensure that postal ballot packs are received by voters at UK addresses within a specified period of five working days. The window is wider than that adopted in Scotland to reflect the fact that the referendum is taking place across the whole of the UK and in recognition of the challenges of limited capacity within the print industry to produce election materials.

5.31 The timing of despatch of postal votes at the EU referendum will also need to balance the desire for electors to have as much time as possible to receive, complete and return their postal vote with the ability of campaigners to put their message to voters. For example, unlike the Scottish referendum, when the date of the poll was clear well in advance and lead campaigners were designated almost five months before the poll, it is possible that lead campaigners at the EU referendum will not be designated until four weeks before the date of the poll. In considering the timing for despatch, consideration has also been given to the potential for any potential purdah

period, which the Commission has recommended should not be dis-applied for the EU referendum.

5.32 With this in mind, the CCO proposes that postal ballot papers should be received by electors within a five working day period starting with the day which is nine working days after the last date for publication of the notice of referendum. This would mean postal ballot packs being received by electors in the week after the latest point for designation of lead campaigners (based on the legislation as it currently stands) while still ensuring that the first issue of postal votes is concluded by two weeks before the poll.

5.33 This direction focuses on the first issue of postal ballot packs and we recognise that there are further challenges in relation to the timing of subsequent issues which will cover those electors who make applications for registration and/or a postal vote close to the deadline for applications. The CCO does not intend to issue a direction on the timing of such subsequent issues, taking into account the practical implications of establishing any fixed windows for this activity, but expects that COs will put arrangements in place for these postal votes to be despatched as quickly as possible in each case.

#### **Postal ballot packs to be sent to addresses overseas**

5.34 The challenges of ensuring that postal ballot packs which are sent overseas are received by electors in time to be able to be completed and returned came into sharp focus at the May 2015 elections, with a number of reports that ballot packs were not received in sufficient time for electors to be able to cast their vote at the poll. The Commission's report on the May 2015 polls contained a number of recommendations to improve access to the voting process for overseas electors. The Commission undertook to work with the UK Government and Returning Officers to identify practical steps which could be taken to improve access to the voting process for overseas electors at the next scheduled poll where they are entitled to vote, including:

- Ensuring that all Returning Officers include the correct postage on postal ballot packs for overseas electors, so that they can be delivered to voters and returned as quickly as possible before polling day, including increasing the funding provided by the UK Government to Returning Officers for this purpose.
- Explaining the practical implications of different voting methods (such as postal voting or appointing a proxy) for overseas electors, particularly if they are making an application during the last month before polling day, including on the [www.gov.uk/register-to-vote](http://www.gov.uk/register-to-vote) website.

5.35 For postal ballot packs being sent overseas, we understand that Royal Mail estimates that delivery to locations outside of Europe can take up to seven working days, with return to the UK also taking up to seven working days.

5.36 While the issues around campaigning outlined above are still relevant, these need to be balanced with ensuring electors are able to participate in the referendum, particularly given campaigning will impact differently on such

electors (with, for example, the right of lead campaigners to issue a freepost mailing not extending to overseas electors). In considering the timing for despatch, consideration has again also been given to the potential for any potential purdah period, which the Commission has recommended should not be dis-applied for the EU referendum.

5.37 The CCO therefore proposes directing COs to ensure that postal ballot packs being sent to overseas addresses are despatched within a period of five working days starting with the day which is two working days after the last date for publication of the notice of referendum. This earlier despatch for electors based overseas reflects the Commission's guidance and performance standards for elections, which focuses on the prioritisation of the despatch of postal ballot packs to overseas addresses.

5.38 This direction focuses on the first issue of postal ballot packs and we recognise that there are further challenges in relation to the timing of subsequent issues which will cover those electors who make applications for registration and/or a postal vote close to the deadline for applications. The CCO does not intend to issue a direction on the timing of such subsequent issues, taking into account the practical implications of establishing any fixed windows for this activity, but expects that COs will put arrangements in place for these postal votes to be despatched as quickly as possible in each case. It will also be particularly important to ensure that the messaging for those who apply close to the deadlines helps them to understand the implications of the circumstances surrounding their choice of voting method so that they can make an informed decision as to whether to vote by post or by proxy.

