

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

Response to consultations on the proposed scope of the Chief Counting Officer's directions and the timing of the counting of the votes at the referendum

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Translations and other formats

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1 Approach to managing the referendum

1.1 On 28 August, the Chief Counting Officer (CCO) commenced a [consultation on the proposed approach to managing the EU referendum](#). The proposed approach outlined in the consultation paper, which reflected discussions with the EU Referendum Management Board (EURMB) on 5 August 2015, was similar to that followed by Mary Pitcaithly as CCO for the Scottish independence referendum in September 2014.

1.2 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.

1.3 All Regional Counting Officer (RCO) designates have expressed support for this as the starting point for the approach to managing the EU referendum. At the August meeting of the EURMB, the CCO's proposed approach to managing the referendum was discussed, including the issuing of directions and provision of guidance, and the Board agreed the scope of the directions which formed the basis of the consultation.

1.4 The CCO also commenced a [consultation on the timing of the counting of the votes at the referendum](#), in particular seeking views from voters, broadcasters, campaigners and political parties on a potential direction to Counting Officers (COs) to ensure that the verification and counting of votes at the referendum is commenced as soon as reasonably practicable after the close of the poll.

1.5 The consultations closed on 30 September 2015. In addition to obtaining feedback through discussions with stakeholders from across the electoral community during the consultation period, we received 49 responses to our consultation from a range of organisations and individuals including COs and local authorities, the AEA, regional electoral administrator groups and disability organisations.

1.6 This paper summarises the comments received during the consultation period and sets out the CCO's response to these. It also reflects further discussions with the EURMB on 13 October and the EU Referendum Delivery Group (EURDG) on 28 October. The revised list of directions is set out in [Appendix A](#) – list of directions, with the amendments shown as tracked changes.

Background

1.7 In accordance with the framework laid out in the EU Referendum Bill, the Chair of the Electoral Commission, currently Jenny Watson, will be the 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.

1.8 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 place¹. The CCO and RCOs will have a power of direction over COs relating to the discharge of their functions and preparations for the referendum.

1.9 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.

1.10 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. 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 six 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. All RCOs have 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.

Assumptions

1.11 The approach set out in the consultation paper was developed on the assumption that the referendum will be held as a stand-alone poll and not combined with any other scheduled polls.

1.12 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

¹ The members of the European Referendum Management Board which includes the CCO, her Deputy (designate) and the Regional Counting Officers (designates) can be found [here](#).

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.

1.13 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, 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.

1.14 There is no intention to issue any further directions but, should it be considered necessary, further directions would be issued only after consultation with the European Union Referendum Management Board and the European Union Referendum Delivery Group.

2 Summary of consultation responses

Overview

2.1 The consultation papers asked respondents to consider a number of questions on the proposed directions, including:

- whether the proposed directions focussed 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
- whether respondents could foresee any particular issues with the implementation of these directions in practice
- whether there were any particular issues relating to costs arising out of the areas of direction, including whether there were any aspects of the proposed approach which suggested that funding based on that made available for the 2015 UK Parliamentary general election would be insufficient

2.2 The consultation paper on the CCO's proposed directions was sent to all COs and to a number of agencies, professional bodies and representative organisations. In addition to obtaining feedback through discussions with stakeholders from across the electoral community during the consultation period, we received 49 responses to our consultation from a range of organisations and individuals including COs and local authorities, the AEA, regional electoral administrator groups and disability organisations.

2.3 In addition to consulting with the electoral community, the CCO also provided voters, campaigners, political parties and broadcasters with the opportunity to comment on her proposed approach to managing the referendum. This included issuing a separate consultation paper which specifically sought views on the proposed timing of the referendum count.

Key themes

2.4 Respondents to the consultation welcomed the CCO's proposed approach to managing the referendum and issuing directions. In particular, respondents welcomed the change in approach from the 2011 UK Parliamentary voting system referendum, expressing support for the focus on a small number of key areas where consistency is most needed 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.

Fees and charges

2.5 It was noted by a number of respondents that several of the proposed directions, such as those relating to the number of ballot papers to be printed and the polling scheme, would have an impact on the cost of delivery of the referendum, and assurances were sought that this would be reflected in the fees and charges for the poll.

