



The Crewe & Nantwich, Henley, Haltemprice & Howden and Glasgow East by-elections

Report on the administration of the
by-elections

October 2008

Translations and other formats

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1 Introduction

1.1 The Electoral Commission was given the discretion to report on the administration of by-elections to the UK Parliament by the Electoral Administration Act 2006 (EAA).¹ This report, on four UK Parliamentary by-elections held in the period 22 May to 24 July 2008 in Crewe & Nantwich, Henley, Haltemprice & Howden and Glasgow East, is the second such report.²

1.2 In July 2008 we published our reports on the administration of the local government elections in England and Wales. We published a separate report on the Greater London Authority elections³ which included an assessment of the use of electronic counting.

1.3 The report on the administration of the Glenrothes by-election that followed the death of the sitting Labour Member of Parliament, Mr John MacDougall, will be reported on separately by the Commission.

About these elections

1.4 The by-election in Crewe & Nantwich took place on 22 May 2008 following the unexpected death on 17 April 2008 of the sitting Labour Member of Parliament, Ms Gwyneth Dunwoody.

1.5 The by-election in Henley took place on 26 June 2008 when the sitting Conservative Member of Parliament, Mr Boris Johnson, accepted an office of profit under the Crown⁴ to disqualify himself from sitting in the UK Parliament following his election as the Mayor of London in May 2008.

1.6 The by-election in Haltemprice & Howden took place on 10 July 2008 when the sitting Conservative Member of Parliament, Mr David Davis, accepted an office of profit under the Crown to disqualify himself from sitting in the UK Parliament. Mr Davis resigned from the disqualifying office in order to allow him to stand as a candidate in the subsequent by-election.

1.7 The by-election in Glasgow East took place on 24 July 2008 when the sitting Labour Member of Parliament, Mr David Marshall, accepted an office of profit under the Crown to disqualify himself from the UK Parliament due to ill health.

¹ Section 28 of the EAA, which amended Section 5 of the Political Parties, Elections and Referendums Act 2000 (PPERA).

² Our report, *The Ealing Southall and Sedgfield by-elections*, was published in October 2007 and can be found on our website www.electoralcommission.org.uk

³ Our reports on the 2008 elections can be found on our website www.electoralcommission.org.uk

⁴ Members of Parliament sitting in the UK Parliament are technically forbidden to resign. In order to 'resign' a Member of Parliament can make an application for an appointment to an office of profit under the Crown. This disqualifies an individual from sitting as a Member of Parliament and thus causes a by-election.

1.8 Information for this report has principally been obtained from the observation of the elections by Commission staff and information provided by Acting Returning Officers and their staff. It also draws upon public opinion research undertaken by ICM in Haltemprice & Howden and Glasgow East on our behalf.⁵ The Commission is particularly grateful to the Acting Returning Officers and their staff for their help and assistance before, during and after all four by-elections.

About this report

1.9 Many of the recommendations and observations made in our election reports on the 1 May 2008 elections relating to the administration of elections have a direct read across to the four UK Parliamentary by-elections. This report highlights specific issues observed at the four UK Parliamentary by-elections and does not reiterate the findings in the election reports.

1.10 In our 2008 election reports we recommended that the UK Parliamentary electoral timetable should be extended to 25 days in line with other statutory elections (except for Greater London Authority elections which are 30 days and Scottish local and Parliamentary elections which are between 21 to 28 days.) The current timetable limits the time available for electors to register to vote (if they are not already registered) and to apply for an absent vote, or cancel or amend existing absent voting applications. It was also evident from all four by-elections that the current electoral timetable for UK Parliamentary by-elections is too tight and places an unnecessary burden on electoral administrators.

1.11 This report also discusses the possible effect that the use of a double columned ballot paper to accommodate the large number of candidates standing in Haltemprice & Howden and the timing of the election during the holiday period in Glasgow East could have on these two elections.

⁵ Face-to-face interviews were conducted with 849 respondents as they left the polling station on 10 July 2008 in Haltemprice & Howden. Telephone interviews were conducted with 407 respondents across Glasgow East on 10–11 July 2008.

2 Context

2.1 In UK Parliamentary elections in England and Wales, including by-elections, responsibility for running the elections lies with an Acting Returning Officer. The Returning Officer for Crewe & Nantwich, Henley and Haltemprice & Howden is the Sheriff of the County; in Scotland the arrangements are different and are discussed below. The Returning Officer may receive the writ, declare the result and return the writ but all other functions are carried out by the Acting Returning Officer who is a senior local government officer statutorily appointed to run the election independent of their local authority position.

2.2 The Acting Returning Officer can appoint deputies and draw upon local authority staff to assist in carrying out the necessary duties. In Crewe & Nantwich the Acting Returning Officer did not appoint any deputies however senior staff were given responsibility for specific duties during the course of the election, three senior staff in Henley were appointed by the Acting Returning Officer as deputies with full powers, and in Haltemprice & Howden one deputy was appointed. The Acting Returning Officer can also employ temporary staff and contractors as necessary. In all three by-elections in England the Chief Executive of the local council in which the constituency is wholly contained was the designated Acting Returning Officer.

Table 1: Acting Returning Officers in the three by-elections in England

Constituency	Local Authority that wholly contains the constituency	Name of Acting Returning Officer
Crewe & Nantwich	The Borough of Crewe & Nantwich	Paul Ancell
Henley	The District of South Oxfordshire	David Buckle
Haltemprice & Howden	The District of East Riding of Yorkshire	Nigel Pearson

2.3 UK Parliamentary constituencies in England are made up of local government wards and do not have to be wholly contained within one local authority area. None of the three by-elections in England contained local government wards outside the main local authority area which could have had consequences with the processing of absent votes. Although there has been recent approval for a boundary change in Henley, with two wards from the District of Cherwell to be included within the Henley constituency, this change will only come into force at the next UK Parliamentary general election.

