



The Greater London Authority elections 2008

Report on the administration of the
1 May 2008 elections

July 2008

Translations and other formats

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Summary and recommendations

This report identifies and comments on key issues that emerged in the course of the elections to the Greater London Authority in 2008. It focuses primarily on the administration of the elections.

The elections held in London on 1 May 2008 marked the third round of elections to the Greater London Authority (GLA) since it was established in 2000, and were among the largest and most complex election events in the UK. GLA elections are unique compared with other local government elections in the United Kingdom in relation to the size of the electorate, the complexity of different voting systems and scale of the administrative arrangements required for the successful delivery of the elections.

Just under 5.5 million electors across the 32 London boroughs and the City of London were eligible to vote for the Mayor of London. In addition there were elections to elect 14 Constituency Members and 11 London-wide Members of the London Assembly. A number of different electoral systems were used at these elections, and electors were given three ballot papers so they could vote in each of the separate elections. More than 7 million ballot papers were completed and cast by electors across the three contests, and were counted using electronic scanning machines and software at three centralised count centres.

The administration of the London elections, including the procurement and management of an electronic counting system, was the responsibility of the Greater London Returning Officer (GLRO). The GLRO was supported by 14 Constituency Returning Officers (CROs) who had specific responsibilities for the election of Constituency Members of the London Assembly.

These were the first scheduled elections to be held in London since significant legislative changes were introduced in 2006. However, despite the potential challenges of these elections, the 2008 elections in London were delivered smoothly, with few problems that would have been apparent to voters.

There was a range of small problems that could have been avoided through improved planning and management practices. There were also some issues of detail concerning the application of electoral legislation, where the relevant election rules would benefit from revision to address problems that have arisen in practice.

Summary of recommendations and actions

Context and legislation

We acknowledge the constructive role played by the Greater London Assembly Elections Review Committee in scrutinising the planning and administration of previous GLA elections, and understand that another such review will follow the 2008 elections. We will assist the Committee in its scrutiny of the 2008 GLA elections.

We have previously stated our view that the legal framework for elections in the UK is often finalised too close to critical implementation dates to allow for effective planning and delivery of electoral administration activities. The improved experience in planning for the local elections in England in May 2008, compared with previous years, reinforces the case that there should be a six-month period between the enactment of any legislative change (including both primary and secondary legislation) and the date of any scheduled elections. We acknowledge, however, that there may be limited circumstances in which changes within any six-month period before an election date may be required and beneficial, including instances where electors' interests are clearly at issue or where minor technical amendments are required.

Roles

Given the complexity involved in the administration of elections as large and significant as the GLA contests, all those involved require clearly defined responsibilities and authority to carry out those responsibilities. We therefore reiterate our recommendation to the UK Government that the role and responsibilities of borough returning officers should be clearly and appropriately recognised within the legal framework for the GLA elections in 2012.

We appreciate that the power of direction which is available to the GLRO may be considered a tool of last resort in the event of non co-operation by CROs, and in 2008 the GLRO appears to have managed his relationship with CROs effectively on an informal basis. However, it is important that the power of the GLRO to direct other participants in the administration of these elections is retained, and that the GLRO should be able to use this power where it is required to deliver a consistent and effective approach to running the election.

Planning

The co-ordination and administration of the GLA elections requires a significant commitment of core staff resource over a relatively long period of time. Elections professionals as well as legal, procurement and technical experts are required to work closely together to deliver a complex programme of activities. The procurement and management of the electronic counting system undoubtedly increased the complexity of the administrative arrangements for the 2008 elections. Although we cannot make specific recommendations about the size or nature of any future GLRO support team, we would strongly encourage the GLRO and the GLA to identify the potential requirements for such a team as early as possible in the planning process.

The implementation of electronic counting at the 2008 GLA elections was better planned and executed than many previous experiences across England, Scotland and Wales. The team responsible for planning and managing the electronic counting element of the London elections had clearly learned a great deal from the 2000 and 2004 GLA elections, from the experience of the Scottish elections in 2007 and from the smaller pilot schemes at local elections since 2000. This experience was reflected in

improved planning, management and testing, including significant investment by the GLRO in pre-election auditing.

Nevertheless, we are extremely concerned that neither the Commission nor our technical advisers have been given access to the full reports of the independent testing commissioned by the GLRO. One of the principal purposes of undertaking testing and quality assurance is to provide broad public assurance about the effectiveness and integrity of complex technical systems. Given the technical nature of electronic systems which are used to deliver elements of the election process, both electors and candidates (as well as political parties) are increasingly reliant on effective independent audit to provide such assurance.

We recognise that commercial suppliers, including suppliers of election technology and suppliers of testing and assurance services, may wish to protect their commercial interests. However, such wishes should never take priority over the interests of electors and other participants, including political parties and candidates, in transparency and accountability for any actions and decisions made by Returning Officers in the course of delivering their public responsibilities.

We recommend that any future technical audit or quality assurance reviews should always include a requirement for full publication of details of the processes used and the results of assurance. To support full and proper transparency and accountability for decisions relating to the use of technology, in future any audit or quality assurance documentation must be made available for review by suitably qualified experts and anyone else with an interest, including the Electoral Commission. Considerations of security or commercial confidentiality may be relevant, but any proposal to restrict access to key management information must be properly and openly justified, and set against the risks of damaging participant and public confidence in the integrity and effectiveness of systems.

Design of ballot papers

The design of the ballot papers for these elections appears to have improved as a result of testing and research, and electors benefited from clearer and more accessible design. Following the May 2007 Scottish elections, we committed to developing standards for the design of ballot papers and information for electors, and we will take into account the experience of the 2008 GLA elections as part of that work. We expect to publish our plans for developing these standards in September 2008.

Limitations on the size of the ballot papers for these elections were imposed only by the technical specifications of the electronic counting system. It is possible that the potential need to use two columns of candidates or parties on ballot papers as a result of these limitations could have had a negative impact on the clarity and accessibility of ballot papers. The research commissioned by the GLRO did not explicitly consider the possible impact of using more than one column on ballot papers.

The use of any electronic counting systems at future elections may again place a limitation on the size of ballot papers, given that it will be impossible to predict accurately in advance of the close of nominations the number of candidates or parties that will be validly nominated. Further research should be carried out on the impact of the ability of electors to easily and clearly mark their choice using ballot papers with two columns of candidates or parties, and we will consider these issues in our planned work on standards for ballot paper design.

Nominations

We believe there is great value in Returning Officers holding briefing meetings on standing for election and the value to candidates and agents attending these, in order to avoid problems and minimise individual queries, and we will continue to reflect the benefits of such briefings in our guidance to Returning Officers.

We believe that those seeking nomination as independent candidates should be able to access a copy of the full electoral register for the purpose of completing nomination papers, on the same terms as candidates standing for election on behalf of a registered political party. We recommend that the UK Government should review the provisions relating to the supply of electoral registers to candidates in order to ensure equality of treatment for independent candidates.

Absent voting

The Commission strongly believes that 100% personal identifier verification should be mandatory. A full check of all returned postal voting statements is the only way of checking that postal votes are returned by those who applied for them. We are pleased that for these elections all borough returning officers intended to check 100% of postal voting statements and the majority achieved this. We continue to recommend that Returning Officers should check personal identifiers on 100% of returned postal voting statements.

We were pleased that the UK Government made no changes to the legislation for absent voting identifiers ahead of the 1 May elections, as we recommended. This has enabled Electoral Registration Officers and Returning Officers to refine their procedures and consider the necessary processes. Now that one year has elapsed, we suggest that some enhancement is needed to the legislation for England and Wales, as well as for Scotland:

- Reconsidering the signature waiver provisions.
- Granting Returning Officers the ability to check an identifier on a postal vote statement against more than one control where more than one is available, and subsequent provisions for the sharing of additional control identifiers between Electoral Registration Officers and Returning Officers.

- Empowering Electoral Registration Officers to renew or refresh their absent voting identifier record at any time, and to use more than one control element for each identifier.
- Requiring Returning Officers to advise Electoral Registration Officers of those electors whose postal votes were rejected due to a mismatch of identifiers for follow up action by the Electoral Registration Officer.
- Providing for access to data on rejected postal voting statements to allow Electoral Registration Officers to write to all electors whose postal votes are rejected due to a mismatch of identifiers inviting the provision of new identifiers.
- Enabling Returning Officers to write to any elector where a Returning Officer believes that their postal ballot was used in error by someone other than the elector, advising of the correct process and the possible penalties for malpractice.

We shall convene discussions of representative organisations, including Returning Officers and electoral administrators, to consider practical proposals on these issues by the end of 2008. In particular, we will identify those areas which may be addressed through revised guidance, and those which may require further legislative change.

We continue to press the UK Government to move to a mandatory national standard for the storage, maintenance and exchange of absent voting identifiers.

Concerns were also raised by Returning Officers that for older and younger generations signatures were likely to differ over the period of five years. This could be alleviated by giving Electoral Registration Officers the power to refresh the absent voting record at any time, which we first recommended in our 2007 report on absent voting identifiers. We will continue to press the UK Government to introduce this.

We will continue to monitor postal vote rejection levels based on the available research, in consultation with Returning Officers and electoral administrators. We will continue to work with Returning Officers to discuss and share best practice on managing absent vote identifier verification.

Voting in polling stations

We have seen no evidence that the apparently poor quality of ballot box seals led to any malpractice or impropriety. However, this can have a significant impact on candidate and public confidence. The quality and suitability of ballot boxes and seals needs to be considered by the GLRO in the light of this experience.

The count

We understand that some scanner operators were recruited at short notice and had little to no experience of the electronic counting system before the day of the count itself. We recommend that all staff at an electronic count are

provided by the CRO and are trained either centrally by London Elects in conjunction with the electronic counting provider or by the CRO.

We have significant concerns about the number and size of discrepancies between the numbers of ballot papers expected and the numbers verified as having been scanned. We do not have comparable statistical evidence to support an assessment of whether the figures for these elections are significantly better or worse than would be expected at a manual count. It is possible that most or all of the verification discrepancies can be explained, but the electronic counting system used at these elections did not support the more detailed notes that might provide an audit trail of individual decisions or corrections to ballot paper account figures which is usual in a manual count. We are also concerned that candidates and agents did not appear to actively scrutinise or challenge the verification process.

Given these concerns, we recommend that if electronic counting is used at future statutory elections in the United Kingdom, the following specific steps to improve transparency of the verification process should be considered:

- The electronic counting system must allow Returning Officers or their staff to record the reasons for any verification discrepancies, or to correct the original ballot paper account figures.
- Returning Officers should be required to provide a verification statement for every ballot box to any candidates, agents or observers present before those ballot papers can be counted.
- We also recommend that candidates and agents should take the opportunity to review verification statements where provided.

We reiterate our recommendation to the UK Government that it should undertake the activities identified in our November 2007 response to the independent review of the 2007 Scottish elections before electronic counting is pursued for use at any future statutory elections in the UK:

- The UK Government should undertake and publish a cost-benefit analysis for the use of electronic counting, and consult widely on the findings.
- The UK Government should consult on and finalise an implementation strategy for electronic counting, setting clear milestones for establishing procedures for testing, security, and stakeholder assurance.
- The UK Government should produce an analysis of the modifications required to electoral law to allow for electronic counting to be undertaken with all the transparency and safeguards currently in place for manual counting, including those for adjudicating and rejecting ballot papers and consulting widely on the necessary amendments to legislation.
- The Commission should produce comprehensive best practice guidance on the management of electronic counting processes, including risk assessment, contingency planning, preparation of manual backups and a design for elector and stakeholder consultation.

- The UK Government should make the necessary amendments to section 6A-6F of the Political Parties, Elections and Referendums Act 2000, to guarantee full access to all relevant parts of any e-counting system or process for accredited observers.

In the absence of a wider policy and legislative framework for electronic counting, we would start from the assumption that the 2012 GLA elections will be counted manually. We recommend that, as a key part of any broader cost-benefit analysis of electronic counting carried out by the UK Government, a detailed analysis of the costs and benefits of both electronic and manual options for counting ballot papers at the 2012 GLA elections should be carried out by the GLRO. This analysis must be carried out as a matter of urgency, as an essential first step in the process of planning for the administration of the 2012 elections, and certainly before any high-level budget decisions are taken. Any analysis will need to be led by the GLRO, but should ideally be informed by a clear statement of the UK Government's wider policy objectives and strategy for the future use of electronic counting. The results of any analysis should be formally published before any decision on the use of electronic counting for the 2012 elections is taken.

Any assessment of the costs and benefits of using electronic counting should also include an assessment of the impact of electronic counting on the scrutiny role of candidates and observers, and on broader public confidence in the effectiveness and integrity of the counting of votes.

1 Introduction

About the Electoral Commission

1.1 The Electoral Commission is an independent body set up by the UK Parliament under the Political Parties, Elections and Referendums Act 2000 (PPERA). Our aim is integrity and public confidence in the UK's democratic process. We regulate party and election finance and set standards for well-run elections. Our corporate plan sets our strategic direction over the next five years from April 2008. The aims and objectives of the plan are underpinned by two key priorities – demonstrating and enhancing our effectiveness as the regulator of party and election finance and leading the drive for increasingly high standards of electoral administration, including electoral registration. Our objectives are:

- Integrity and transparency of party and election finance.
- Complete and accurate electoral registers supported by a well-run electoral registration process.
- Well-run elections and referendums which produce results that are accepted.
- Public understanding of the way our democracy works.
- Fair boundary arrangements for elections.