2.6 As set out in the consultation paper, the agreed approach to managing the referendum and the final list of directions will inform the development of the fees and charges order. We will endeavour to ensure through our work with the Cabinet Office that the funding available to COs will be sufficient for the effective management of the referendum.

Timing

2.7 Many respondents also highlighted the importance of clarity as to the date of the poll and strongly supported the legislation providing for the referendum and specifying rules being clear at least six months before the date of the poll in order to enable COs to prepare for the referendum locally.

2.8 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.

Notice of referendum

2.9 At the 13 October meeting of the EURMB, the Board identified the date for publication of the notice of referendum as being an area where consistency would be desirable, particularly given the links between the publication of the notice of referendum and proposed dates for despatch of poll cards and postal votes. In order to ensure consistency, the Board proposed that the CCO should issue a direction to specify when the notice should be published.

2.10 The CCO therefore intends to add a direction to require COs to publish the notice of referendum on a fixed date. The draft legislation currently specifies that the notice must be published by not later than 25 working days before the date of the poll. The exact date of publication will be confirmed once the date of the referendum is known.

Ballot papers

Colour of ordinary and tendered ballot papers

2.11 To ensure that the ballot paper to be issued to all electors in the UK is in the same form, the CCO proposed issuing a direction on the colour of the

referendum ballot paper, requiring ordinary ballot papers to be white and tendered ballot papers to be pink.

2.12 In selecting these colours, the CCO 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 sought to avoid any colours which have obvious political connotations. The CCO also took into account feedback on the availability and sourcing of paper stocks which broadly confirmed that the proposed colours would not cause any issues.

2.13 Also, the proposed colours are in line with the Commission's *Making your mark*² good practice design guidance, which contains advice on choosing ballot paper colours and the accessibility issues relating to colour and contrast. This guidance is based on the principles of usability and accessibility and was developed in liaison with professionals from the electoral community and from the fields of accessibility and usability.

2.14 As part of the consultation process, the CCO undertook to seek the views of disability organisations to inform the final direction. Although no respondents raised concerns regarding the colour of the ordinary ballot paper, the RNIB Wales stated that at present the evidence relating to the benefits of using off-white or yellow paper was not conclusive enough to provide any guidelines to inform the CCO's decision. In the absence of any evidence to the contrary, and taking into account the availability of white paper stocks, the CCO intends to confirm the proposed direction and require all ordinary ballot papers to be white.

2.15 One organisation, the Orders of St John Care Trust, noted that pink – the proposed colour for tendered ballot papers – can provide a poor contrast with the print, and suggested black print on a relatively bright yellow background as an alternative. There are, however, risks associated with the selection of yellow, which has obvious political connotations. On balance, and taking into account the purpose of tendered ballot papers and the very limited circumstances in which they will be used, the CCO intends to continue to direct that tendered ballot papers should be pink.

Official mark, unique identifying mark and ballot paper numbers

2.16 The CCO did not propose issuing a direction on the use of a single official mark for the whole of the UK and instead indicated that each RCO should have the discretion as to how to manage this within their electoral

² The full Making Your Mark guidance can be found here: <http://www.electoralcommission.org.uk/i-am-a/electoral-administrator/participation-resources-for-local-authorities>

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 did not propose making any direction relating to unique identifying marks on ballot papers.

2.17 To ensure that no two ballot papers bear the same number – on the assumption that this will be required by the legislation – the CCO did, however, propose directing that ballot paper numbers must contain a prefix made up of three alpha characters which will be specified for each counting area.

2.18 No concerns were raised with the proposed approach to the official mark, unique identifying mark and ballot paper numbers, although respondents did highlight the importance of ensuring that electoral software and print suppliers will be able to deliver the approach in practice. The CCO therefore intends to confirm the proposed direction on ballot paper numbering, and will work with RCOs, software and print suppliers to ensure that any practical issues relating to this direction can be identified and worked through at an early stage.

Form of ballot paper

2.19 In the course of discussions between the CCO and RCOs, RCOs 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 CO's. The CCO agreed 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.