2.4 In Scotland, the Returning Officer for a UK Parliamentary election is the same person who has been appointed as Returning Officer for the election of councillors in the local authority in which the constituency is situated. There is no

office of Acting Returning Officer in Scotland. Instead the election is administered by the Returning Officer who has the power to appoint deputies.

2.5 The Chief Executive of Glasgow City Council, George Black, was the Returning Officer for the Glasgow East constituency and he appointed two Deputy Returning Officers to assist in the administration of the by-election.

2.6 For the purposes of this report, '(Acting) Returning Officer' will be used to refer to the duties normally undertaken by the Acting Returning Officer in England and the Returning Officer in Scotland.

Funding and expenses

2.7 The administrative costs of all UK Parliamentary elections are centrally provided from the Consolidated Fund. The funds are administered by the Election Claims Unit in England and Wales and the Scotland Office in Scotland, who operate on behalf of the Ministry of Justice (the Government department with responsibility for electoral policy). When an election is called, the Election Claims Unit or the Scotland Office advances to the relevant (Acting) Returning Officer a proportion of the estimated expenditure to run the election based on the previous UK Parliamentary general election. This can be supplemented by further funds in a case of demonstrated need. The (Acting) Returning Officer is required to account for all spending to the Election Claims Unit or the Scotland Office within one year of the by-election.

2.8 In the four by-elections the amount forwarded to each (Acting) Returning Officer is detailed in Table 2 below.

Table 2: Amount forwarded to the (Acting) Returning Officer from the Election Claims Unit

Constituency	Amount forwarded (£)	Percentage of estimated cost	Total estimated cost (£)
Crewe & Nantwich	66,000	66	100,000
Henley	54,520	80	68,150
Haltemprice & Howden	76,393	75	101,857
Glasgow East	105,000	88	119,318

Source: Based from feedback from (Acting) Returning Officers.

3 Planning

The timetable

3.1 The most important issue impacting on the administration of UK Parliamentary by-elections is the fact that they can (and generally do) arise at short notice. The short timescales have significant implications for electors in terms of registration and absent voting deadlines. For (Acting) Returning Officers, it results in very little time to plan for by-elections compared with scheduled elections that are held on a fixed date. It is possible for the writ for a UK Parliamentary by-election to be moved as little as 15 working days before polling day as was the case in Crewe & Nantwich, Henley and Haltemprice & Howden this year.

3.2 When a seat in the House of Commons becomes vacant, a motion is moved for the Speaker to make out their warrant for the issue of a writ for the election of a new Member to fill the vacancy. The writ of election for a by-election is issued by the Clerk of the Crown as soon as practicable after the Speaker has given the warrant for the issue of the writ. There are special provisions contained in the Recess Elections Act 1975 should the UK Parliament be in recess when a Member's seat becomes vacant. These provisions do not, however, extend to vacancies caused by a Member who has accepted an office of profit under the Crown.

3.3 By convention, by-elections normally take place within three months of a vacancy occurring.⁶ The Chief Whip of the party to which the former Member belonged usually take steps for the motion to be moved which gives the relevant political party some control over determining the date of the election.

3.4 In the case of the Crewe & Nantwich by-election the writ was issued on 30 April 2008 despite concerns being raised that the issuing of writ was before the funeral of Mrs Dunwoody. The (Acting) Returning Officer was not consulted on the timing of the issue of the writ; however he was given notice of when the writ was to be issued. The election was held on Thursday 22 May.

3.5 The writ was hand delivered to the (Acting) Returning Officer on the same day which coincided with the local government elections taking place on 1 May 2008. This was because the Labour Party wanted to hold the election on Thursday 22 May.

3.6 In the case of Henley, the Notice of Election was published on the same day the writ was received by the (Acting) Returning Officer, 6 June 2008. This enabled the election to be held on Thursday 26 June before the start of the Henley Regatta. There was concern that if the election was held during the

⁶ House of Commons Information Office – Factsheet M7 – Parliamentary Elections (www.parliament.uk/documents/upload/M07.pdf)

Regatta there could have been logistical issues with the transportation of ballot boxes to and from the polling stations.

3.7 In the case of Haltemprice & Howden there was no consultation prior to the issue of the writ and no information on why the date to move the writ was chosen. The election was held on Thursday 10 July.

3.8 In the case of Glasgow East, the writ was moved on 1 July 2008 which meant that polling day was to be held during the Scottish schools' summer holiday period and, more particularly during the Glasgow Fair fortnight.⁷ The Labour Party wanted to ensure that the constituency was not unrepresented for several months before the UK Parliament returned from its summer recess. Thus the writ was issued on 1 July 2008 and received in Glasgow on 2 July.

3.9 ICM undertook public opinion research, two weeks before polling day, to see whether the date of the election, during the Glasgow Fair, affected people's intention and ability to vote. The findings suggest that this was not a problem. Eighty-nine percent of respondents to the survey prior to the election said that the timing would make no difference to whether or not they would vote. Of the remainder, seven percent said it would make them more likely to vote and four percent less likely.

3.10 Appendix A at the end of this report details the electoral timetable for all the four by-elections which illustrates the closeness in time of the different electoral events.

3.11 Table 3 below details the total length of the electoral timetable in all four by-elections from the Notice of Election to polling day.