1.2 We produce independent reports on the administration of all major elections in the UK. We also review and comment on draft electoral legislation and identify where changes in the law will help secure improvements in the delivery of quality electoral administration.

About this report

1.3 This report covers matters specific to the 2008 elections for the London Mayor and the 25 members of the London Assembly. The report focuses primarily on the planning and administration of the election (including the central co-ordination by the Greater London Returning Officer GLRO) and the use of electronic counting.

1.4 We contracted Actica Consulting to undertake an independent technical assessment of the procurement and management of the electronic counting system. The key findings have been included in this report and further detail can be found in a separate report published on our website.¹

1.5 Elections also took place on 1 May 2008 to local authorities in England and Wales. The Commission is producing separate reports on the administration of these elections which are available on our website.

¹ A more detailed analysis can be found in Actica's report, which will be available on the Commission's website.

Sources used to inform this report

1.6 We have collected information for this report from a variety of sources, including:

Commission representatives

1.7 Commission representatives attended training sessions prior to the day of the count and visited a number of London boroughs during the election period to observe procedures and working practices. This included postal vote opening and verification, observing proceedings at a number of polling stations on polling day, attending verification of postal ballot papers at two boroughs on the Thursday after close of poll and attending all three count centres during the counting process on 2 May 2008.

Survey of Returning Officers

1.8 We asked Returning Officers to complete a feedback form seeking their views on a range of topics on the administration of these elections. We received 16 feedback forms from the 33 London boroughs.

Election results analysis

1.9 The Commission contracted Professors Rallings and Thrasher of the Local Government Chronicle Elections Centre at the University of Plymouth to collect data, including figures for turnout and the extent of postal voting at the GLA elections. Further election results analysis will be published on the Commission's website.

Public opinion research

1.10 We commissioned ICM to conduct public opinion research on the voter experience of the elections. Interviews were conducted with a sample of 844 people aged 18 and over in London. Interviewing was carried out by telephone between 2 and 15 May 2008. Further details of this research will be available on the Commission's website.

Stakeholder consultations

1.11 Following the elections, a seminar was held to receive feedback and review the election experiences of Returning Officers, electoral administrators, the Greater London Returning Officer (GLRO) and his staff.

2 Context and legislation

About these elections

2.1 The elections held in London on 1 May 2008 marked the third round of elections to the Greater London Authority (GLA) since it was established in 2000, and were among the largest and most complex election events in the UK. GLA elections are unique compared with other local government elections in the United Kingdom in relation to the size of the electorate, the complexity of different voting systems and scale of the administrative arrangements required for the successful delivery of the elections.

2.2 Just under 5.5 million electors across the 32 London boroughs and the City of London² were eligible to vote for the Mayor of London. In addition there were elections to elect 14 Constituency Members and 11 London-wide Members of the London Assembly. A number of different electoral systems were used at these elections: the supplementary vote system was used to elect the Mayor of London; the additional member system was used to elect members of the London Assembly, with Constituency Members elected using the first-past-the-post system and London-wide seats allocated to political parties or independent candidates using the modified d'Hondt formula. Appendix A provides an explanation of the operation of the electoral systems used at the GLA elections since 2000.

2.3 Electors were given three ballot papers so they could vote in each of the separate elections: one ballot paper for the Mayor of London election, which required a first and second choice in two separate columns; a second ballot paper for the election of a Constituency Member of the London Assembly, which required a choice for a single candidate; and a third ballot paper for the election of London-wide Members of London Assembly, which required a single choice for a political party or independent candidate. More than 7 million ballots papers were completed and cast by electors across the three contests.

2.4 More than 17,000 staff were involved in the administration of the elections. A total of 3,534 polling stations were open from 7am until 10pm on Thursday 1 May. 634,838 postal ballot packs were sent to electors who had requested them, and 456,240 completed ballot packs were returned and processed in time to be included in the count on Friday 2 May.

2.5 The rules for the election allowed for the electronic counting of paper ballot papers. Ballot papers were scanned and the votes for the three contests counted using electronic counting software and scanning machines, provided by Indra Sistemas. Three count centres were used to host the counting of ballot papers on 2 May: Alexandra Palace in north London, ExCeL in east London and Olympia in west London. The Olympia count centre contained the equipment and staff required to count ballot papers across a total of six

² For the purpose of the report, the term 'London boroughs' is used to refer to the 32 London boroughs and the City of London.

separate London Assembly constituency areas, while the other two count centres each hosted the count for four separate constituency areas. More than 1,300 staff were employed across the three count centres, and a total of 210 scanning machines were used.

2.6 The administration of the London elections was the responsibility of the Greater London Returning Officer (GLRO). The GLRO was supported by 14 Constituency Returning Officers (CROs) who had specific responsibilities for the election of Constituency Members of the London Assembly. The GLRO and the CROs were supported by local Returning Officers and their staff from the remaining London borough authorities.

2.7 The GLRO established a central administrative team, London Elects, to assist in the planning and delivery of his responsibilities. London Elects also provided information about the elections to electors across London. The total budget for these elections was over £18 million, including the contract for the provision of electronic counting which cost over £4 million.

Experience of electronic counting prior to May 2008

2.8 The electronic counting of ballot papers has been trialled in electoral pilot schemes as well as at some statutory elections. The technology has been trialled at English local government elections in 2000, 2002, 2003, 2004, 2006 and 2007 and was also used under specific legislation at the 2000 and 2004 elections for the Mayor of London and London Assembly. Electronic counting was also used at the combined Scottish Parliamentary and local government elections in 2007.

2.9 Following both the 2000 and 2004 GLA elections, the use of electronic counting was considered within the scope of wider reviews of the administration of the elections carried out by the London Assembly. In 2004, the London Assembly Elections Review Committee made a number of practical recommendations that were aimed at improving the procedure and transparency of electronic counting. The Committee's recommendations are summarised, along with other recommendations not specifically related to the use of electronic counting, in the following paragraphs 2.13 to 2.17.

2.10 In August 2007, the Electoral Commission made a number of recommendations to the UK Government following our statutory evaluation of the electronic counting pilots in May 2007. We made it clear that any further plans for electronic counting should allow sufficient time for planning and implementation, including time for substantial testing and expert input from electoral administrators in developing best practice.

2.11 In October 2007 the Commission published its independent review of the May 2007 elections in Scotland,³ which included consideration of a number of

³ Gould, R (2007) *Scottish Elections 2007: The independent review of the Scottish Parliamentary and local government elections 3 May 2007*.
http://www.electoralcommission.org.uk/__data/assets/electoral_commission_pdf_file/0011/13223/Scottish-Election-Report-A-Final-For-Web_27622-20316__E__N__S__W__.pdf

issues and problems experienced in the use of electronic counting systems for those elections. In November 2007 we set out our views on how to take forward the recommendations of this review.⁴ Taking into account the report's conclusions, we acknowledged that our earlier recommendations from our evaluation of the 2007 electoral pilot schemes relating to the future use of electronic counting were no longer sufficient. We set out a series of steps that we believed should be taken as a necessary pre-condition to any further use of electronic counting at statutory elections in the UK, including the development of a cost-benefit analysis, an implementation strategy for electronic counting, and an analysis of the modifications required to electoral law to allow for electronic counting to be undertaken with all the transparency and safeguards comparable with a manual count.

2.12 The Commission's Chief Executive wrote to the GLRO explaining our recommendations in relation to the use of electronic counting. We made clear our understanding of the advanced planning that had been undertaken by his team, and acknowledged that it would be too late to plan and implement a manual count for the May 2008 GLA elections. We also made some specific recommendations that could be implemented to improve the electronic counting process:

- All doubtful ballot papers should be adjudicated by the CRO with no automatic rejection of blank ballot papers; this provides for candidates and agents to fully exercise their rights to inspect and object to the rejection of a ballot paper.
- Some consideration as to making the actual doubtful ballot papers available in addition to the scanned images.
- More detailed information should be entered using the count management system to make clear the specific reasons for rejecting a ballot paper.

The London Assembly Elections Review Committee

2.13 Following the 2004 GLA elections, the London Assembly established an Elections Review Committee to review and report on the planning and administration of these elections. In its report, the Committee made a number of recommendations for future GLA elections:

- A five day extension to the statutory timetable to allow time for the Mayoral address booklet to be distributed ahead of the despatch of postal ballot papers.
- An increased effort from the GLRO and the Commission to provide information to electors about the London Assembly elections.
- The provision of a general power of direction for the GLRO to direct CROs.

⁴ The Electoral Commission *Taking forward the Electoral Commission's independent review of the 2007 Scottish Parliamentary and local government elections* (2007).
http://www.electoralcommission.org.uk/__data/assets/electoral_commission_pdf_file/0012/13224/Scottish-Election-Report-B-Final-For-Web_27602-20317__E__N__S__W__.pdf

- An electronic counting system that makes clear the distinction between blank and uncertain ballot papers.
- The introduction of count progress screens to replicate the mounting of ballot papers.
- User-testing to find the most accessible design for ballot papers.
- The UK Government should introduce legislation to enable the GLRO to order a recount in Greater London Authority elections.
- Subject to constraints of space and security considerations, the GLRO should provide better arrangements for candidates and agents – there is a need for shared facilities to be accessible and for those attending the declarations to be able to move around the building easily. Printouts of results declared at City Hall should be made available immediately after each declaration.

2.14 The Committee also recommended one multi-constituency count centre rather than separate count centres in each constituency. This was taken forward in part, although three count centres were used to count the votes.

2.15 The Committee was reconvened in May 2007 to scrutinise the arrangements for the 2008 London elections in light of the experience of electronic counting in Scotland and five pilot schemes in England in May 2007. Following this, it made a number of additional recommendations to the GLRO in December 2007 which included: that the GLRO should put in place appropriate processes to evaluate, learn from and implement the outcomes of the election; that the GLRO should set out contingency plans for a full or partial manual count; and that candidates and agents should be able to observe the adjudication of doubtful ballot papers on screen, accepting that wholly unmarked paper would not appear at the same time as other adjudications and that those attending the count should have this made clear.

2.16 The Committee also wanted to see clearer guidance for the adjudication process of doubtful ballot papers at the count (issues relating to doubtful ballot papers are discussed later on in the report) and clearer information on the reasons for rejected votes, including separate information on the number of blanks and votes where the voter's intention was unclear. It also requested that the electronic counting system should display the counted votes for each candidate to improve transparency and to replicate the mounting piles of ballot papers at a manual count.

2.17 We acknowledge the constructive role played by the London Assembly Elections Review Committee in scrutinising the planning and administration of previous GLA elections, and understand that another such review will follow the 2008 elections. We will assist the Committee in its scrutiny of the 2008 GLA elections.

Legislation for the elections

2.18 The broad framework for the election of the Mayor of London and the London Assembly is provided by the Greater London Authority Act 1999, which specifies the date of election, the voting systems and arrangements for

filling vacancies. The rules for the conduct of the elections are in the Greater London Authority Elections Rules 2007 which were laid before Parliament on 18 December 2007 and came into force on 14 January 2008.

2.19 These rules provided that an electronic counting system would be used to count the ballot papers in May 2008. It also included provisions to allow for a manual count should one be required, or if there is a GLA by-election before 2012. The rules also incorporated changes introduced by the Electoral Administration Act 2006 (EAA), bringing consistency between the legal framework for GLA elections and other elections within England and Wales. The key changes brought in at these elections by the EAA and the subsequent secondary legislation were:

- 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 Returning Officers to actively encourage participation in elections and providing some funding for such activities.
- Enabling 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.
- Removing the need for ballot paper counterfoils, and giving Returning Officers greater discretion as to marking the papers with the official mark and the unique identifying mark.
- Reducing the minimum age of candidacy from 21 to 18.
- Allowing candidates to use their commonly used names on ballot papers.
- Treating Maundy Thursday as a working day for electoral purposes.
- Increasing the length of time available for the police to carry out investigations into electoral malpractice.
- Allowing independent observers at elections for the first time.
- Allowing Returning Officers to correct their own procedural errors.
- 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 Electoral 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.
- Introducing a procedure for the cancellation and replacement of postal ballot papers.
- Allowing a voter to confirm that their postal vote has been received by the Returning Officer.
- Requiring a marked copy of the postal voters list to be compiled and prescribing conditions for access to such a list.

2.20 The rules also introduced an additional five days to the statutory election timetable for these elections, increasing it from 25 to 30 days from the publication of the Notice of Election to the day of the poll. The last date for notice of the elections was 18 March. This was principally aimed at ensuring the Mayoral address booklet could be despatched earlier than in previous elections, enabling postal voters in particular to read the candidates' policies before voting.

2.21 The GLRO's team worked closely with the Ministry of Justice over a period of 18 months as members of its GLA Rules project team. Following a review of the experience of the 2004 elections, the team recommended a number of changes to the election rules as early as January 2005. Overall London Elects have indicated that they felt the process of drafting the legislation worked well. Their aim was for the Rules to be in place by summer 2007, although London Elects have suggested that the possibility of a UK Parliamentary election in the autumn of 2007 meant that work on the Rules was delayed. The Greater London Authority Elections Rules 2007 were laid before the UK Parliament less than five months before polling day for the May 2008 elections, and came into force only two months before the beginning of the election timetable.