2.20 The CCO therefore proposed 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.

2.21 For absolute clarity, the intention of the proposed direction is that the specimen ballot papers provided would in fact be 'print ready' versions, which consultation responses suggested would help to reduce the risk of error.

2.22 There was general support for the approach that COs must produce ballot papers in the form specified by the CCO. A number of respondents highlighted the importance of ensuring that the format of all voting material is agreed and made available well in advance of the referendum so that COs and their staff have sufficient time to ensure that the necessary arrangements are in place.

2.23 The CCO therefore intends to proceed with the proposed direction and will work to provide specimen print-ready ballot paper materials by the end of February 2016, although achieving this will be dependent on the legislation for both English and Welsh versions being clear in sufficient time to enable this.

Ballot paper printing

2.24 The CCO proposed directing that, as a minimum, 120% of the total number of ballot papers that may be required in the counting area must be printed.

2.25 A number of respondents raised concerns about the volume of ballot papers to be printed, and suggested that printing 120% of the total number of ballot papers that may be required in the counting area was excessive and unnecessary given their past experience. Concerns were also raised about the costs associated with this and the space required for securely storing ballot papers, particularly given the expectation that these will be printed well in advance of the poll.

2.26 We remain strongly of the view that a minimum level is needed to ensure an appropriate contingency is in place in case of unexpected printing problems or damage to or loss of ballot papers, and in recognition of the potential for late engagement in the referendum from the electorate translating into a high number of late applications for registration. We do, however, also recognise the practical challenges and costs relating to production and storage, and understand the concerns about the potential for waste across the UK, particularly in the case of larger local authorities. The CCO therefore intends to amend her proposed direction so that the minimum number of ballot papers required to be printed is reduced to 110%.

2.27 At the EURMB meeting on 13 October, the Board discussed the allocation of ballot papers to polling stations and recommended that, for the avoidance of doubt, the direction should also specify that 100% of ballot papers that may be needed at a polling station should be allocated to that station. The CCO has accepted this recommendation and has updated the direction accordingly.

Polling stations

Polling scheme

2.28 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.

2.29 The Commission has developed ratios for allocating electors and staff to polling stations. The ratios for use at a standalone poll, which have been in place for a number of years, previously in the form of the Cabinet Office's fees

and charges guidance, and since 2011 in our election guidance are 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.

2.30 The CCO proposed 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.

2.31 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.

2.32 The majority of respondents were broadly supportive of the CCO's proposed approach, stating that the Commission's guidance and recommended ratios were already well established.

2.33 There were, however, several respondents who indicated that they felt the Commission's recommended ratios were too generous and created a risk to the effective management of the polls.

2.34 While recognising the merits of allocation of fewer electors to polling station, 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.

2.35 At the other end of the spectrum, a number of respondents also stated that it was not practical to have to seek agreement from an RCO where a polling station is in excess of 2000 electors allocated to it, particularly given the Commission's current ratios for a standalone poll are that a polling station should not have more than 2500 electors and this maximum figure will have been used at the most recent polling district reviews.

2.36 The CCO and RCOs are all concerned 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. As set out in the consultation paper, the CCO and RCOs have considered a range of options for how best this can be achieved, with the proposed direction reflecting these discussions.

2.37 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.

2.38 The proposed approach aims to ensure that local knowledge and experience can be taken into account in considering the most appropriate way to deliver services using available resources, but at the same time provides assurances that the reasoning behind the decisions on allocation and the approach to mitigating any risks to electors being able to vote easily and without delay are clear.

2.39 On balance, the CCO intends to continue with the proposed direction outlined in the consultation paper, and will work with the RCOs on the detail of how the process for COs to seek agreement on their arrangements for polling stations with over 2000 electors should be managed in practice.

Information in polling stations

2.40 At the 13 October meeting of the EURMB, the Board discussed the information that should be available for voters in polling stations. In particular, the Board considered the availability of the Commission's voter information booklet. As was the case at the referendums in 2011 and at the Scottish independence referendum, the Commission intends to produce a voter information booklet which will be sent to all households across the UK. In 2011, the CCO directed that booklets must not be provided to polling stations.

2.41 Taking into account the views expressed by the EURMB and experience at previous referendums, the CCO intends to direct that the Commission's voter information booklet must not be made available in polling stations.