Table 3: Total length of electoral timetable

Constituency	Total weeks and days	Total working days
Crewe & Nantwich	3 weeks and 1 day ⁸	15
Henley	3 weeks	15
Haltemprice & Howden	3 weeks	15
Glasgow East	3 weeks and 2 days	17

⁷ The Glasgow Fair is a holiday during the last fortnight in July in the City of Glasgow which dates back to the 12th century.

⁸ The additional day is due to a bank holiday.

Planning and training

3.12 In Crewe & Nantwich, the publication of the Notice of Election coincided with the scheduled local government elections taking place on 1 May 2008. The (Acting) Returning Officer reported to the Electoral Commission that as the vacancy occurred due to the unexpected death of a Member, and the time of the death occurred in the lead up to the local elections, there was little time to undertake any pre-planning or the training of staff specifically for the by-election. The (Acting) Returning Officer and the Electoral Services Manager had not expected that the writ would have been moved so early and had anticipated that the election would be held end June/early July.

3.13 Although all the other (Acting) Returning Officers were running by-elections outside a scheduled electoral event, they still reported that the timetable was too short to undertake any extensive planning. Less detailed planning than one would expect for scheduled elections was evident across the remaining three by-elections such as using the Commission's guidance and support materials, reflecting upon lessons learned from previous elections and, if applicable, ensuring that they were up-to-date with electoral legislation. The Commission also provided advice where necessary to (Acting) Returning Officers.

3.14 Despite the short timescales when the by-election is officially started by the issuing of a writ in some cases the prospect of a by-election could be some months in advance of the election. In the case of unexpected deaths and principled 'resignations' this is clearly not the case. In the case of Mr Boris Johnson who was likely to stand down as a Member of Parliament if he was elected London Mayor more time was available to plan for a possible by-election.

3.15 The (Acting) Returning Officers in Crewe & Nantwich and Haltemprice & Howden had prior experience of implementing the provisions in the Electoral Administration Act 2006 (EAA) due to running previous elections in their capacity as Returning Officer for local authority elections. Although, it was the first time the Henley (Acting) Returning Officer and his electoral administrators had managed an election under the EAA he experienced few difficulties. Specific training on the EAA was provided for Presiding Officers, poll clerks, polling station inspectors, counting clerks and staff working on the opening and verification of postal votes.

3.16 The key changes made to the electoral process by the EAA or by subsequent secondary legislation are:

- enabling people to register to vote after an election has been called (up to 11 working days before polling day)
- introducing a system of collection and checking of personal identifiers (date of birth and signature) for absent voters

- requiring Electoral Registration Officers and (Acting) Returning Officers to actively encourage participation in elections and providing some funding for such activities enabling (Acting) Returning Officers to provide explanatory election materials and guidance in alternative formats, such as in languages other than English, using pictures, in Braille, and in audio
- reducing the minimum age of candidacy from 21 to 18
- allowing candidates to use their commonly used names on ballot papers
- allowing (Acting) Returning Officers to use two columns on a ballot paper
- allowing independent observers at elections for the first time
- introducing new provisions about the nature and number of the descriptions that candidates standing on behalf of political parties may use on the ballot paper, and the process by which they may be registered with the Commission
- extending the deadline for the registration of political parties wishing to field candidates at an election, from the last date for publication of the Notice of Election to two days prior to the last day for the delivery of nomination papers (this had the practical effect in 2007 of extending this deadline from 27 March to 2 April)
- introducing a procedure for the cancellation and replacement of postal ballot papers
- requiring a marked copy of the postal voters list to be compiled and prescribing conditions for access to such a list

3.17 The provisions contained in the EAA were replicated in the Scottish Parliament (Elections etc.) Order 2007 for Scottish Parliamentary elections and the Local Electoral Administration and Registration Services (Scotland) Act 2006 for Scottish local government elections. The Returning Officer for Glasgow East had administered many of these provisions for the combined Scottish Parliamentary and local government elections in 2007. The provisions relating to anonymous registration were not introduced until after the 2007 elections, as was also the case in England and Wales. New requirements for absent voting were delayed due to the large number of complex changes made for those combined elections. The implementation of those absent voting provisions is discussed below.

3.18 One significant issue that could not be planned for was the number of candidates that stood in the Haltemprice & Howden by-election. In the event there were 26 nominated candidates. To accommodate all of them on the ballot paper, a double column was required which is now permissible under the

provisions of the EAA. This was the first time a double columned ballot paper for electing one candidate had been used in the UK.⁹ Although this caused few problems in respect of printing there were problems with the number of ballot papers which each ballot box could hold (see paragraph 7.8).

3.19 The (Acting) Returning Officer had to consider whether a single column was possible given the large number of candidates; there was one printer in the south of England which could print the necessary number of ballot papers for all candidates on one column. However, due to the printer's remoteness agreeing drafts and quality assuring the process would have been difficult. After considering both options the (Acting) Returning Officer felt more comfortable using a local printer to minimise possible risk as he was able to oversee the process. Consequently two columns were used.

3.20 ICM was contracted by the Commission to run an exit poll in Haltemprice & Howden to assess whether the two columns on the ballot paper affected the way in which voters completed their ballot paper. They found that although around a third of voters said they were surprised to see that the ballot paper had two columns, 93% said that they had found the paper easy to complete and 77% thought having two columns rather than one made not much difference to how confusing the ballot paper was to complete. Ninety percent of respondents said that they found it easy to find the name of their preferred candidate.