2.22 The experience of issues relating to electronic counting systems used at the 2007 Scottish elections and the electoral pilot schemes in England may have prompted caution on the part of the Ministry of Justice, and we acknowledge that there may have been risks in proceeding with laying the rules without the opportunity to properly consider the conclusions and recommendations of the independent review of the Scottish elections. Having taken into account the conclusions of the Gould report and the Electoral Commission's response, two key changes were made to the GLA rules in late 2007: adding a requirement to display images of unmarked ballot papers, and providing the ability for candidates and agents to request that the CRO retrieve ballot papers physically for adjudication (although the CRO could refuse a request).

2.23 We have previously stated our view that the legal framework for elections in the UK is often finalised too close to critical implementation dates to allow for effective planning and delivery of electoral administration activities. The improved experience in planning for the local elections in England in May 2008, compared with previous years, reinforces the case that there should be a six-month period between the enactment of any legislative change (including both primary and secondary legislation) and the date of any scheduled elections. We acknowledge, however, that there may be limited circumstances in which changes within any six-month period before an election date may be required and beneficial, including instances where electors' interests are clearly at issue or where minor technical amendments are required.

Local authority by-elections

2.24 In the months before the May 2008 elections, seven London borough ward seats became vacant. Given the closeness in timing of those vacancies to the scheduled May elections, the Returning Officers for those boroughs were able to apply to the GLRO on an individual basis for permission to combine the local by-elections with the GLA elections. As a result, the following by-elections were held on a combined basis:

- Greenford Broadway Ward, London Borough of Ealing
- Sands End Ward, London Borough of Hammersmith & Fulham
- Brompton Ward, Royal Borough of Kensington & Chelsea
- Millwall and Weavers Wards, London Borough of Tower Hamlets

2.25 The remaining two by-elections Hale Ward (Barnet) and Highgate Ward (Camden) were administered separately.

2.26 Elections staff in these boroughs arranged for separate ballot boxes in polling stations and extra staff to be on hand to ensure voters used the correct ballot boxes. The ballot boxes used for by-elections were transported to the count with the GLA boxes, and the by-election count was conducted manually in a separate room at the relevant count centre. However, arrangements were in place to facilitate the transfer of any ballot papers from the GLA elections found in any of the by-election ballot boxes to the GLA count centres.

3 Roles, responsibilities and accountability

The Greater London Returning Officer

3.1 The GLRO has the overall responsibility for the elections of the Mayor and London-wide Members of the London Assembly and is appointed by the Greater London Authority. As in 2004, the GLRO for the 2008 elections was the Chief Executive of the GLA. For the purpose of the conduct of the election, the GLRO is independent of the GLA itself, and is accountable directly to the courts within the legislative framework. The GLRO has a budget of over £18 million to conduct these elections.

3.2 The GLRO can appoint a deputy to undertake any of his statutory functions and as in 2004, he appointed a senior officer of the GLA as his deputy. The Deputy Greater London Returning Officer (DGLRO) was responsible for directing the operations of a dedicated support team, London Elects.

Constituency Returning Officers

3.3 For the purposes of elections to the London Assembly, the Greater London area is divided into 14 constituencies. These constituencies are comprised of either two or three London boroughs. The local government Returning Officer of the largest borough in each constituency (usually the borough with the most registered electors) was appointed as the Constituency Returning Officer (CRO) for that constituency. Each CRO was responsible for the election of the individual Constituency Member of the London Assembly in their constituency. They were also responsible for the verification and counting of the ballot papers for all three contests in their area.

3.4 Table 1 below outlines the appointment of CROs for the 1 May 2008 GLA elections.

Table 1: Constituency Returning Officers

Constituency	Borough of Constituency Returning Officer	Boroughs within constituency
Barnet and Camden Bexley and Bromley	Barnet Bromley	Barnet, Camden Bexley, Bromley
Brent and Harrow	Brent	Brent, Harrow
City and East	Newham	Newham, Barking & Dagenham, Tower Hamlets, City of London
Croydon and Sutton	Croydon	Croydon, Sutton
Ealing and Hillingdon	Ealing	Ealing, Hillingdon

Enfield and Haringey	Enfield	Enfield, Haringey
Greenwich and Lewisham	Lewisham	Greenwich, Lewisham
Havering and Redbridge	Havering	Havering, Redbridge
Lambeth and Southwark	Lambeth	Lambeth, Southwark
Merton and Wandsworth	Wandsworth	Merton, Wandsworth
North East	Waltham Forest	Hackney, Islington, Waltham Forest
South West	Hounslow	Hounslow, Kingston upon Thames, Richmond upon Thames
West Central	Westminster	Hammersmith & Fulham, Kensington & Chelsea, Westminster

Borough returning officers

3.5 Borough returning officers, although not recognised in law for the purposes of the GLA elections, are effectively required to undertake some administrative duties in order to support the GLRO and the CRO in the administration of the London elections. This includes the administration of polling stations within each local authority area and the issue and receipt of postal votes.

3.6 The absence of a clear definition of the legal status, role and responsibilities for borough returning officers was highlighted in 2004 by the London Assembly Elections Review Committee. The Electoral Commission also raised this issue in our response to the draft GLA elections rules in August 2007, and recommended that the UK Government should clarify the legal status, role and responsibilities of borough returning officers. In particular, we asked the UK Government to set out formally how and when it intended to resolve this issue. The UK Government did not take steps to clarify the situation for the 2008 GLA elections and has not yet set out how and when it intends to address this issue.

3.7 Given the complexity involved in the administration of elections as large and significant as the GLA contests, all those involved require clearly defined responsibilities and authority to carry out those responsibilities. We therefore reiterate our recommendation to the UK Government that the role and responsibilities of borough returning officers should be clearly and appropriately recognised within the legal framework for the GLA elections in 2012.

The GLRO's power of direction and Returning Officers' duty to co-operate

3.8 The GLRO has a power to issue directions to CROs relating to the discharge of any of their functions, although he indicated that he would not use this power unless absolutely necessary. Instead, the GLRO drafted and circulated a Memorandum of Understanding (MoU) between himself, CROs and borough returning officers. The purpose of the MoU was to promote effective co-operation between those responsible for delivering the election. Although it had no statutory basis, it was intended to be used as a reference to ensure that any issues could be identified and resolved quickly and efficiently. For example, in the event of a dispute arising between a CRO and a borough returning officer within a constituency, both agreed to resolve the matter by reference to the MoU in the first instance. The GLRO would arbitrate in cases where this was not possible and where both parties agreed to accept his decision.

3.9 The relationship between CROs and the borough returning officers in their constituency generally worked well across London. Those CROs and borough returning officers who have commented to us, thought that the approach to collaborative working was excellent, with regular liaison meetings for the nine months preceding the elections and a good working relationship at the count. There were a small number of exceptions to this generally positive view, where borough returning officers felt under-informed by their CRO. Coupled with comments suggesting that CROs were not as involved in the planning process this year as in previous years, some borough-level electoral administrators were left feeling frustrated by the lack of an appropriate level of communication from their CRO.

3.10 The GLRO issued only one direction during these elections, that he should be informed before any CRO agreed to any request for a recount.

3.11 We appreciate that the power of direction which is available to the GLRO may be considered a tool of last resort in the event of non co-operation by CROs, and in 2008 the GLRO appears to have managed his relationship with CROs effectively on an informal basis. However, it is important that the power of the GLRO to direct other participants in the administration of these elections is retained, and that the GLRO should be able to use this power where it is required to deliver a consistent and effective approach to running the election.

Indra Sistemas

3.12 Indra Sistemas SA is a Spanish company which specialises in large scale technology projects including air traffic control, defence systems and elections. Indra provided a complete electronic counting solution for the GLA elections in May 2008. In addition to optical scanning machines and count management software, the company was responsible for designing and printing the ballot papers, supplying ballot boxes and providing staff to scan

ballot papers. Indra was also contracted to provide on-site technical support and back up for the three count centres across London.

3.13 Indra has experience of implementing electronic counting in Spain, Norway, Central and South America, and has also been responsible for supporting a number of local electoral pilot schemes since 2003 in the United Kingdom.

Ministry of Justice

3.14 The Ministry of Justice (MoJ) is the UK Government department with responsibility for policy and legislation relating to London elections. The MoJ was responsible for drafting the secondary legislation applicable for the GLA elections and taking it through the necessary Parliamentary procedures.

Accredited observers

3.15 These were the first GLA elections at which officially accredited observers were permitted to attend proceedings, following changes introduced by the EAA. The Commission is responsible both for accrediting observers and for producing guidance for Returning Officers and observers. Once observers receive their accreditation and have signed the relevant declaration (undertaking to respect the secrecy of the ballot), they are able to attend any postal vote issue and opening, polling station or count in the United Kingdom.

3.16 A total of 127 observers were accredited for the May 2008 elections across England and Wales, including the GLA elections. Electoral Commission representatives were also accredited and could attend polling stations and the count as well as observing other processes and the working practices of Returning Officers and Electoral Registration Officers.

3.17 The observers included international delegations from New Zealand, Norway and Sweden who used the new provisions as an opportunity to observe election procedures in the United Kingdom.

3.18 A group of observers on behalf of the Open Rights Group (ORG) also observed the procedures at the 2008 GLA elections. ORG is an advocacy group that campaigns for civil, consumer and human rights that are affected by technology. We understand that they are also planning to report on the use of electronic counting at these elections, and we shall consider their findings when they are published.

4 Planning and management of the elections

4.1 Preparations for the elections in London in May 2008 began two and a half years before polling day. Evaluation of elections in both 2000 and 2004 London elections helped inform the development of proposals to improve the administration of the elections.

Planning and co-ordination

4.2 The GLRO began to put plans in place for implementing electronic counting in early 2006, beginning with an initial scoping exercise that set out the aims and objectives for the project, project responsibilities, and an outline plan, and also provided an initial risks and issues register that was constructed based on the experience of the 2004 elections. An elections steering group chaired by the GLRO and including GLA finance and corporate services staff oversaw implementation of the elections planning by the project team. The GLRO was assisted in the formal planning process by an officer of the GLA, who formulated project plans for each functional aspect of the elections including communications and e-counting. London Elects reported that no major slippages from these plans occurred.

4.3 A Greater London Elections Advisory Panel (GLEAP) was established in July 2006. The panel included Returning Officers and electoral administrators along with representatives of the Ministry of Justice (formerly the Department for Constitutional Affairs). Members of the panel fed back to colleagues in adjoining authorities. Electoral Commission staff attended panel meetings in order to observe the planning process. It met every two months to discuss and agree an approach to all aspects of the elections, including the impact of the EAA, amendments to the GLA Elections Rules, to advise the GLRO in planning and preparing for the 2008 GLA elections, to monitor developments in technology and agree on contingency.

4.4 A candidates forum was set up to provide candidates and agents with information about the GLA elections and to provide an opportunity for them to raise any issues. Membership was initially confined to representatives of those parties which stood in 2004 and was widened to include individuals who had indicated they intended to stand. After the close of nominations, meetings included only nominated candidates and their agents.

London Elects

4.5 The recruitment of the London Elects team was phased from autumn 2006 through to spring 2007. An electronic counting contract manager and administrators joined in June 2007. London Elects comprised two distinct teams. The communications team which was responsible for publicising information about the election process, including briefing the media, candidates, agents and political parties, and undertaking voter education across London, including the election addresses booklet that has to be sent to every elector. The London Elects communications team worked with the

Electoral Commission on a public awareness campaign to maximise the number of registered voters in London and explain the voting process.

4.6 The London Elects operations team was responsible for the planning and co-ordination of all logistical aspects of the elections, including managing the contract with the supplier of the electronic counting solution and overseeing the selection of count venues. With the London boroughs, the operations team co-ordinated the provision of training and support for polling station staff across London. Supporting the GLRO, they also managed the candidate nomination process for the Mayoral election and the London-wide list section of the London Assembly election. Communication from London Elects was praised by electoral administrators, who reported that they found that the main website and training website proved very useful.

4.7 London Elects' central co-ordination and procurement role was broadly welcomed, and seen to hold many advantages, according to the administrators who have commented. In addition to managing the procurement of the electronic counting system, the London Elects team was responsible for procuring the ballot boxes, seals, ballot papers, and other polling station sundries, as well as pop-up information stands for polling stations, notices for the guidance of voters to be displayed at polling stations; large versions of each of the ballot papers in the correct colours and an enlarged hand-held sample copy for the assistance of voters who are partially sighted. Boroughs organised their own postal vote stationery, including postal voting statements and envelopes. They also procured all other posters/notices etc. for polling stations; transport for ballot boxes; transport for staff to count centres.

4.8 Some electoral administrators believe that London Elects was constrained by lack of resources and time. One said the team could have benefited from the secondment of an administrator from a London borough who could have acted as an interface and understood the concerns of the boroughs.

4.9 The co-ordination and administration of the GLA elections requires a significant commitment of core staff resource over a relatively long period of time. Elections professionals as well as legal, procurement and technical experts, are required to work closely together to deliver a complex programme of activities. The procurement and management of the electronic counting system undoubtedly increased the complexity of the administrative arrangements for the 2008 elections. Although we cannot make specific recommendations about the size or nature of any future GLRO support team, we would strongly encourage the GLRO and the GLA to identify the potential requirements for such a team as early as possible in the planning process.