## Timing of count

5.39 At the Scottish independence referendum, the CCO undertook a wide-ranging consultation on the timing of the count. Following this process, COs were directed to make arrangements to commence the count as soon as reasonably practicable after the close of the poll. The direction was clear that this meant an overnight count, commencing at the close of poll.

5.40 For the EU referendum, there has been a clear consensus emerging in discussions between the CCO and individual RCOs that there will be an expectation among campaigners, parties and the media that the result will be declared as soon as possible after the close of poll. While recognising that they are not without their particular challenges individual RCOs have indicated to the CCO that they believe it is possible for arrangements to be put in place to enable overnight counts to be delivered effectively.

5.41 The CCO therefore intends to consult on a direction that requires COs to ensure that the verification and counting of votes is commenced as soon as reasonably practicable after the close of the poll. For the avoidance of doubt, the direction will set out explicitly that the count processes must be carried out overnight, commencing at the close of poll.

5.42 Before confirming her final direction on this point, in addition to consulting with the electoral community, the CCO is also consulting more widely on the proposed timing of the count. The CCO has published [a consultation paper](#) on the Commission's website and has invited comments from people with an interest in the timing of the referendum count, including:

- People who will take part as voters in the referendum
- Those who may campaign in the referendum, including elected representatives, political parties and campaign organisations
- Broadcasters and media organisations who may cover the referendum result

## Method of verification and count

5.43 At the Scottish independence referendum, the CCO directed that COs must adopt a mini-count method if they intend to proceed to count votes prior to completion of the verification of all boxes.

5.44 The CCO for the EU referendum recognises the importance of local knowledge and experience and that there is no 'one size fits all' approach which can be applied to running the verification and count. Every counting area has its own set of local circumstances that will influence the decisions COs need to make.

5.45 However, the CCO strongly believes that the breaking down of the verification and counting of votes into areas smaller than the whole of the counting area is a particularly effective method of delivering an accurate and timely local total with a clear audit trail. Consequently, the CCO proposes to direct that COs ensure that verification and counting arrangements are structured in such a way as to break down the verification and count into a number of self-contained 'areas' smaller than the counting area, with the totals for each of these 'areas' aggregated into a single total for the counting area.

5.46 The CCO does not intend to require any specific model to be followed. The CCO will, however, produce guidance and resources which COs can use if they wish to inform the development of the detail of their verification and count processes.

## Managing the performance of Counting Officers

5.47 At the Scottish independence referendum, all COs were required to submit two short checklists ahead of the referendum which were designed to ensure that key elements of the process had been completed in accordance with the CCO's guidance and directions. The first return was required in mid-June and the second in early August. In addition, a small sample of COs were subject to more detailed scrutiny and were required to provide the CCO with more detailed information on their local arrangements.

5.48 The management of the performance of COs will be a key part of the RCO's role at the EU referendum, in which they will be supported by the Commission's teams across England, Scotland and Wales. As part of this, the CCO and the Commission are keen to support any regional or sub-regional structures that are in place (such as the Electoral Management Board in Scotland) or are being established (such as the Solace-led regional electoral boards) and which could play an important role in supporting the effective delivery of the referendum.

5.49 The CCO proposes collecting some management information from all COs to build up a clear picture of the arrangements that have been put in place across the UK for the delivery of the referendum. This information is likely to cover things such as the total number of polling station and verification and count staff, the dates of despatch for poll cards and postal votes and the venue for the verification and count. This will not only help to provide the CCO and RCO with confirmation that arrangements are in place but will also provide key statistics which can be used with the media both reactively and proactively. The CCO does not intend to direct COs to provide this information but is prepared to issue a direction to any individual CO in the event that the information is not forthcoming.