3.21 Nonetheless, further research is needed on the issue of having more than one column on ballot papers and the impact this has on the ability of electors to easily and clearly mark their choice. The Commission will consider this issue in its work on developing standards for ballot paper design, which we committed to following the 2007 Scottish elections and the 2007 National Assembly for Wales elections. We expect to publish our findings in spring 2009.

⁹ Double columned ballot papers were used in the National Assembly for Wales elections in 2007 for the regional list elections.

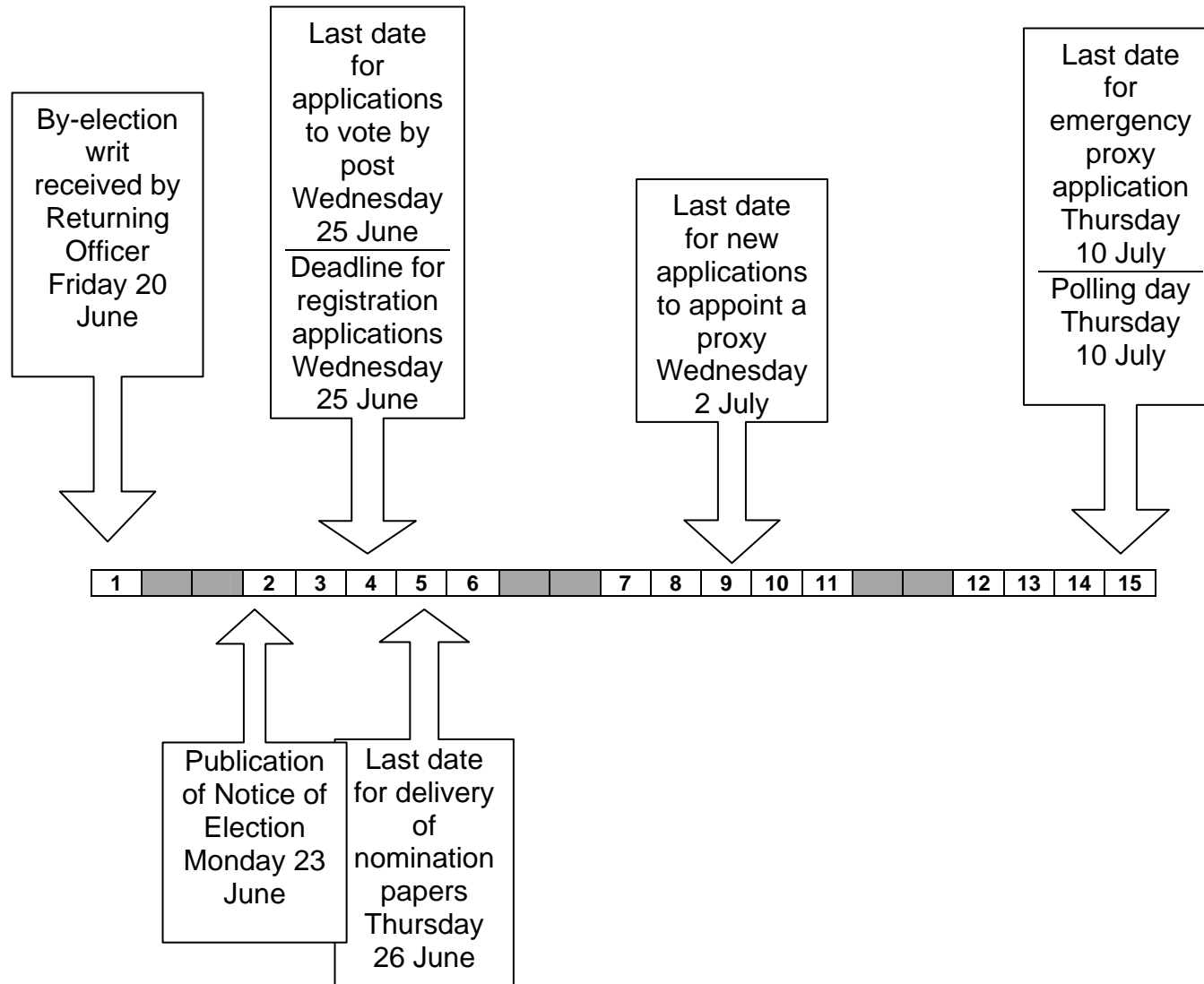
4 Electoral registration

4.1 There are two, equally important, strands to electoral registration in Great Britain – the registration of electors within households which is undertaken annually in the autumn (commonly known as the ‘annual canvass’) and rolling registration which allows individuals to register or amend their existing details at any time of the year, usually as a result of moving home or having missed the annual canvass.

4.2 An elector will only be certain they are registered to vote if they receive a poll card for a given election or inspect the electoral register. People who are not registered receive no information that they are not electors and can therefore not vote. The tightness of the timetable means that for residents who live in the constituency but are not yet registered it is often too late for them to realise they are not registered and apply to vote before the deadline to register to vote. Under current electoral legislation poll cards cannot be sent until after the publication of the Notice of Poll. For example, Henley’s (Acting) Returning Officer reported that approximately 100 people registered to vote after the deadline and were therefore unable to vote at the Henley by-election. From the Notice of Election, potential electors across the four by-elections had between two and seven days to register to vote if they were not already registered.

4.3 To illustrate the above points we have produced a graphic timescale for the Haltemprice & Howden by-election, as shown in Figure 1.

Figure 1: Haltemprice & Howden electoral timetable



Publicity

4.4 There is relatively little time for public awareness activities in the timeframe available at a by-election. However, due to national and local media interest that UK Parliamentary by-elections usually generate, local electors tend to have good levels of awareness of any forthcoming UK Parliamentary by-election in their area.