Procurement of the electronic counting system

4.10 The decision to use electronic counting for the elections in 2008 was taken very early on in the planning timetable and the final decision to proceed was taken in November 2007 following user acceptance testing. The GLRO took the decision to use electronic counting based on consideration of a number of factors, and in a letter to the Electoral Commission in November 2007 he outlined the main factors that he felt required the use of electronic counting for these elections:

Under the GLA Act 1999 (section 52(2)) the London Assembly has to start meeting within 10 calendar days of the poll. Having to give five days' notice of each meeting, we have just the weekend after the election to prepare for the new administration to start its work. And by precedent and expectation, the new Mayoralty needs to be up and running on the Monday following the Thursday election. Yet we have between 6 and 10 million votes to count, using the three different electoral systems.

**Letter from the GLRO to the Chief Executive of the
Electoral Commission,
30 November 2007**

4.11 In August 2006, London Elects began a procurement process by publishing a contract notice in the Official Journal of the European Union (OJEU, formerly the OJEC) to appoint a contractor to deliver electronic counting for the 1 May 2008 elections. In May 2007 the GLRO announced that a contract for the provision of the electronic counting solution in 2008 had been awarded to Indra Sistemas SA. As outlined in chapter 3 above, Indra have previously conducted e-counting in Spain, Norway, Central and several South American countries, and have been responsible for implementing a number of electoral pilot schemes in England since 2003.

4.12 Under the terms of their contract with the GLRO, Indra was to provide a complete electronic counting solution for the GLA elections in May 2008. In addition to optical scanning machines and count management software, the company was responsible for designing and printing the ballot papers and supplying ballot boxes. Indra were also contracted to provide on-site technical support and back up for the three count centres across London.

4.13 The review of the procurement and management of the electronic counting system undertaken by Actica on behalf of the Commission reported that London Elects had taken on board lessons learnt from their experiences of procuring electronic counting for the 2004 GLA elections and identified several areas of good practice in their planning and procurement of the e-counting solution.⁵

⁵ A more detailed analysis can be found in Actica's report, which is available on the Commission's website.

These included:

- Making an early start to planning for the project: London Elects allowed a realistic time for a thorough procurement and implementation to be performed.
- Allowing sufficient time for system testing and any remedial work to be performed.
- Employing staff with experience of e-counting to help manage the procurement and implementation.
- Taking positive steps to identify the lessons that can be learnt from previous experience of using e-counting and ensuring these lessons were itemised within their plans.
- Having a firm specification of the requirements
- Including a well-defined change control process within the contract schedules.
- Including a demonstration activity as part of the procurement.

4.14 The review also identified a number of areas in which improvements could be made for any future procurement of an electronic counting system. These include:

- Ensuring a cost benefit analysis is performed to inform all decisions that have a major financial implication (e.g. the decision to use e-counting rather than manual counting and the decision to use three count centres) to ensure value for money is obtained.
- Producing a business case to inform the decision to use electronic counting.
- Ensuring that the GLRO benefits from an independent peer review of the project being performed at key points at different stages of the project. This would ensure early identification of any issues and maximise the chances of overall project success.

Management and testing of the electronic counting system

Management

4.15 Indra appointed a senior member of staff to act as the Project Director for the management and delivery of the electronic counting system. He took overall responsibility for the project and acted as the escalation point for any issues, and liaised with the GLRO and the London Elects team as required. A dedicated project manager was also assigned to the project by Indra, and was responsible for the day to day management of the project. A project management team assisted the project manager with the day-to-day management. Work stream managers were also appointed to assist the project manager with ensuring the successful completion of the project. The allocation of responsibilities between London Elects and Indra were defined in the contract, and the allocation of responsibilities appeared appropriate for this project. A formal change management approach was defined in the

contract and used during implementation, and it was reported to have worked effectively to manage the small number of changes required.

4.16 London Elects and Indra adopted a standard approach to risk and issues management. An overall project risk register was produced, which held details of each identified risk, the probability and impact of the risk occurring, the mitigation action to be taken and the owner of the risk. This was reviewed at regular progress meetings. A project issues register was also maintained and reviewed at the progress meetings. Any actions required in response to an issue were agreed at the progress meetings.

4.17 The GLRO appointed Deloitte to evaluate and advise on the overall approach to risk management for the 2008 elections, including reviewing risk management, contingency and continuity planning by both London Elects and Indra, reviewing information security arrangements and undertaking an audit of preparations for the operation of the count. An independent audit of the project risk and issue management was performed by Deloitte's Information Security Audit team. This used the management of risk best practice guidance to enable any gaps in London Elects and Indra's risk management framework to be identified. It included an analysis of the risk strategy, principles, approach to risk management and controls. One issue was raised that related to the testing of the business continuity plans. This was reported to have been addressed prior to the election.

4.18 London Elects and Indra were reported to have produced detailed business continuity plans. These plans were also subject to independent review by Deloitte against the business continuity planning sections of the ISO 27001 Information Security Standard and the best practice Information Technology Infrastructure Library (ITIL) management. Again, the main issue identified in the audit was the lack of testing of the plans. These plans were subsequently reported to have been subject to paper-based scenario testing. In the week before the elections, flooding occurred at City Hall, and some of the business continuity plans were exercised.

Testing

4.19 As part of the overall approach to the management of the electronic counting system, the GLRO also planned to carry out a programme of testing and audit in advance of the final implementation of the system. Small-scale system trials began in June 2007, and user acceptance testing and stakeholder demonstrations were carried out between September and November 2007 at City Hall and London Elects undertook more testing in January and February in Madrid, all starting some six months ahead of the 2008 elections. Information on the testing performed by Indra had not yet been received at the time of writing this report, and it is therefore not possible to comment on its effectiveness. An integrated test, evaluation and assurance plan (showing how the GLRO and London Elects would be assured that each requirement in the contract would be met) was not produced.

Indra information security management

4.20 Indra developed and documented an Information Security Management System (ISMS) for the e-counting service. It was based around the controls identified in ISO/IEC 17799.⁶ A significant element of this ISMS was subject to independent review by Deloitte who identified no major non-compliances.

4.21 As part of the development of the ISMS Indra performed a risk assessment based on their own security risk assessment methodology. The risk assessment did not appear to clearly identify the residual risks in a form that would enable a senior manager to determine whether they were acceptable or not. A detailed risk treatment plan providing details of the controls that would be put in place to reduce the identified risks to an acceptable level was not produced. No evidence was provided that the GLRO had signed off the residual risks as acceptable. An independent review of security was performed for the GLRO by KPMG and Deloitte, however, and it may be on the basis of their reports that the system was accepted for use.⁷

4.22 While it is noted that no security issues were identified by the Deloitte review, recommended best practice in performing security risk assessments and approving a system entering live operation might in future include the production of a Risk Management and Accreditation Document Set in accordance with the UK Government's Infosec Standard 2.⁸

Deloitte independent quality assurance audit

4.23 London Elects also engaged Deloitte to perform an independent quality assurance audit of the implementation of electronic counting systems, based on an assessment of the level of compliance against security controls defined in the international security standard ISO/IEC 27001, the Office of Government Commerce's Management of Risk framework, and the business continuity requirements defined in Infrastructure Technology Infrastructure Service Continuity requirements.

4.24 The work was based on a gap analysis review of the policy and processes being employed by Indra and London Elects against the relevant standard. This resulted in an Interim Report being produced in March that identified a number of areas of non-compliance and provided an action plan to address them. A follow up review was then performed in April to assess whether appropriate action had been taken and to finalise the audit report.

4.25 Deloitte's work focused on processes and procedures, and did not cover any technical assessment of the security controls in place (which were to be covered by a separate audit by KPMG, outlined below). It also did not cover other important areas of security e.g. personnel security, vulnerability management, configuration management, network security, audit and monitoring.

⁶ This is an international standard that provides a code of practice for information security management.

⁷ As explained in paragraph 4.28, the Commission has not had access to the final reports from KPMG.

⁸ This defines the security information risk management approach for Government.

KPMG independent testing

4.26 The GLRO also appointed KPMG to carry out independent testing of the electronic counting system, including observing the lock-down of the software in December, full testing of the network and checking of security.

4.27 The GLRO indicated to the Commission⁹ that an interim report from KPMG on the electronic counting system software would be available in January 2008, and that the report would be published subject to any commercially sensitive information. A further interim report would be available before the elections and a final report following the election itself. Executive summaries of the KPMG reports are available on London Elects website, but the full reports are not available.

4.28 Neither the Commission, nor our technical advisers Actica, have been given access to KPMG's full reports to the GLRO, nor was the KPMG auditor prepared to discuss their findings without the signing of a non-disclosure agreement. At the time of writing this report, we have not yet been able to agree acceptable terms for access to this information, and we are therefore unable to comment on whether the audit achieved what it set out to do.

4.29 The implementation of electronic counting at the 2008 GLA elections was better planned and executed than many previous experiences across England, Scotland and Wales. The team responsible for planning and managing the electronic counting element of the London elections had clearly learned a great deal from the 2000 and 2004 GLA elections, from the experience of the Scottish elections in 2007 and from the smaller pilot schemes at local elections since 2000. This experience was reflected in improved planning, management and testing, including significant investment by the GLRO in pre-election auditing.

4.30 Nevertheless, we are extremely concerned that neither the Commission nor our technical advisers have (at the time of writing) been given access to KPMG's full reports to the GLRO. One of the principal purposes of undertaking testing and quality assurance is to provide broad public assurance about the effectiveness and integrity of complex technical systems. Given the technical nature of electronic systems which are used to deliver elements of the election process, both electors and candidates (as well as political parties) are increasingly reliant on effective independent audit to provide such assurance.

4.31 We recognise that commercial suppliers, including suppliers of election technology and suppliers of testing and assurance services, may wish to protect their commercial interests. However, such wishes should never take priority over the interests of electors and other participants, including political parties and candidates, in transparency and accountability for any actions and decisions made by returning officers in the course of delivering their public responsibilities.

⁹ Letter sent from the GLRO to the Chief Executive of the Commission, 30 November 2007.

4.32 We recommend that any future technical audit or quality assurance reviews should always include a requirement for full publication of details of the processes used and the results of assurance. To support full and proper transparency and accountability for decisions relating to the use of technology, in future any audit or quality assurance documentation must be made available for review by suitably qualified experts and anyone else with an interest, including the Electoral Commission. Considerations of security or commercial confidentiality may be relevant, but any proposal to restrict access to key management information must be properly and openly justified, and set against the risks of damaging participant and public confidence in the integrity and effectiveness of systems.

Ballot paper design

4.33 In common with many other aspects of the planning and administration of these elections, the design of the ballot papers was significantly influenced by the requirements of the electronic counting system. As first noted by the report of the GLRO on the administration of the first GLA elections in 2000, 'the design of the ballot paper is inextricably linked with counting the papers electronically.'

4.34 As in 2004, the ballot papers for the 2008 GLA elections were required to be precisely sized to fit the scanners used as part of the electronic counting system. For the 2008 elections, the ballot papers were required to be A4 size, and legislation provided for the use of two columns of candidates or parties in the event that more than 14 candidates or parties were required to be included on any ballot paper. This is in contrast to elections where ballot papers are counted manually where there are no restrictions on the size of the ballot paper, as the prescribed rules allow either for the ballot paper to be lengthened to accommodate additional candidates in one column, or for the candidates to be listed in two columns.

4.35 The design of the ballot papers to be used for the GLA elections was also an issue that had been considered by the Assembly Elections Review Committee following the 2004 elections. The Committee expressed concerns about the relatively high levels of rejected ballot papers at those elections, and recommended that the GLRO should commission research to identify clear and accessible designs for ballot papers and explanatory material in advance of the 2008 GLA elections.

4.36 In 2006, the GLRO commissioned research to examine a number of possible approaches to the design and format of the ballot papers for the 2008 elections. The testing included a range of alternative designs for the Mayoral ballot paper, and options for a single ballot paper combining both the Constituency and London-wide member contests for the London Assembly, as well as separate ballot papers. The research was carried out by Cragg Ross Dawson, an independent specialist qualitative research company, and involved both qualitative and quantitative interviews.

4.37 The research concluded that some improvements to the design and instruction for voters could be made to the version of the Mayoral ballot paper that had been used in 2004, and recommended that separate ballot papers should be used for the Constituency and London-wide Assembly member contests. It also suggested that the use of different-coloured ballot papers would help voters to distinguish between the different contests. The research did not consider the potential impact of any of the ballot papers requiring the use of two columns to accommodate more than 14 candidates or parties.

4.38 Taking into account the research findings, it was agreed that three separate ballot papers would be used, one each for the Mayoral, London Constituency and London-wide member contests. The ballot papers for the three contests were printed in different colours to ensure that electors were able to distinguish between the three contests: pink (Mayoral ballot paper), yellow (Constituency Member ballot paper) and orange (London-wide member ballot paper).

4.39 Following close of nominations, the Mayoral ballot paper was confirmed as including 10 candidates, while the ballot papers for Constituency Members of the London Assembly paper included between eight and 12 individual candidates (varying between constituencies). A total of 14 registered political parties were included on the ballot papers for the London-wide Assembly contest. No ballot papers required the use of two columns.