2.42 However, the CCO recognises that polling station staff will face questions on what the referendum is about and how to cast their vote. As at any election, it will be essential that polling station staff at the referendum are and are seen to be neutral and not biased in any way. While it will be entirely appropriate for staff to explain to voters how to mark the referendum ballot paper (with a cross), there are aspects relating to the subject matter of the referendum where it would be inappropriate for polling station staff to

comment. It will also be important to ensure that the information provided to electors in polling stations on the referendum is consistent across the whole of the UK.

2.43 The CCO therefore intends to produce guidance on what polling station staff should and should not say in these circumstances. This guidance will follow the approach taken before the 2011 referendum on the UK Parliamentary voting system and take the form of FAQs, but will be made available earlier in the process than in 2011 in order to ensure that COs can communicate this as part of their briefings for polling station staff.

Poll card despatch

2.44 To ensure 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 proposed 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.

2.45 The consultation did, however, note that if 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.

2.46 While respondents agreed in principle with the proposed direction – supporting the objective of ensuring that electors receive the same information at a similar time regardless of where they live in the UK – a number of respondents expressed a preference for a direction which focuses on the date of despatch of poll cards rather than a date for receipt by electors. This was principally due to concerns as to how far the actual delivery of poll cards can be controlled or measured by the CO.

2.47 This direction reflects the Commission's current guidance and performance standards for elections, which focus on when poll cards are received by electors. A direction which focuses on despatch dates would risk creating a wider window within which electors receive information as a result of differing approaches taken to despatch, including whether this is done by hand or by post.

2.48 The CCO does, however, recognise the issues raised by respondents to the consultation and has considered how these can be addressed while retaining the focus on when electors can expect to receive information. The CCO therefore intends to amend the proposed direction so that it addresses the time that poll cards are 'delivered to' rather than 'received by' electors. This change is designed to make clear that the emphasis is on COs putting plans in place which can reasonably be expected to ensure that poll cards will

be received by electors within the fixed window, based on the postal service used or the instructions given to those carrying out hand-delivery, and recognises that there may be individual instances outside of the CO's control which means that this may not be achieved in practice for every elector in the counting area.

Postal ballot despatch

Postal ballot packs to be sent to UK addresses

2.49 As with poll cards, to ensure consistency of voter experience while still allowing an element of flexibility for COs, the CCO proposed 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.

2.50 As set out in the consultation paper, 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, it is possible that lead campaigners at the EU referendum will not be designated until four weeks before the date of the poll. Consideration has also been given in the proposed timing of the despatch to the 28-day period provided for by Section 125 of the Political Parties, Elections and Referendums Act 2000 which places restrictions on the publication of promotional material about referendums by Ministers, government departments, local authorities and certain other bodies in receipt of public funds.

2.51 With this in mind, the CCO proposed 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.

2.52 Respondents were generally supportive of what the direction is aiming to achieve but, similarly to for poll cards, a number of respondents suggested the direction should refer to despatch dates rather than received by date.

2.53 As with poll cards, the CCO has taken into account the feedback received on the proposed direction and intends to amend it so that it addresses the time that postal votes are 'delivered to' rather than 'received by' electors. This change is designed to make clear that the emphasis is on COs putting plans in place which can reasonably be expected to ensure that postal votes will be received by electors within the fixed window, based on the postal service used or the instructions given to those carrying out hand-delivery, and recognises that there may be individual instances outside of the CO's control

which means that this may not be achieved in practice for every postal voter in the counting area.

2.54 While the CCO is content that the proposed window strikes the best balance between the various competing factors outlined above, it will be necessary to check the exact dates once the actual date of the referendum has been fixed to ensure the timings remain appropriate. Within one week of the referendum date being confirmed, the CCO will confirm the start and end date for postal votes being delivered to electors at UK addresses.

2.55 As set out in the consultation paper, the direction focuses on the first issue of postal ballot packs, and several respondents suggested that the CCO should also direct on subsequent issues. As recognised by a number of respondents, there are challenges and practical implications of establishing any fixed windows for this activity and so the CCO does not intend to issue a direction on the timing of subsequent issues of postal votes. The CCO will, however, consider what guidance may be helpful on this point and will work with the EURDG on this.