4.5 The (Acting) Returning Officer in Crewe & Nantwich was planning to publicise registration deadlines for the elections in the local paper, however the deadline for registration fell before the publication of the local paper and was therefore not used.

4.6 In Henley, the (Acting) Returning Officer promoted the registration deadlines on South Oxfordshire District Council's website that contained the Henley constituency, held television and radio interviews and displayed posters in all council offices.

4.7 In Haltemprice & Howden there was a press release issued by the (Acting) Returning Officer which explained that the size of the ballot paper was larger than usual and had two columns. The press release was picked up in several articles in the local press.

4.8 In addition to the extensive media coverage in relation to the by-election, the Electoral Registration Officer for Glasgow and the Returning Officer for Glasgow East organised a high-profile public awareness campaign. The first wave of advertising promoted the deadlines for registration and postal vote applications through the local press, local radio stations, posters and forms in the City Council's public offices and on the website. Once that deadline had passed, a second wave of advertising promoted the later deadline to apply to vote by proxy. This activity assisted in registering a further 84 electors, 463 postal voters and 206 proxy voters.

5 Candidates, agents and political parties

5.1 In total 57 candidates stood for election across the four by-elections: 10 stood in Crewe & Nantwich, 12 in Henley, 26 in Haltemprice & Howden and nine in Glasgow East. Thirty-eight candidates stood for election as a candidate for a registered political party, 18 candidates stood as independent candidates and one candidate chose to stand with no description.¹⁰ Political parties are required to be registered with the Electoral Commission if they wish their candidates to use the registered party name or one of 12 registered descriptions on the ballot paper when contesting any statutory election in the UK.

Candidate nominations

5.2 In the main, the nomination processes across all four areas were relatively straight forward. However, the large number of independent and relatively inexperienced candidates in Haltemprice & Howden and Henley meant that more time was spent on processing nomination papers than usual. More assistance was required to assist potential candidates in filling out their nomination form and amending errors such as spelling mistakes or incorrect electoral numbers. Problems included, but were not limited to, candidates using an inappropriate number of subscribers and not having their deposit. This led to some potential candidates being unable to stand for election and made the nomination process a more challenging time for electoral services staff.

5.3 The last date for withdrawing candidature was a day after the deadline for the return of nomination papers. Two candidates withdrew their candidature in Crewe & Nantwich.

Briefing meetings

5.4 Briefing meetings with candidates and agents were held in Crewe & Nantwich, Henley and Haltemprice & Howden. These sessions mainly concentrated on the arrangements for the count and allowed those in attendance to ask questions to the (Acting) Returning Officer.

5.5 In Glasgow East, no candidates' briefing was held due to time constraints although the (Acting) Returning Officer's staff spoke frequently to candidates and agents throughout the election.

5.6 The Commission continues to believe that there is great value in (Acting) Returning Officers holding briefing meetings on standing for election in order to avoid problems and minimise individual queries. We

¹⁰ The Miss Great Britain Party was not registered in time for the description to be used by their candidates in Crewe & Nantwich or Henley and are recorded as independents. They did field a Miss Great Britain candidate in the Haltemprice & Howden by-election because they were registered with the Electoral Commission before the deadline.

will continue to reflect the benefits in our guidance to (Acting) Returning Officers.

Candidates' election expenses

5.7 Candidates contesting a UK Parliamentary by-election are subject to a £100,000 spending limit that is applicable from the moment a person becomes a candidate through to the date of the poll. Expense returns with supporting receipts must be submitted to the (Acting) Returning Officer by every candidate, along with a declaration from the agent, within 35 days of the date of poll.

6 Absent voting

Deadlines for absent voting applications

6.1 Due to the tight timetable for by-elections there was only a small window, in some cases only two days, in which electors could apply for a postal vote. Indeed, the deadline for postal voting is 5pm on the same day for applying to register as an elector (the deadline of which closes at midnight). Some electors therefore did not have time to apply for a postal vote while applications for others who did were received too late.

6.2 Given that there was a significant number of absent voting applications forms to process, the tightness of the timetable hindered the Electoral Registration Officers' ability to accurately process and undertake the necessary integrity checks on the applications.

6.3 The limited timetable for postal votes also resulted in a higher number of people requesting a proxy vote. While the deadline for a postal vote is 11 working days before the date of poll, it is six working days for new proxy applications. For example, in Henley the total number of proxy voters was approximately 300 which the (Acting) Returning Officer believes was due to the tight postal voting deadlines. Crewe & Nantwich received over 400 proxy voting applications where they would have normally no more than 10.

6.4 In our 2008 election reports we reported that electoral administrators did not find processing applications overly burdensome yet many expressed concern over the shorter timescales and the positive experience should not be taken as predictive of what would occur at a general election. General elections operate on a much larger scale with a large number of UK Parliamentary constituencies crossing local authority areas. The evidence from these by-elections suggests that the issues raised in this report concerning the tight timescales for applications for absent votes could cause difficulties both for electors and for electoral administrators at the next general election.

Printing and despatch of postal ballot packs

6.5 In the main, the process of printing and sending postal ballot packs to electors ran smoothly. All four (Acting) Returning Officers used the services of a commercial supplier to print the postal ballot packs. Haltemprice & Howden issued their postal votes in-house while all the others subcontracted that function. Although the process ran smoothly the Electoral Commission continues to recommend that the (Acting) Returning Officer takes appropriate steps to ensure that Commission representatives and accredited observers are given full access rights to observe proceedings of the issue of postal ballot packs.