4.40 An initial analysis of the proportion of ballot papers that were rejected (see paragraphs 11.42 to 11.59) suggests that the decision to provide separate ballot papers for the election of Constituency and London-wide Members of the London Assembly shows a marked improvement compared with 2004 on the proportion of ballot papers that were rejected because they were either unmarked or uncertain. Voters appear to have welcomed the design of the ballot papers and found them easy to understand and complete.

4.41 The design of the ballot papers for these elections appears to have improved as a result of testing and research, and electors benefited from clearer and more accessible design. Following the May 2007 Scottish elections, the Electoral Commission committed to developing standards for the design of ballot papers and information for electors, and we will take into account the experience of the 2008 GLA elections as part of that work. We expect to publish our plans for developing these standards in September 2008.

4.42 Limitations on the size of the ballot papers for these elections were imposed only by the technical specifications of the electronic counting system. It is possible that the potential need to use two columns of candidates or parties on ballot papers as a result of these limitations could have had a negative impact on the clarity and accessibility of ballot papers. The research commissioned by the GLRO did not explicitly consider the possible impact of using more than one column on ballot papers.

4.43 The use of any electronic counting systems at future elections may again place a limitation on the size of ballot papers, given that it will be impossible to predict accurately in advance of the close of nominations, the number of candidates or parties that will be validly nominated. Further research should be carried out on the impact of the ability of electors to easily and clearly mark their choice using ballot papers with two columns of candidates or parties, and we will consider these issues in our planned work on standards for ballot paper design.

5 Training and guidance

Training strategy

5.1 A group was set up by the Greater London Elections Advisory Panel (GLEAP) to identify training needs for all staff involved in running the elections with the intention of promoting consistent, effective, transparent and timely practices. Following advice from the panel London Elects organised a comprehensive training programme aimed to meet the needs of all staff involved in delivering the elections.

5.2 The programme covered all aspects of the elections and all the training and briefing sessions were well attended by all boroughs. More detail about individual sessions is provided below. The training programme should be commended and replicated at future elections. The following comment is typical of others received from electoral administrators in London:

London Elects should be congratulated on the amount of work that they put into training which was much appreciated by all who attended.

Electoral Services Manager

Cascade training

5.3 London Elects decided to adopt a 'Train the Trainer' approach, with the intention to both facilitate the training programme in a professional manner and to leave a legacy of trained trainers in each borough. This enabled a number of staff in each borough to be trained so that they could cascade the training to a wider group of colleagues in their own borough. A total of 56 people attended these training sessions.

5.4 To complement this approach, additional sessions were facilitated by London Elects to give both election guidance and good practice tips to those involved in training staff. These were developed and delivered by many of the new trainers to practise their skills.

5.5 The trainers then ran 18 sessions, such as how to manage a polling station for their Presiding Officers and poll clerks and postal voting issuing and receipt sessions.

Local authority staff training

5.6 London Elects also delivered a number of sessions for electoral administrators. In particular, the training programme focused on building familiarity with the electronic counting systems and developing consistent and workable procedures for the count at each of the count centres.

5.7 The primary training activity for local authority count staff was hands-on experience of the technology and procedures which would be used on 2 May. Sessions were held in June, September and November 2007 as well as

constituency training sessions in February and March 2008, and subsequently at the Indra 'lab'. Demonstrations were also given to external stakeholders, e.g. political parties, the Ministry of Justice, the media and the Electoral Commission.

5.8 The series of one-day training sessions in February/March 2008 provided staff from all 14 constituencies with the opportunity to familiarise themselves with the electronic count process. During the training day Indra staff presented a training animation and demonstrated the count process using a small-scale set-up of the count system. The local authority count staff then demonstrated the entire count procedure from the receipt of ballot boxes to calculating the results of each contest; including ballot box opening, registration, scanning and the adjudication of doubtful ballot papers. This session provided count staff with practical experience of the processes and functions they were expected to implement, the role they were to carry out on the day of the count and how it related to the role of colleagues. Similarly, Constituency Returning Officers were provided with specific training on the process and adjudication of doubtful ballot papers. An example sheet of valid and invalid ballot papers based on case law were provided to CROs to order to promote consistency of practice across London and to be used to explain decisions to candidates, agents and counting agents at the count.

5.9 This training day was followed by further refresher training prior to the day of the count, including an on-site walk-through of the count procedure at the count venue immediately after the venue had been set up. Each of the Constituency Returning Officers provided ongoing briefing for their own training for staff in the months leading up to the election. These activities were supported by a range of training materials issued by London Elects, including a CD-ROM tool-kit, fact sheets and training resources, including a handbook.

Indra count staff training

5.10 Indra was responsible for providing and training the Count Centre Co-ordinator (one per centre) and these were employed well in advance of the elections. These were tasked with co-ordinating the all aspects of the count alongside the Count Co-ordinator employed by the GLRO.

5.11 Indra provided a Service Delivery Manager for each constituency who was responsible for managing the operational activities within that area. Indra recruited the Service Delivery Managers early enough to receive a project overview from London Elects and provided a programme of briefing and training activities such as software and count processes to ensure efficient workflow, and also attended the one-day constituency training session for local authority staff ahead of 2 May 2008. At the constituency training sessions, the Service Delivery Manager for that constituency worked closely with their CRO and other Service Delivery Managers.

5.12 All Count Centre Co-ordinators and Service Delivery Managers were required to take part in the set-up and configuration of the relevant constituency count area to build and develop their understanding of the network architecture and hardware requirements. Additionally, Indra offered further training to CROs at their 'lab', and a majority took advantage of this additional facility.

5.13 Indra also provided a team of technical advisers and scanning staff involved in operating the electronic counting machines. The technical advisers were present at each centre on 1 and 2 May to monitor the set-up on 1 May 2008, to monitor performance and respond to any issues that arose on the count day. The scanner operators were recruited shortly before the count day and were required to attend a two-day training course in advance.

Resources

5.14 London Elects also provided a variety of resources for Returning Officers, electoral administrators and other participants in the election. The following were produced jointly with the Commission:

- **Polling Station Handbook:** this was provided to all polling station staff and covered all aspects of the voting process, from how to set up a polling station to completing the ballot paper accounts.
- **Guidance for candidates and agents:** this provided guidance to candidates and agents on both the financial and non-financial aspects of standing for election.
- **Quick Guide A5 leaflet:** this provided the voting sequence on the page, a series of solutions to non-standard scenarios on the inside, together with Frequently Asked Questions and the close of poll procedure on the back.

5.15 London Elects' own products and resources included:

- **Guidance for Returning Officers:** this included an explanation of the voting systems, guidance on the new legislation and revised GLA Rules, an outline of the process of electronic counting and suggestions on good practice.
- **Dealing with doubtful ballot papers:** based on previous case law and with many images of accepted and rejected ballot papers, this document was provided both on CD and hard copy.
- **CRO's guide to e-counting:** this document covered all aspects of the e-count from set-up to results, including a section on requests for a recount.
- **Advice and assistance services:** as in 2004, London Elects handled all requests for advice and assistance from Returning Officers, their staff and candidates.
- **The London Elects website:** this was a public facing website holding details on all candidates, the voting methods, information about the Mayor and London Assembly and the election timetable, to name but a few.

- **The London Elects training website:** this was a separate area for electoral service managers and administrators, which was password protected. Many resources were available for download from this site.

5.16 The training and guidance provided by London Elects was well received by electoral administrators in London. There were relatively few incidents of incorrect or inappropriate practice reported on polling day, and the CROs and count staff appeared to be fully aware of the processes and their responsibilities at the count.

6 Electoral integrity

Commission activity

6.1 Preventing electoral malpractice continues to be high on the Commission's agenda. We worked with Electoral Registration Officers, Returning Officers, political parties, Royal Mail, the Association of Chief Police Officers (ACPO) and the Crown Prosecution Service to promote electoral integrity and to make sure that elections are safe and secure.

In partnership with ACPO, we issued a revised version of *Guidance on preventing and detecting electoral malpractice* to the 43 territorial police forces in England and Wales in January 2008. A modified edition was produced which covered elections to the Greater London Authority (GLA) and was agreed with the Metropolitan Police and the City of London Police.

6.2 This guidance document forms part of the Commission's commitment to provide more information and support for police forces on this specialised area of the law.

6.3 The Metropolitan Police took the lead on electoral matters in Greater London and like other forces across England and Wales were generally better prepared this year, especially in terms of directing resources in proportion to perceived risk, presenting a more visible policing presence and carrying out significant prevention activity, including attendance at candidate and agent briefing sessions.

6.4 The Commission also produced an updated edition of the pocket guide, *Guidance on policing elections in England and Wales*, jointly with ACPO. This details electoral offences and suggested actions to take. More than 10,000 copies were distributed to beat officers across London and it was well received.

6.5 In conjunction with the political parties, the Commission agreed to carry forward the 2007 *Code of conduct on the handling of postal vote applications and postal ballot papers*. We also produced a credit card size quick guide, *Postal voting – a quick guide for party workers*. These plastic coated cards were produced as a pilot and issued to political parties and some Returning Officers. The feedback we have received has been very positive.

6.6 As in previous years, we issued guidance to Returning Officers and Electoral Registration Officers on the steps that should be taken to promote electoral integrity at local level, as part of our guidance manual for Returning Officers. We continue to advise and support them, and also the police and prosecutors, when any new issue arises.

6.7 We also issued guidance jointly with London Elects to candidates and agents which included issues concerning integrity and the Code of conduct regarding postal votes. The police and electoral administrators were encouraged to refer allegations of electoral malpractice by party workers to their party in the first instance and this was helpful in resolving problems caused by a few over zealous supporters.

Single Points of Contact in police forces

6.8 Single Points of Contact (SPOCs) were created in each London borough to deal with electoral issues. These officers act as a focal point of contact for both police officers and electoral officials in relation to electoral malpractice and allegations of offences. For the first time the Metropolitan Police were able to assign a SPOC for each London borough in addition to the Metropolitan Police SPOC.

6.9 In conjunction with London Elects the Commission organised a seminar for London in January 2008. The event brought together Electoral Service Managers and administrators with their SPOC, enabling boroughs and police to meet and discuss common areas of concern in relation to the May election.

Public confidence

6.10 Our public opinion survey shows that 73% of people in London considered that electoral fraud was not a very big problem/problem at all in the GLA elections. This compares with 59% of people in London who thought that electoral fraud was not a very big problem/problem at all in the UK. Voting in a polling station was seen by all respondents in London as being significantly safer than voting by post (44% versus 80%).

Election petitions

6.11 The Commission is not aware of election petitions in London this year.

Reports and allegations of malpractice

The Metropolitan Police Service and the City of London Police have received no allegations of election-related crime at the GLA elections this year.

7 Registering to vote

Registration levels

7.1 The main focus of electoral registration activity is the registration of electors within households which is undertaken annually in the autumn (commonly known as the 'annual canvass'). Individuals may also 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.

7.2 The total eligible electorate for the 2008 GLA elections was 5,419,913,¹⁰ an increase of around half a million compared with the numbers registered to vote at the GLA election in 2004.

7.3 Our public opinion research found that of those people who reported that they had not voted in the election, 69% said they thought they were registered to vote and 18% said they thought they were not. A further 13% were not sure if they were registered or not.

Latest date to register to vote

7.4 A significant change introduced by the EAA was to move the latest date for registering to vote to 11 working days before polling day. In 2008, potential voters could register after the formal start of the election period with the last date for registration for these elections being 16 April 2008 (just over two weeks before polling day). 64,775 electors registered to vote between 10 March, which would have been the latest day prior to the EAA, and 16 April.¹¹

7.5 Feedback suggests that the majority of Electoral Registration Officers did not find processing applications burdensome. Overall the volume of queries about electoral registration and the number of new registration applications up to the deadline of 16 April were not difficult to manage, although concerns were expressed about the possible impact of receiving a larger volume of late registration applications expected at a UK Parliamentary General election.

Joint public information campaign run by London Elects and the Electoral Commission

7.6 The Commission ran a public information campaign in advance of the London Mayor and Assembly elections in partnership with London Elects. This partnership was considered appropriate due to both organisations' statutory obligation to encourage voter registration in the lead-up to the elections. It was decided that a joint campaign would be the most appropriate way to achieve the shared objectives in a cost-effective way.

¹⁰ Based on the total eligible electorate for the Mayor of London taken from the London Elects website.

¹¹ Professors Rallings and Thrasher at the Local Government Chronicle election centre at the University of Plymouth based on returns from all London boroughs.

7.7 The first phase of the joint campaign ran from January to March 2008, highlighting the need to register to vote. It was followed by a second phase of advertising, which commenced in late March and ran until the registration deadline, encouraging people to register to vote so they could take part in the elections. This phase of the campaign included TV, outdoor, press and radio advertising. A third phase, focusing on providing information on how to take part in the elections ran from mid-April until polling day. This phase included TV, radio, outdoor, press and online advertising.

7.8 The campaign was supported by the Commission's freephone helpline and the London Elects website, www.londonelects.org.uk. The campaign also piloted the use of text message response by which people could text to request a registration form or to receive information on their local polling station.

7.9 The advertising activity was supported by an extensive field marketing programme aimed at key under-registered BME communities. Field marketers travelled to areas with high concentrations of these groups, encouraging people to fill in registration forms and providing information on the elections. The Commission's UK-wide home-mover and student registration campaigns also helped to encourage registration in London prior to the elections.