5.50 The Commission's teams across England, Scotland and Wales will work with RCOs to identify those COs who are at most risk of not being able to deliver the referendum in line with the legislation and the CCO's directions and guidance. These COs can then be monitored more closely and support can be targeted where it is most needed. The detail of how this monitoring and support process will work will be considered by the EURMB at a future meeting to ensure that there is transparency and consensus as to how this process will be managed.

## Exceptions

5.51 In any case where a CO cannot comply fully with a direction or believes that their particular local circumstances are such that they should not be required to comply with a direction, they will be able to make an application for an exception. Further consideration will be given to the detail of how this process will work in practice, including how and by whom (i.e. the RCO, DCCO or CCO) any application for an exception will be assessed, and this will be considered by the EURMB.

**Do you agree that the proposed directions as set out above and summarised in Appendix 1 focus on those areas where consistency is essential in order to achieve the overall objective of ensuring confidence in the result, based on an accessible, consistent and efficient electoral process operated to the highest standards of integrity?**

**Do you foresee any particular issues with the implementation of these directions in practice?**

**Are there any particular issues relating to costs arising out of these areas of direction? Are there any aspects of the proposed approach which suggest that funding based on that made available for the 2015 UK Parliamentary general election would be insufficient?**

## 6 Next steps

6.1 The consultation will close on Wednesday 30 September 2015.

6.2 In selecting the timing for this consultation, we have sought to balance providing those with an interest in the management of the referendum a reasonable opportunity to feed into the development of the approach with ensuring we can achieve early clarity on the key elements of how the referendum will be delivered.

6.3 We will review and collate the feedback we receive through the consultation process. This will then be brought to the EU Referendum Management Board in October for consideration, with a view to agreeing the final directions at that stage. This would ensure that the CCO is able to communicate her agreed approach to COs and their staff by not later than 13 November 2015.

6.4 Once the directions have been agreed, development of the detailed guidance and resources to support planning for and delivery of the referendum can commence. The current planning assumption – which is reliant on having sufficient clarity as to the detailed rules for the delivery of the poll – is that the core guidance for Counting Officers will be made available by not later than the end of January 2016.

6.5 Agreement on the approach will also help to ensure that the CCO's directions can be reflected in the development of the fees and charges and accompanying guidance.

# Appendix A – list of proposed directions

1	<b>Ballot papers</b>	<p>Ballot papers must be white; tendered ballot papers must be pink</p> <p>Ballot paper numbers must contain a prefix made up of three alpha characters which will be specified for each counting area</p> <p>Ballot papers must be produced in the form specified by the CCO</p> <p>Taking into account the size of the electorate in the counting area, as a minimum, 120% of the total number of ballot papers that may be required in the counting area must be printed</p>
2	<b>Polling scheme</b>	<p>When allocating electors and staff to polling stations, <b>as a minimum</b>, the ratios as set out in the Commission’s election guidance must be complied with <b>and</b> in any case where a polling station has more than 2000 electors allocated to it, the CO must seek agreement from their RCO to their approach in that polling station, setting out how they intend to manage it so as to ensure that all voters allocated to it can vote easily and without delay</p>
3	<b>Poll card despatch</b>	<p>Ensure that poll cards are received by voters within a period of five working days starting with the day after the last date for publication of the notice of referendum</p>
4	<b>Postal ballot despatch</b>	<p>Ensure that postal ballot packs being sent to overseas addresses are despatched within a period of five working days starting with the day which is two working days after the last date for publication of the notice of referendum</p> <p>Ensure that postal ballot packs are received by voters at UK addresses within a period of five working days starting with the day which is nine working days after the last date for publication of the notice of referendum</p>
5	<b>Timing of count</b>	<p>Ensure that the verification and counting of votes is commenced as soon as reasonably practicable after the close of poll. For the avoidance of doubt, the count processes must be carried out overnight, commencing at the close of poll</p>

<b>6</b>	<b>Method of verification and count</b>	Ensure that your verification and counting arrangements are structured in such a way as to break down the verification and count into a number of self-contained 'areas' smaller than the counting area, with the totals for each of these 'areas' aggregated into a single total for the counting area
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