6.6 The responsibility to produce and despatch legally compliant postal voting packs remains with the (Acting) Returning Officer therefore systematic control through checking the production of the packs is required at every stage. The Commission is aware that the Returning Officer for the Glasgow East by-election sent a member of his staff to the contractors to undertake quality assurance checks on the postal ballot packs before arrangements were made for the despatch of these postal ballot packs. The Commission recommends this approach as an example of good practice in this area.

6.7 The Commission notes that the regulations as they currently stand do not specifically allow candidates and agents to attend the issue of postal votes. We believe that the regulations should be amended to correct this anomaly.

The management of absent voting

6.8 In 2007, new requirements for absent voting were introduced in England and Wales. All absent voters must provide their date of birth and signature as a security measure at the time of application. Those who vote by post must then reproduce these 'personal identifiers' on their postal voting statement which is returned with the ballot paper.

6.9 Under the Representation of the People (England and Wales) Regulations 2001 (as amended) and the Representation of the People (Scotland) Regulations 2001 (as amended) where an applicant is unable to provide a signature, they may request that the Electoral Registration Officer waive the requirement for a signature to be provided. The regulations also make it a requirement for Electoral Registration Officers to request electors to submit fresh signatures at five yearly intervals.

6.10 Upon receipt of the returned postal ballot packs, (Acting) Returning Officers must check (a) that both fields of the postal voting statement have been completed and (b) that the identifiers supplied match those supplied at the time of application. In part (b), the law requires that (Acting) Returning Officers check at least 20% of returned postal voting statements; however, the Commission strongly believes that 100% personal identifier verification is preferred and would represent good practice.

6.11 Electors may alternatively appoint a proxy to vote for them. Under the Electoral Administration Act 2006 all electors appointing a proxy must provide the Electoral Registration Officer with their date of birth and signature. As with postal voting, they may request that the requirement for a signature is waived.

6.12 In February 2008, the electoral regulations which govern UK Parliamentary elections in Scotland were amended to effect this change. The transitional provisions in the Representation of the People (Scotland) (Amendment) Regulations 2008 required all existing absent voters to provide

personal identifiers to the Electoral Registration Officer but the rules relating to the checking of these personal identifiers by Returning Officers did not come into force for elections held prior to 7 August 2008.

6.13 For the Glasgow East by-election held on 24 July, electors were using a new postal voting statement and were required to provide their date of birth and signature. However, these were not required to be checked against the samples provided to the Electoral Registration Officer. The regulations required the (Acting) Returning Officer to ensure that a date of birth and signature was provided on the postal voting statement and was duly completed but no personal identifiers were checked.

6.14 For the three by-elections in England, both Crewe & Nantwich and Henley planned to check 100% of all returned postal voting statements and Haltemprice & Howden planned to check the minimum 20%.

6.15 The (Acting) Returning Officer for Crewe & Nantwich had an experienced team to undertake the verification process and encountered no problems with the software. They undertook a 100% verification of all postal voting statements received prior to the poll, and those received for verification at the count.

6.16 Henley reported no problems with the automated scanning software set up in their council offices to verify postal voting statements before polling day. This enabled them to verify 100% of postal voting statements. However, they reported problems with the automated scanning system set up at the count centre for verifying postal ballots that were delivered to polling stations by electors throughout polling day. The system could not retrieve the stored images of the voter's original postal voting application and therefore the (Acting) Returning Officer conducted a manual check of 20% of these postal votes.

6.17 In Haltemprice & Howden the (Acting) Returning Officer initially decided to check the minimum 20% due to the short timetable and wanting to ensure that there were no unforeseen delays at the count. In the event they were able to check 31% of postal voting statements to ensure that the statutory requirement was exceeded.

6.18 The Commission notes that previously (Acting) Returning Officers have suggested that the possible higher turnout at UK Parliamentary elections would hinder their ability to undertake a 100% check of postal voting statements. However, as illustrated in Crewe & Nantwich and Henley where turnout was above 50% they were able to check 100% of postal voting statements with no significant difficulties.

6.19 We continue to believe that the legislation should require all (Acting) Returning Officers to check 100% of postal voting statements in England, Scotland and Wales.

Returned and rejected postal voting statements

6.20 The number of postal votes returned by postal voters was: 79% in Crewe & Nantwich, 71% in Henley, 64% in Haltemprice & Howden and 78% in Glasgow East.

6.21 In England and Wales, postal votes subject to the verification of identifiers can be rejected for a number of reasons which include data being absent from postal voting statements or the personal identifiers which, in the opinion of the (Acting) Returning Officer, cast doubt that the person who has provided the personal identifiers is not the person who applied for the postal vote. Postal voting statements can be rejected because information is missing or, one or both of the identifiers do not match the identifier on the elector's application for a postal vote. A breakdown of the reasons for postal vote rejection as a percentage of all postal votes rejected is shown in Table 4.

Table 4: Reasons for postal vote rejection in England

Rejected for	Crewe & Nantwich (%)	Henley ¹¹ (%)	Haltemprice & Howden ¹²
Want of signature	60	46	-
Want of date of birth	0	39	-
Want of both	7	4	-
Mismatched signature	7	5	-
Mismatched date of birth	19	5	-
Both mismatched	7	0	-

6.22 As shown above, the most common reason for a postal voting statement being rejected in Crewe & Nantwich and Henley was because the postal voting statement didn't contain the elector's signature. This was different to the findings of our local election report on the administration of the local elections in England in 2008 where the majority of rejected postal votes (30%) was due to a signature mismatch. However, it should be noted that that percentage was calculated on the basis of data received from 113 local authorities and is not comparable (in terms of electorate) with the two by-elections highlighted in the table above.