7.10 A key element of the London elections campaign was to explain to voters how to fill in their ballot papers. Advertising ran in all major London daily papers and local press titles and this information was also present on the London Elects website and on posters and display stands in polling stations.

7.11 The Commission and London Elects worked in partnership with a number of different organisations to help to increase the reach of the campaign. A number of London local authorities provided free advertising space for the campaign through their poster sites or through their publications. A number of community groups also supported the campaign, distributing registration forms to their target audiences and/or promoting the upcoming elections through their publications and other channels. Examples of such organisations include the Muslim Council of Britain, National Union of Students, British Youth Council and London Citizens.

7.12 Detailed evaluation of the campaign is under way but initial results suggest the campaign was effective. There were over 33,000 calls to the London elections helpline – over 10,000 more calls than received during the 2005 General Election campaign. There were also over 400,000 website visits during the campaign, made up of a combination of visits to the London Elects site and visits to the Commission's About My Vote site from London, with an average of 57,000 visits per week. There were also nearly 66,000 registration forms downloaded from the London Elects website and 14,500 from London visitors to About My Vote. Finally, over 8,000 text messages requesting a registration form or polling station information were received throughout the campaign.

7.13 Quantitative public opinion research was also conducted to evaluate recall and perception of the campaign. In research conducted following the

registration phase of the campaign, 63% of respondents recalled seeing the adverts. There was also a 9% increase in the amount of people aware of the registration deadline between the beginning and end of the campaign. 54% of those surveyed remembered seeing the Commission's materials in the polling station; of those that read it, 97% found the information 'fairly' or 'very helpful'.

7.14 The campaign was praised by electoral administrators who gave their views to us, one of whom commented:

I thought the campaign was excellent and had a huge impact.
It certainly worked for us.

Electoral Services Manager

Promotion of registration by Electoral Registration Officers

7.15 To support London Electoral Registration Officers (EROs) in their duty to promote participation in the elections, the Commission provided a range of free practical materials, advice and guidance via its Do Politics Centre (www.dopolitics.co.uk), such as press release templates, posters and registration leaflets.

7.16 A number of London boroughs conducted a mini-canvass to promote registration in advance of the election period and most issued poll cards in good time to allow electors time to apply to vote by post. In doing so administrators felt that, in addition to allowing electors to consider their voting arrangements in good time, it also meant that people were more aware if they were postal voters, thus eliminating problems and complaints in the two weeks running up to the election.

7.17 There were efforts to reach disadvantaged electors. For example one borough provided information in Braille and large format on request; another placed an article in the 'Talking Newspaper' for the blind. One put on an event to explain to new citizens with English as a second language to explain registration and voting.

7.18 Some ran outreach programmes to local schools, colleges and universities, although they commented that it is difficult to measure the success of this., One borough distributed 3,000 purple wristbands to remind people to use their vote. To reach as many electors as possible many boroughs made extensive use of their council websites, in addition to poster campaigns and articles in council magazines.

Performance standards and electoral registration

7.19 Following the Electoral Administration Act 2006, the Commission developed a vision for quality electoral services which would form the basis of a performance standards framework for Electoral Registration Officers (EROs) in Great Britain. For the first time the Commission has published a complete set of baseline performance information for electoral registration and is consulting with practitioners and relevant stakeholders on a set of draft performance standards for EROs. We have developed the standards by using the information that we have collected, as well as feedback from the electoral community. The final standards will be published by the end of July 2008 and EROs will return their first self assessment against the standards in January 2009 after the 2008 annual canvass.

8 Standing for election

8.1 There were 10 Mayoral candidates for the election of London Mayor. Thirteen political parties and one independent candidate stood for election in the London-wide contest and there were 127 candidates standing across the 14 GLA constituencies. Political parties who wished to field candidates for the London-wide election had to be registered with the Electoral Commission, which maintains and publishes registers of political parties. Independent candidates appear in their own right. There were 10 political parties and one independent in the London-wide list.

8.2 The GLRO was responsible for ensuring that nomination papers were valid for the London Mayor and London-wide Members. In order to check that nomination papers were correctly subscribed by electors in the Mayoral contest registered in each area, the GLRO contacted each ERO and asked them to fax confirmation that the 10 subscribers in each London borough were on the electoral register and able to subscribe to the nomination paper. CROs were responsible for nominations for the Constituency Members in their areas.

8.3 The Commission and London Elects jointly published *Guidance for candidates and agents*, distributed through Returning Officers and political parties: we understand that it was widely used and welcomed. Many CROs also held briefing meetings with candidates and agents to iron out potential difficulties in advance of the elections.

8.4 We believe there is great value in Returning Officers holding briefing meetings on standing for election and the value to candidates and agents attending these, in order to avoid problems and minimise individual queries, and we will continue to reflect the benefits of such briefings in our guidance to Returning Officers.

Publication of the notice of election

8.5 Due to a change in the statutory electoral timetable this year in London the notice of election was published on 18 March 2008. The last date for the publication of election is usually 25 days before polling day but for these elections it was extended by five days to 30.

8.6 There is potential for administrative problems to occur over party descriptions, as these may be changed up to the last day for the publication of the notice of election. This means that party descriptions could potentially change between the 30th working day that applies to the GLA elections, and the 25th working day that applies to other local elections in England and Wales. However we are not aware of any such difficulties occurring in relation to the GLA elections.

8.7 Political parties may register up to 12 descriptions in addition to their registered party name with the Commission. These descriptions may be used by their candidates on the ballot paper. A party may delete or amend any of its

registered descriptions up to the day before the date of publication of notice of election for any particular election.

8.8 One complication that arises from the early publication of notice of election in the GLA elections, which brings forward this date by five days compared with the rest of England and Wales, is that the deadline for changes to party descriptions in London is before the rest of England and Wales (although some Returning Officers in England and Wales publish notice of poll sooner) which could lead to complications over the validity of descriptions in different areas throughout England and Wales.

8.9 The Commission has recently formally consulted on *The registration of party descriptions*,¹² including the process for registering, amending and deleting descriptions during the candidate nomination period, was completed in June 2008. We will make public our conclusions in autumn 2008.

Access to the electoral register for independent candidates

8.10 The electoral register and the absent voters list are used by candidates for election campaigning purposes. The electoral register is also used by candidates to assist in completing their nomination papers which in the case of a Mayoral candidates, must be signed (subscribed) by 330 registered electors, 10 from each London borough and 10 from the City of London. There are no subscriber requirements for Constituency or London-wide Members.

8.11 Registered political parties are entitled to request copies of the full electoral register at any time. This means that candidates standing on behalf of a party are able to access a copy of the full register well in advance of the majority of independent candidates who are not supplied with the register until after the last day for publication of the notice of election. Only independent candidates who are currently in office would have access to the electoral register at the same time as political parties. Some independent candidates complained to us about what they perceived as a disadvantage to their election campaign as they have significantly less time to identify their potential subscribers.

8.12 In addition, we received complaints from some prospective independent candidates that some Electoral Registration Officers were reluctant to provide a copy of the electoral register, due to data protection concerns.

8.13 The Commission believes that those seeking nomination as independent candidates should be able to access a copy of the full electoral register for the purpose of completing nomination papers, on the same terms as candidates standing for election on behalf of a registered political party. We recommend that the UK Government should review the provisions relating to the supply of electoral registers to candidates in order to ensure equality of treatment for independent candidates.

¹² The consultation closed on 13 June 2008.

9 Absent voting

9.1 Our report on absent voting at the May 2007 local elections in England and Wales, published in July 2007, highlighted the challenges that local authorities faced at those elections as a consequence of the major changes to absent voting legislation which had come into force through the Electoral Administration Act 2006 (EAA) and relevant secondary legislation.

9.2 Legislation now requires that any elector in England and Wales who wishes to cast an absent vote (that is, by post or proxy) must supply two 'identifiers' at the time of application. These identifiers are the elector's signature and date of birth. When a postal voter subsequently votes at the relevant election, they are required, as a security measure, to supply these same identifiers so that they can be checked against those previously supplied.

9.3 Upon receipt of the returned postal ballot packs, 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 application. In part (b), the law requires that Returning Officers check at least 20% of returned postal voting statements; however, the Commission recommends that this should be extended to mandatory 100% checking for returned identifiers. We also believe that the system of identifiers should be introduced in Scotland with mandatory 100% checking from commencement. We are pleased that for these elections virtually all Returning Officers checked 100% of postal voting statements.

9.4 The Commission strongly believes that 100% personal identifier verification should be mandatory. A full check of all returned postal voting statements is the only way of checking that postal votes are returned by those who applied for them. We are pleased that for these elections all borough returning officers intended to check 100% of postal voting statements and the majority achieved this. We continue to recommend that Returning Officers should check personal identifiers on 100% of returned postal voting statements.

Evaluation of the introduction of absent vote identifiers

9.5 On 20 February 2007, the Commission was directed by the Secretary of State for Justice to review the implementation of postal vote identifiers in England and Wales. The Commission published a report in July 2007 in response to his direction, which examined the implementation of the new requirements in detail and made a number of recommendations.¹³ The UK Government responded to this report in December 2007.¹⁴ While the Commission has fulfilled the terms of the Secretary of State's 2007 direction,

¹³ The Electoral Commission (2007) *The introduction of absent voting identifiers in England and Wales*.

¹⁴ *The Government's response to the Electoral Commission's recommendations in its evaluation report 'The introduction of absent voting identifiers in England and Wales'*.

we have continued to pay close attention to the implementation of absent voting identifiers.

9.6 We were pleased that the UK Government made no changes to the legislation for absent voting identifiers, ahead of the 1 May elections as we recommended. This has enabled Electoral Registration Officers and Returning Officers to refine their procedures and consider the necessary processes. Now that one year has elapsed we suggest that some enhancement is needed to the legislation for England and Wales, as well as for Scotland:

- **Reconsideration of the signature waiver provisions.**
- **Granting Returning Officers the ability to check an identifier on a postal vote statement against more than one control where more than one is available, and subsequent provisions for the sharing of additional control identifiers between Electoral Registration Officers and Returning Officers.**
- **Empowering Electoral Registration Officers to renew or refresh their absent voting identifier record at any time, and to use more than one control element for each identifier.**
- **Returning Officers should be required to advise Electoral Registration Officers of those electors whose postal votes were rejected due to a mismatch of identifiers for follow up action by the Electoral Registration Officer.**
- **Provide for access to data on rejected postal voting statements to allow Electoral Registration Officers to write to all electors whose postal votes are rejected due to a mismatch of identifiers, inviting the provision of new identifiers.**
- **Returning Officers should be enabled to write to any elector where a Returning Officer believes that their postal ballot was used in error by someone other than the elector, advising of the correct process and the possible penalties for malpractice.**

We shall convene discussions of representative organisations, including Returning Officers and electoral administrators, to consider practical proposals on these issues by the end of 2008. In particular, we will identify those areas which may be addressed through revised guidance, and those which may require further legislative change.

9.7 Some Returning Officers reported concerns about software compatibility in respect of sharing identifiers across constituencies that cross local authority boundaries in the run up to the next UK Parliamentary election and the 2009 European Parliamentary elections. Clearly, this was not an issue at these elections, as administrative areas did not cross local authority boundaries.

9.8 We reiterate our recommendation to the UK Government that it should move to a mandatory national standard for the storage, maintenance and exchange of absent voting identifiers.

The voter's experience

9.9 In the 2008 GLA elections, 11.7% of electors were issued with a postal vote, an increase from 8.4% in 2004. The percentage of people who returned their postal vote was also higher this year, 72% compared to 65.9% in 2004. This was higher than across England (70.7%) and Wales (71.4%). Of these, 4.8% were rejected, a slight increase on 2004 (3.9%).¹⁵

9.10 Those who voted by post were satisfied with the overall experience (96%). One hundred percent of those who voted by post found it very or fairly convenient and 89% said that they thought it was very or fairly easy to understand how to complete and return their postal vote. Furthermore, over half of respondents (58%) said that being able to vote by post had encouraged them to vote. Of these 46% felt that they would not have voted otherwise.

9.11 Our public opinion research shows that 44% of all respondents thought that postal voting was very/fairly safe from fraud or abuse. Twenty one percent considered postal voting to be fairly/very unsafe. Confidence in the security of postal voting was undoubtedly higher among those who voted by post with 84% who thought it was very/fairly safe from fraud or abuse compared to 41% who voted in a polling station.

Despatch of postal ballot packs

9.12 In the main, the process of despatching the postal ballot packs to electors appeared to run smoothly. Returning Officers received the ballot papers from Indra and adopted different approaches to printing the postal voting statement and despatching their postal vote packs.

9.13 The responsibility to produce a legally compliant postal voting pack remains with the Returning Officer, even if parts of the process are contracted out. Systematic control through checking of the production of the pack is required at every stage of the process to ensure that the printing and issue of postal voting packs runs smoothly.

9.14 Where possible, electoral administrators ensured that postal ballot packs were despatched in plenty of time before the election and after the publication of the Mayoral election information booklet. Plenty of time was available for voters to complete their postal ballot pack and to send it back. This had a knock on effect of postal votes being sent back in advance of polling day, so that the majority of postal vote statements could be verified before polling day.

¹⁵ Professors Rallings and Thrasher at the Local Government Chronicle election centre at the University of Plymouth based on returns from 31 boroughs.