Postal ballot packs to be sent to addresses overseas

2.56 The CCO proposed 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. As with the despatch of postal ballot packs to overseas electors, the proposed window for despatch also seeks to recognise the 28-day period provided for by Section 125 of the Political Parties, Elections and Referendums Act 2000 which places restrictions on the publication of promotional material about referendums by Ministers, government departments, local authorities and certain other bodies in receipt of public funds.

2.57 The majority of respondents welcomed the proposal regarding despatch of postal ballot packs to overseas addresses, recognising the importance of electors having as much time as possible to receive, complete and return their postal vote, particularly in light of the issues reported at the May 2015 elections.

2.58 There were, however, a number of respondents who expressed some concern about their ability to deliver this in practice. For example, several respondents reported that some software systems are unable to export a file of overseas voters which creates practical challenges for printers in identifying and extracting those postal votes to be sent overseas so that they can be prioritised. Clearly this is an issue which will impact on all polls and not only the EU referendum, so we will work with software and print suppliers to

understand the extent of the challenge and to identify solutions to ensure that the proposed direction can be complied with.

2.59 While recognising the practical challenges that have been highlighted, the CCO intends to confirm the direction as set out in the consultation paper.

2.60 As with the issue of postal votes to addresses in the UK, while the CCO is content that the proposed window is appropriate, it will be necessary to check the exact dates once the actual date of the referendum has been fixed to ensure the timings remain appropriate, taking into account all the factors outlined above. Within one week of the referendum date being confirmed, the CCO will therefore confirm the final start and end date for the despatch of postal votes to addresses outside the UK.

Postal vote sweeps

2.61 The CCO and RCOs have held initial discussions on the potential for Royal Mail sweeps at the referendum. The CCO is currently considering whether to issue a direction on this point, and wants to take into account the Cabinet Office's evaluation of the sweeps at the May 2015 elections, which we understand will be available later in the year, in reaching this decision. However recognising that a decision on this point is important in order to enable COs to make any necessary arrangements in relation to licences and stationery, the CCO intends to confirm her position on sweeps by the end of December 2015.

Timing of count

2.62 The CCO proposed directing 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 CCO's proposed direction set out explicitly that the count processes must be carried out overnight, commencing at the close of poll.

2.63 We received a number of responses with varying views on this proposed direction. While some respondents, including the AEA, did not raise any objections to the approach, several respondents outlined their opposition to the proposal which generally related to concerns about cost, staff welfare, the unavailability of experienced staff who will have been working in polling stations throughout polling day and other logistical challenges.

2.64 We did not receive any formal responses to our consultation from voters, broadcasters, potential campaigners or political parties. However, in discussions with broadcasters, there has been general support for overnight counts.

2.65 While the CCO recognises the practical challenges of delivering an overnight count, we have seen nothing to suggest that, with advance planning, an overnight count for the EU referendum cannot be completed, efficiently, transparently and accurately – as was the case for the Scottish

independence referendum in September 2014. Also, early confirmation of the timing of the referendum count should help to enable COs to put arrangements in place to enable overnight counts to be delivered effectively.

2.66 Among those respondents who were content with the proposal for an overnight count, there was some feedback that the direction could be set out more clearly, with reference to the processes starting at a particular time. The CCO has therefore amended the wording of the direction to make explicit that the expectation is that the verification and count processes should commence at 10pm. Clearly there will be logistical issues which will impact on how much activity can be carried out in the period immediately following the close of poll, but it should nevertheless be possible for all COs to start the verification from 10pm, for example by commencing the verification of postal ballot boxes from earlier opening sessions.

Method of verification and count

2.67 The CCO proposed directing 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.

2.68 While the majority of respondents expressed support for this approach, a number of respondents expressed concern that this approach may not work in all areas, particularly smaller local authorities, with some suggesting that the approach should more closely mirror the direction the CCO at the Scottish referendum issued, whereby COs were directed to adopt a mini-count method only if they intended to proceed to count votes prior to completion of the verification of all boxes.

2.69 As set out in the consultation paper, the CCO's proposed direction would not require any specific model to be followed. The CCO would, 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.