6.23 (Acting) Returning Officers are required to complete a document, Form K, which details quantitative information on the issue, receipt and number of postal

¹¹ Figures have been rounded, therefore the total does not equal 100%.

¹² This information was not available at the time of writing.

votes rejected. The Commission is aware that some electoral administrators find the form difficult to complete and that the reasons for rejecting postal votes (as shown in Table 4) is not included. **The Commission will undertake a review of Form K including a review of the information it asks (Acting) Returning Officers to provide.**

6.24 In Crewe & Nantwich 6.4% of postal votes were rejected and, in Henley and Haltemprice & Howden 2% were rejected. This compares to 3% across England where local government elections took place in 2008.

6.25 In Glasgow East, 197 of the 247 postal voting statements rejected were because either the signature, date of birth or both were missing. In total 8% of the postal votes received by the (Acting) Returning Officer were rejected in Glasgow East. The (Acting) Returning Officer believed that the design of the new postal voting statement may have contributed to the high rejection rate. The Commission has agreed to consider the design of postal voting statements as part of its wider plan to introduce standards for the design of ballot papers and associated electoral stationery.

7 Voting in polling stations

7.1 Overall, polling day appeared to run smoothly in each constituency. However, (Acting) Returning Officers continue to receive calls from voters who seek basic information about how to vote and what they should expect when voting at a polling station. As we reported in 2008, this includes not just those having recently reached the age of 18 but also older age groups who may have not voted for a long time.

7.2 (Acting) Returning Officers also reported that a large number of electors still query the presence of tellers outside polling stations. Tellers work for political parties. They stand outside polling stations and record the electoral number of voters who have voted. By identifying electors who have not voted and relaying this information to the party, tellers play a vital and important role in elections. Political parties or independent candidates may then contact the voters who have not yet been to vote during polling day and persuade them to vote.

7.3 The Electoral Commission believes all political parties and independent candidates that use tellers should ensure that they adhere to the Commission's guidance *Tellers in and around polling places*.¹³

7.4 Observations undertaken by Commission staff confirm that there continues to be a gradual improvement in the accessibility of polling stations which we reported on in our 2008 election reports. Nevertheless, there remains some way to go before all polling stations are accessible for wheelchair users, people with impaired mobility and parents with children in buggies. In some areas, temporary polling stations continue to be used where there are few suitable and accessible buildings.

7.5 Commission representatives also noted that in many polling stations covering the four by-election areas the legal notices on display in polling stations (in particular, the guidance to voters) did not incorporate the changes made to the voting process as a result of the Electoral Administration Act 2006 (EAA). In many instances the guidance to voters posters relate to electoral legislation in force prior to 2006.

7.6 The Commission believes that all Returning Officers to all elections should undertake an audit of polling station stationery to ensure that all statutory notices in polling stations incorporate changes made by the EAA.

7.7 In Glasgow East, we observed that agents were visiting polling stations throughout the day for an update on turnout at different times. Polling agents were provided with the number of people who had voted up until that point by

¹³ Available from www.electoralcommission.org.uk

polling clerks and Presiding Officers. **The Commission will consider this practice and decide whether we need to issue further guidance.**

7.8 There was one issue of note in the Haltemprice & Howden by-election which was that the capacity of the maximum number of ballot papers a ballot box could hold was underestimated due to the size of the ballot paper. This meant that reserve ballot boxes had to be delivered to polling stations during the day. However, this had no effect on the ability of the elector to cast their vote.

8 The count

8.1 Overall, the count at all four by-elections went well save for a few minor problems such as finding count venues. For example, the (Acting) Returning Officer for the Crewe & Nantwich by-election found finding a suitable count venue to accommodate the number of staff required for the count and the anticipated number of counting agents and media posed a problem. All of the counts were held on the Thursday night and took between three and a quarter hours and five hours to complete.

Postal votes at the count

8.2 On the whole, dealing with postal votes at the count did not delay the start of the count. This was often because (Acting) Returning Officers had collected unopened postal votes handed in at polling stations throughout the day. For example, in Glasgow East, 85 postal votes were collected from polling stations between 5pm and 6pm, and 25 postal votes were delivered to the count by Presiding Officers. Where such arrangements had been made, typically small numbers of unopened postal votes came in from polling stations after the close of poll and that volume was manageable by dedicated staff allocated to process them at the count.

8.3 However, such arrangements were not always practicable, particularly in rural areas or geographically spread local authorities like Henley where polling stations are sometimes a considerable distance from where postal vote opening sessions were held. The general practice was that polling station inspectors picked up postal votes whilst doing their rounds.

Management of the count

8.4 Electoral Commission representatives noted in some counts problems relating to the inadequate communication of what was happening at each stage of the count by the (Acting) Returning Officer. It is clear that in the interests of transparency that attendees at the count should be made aware of the different stages of the process and kept informed throughout the evening as to what stage has been completed and what is about to commence. **The Commission will review its guidance to (Acting) Returning Officers with a view to attaining a consistent approach.**

8.5 Commission representatives also noted that statutory notices given to those in attendance were pre Electoral Administration Act 2006 (EAA) and thus out of date. The Commission again recommends that the (Acting) Returning Officer ensures that candidates and agents are aware of the requirement of secrecy provisions in Section 66 of the Representation of the People Act 1983. Where this information is provided by the (Acting) Returning Officer it should include amendments made to that section by the EAA.

8.6 The Commission believes that (Acting) Returning Officers for all elections should undertake an audit of their guidance to candidates and agents to ensure that all legislation quoted includes changes made by the EAA.