The management of absent voting

9.15 Although some Returning Officers had had experience of verifying signatures and dates of birth on postal voting statements due to local authority by-elections since the introduction of the EAA, this was the first time that Returning Officers were required to check personal identifiers on this scale.

9.16 There were few problems reported by Returning Officers, although a number of electoral administrators found the process time-consuming. The Commission welcomes the fact that virtually all borough returning officers checked 100% of the postal vote identifiers, despite only being required by law to check a minimum of 20%.

9.17 In the event, 4% of boroughs checked postal vote identifiers manually; 17% used a combination of manual counting and computer software and 79% were fully automated.¹⁶ In all instances where signatures and/or date of birth did not match, these were checked manually.

Timetable for processing postal vote applications

9.18 The deadline for making changes to existing postal vote arrangements or submitting a new application was 5pm on Wednesday 16 April 2008; this was no different to previous years. The recent change allowing electors to register up to 11 working days before the poll was midnight on the same day. These electors were then included on the final register published on 24 April. This allowed eight calendar days for the elector to receive and return their completed postal vote before the close of poll.

9.19 An additional five days had been included into the election timetable following feedback about the arrangements in place for the 2004 London elections, which resulted in many electors receiving the Mayoral election information leaflet after they had returned their completed postal ballot pack. The extra five days enabled earlier production and distribution of the Mayoral booklet and postal voters receiving it before filling in their postal pack.

9.20 Electoral administrators have on the whole responded favourably to the extended timetable. However they also thought that the pressure on time and resources required to process applications to register and to vote by post on the same day is higher. The following comments are representative of the feelings of many electoral administrators:

While additional days in the timetable are obviously welcome, frankly there weren't enough to carry out all the responsibilities that are now placed on local authorities.

Electoral Services Manager

¹⁶ Professors Rallings and Thrasher at the Local Government Chronicle election centre at the University of Plymouth based on returns from 29 boroughs.

11-day registration and signature checking posed the greatest risk to the election.

Electoral Services Manager

Verifying the signature and date of birth identifiers

9.21 Some Returning Officers still felt that the verification process took longer than expected. The software often took longer to install than anticipated and referred more postal statements to be manually adjudicated by the Returning Officer, or his/her deputy, than was felt necessary. The process is often seen as being burdensome and labour intensive; this point has been made by electoral administrators who consider that they are essentially running two separate elections – the postal voting election and an in-person polling station election.

Rejected postal votes

9.22 The percentage of postal votes rejected as a percentage of the number returned was 4.8%. This compares to 4.5% in Wales and 3% in England. As shown in table 2, a plurality of postal vote statements were rejected due to failure to match both a person's signature and date of birth (29.4%), while a fifth (20.9%) were due to mismatched dates of birth, and over a quarter (27.2%) were due to mismatched signatures. Voters were more likely not to sign their postal vote statement (9.1%) than to omit their date of birth (4.7%) or return a blank postal vote statement (8.6%).

Table 2: Reasons for postal vote rejection in London

Rejected for	% rejected postal ballots 2008
Want of signature	9.1%
Want of date of birth	4.7%
Want of both	8.6%
Mismatched signature	27.2%
Mismatched date of birth	20.9%
Both mismatched	29.4%

Base: 30 London boroughs.

Source: Professors Rallings and Thrasher at the Local Government Chronicle election centre at the University of Plymouth.

9.23 A common reason for the rejection of a postal vote statement on the basis of date of birth was because postal voters had filled in the date on which they had signed their postal vote statement rather than their own date of birth which clearly did not match the date of birth provided on their postal vote application. Most Returning Officers sought to prevent the insertion of the date of completion by adding DD/MM/19--, but some electors still crossed through this and wrote in the date of signing their ballot.

9.24 The main reason cited by Returning Officers for rejecting mismatched signatures was people who had got married and changed their surname in the intervening period between completing their postal vote application and signing the postal voting statement. The signature would therefore not match.

9.25 Where both signatures and dates of birth were different to those on the corresponding postal vote applications, Returning Officers told us that this typically appeared to be because of postal vote statements swapped in error between spouses or other family members at the same address.

9.26 Concerns were also raised by Returning Officers that older and younger generations' signatures were likely to differ over the period of five years. **This could be alleviated by giving Electoral Registration Officers the power to refresh the absent voting record at any time, which the Commission first recommended in our 2007 report on absent voting identifiers, and we continue to press the UK Government to introduce this.**

9.27 Absent vote identifiers were introduced by the EAA as a safeguard against electoral malpractice, as part of a series of measures designed to strengthen the integrity of elections. Our guidance manual for Returning Officers advises that if any Electoral Registration Officer or Returning Officer has concerns about fraudulent applications, suspicions of fraudulent activity, or receives any allegations about possible absent voting fraud, these should be reported to the police for further investigation.

9.28 Feedback from electoral administrators and the Commission's own observation of postal vote verification suggests some inconsistency in terms of rejecting and accepting signatures. While several Returning Officers would reject a postal ballot outright if the surname was not the same as that on the application form; others said that if the handwriting was the same and it was obvious that person had changed their name then they would accept it.

9.29 The Commission's view is that if the Returning Officer is satisfied that a statement was duly completed then it can be accepted. It is clear that signatures do not have to be identical but need only satisfy the Returning Officer. The Returning Officer is not necessarily confined to making the determination on the two signatures and two dates of birth. The legislation allows the judging of the signature and date of birth as part of the determination, but the use of the word 'part' means that other sources can also be used. It would be acceptable to include any additional information a Returning Officer has in making their decision, although complete absence of a signature (where the elector has not been previously granted a waiver) or a date of birth in all cases must lead to an unsatisfactory statement and rejection. Any judgement to reject a postal voting statement should be made on its merits and on a case-by-case basis.

9.30 We will continue to monitor postal vote rejection levels based on the available research, in consultation with Returning Officers and electoral administrators. We will continue to work with Returning Officers to discuss and share best practice on managing absent vote identifier verification.

Proxy voting

9.31 Across London 7,468 electors appointed a proxy.¹⁷ Some administrators reported that a higher number of electors chose to appoint a proxy than in previous elections. For example, one borough reported that they had approved 466 proxy applications and commented that the emergency proxy procedure (which allows electors who, due to a medical emergency, can request a proxy vote up until 5pm on polling day) has now become known, with two applications approved.

9.32 The Commission received feedback from a small number of borough returning officers that they had received complaints from electors that the procedure for emergency proxies is too restrictive by being limited to medical emergencies. For example electors going away on business at short notice complained that they were being denied their right to vote by unnecessary bureaucracy.

9.33 We will monitor similar occurrences at future elections to determine the full extent of this issue.

¹⁷ Professors Rallings and Thrasher at the Local Government Chronicle election centre at the University of Plymouth based on returns from all London boroughs.

Postal services

9.34 Opinion of the service provided by Royal Mail varied between boroughs, with the majority who provided feedback to the Commission reporting a reliable and efficient service. We are aware, however, that some CROs and borough returning officers thought that Royal Mail provided an unsatisfactory service, expressing disappointment that the service had not improved since 2004.

10 Voting in polling stations

The voter experience

10.1 Overall polling day appeared to run smoothly. Our public opinion research showed that of those who voted at a polling station 96% were very/fairly satisfied with the whole experience and 98% found it very/fairly convenient. 93% classed it as very or fairly safe from fraud or abuse and 95% classed it as very or fairly good at allowing people to vote in secret.

10.2 Staff were trained to explain the different electoral systems in use to electors, and the GLRO also provided visual guidance in the form of large pop-up columns or totems with voter instructions. The pop-ups were welcomed by most electoral administrators who have commented on them. However, some expressed concern that the example 'crosses' against fictional candidates on the pop-up could have an influence on where electors mark their vote.

10.3 Each voter was given three separate ballot papers to complete for:

- the Mayor of London
- the Constituency Assembly Member
- the London-wide Assembly Members

10.4 Voters were encouraged by polling station staff to take all three ballot papers. However some voters chose to take only one ballot paper, such as the mayoral paper for example. This was marked on the corresponding number list so if the voter decided to vote in the other contests later on that day the poll clerk would know which ballot papers to issue.

10.5 In polling stations in areas which held a combined by-election with the GLA elections they used two separate ballot boxes; all three ballot papers for the GLA and Mayoral election went in one ballot box with the local government ballot paper placed in a separate ballot box. Invariably, some voters put their ballot papers in the wrong ballot boxes. In order to reduce the risk of this happening, some borough returning officers held their local government by-election in an adjacent room. Procedures at the count centres, detailed later in this report, were put in place to ensure that any stray ballot papers were reunited with the correct contest before counting.

Ballot boxes and seals

10.6 In place of the black metal or plastic ballot box, ballot boxes were constructed from white cardboard and were delivered flat-packed to each CRO and borough returning officer. They could decide whether to issue them to Presiding Officers already constructed or to train Presiding Officers on how to construct them.

10.7 Voters were discouraged from folding their ballot papers in order to facilitate the smooth running of the scanning process. A chute attached to the

front of each ballot box guided papers into the box so that they would fall flat to form a neat pile. This appeared to work effectively for the most part, however there were reports of papers falling folded, requiring additional work to reorganise the papers into tidy bundles ready to be scanned. In some cases Presiding Officers experienced difficulty with assembly so that the chute was not attached properly.

10.8 The GLRO provided three bespoke seals in the form of purple adhesive labels for each ballot box. These were intended to adhere to a flap on the box lid where it tucked into a slit in the side of the box to keep it closed. The seals' purpose is to demonstrate that the box has remained closed from the point of application by the Presiding Officer until it is opened at the count. However, a significant number of seals became unstuck during both polling day and overnight due to their small size, failure to adhere under pressure from the thick cardboard flap and flexing of the boxes as they were moved during transit.

10.9 We have seen no evidence that the apparently poor quality of ballot box seals led to any malpractice or impropriety. However, this can have a significant impact on candidate and public confidence. The quality and suitability of ballot boxes and seals needs to be considered by the GLRO in the light of this experience.

Polling station incidents

10.10 The Commission received no reports of significant issues and overall the operation of polling stations across London appears to have gone very smoothly.

10.11 However, we understand that there were a small number of issues that arose at polling stations during polling day, including:

- Reports of polling stations opening late or still setting up at 7am when polling was due to begin.
- Polling station staff confused about the use of the corresponding number list that replaces the ballot paper counterfoil, and writing elector numbers on the ballot paper instead.
- Some stations running out of ballot papers and having to obtain more at the last minute.
- Reports of statutory notices not being displayed and insufficient support and advice to voters.

10.12 Prior to these elections, the Commission undertook discussions with the major political parties on campaign activities in the environs of a polling station. The parties concluded that a code of practice that would have the agreement of the political parties was neither achievable nor required. The Commission will continue to monitor activities in the environs of polling stations, and will return to the issue of a code of practice if we are aware of further evidence to suggest that such incidents have a serious impact on electors.

11 The count

11.1 The count for the 2008 GLA elections took place on Friday 2 May 2008, the day after polling day, and began at approximately 8.30am. The ballot papers were counted at three separate count centres, using an electronic scanning and image recognition system. The whole count process was expected to take around 12 hours to complete.

Count centres and venues

11.2 The counting of votes took place in three venues across London. Although different constituencies were contained in the same venues, each constituency count centre remained physically separate from each other.

Table 3: Constituencies counting at each centre

Super Count Centre	Constituency
Alexandra Palace	Barnet and Camden Brent and Harrow Enfield and Haringey North East (Hackney, Islington, Waltham Forest)
ExCel London	Bexley and Bromley City and East (Newham, Barking & Dagenham, Tower Hamlets, City of London) Greenwich and Lewisham Havering and Redbridge
Kensington Olympia	Croydon and Sutton Ealing and Hillingdon Lambeth and Southwark Merton and Wandsworth South West (Hounslow, Kingston upon Thames and Richmond upon Thames) West Central (Hammersmith & Fulham, Kensington & Chelsea, Westminster)

11.3 The GLRO sought professional advice on space planning to ensure that the preparation and configuration of the count centre was effective on the day.

11.4 The detailed layout of each count centre varied from venue to venue, although the layout of each constituency count process was broadly the same. All counting processes, including registration and scanning took place within a cordoned area, allowing observation access around the outside for candidates and their agents. Registration, verification and adjudication processes were carried out using a series of PC workstations with double screens, with one screen facing outwards so that candidates, election and counting agents could observe proceedings. Each constituency area also had at least one large screen with a projector displaying unclear ballot papers to candidates, agents and counting agents. Within the counting area were a series of tables, for the storage of ballot boxes during different stages of the counting process. A total

of 210 scanning machines were in place across the three count centres, 90 at Olympia, 61 at ExCeL and 59 at Alexandra Palace.

11.5 The results for the election of each Constituency Member of the London Assembly were calculated and announced at each constituency count centre. The calculation and declaration of result in the election of the Mayor of London and London-wide Members of the London Assembly took place at the central count venue located at City Hall.

Count staffing

11.6 Each CRO was responsible for the overall operation of the count in their constituency. Working directly to the CRO were a Count Manager (in some cases called the Election Manager) and an Indra Service Delivery Manager. The Count Manager was responsible for overall management of all local authority staff involved in the count process on the day, while the Service Delivery Manager was responsible for the physical and logistical aspects of the count centre including managing the scanner operators.