2.70 The CCO remains keen to ensure that COs are able to use their local experience and knowledge in developing their verification and count processes but continues to believe that carrying out verification and count processes in self-contained areas is an effective way of managing the process and helps to produce accurate results with a clear audit trail, with any issues more easily identified and resolved. The CCO therefore intends to confirm the direction as set out in the consultation paper.

2.71 A number of respondents suggested that smaller areas should be defined. While the CCO's guidance will set out various options for breaking down the verification and count into smaller counting areas, for example, by ward, the CCO believes that the size and number of the areas in each counting area should be at the discretion of individual COs, and so does not intend to direct on this particular point.

2.72 At the 13 October meeting of the EURMB there was discussion around the potential to make explicit in the direction that in each of the self-contained 'areas' the counting of votes should not be commenced until the verification has been completed. This would not stop counting from commencing before verification had been completed for the whole of the counting area but would mean that the verification within each 'area' would need to be completed before those votes could be counted. The CCO intends to add to the original direction to address this point.

Managing the performance of Counting Officers

2.73 There were no concerns raised relating to the proposed approach to managing the performance of COs, and respondents were content with the proposal to collect some management information from all COs.

2.74 The consultation paper set out that the CCO did not intend to direct COs to provide this information but was prepared to issue a direction to any individual CO in the event that the information was not forthcoming. However, a number of respondents stated that the CCO should issue a direction to all COs to provide the necessary information, and that this information should be identified and agreed as soon as possible.

2.75 Taking into account these responses, the CCO now intends to issue a direction requiring all COs to provide specified management information. The precise information to be collected will be developed in close consultation with the EURMB and the EURDG. In recognition of the importance of agreeing at an early stage what information will be required and by when, we intend to confirm this to all COs by the end of January 2016.

3 Next steps

3.1 Now that the CCO's approach to managing the referendum and the directions have been established, albeit subject to the relevant legislation being confirmed, work will start on the detailed guidance and resources to support planning for and delivery of the referendum.

3.2 The EURDG has already discussed the proposed approach to guidance and resources at its August meeting, and has agreed that the support package should mirror that which has been produced for previous electoral events, including the May 2015 polls, in both approach and content, except for where the specific circumstances of the referendum or the legislation or directions require it to be different. The final directions will be embedded throughout the guidance.

3.3 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. We will continue to work closely with the EURDG on the development of the core guidance and supporting resources, and intend to share drafts of the guidance with them in December for comment by early January. The EURMB will then have the opportunity to review the final guidance before publication.

3.4 There will be a discussion on the approach to monitoring the performance of COs at the referendum, including the management information to be collected from all COs, at the December meeting of the EURMB. The intention is for the detail to be developed and the final approach agreed in time for communication to all COs by the end of January 2016.

Appendix A – list of directions

The following pages contain the revised list of directions, with the proposed amendments made to the draft directions as a result of comments received during the consultation process shown as tracked changes.

1A	<u>Notice of referendum</u>	<u>The notice of referendum must be published on a date to be specified by the CCO</u>
1	Ballot papers	<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, 12110% of the total number of ballot papers that may be required in the counting area must be printed; <u>100% of the total number of ballot papers that may be required in a particular polling station must be allocated to that polling station</u></p>
2	<u>Polling scheme stations</u>	<p>When allocating electors and staff to polling stations, 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-electors allocated to it can vote easily and without delay</p> <p><u>Copies of the Commission's information booklet must not be made available in polling stations</u></p>
3	Poll card despatch	Ensure that poll cards are received by <u>delivered to</u> electors <u>voters</u> within a period of five working days starting with the day after the last date for publication of the notice of referendum
4	Postal ballot despatch	<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 <u>received by</u>delivered to voters-electors 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	Timing of count	Ensure that the verification and counting of votes is commenced as soon as reasonably practicable after

		the close of poll at 10pm For the avoidance of doubt, the count processes must be carried out overnight, commencing at the close of poll
6	Method of verification and count	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; <u>the counting of votes for any self-contained 'area' must not be commenced until the verification for that 'area' has been completed</u>
7	<u>Monitoring the performance of Counting Officers</u>	To p Provide the CCO with the necessary specified management information