8.7 A few issues were highlighted by the (Acting) Returning Officer in Henley and in Haltemprice & Howden in terms of counting the votes. In Henley, a decision had been made in advance that once a vote had been counted it would be placed in one of four piles as is normal practice: Labour, Conservative, Liberal Democrat and Other. However, this method had to be changed during the count and more piles were added as the number of votes for 'Other' exceeded expectation. In Haltemprice & Howden, the sheer number of candidates posed a significant challenge in terms of counting the votes and due to the unusually large ballot paper new trays had to be built to accommodate them.

Declaration of result

8.8 Table 5 shows the level of turnout across the four by-elections compared with the turnout at the last UK Parliamentary general election.

Table 5: Turnout at the 2008 by-elections

Constituency	By-election turnout (%)	2005 general election turnout (%)
Crewe & Nantwich	57.7	60.7
Henley	50.3	67.8
Haltemprice & Howden	33.8	70.2
Glasgow East	42.3	48.2

8.9 One issue that came to light following the Henley by-election was the fact that at the count the number of votes given to all candidates and those votes rejected were 102 fewer than the number of ballot papers verified before counting continued. This fact was highlighted to agents at the time but this information is not provided on any official form.

8.10 The Commission notes that the (Acting) Returning Officer must draw up a statement of verification under Rule 45(5) of the Parliamentary Election Rules which any agent may copy. However, the Commission believes that in order to promote transparency the Declaration of result should be amended to include the number of verified papers so that such discrepancies can be identified across the board.

9 Overarching recommendation

9.1 The four by-elections ran smoothly with few problems that would have been apparent to voters. In our 2008 election reports we recommended that the UK Parliamentary electoral timetable should be extended to 25 days in line with other statutory elections (except for Greater London Authority election which is 30 days and Scottish local and Parliamentary elections which are between 21 to 28 days).

9.2 Our report has shown that tight timescales for by-elections limits the time available for electors to register to vote (if they are not already registered) and to apply for a postal vote, or cancel or amend existing absent voting applications. It also meant that the four (Acting) Returning Officers across the by-elections had very little time to plan for their election. The current electoral timetable for UK Parliamentary by-elections places an unnecessary burden on electoral administrators.

9.3 **In the interests of voters, the Electoral Commission reiterates its previous recommendation that the Government extend the UK Parliamentary timetable, both for general elections and by-elections to 25 days.** This will ensure that non-registered residents have a longer period of time to register and electors have more time to apply for an absent vote or to change their current absent voting arrangements.

Appendix A – The by-election electoral timetables

Event	Date
Writs moved in the House of Commons	30 April 2008 (Crewe & Nantwich) 6 June 2008 (Henley) 20 June 2008 (Haltemprice & Howden) 1 July 2008 (Glasgow East)
Notice of Election published not later than 4pm on	1 May 2008 (Crewe & Nantwich) 6 June 2008 (Henley) 23 June 2008 (Haltemprice & Howden) 2 July 2008 (Glasgow East)
First day for delivery of nomination papers (between 10am and 4pm on any day until last day)	2 May 2008 (Crewe & Nantwich) 9 June 2008 (Henley) 24 June 2008 (Haltemprice & Howden) 3 July 2008 (Glasgow East)
Last time for requests for a new postal vote, or to change or cancel an existing postal vote or proxy appointment	7 May 2008 (Crewe & Nantwich) 11 June 2008 (Henley) 25 June 2008 (Haltemprice & Howden) 9 July 2008 (Glasgow East)
Deadline for applications to be included on the register of electors in order to vote in the election	7 May 2008 (Crewe & Nantwich) 11 June 2008 (Henley) 25 June 2008 (Haltemprice & Howden) 9 July 2008 (Glasgow East)
Last date for the delivery of nomination papers	7 May 2008 (Crewe & Nantwich) 11 June 2008 (Henley) 26 June 2008 (Haltemprice & Howden) 9 July 2008 (Glasgow East)
Last date for withdrawals of candidature	7 May 2008 (Crewe & Nantwich) 11 June 2008 (Henley) 26 June 2008 (Haltemprice & Howden) 9 July 2008 (Glasgow East)
Last date for notice of appointment of election agents	7 May 2008 (Crewe & Nantwich) 11 June 2008 (Henley) 26 June 2008 (Haltemprice & Howden) 9 July 2008 (Glasgow East)

Event	Date
Publication of statement of persons nominated – if no objections must be no later than*	7 May 2008 (Crewe & Nantwich) 11 June 2008 (Henley) 26 June 2008 (Haltemprice & Howden) 9 July 2008 (Glasgow East)
Last time for new applications to vote by proxy (except for medical emergencies)	14 May 2008 (Crewe & Nantwich) 18 June 2008 (Henley) 2 July 2008 (Haltemprice & Howden) 16 July 2008 (Glasgow East)
Last day for notice of appointment of counting agents and polling agents	20 May 2008 (Crewe & Nantwich) 24 June 2008 (Henley) 8 July 2008 (Haltemprice & Howden) 22 July 2008 (Glasgow East)
Last day to apply for new applications to vote by proxy on grounds of a medical emergency	22 May 2008 (Crewe & Nantwich) 26 June 2008 (Henley) 10 July 2008 (Haltemprice & Howden) 24 July 2008 (Glasgow East)
Polling day (7am to 10pm)	22 May 2008 (Crewe & Nantwich) 26 June 2008 (Henley) 10 July 2008 (Haltemprice & Howden) 24 July 2008 (Glasgow East)

Note: * Had there been any objections, this part of the process would have needed to have been completed the next working day by 4pm.

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