11.7 The size of each CRO team was dependent on the number of scanners installed in their count and this ranged from 14 to 17. CRO teams therefore comprised between 50 – 65 staff. Each team was supported by an Indra Service Delivery Manager and each count venue had additional Indra support from a count centre manager, a technical team and scanner technicians. The GLA supplemented support by identifying a Count Centre Co-ordinator for each venue plus some additional staff to assist with media, liaison, accreditation and access.

Local authority staff

11.8 Other local authority staff at each count centre undertook a range of roles during the count, such as:

- Ballot box registration
- Ballot box verification
- Despatch of ballot papers to scanner operators

11.9 More senior staff undertook initial or 'first-level' adjudication of doubtful ballot papers. CROs and their deputies undertook final or 'second-level' adjudication of doubtful ballot papers.

Indra staffing and support

11.10 Indra supplied a number of staff at each count centre to provide technical and management support to the CROs and their teams during the count. For the purposes of the count, all Indra staff were deemed to be the Constituency Returning Officer's clerks. Each count centre had a team of Indra employees which included:

- A Count Centre Manager
- A Service Delivery Manager for each constituency
- A team of Indra engineers (headed by the Senior Engineer)
- Scanner operators

11.11 It became evident throughout the day that some of the scanner operators had received insufficient or no training in operating the machines from Indra. They were not Indra's own staff, but were agency staff recruited for the purpose of carrying out the scanning.

11.12 We understand that some scanner operators were recruited at short notice and had little to no experience of the electronic counting system before the day of the count itself. We recommend that all staff at an electronic count are provided by the CRO and are trained either centrally by London Elects in conjunction with the electronic counting provider or by the CRO.

The electronic counting process

11.13 The electronic counting system provided by Indra consisted of a number of separate software applications and hardware for registration, scanning and verification of ballot papers, and adjudication and counting of votes.

11.14 Each of the specific processes and stages of the electronic counting system and any issues that were observed in relation to each stage are described below. This is not a detailed technical evaluation of the specific electronic counting systems implemented for the 2008 GLA elections, and the comments below do not attempt to investigate or assess the technical effectiveness of those systems.

System preparation

11.15 In the preparation phase before the electronic counting systems could be deployed across the three count centres, data was transferred from the electoral registration systems of the 33 boroughs to a central Indra portal using the Election Markup Language (EML) standard. This data was required to configure the electronic counting systems, and include detailed electorate figures required to provide turnout figures at the ward level.

System initiation

11.16 Before any of the count processes commenced on 2 May a 'zero' report was produced to assure the CRO, candidates and agents that no votes were stored in the system. CROs aimed to ensure that there was at least one candidate and/or agent present to observe the process. Although we are not aware of any instances where the production of the zero report was not witnessed by any agents or observers, Commission representatives attending the count centres have noted that some candidates or political party

representatives were either unavailable, not interested in or not aware of the opportunities for observing the production of the zero report.

Ballot paper registration

11.17 Before any ballot papers from a ballot box could be scanned, the ballot box details were registered with the electronic counting system. This information included details of the polling station from which the ballot box had originated and the expected number of ballot papers for each ballot box, based on the Presiding Officers' ballot paper accounts or, in the case of boxes of postal votes, the record of the number of postal votes validly returned to the Returning Officer. The ballot box details were entered onto the system by a member of the CROs count staff.

Scanning

11.18 Once a ballot box had been registered with the electronic counting system, the box was opened by a member of the CROs count staff, and the ballot papers were processed through a scanning machine by an Indra scanner operator. The scanning machines processed each ballot paper only once, capturing each image which was then transferred to a system which could identify the votes and calculate them.

11.19 The capacity of the scanning machines meant that the papers from each ballot box were processed and scanned in batches. The process began with the postal votes, all of which had by definition been folded upon receipt. The scanner operators were also required to pay particular attention to ensuring that the ballot papers were entered into the scanner flat, to minimise the risk of crumpled ballot papers accidentally jamming the scanning machines.

11.20 However, Commission representatives attending the count centres noted that from the outset of the scanning process, paper jams occurred frequently. There did not appear to be any obvious or consistent cause for the paper jams, but some scanner operators suggested that imperfectly torn ballot paper edges, or traces of adhesive on postal ballot papers may have been among the reasons for jamming.

11.21 The frequency with which such jams occurred did not appear to have been anticipated or expected by CROs or Indra count staff, and it appeared to be an issue of some concern to them from a relatively early point during the count. Nevertheless, scanner operators appeared to deal with the jams without significant difficulty, by removing and reinserting the ballot papers and re-starting the scanning process for that specific batch of ballot papers.

Verification

11.22 Once all the ballot papers from each individual box had been successfully scanned, the electronic counting system required the CRO's staff to verify that the total number of scanned papers corresponded to the number entered at the ballot paper registration stage, according to the ballot paper

account for that box. If the numbers matched as expected, the ballot box would be considered verified, and the images of the ballot papers from that box would be processed by the electronic counting software. All clearly valid votes would be tallied by the electronic counting software, any blank ballot papers were automatically tallied as unmarked and other doubtful ballot paper images were forwarded to the CRO's staff for adjudication.

11.23 Prior to the count, the GLRO had sought agreement from all the CROs that the maximum discrepancy between the number of ballot papers expected and scanned would be plus or minus three for any individual ballot box. If the number of ballot papers scanned was more than three above or below the registration figure taken from the ballot paper account, the ballot papers from that box would be re-scanned. The GLRO did not formally direct CROs in relation to the level of discrepancy that would be acceptable, and ultimately decisions on verification were at the discretion of individual CROs.

11.24 We understand that during the course of the count process, the level of discrepancy that was accepted changed and varied between different CROs. Some CROs reported that the acceptable discrepancy was increased to eight in order to speed up the scanning process. London Elects have indicated that 15.5% of all ballot boxes across the 14 constituencies were re-scanned, including 101 ballot boxes (representing 2.3% of the total number) that were re-scanned more than once.

11.25 We have also reviewed data provided by London Elects giving the final numbers of ballot papers verified for each ballot box and the expected figure entered from the original ballot paper account. We have not been able to carry out a detailed analysis in the time available since receipt of the data, and we understand that these issues will be considered as part of the final management report from Indra to the GLRO. However, we can make some general observations on the basis of the data provided, without seeking to draw any firm conclusions.

11.26 It is clear that there were widespread and significant variations in the size of verification discrepancies that were accepted by CROs. The data indicates that the size of accepted discrepancies ranged from a ballot box from Barnet which appears to have contained 1,200 more ballot papers than expected, to a ballot box from Newham which contained 1,339 fewer ballot papers than expected. In one instance in Greenwich a ballot box which was expected to contain 556 ballot papers was scanned and verified as containing only one ballot paper. Two ballot boxes in Hillingdon were registered and verified as containing no ballot papers.

11.27 Overall, 52% of ballot boxes (2,276 in total) were verified as containing exactly the same number of ballot papers as expected. Just over 19% of all ballot boxes (843 in total) were verified as containing discrepancies of more than three ballot papers; just over 8% of ballot boxes (367 in total) were verified as containing discrepancies of more than 10 ballot papers; a further 2% of ballot boxes (88 in total) were verified as containing discrepancies of more than 100 ballot papers. The total discrepancy (calculated by totalling the verified discrepancy for all boxes regardless of whether they were positive or

negative discrepancies) between the expected and scanned number of ballot papers across all 4,355 ballot boxes was 10,125. The net discrepancy across all ballot boxes was 301 ballot papers.

11.28 The electronic counting system did not provide a facility for the CROs or their staff to record details of the reasons for accepting verification discrepancies. Although there may be a number of reasons why the ballot box registration and verification figures didn't match (discussed in more detail below), there is no record of the justification for accepting such discrepancies in relation to specific individual ballot boxes.

11.29 As noted above, there may be a number of reasons why the ballot box registration and verification figures did not match in relation to any particular ballot box, and we have seen no evidence to suggest that any of the following possible explanations were a factor at these elections. Some electors may have removed their ballot papers from the polling station without casting a vote, resulting in a lower than expected total. Some Presiding Officers may have accidentally issued too many ballot papers, resulting in a higher than expected total. In polling places with more than one polling station, where more than one ballot box was used, some electors may have put their ballot papers in the wrong ballot box. However, it would be reasonable in our view to expect such occurrences to be relatively infrequent, and that their overall impact on the total size of discrepancies would be low.

11.30 One possible explanation for verification discrepancies is that the scanning machines did not accurately count the ballot papers, either failing to scan all the papers or alternatively scanning ballot papers more than once. Although Commission representatives attending count centres observed a very small number of instances – two separate occurrences at the Alexandra Palace count centre – where two ballot papers had been scanned together (discussed in more detail in relation to the adjudication process, below), we have no evidence to suggest that scanning inaccuracies were the cause of significant discrepancies at the 2008 GLA elections.

11.31 Other explanations for more significant discrepancies might include errors in completion of ballot paper accounts by Presiding Officers, or errors in entering these figures at the registration stage. Commission representatives attending the count centres reported that some CROs and their staff took action to check the original ballot paper accounts and records of unused ballot papers to confirm the original registration figure, particularly when re-scanning gave the same figures for the total number of ballot papers processed by the electronic counting system. However, these checks were not necessarily followed in all instances of discrepancies.

11.32 Commission representatives attending the count centres also reported limited engagement with and scrutiny of the verification process by candidates and agents. Given the large number of ballot boxes, and the relatively limited capacity of candidates and agents, some ballot box verification decisions were inevitably taken by CROs or their staff without any external scrutiny or oversight.

11.33 We have significant concerns about the number and size of discrepancies between the numbers of ballot papers expected and the numbers verified as having been scanned. We do not have comparable statistical evidence to support an assessment of whether these figures are significantly better or worse than would be expected at a manual count. However, we think it is unlikely that such apparently high verification discrepancies would be acceptable to the majority of Returning Officers. It is possible, as we acknowledge above, that most or all of these verification discrepancies can be explained, but the electronic counting system used at these elections did not support the more detailed notes that might provide an audit trail of individual decisions or corrections to ballot paper account figures which is usual in a manual count. We are also concerned that candidates and agents did not appear to actively scrutinise or challenge the verification process.

11.34 Given these concerns, the Commission recommends that if electronic counting is used at future statutory elections in the United Kingdom, the following specific steps to improve transparency of the verification process should be considered:

- **The electronic counting system must allow Returning Officers or their staff to record the reasons for any verification discrepancies, or to correct the original ballot paper account figures.**
- **Returning Officers should be required to provide a verification statement for every ballot box to any candidates, agents or observers present before those ballot papers can be counted.**
- **We also recommend that candidates and agents should take the opportunity to review verification statements where provided.**

Adjudication of doubtful ballot papers

11.35 All clearly valid votes were tallied by the electronic counting software and assigned to each candidate. Any doubtful ballot paper images were forwarded to the CRO's staff for adjudication. Where ballot papers were recognised by the electronic counting system as blank they were provisionally rejected.

11.36 Following recommendations from the Elections Review Committee, and in accordance with the GLA Election Rules 2007, the system recorded the total number of blank ballot papers, including where the second choice column of the Mayoral ballot paper was blank, separately from those where the voter's intention was unclear.

11.37 Where the electronic counting software was unable to determine the voter's intention on any ballot paper, the system automatically referred an image of the ballot paper to the CRO's senior staff for adjudication and a decision. These staff were able either to accept valid votes at this stage, using an on-screen menu system, or to refer the ballot paper image to the CRO if they were unsure about the voter's intention or if it appeared that a vote was

to be rejected. The CROs staff were not able to reject any votes at this stage. Outward facing screens also showed observers what adjudication actions and decisions were being taken by each member of the CROs staff. Ballot paper images referred to the CRO for adjudication could either be accepted as valid or rejected as invalid. As would be the case at a traditional non-electronic count, candidates or political party agents could formally object to the rejection of a doubtful ballot paper, and have their objection recorded. Electoral law does not allow objections to be recorded in the case of ballot papers judged to be valid by CROs or their staff, which is comparable with all elections that count votes manually.

11.38 Commission representatives attending the count centres heard observations and views from others attending the counts, including candidates and political party agents, that CROs and their staff did not always follow the GLRO's guidance on dealing with doubtful ballot paper images. These inconsistencies were reported both within and between individual constituency counts. Six percent of ballot paper images (409,274) were subject to first level adjudication, although far fewer were sent to the CRO for further adjudication. Given the number of staff involved in the process, and the almost infinite range of possibly ambiguous marks that electors might make on ballot papers, it is perhaps inevitable that there might be some inconsistency between individual decisions due to the sheer scale of the elections. However, the concerns expressed by observers at the count centres emphasise the importance of clear and explicit guidance on dealing with doubtful ballot papers, particularly to ensure that candidates have confidence in the decision making.

11.39 Our representatives observed a number of issues relating to the adjudication process that are worthy of further comment, although it is important to be clear that the total number of occurrences of these issues was very small, particularly relative to the overall number of ballot paper images that were adjudicated by CROs or their staff. These issues included:

- Instances of ballot paper images not properly aligning with the on-screen adjudication menu boxes, possibly as a result of either electors or Presiding Officers having torn off part of the ballot papers. This meant that it was not always clear or straightforward for CROs or their staff to mark the correct choices on the electronic counting system, although our representatives did not observe any errors or disputes relating to the decisions that were made.
- Instances of fold lines, particularly on what appeared to be images of postal ballot papers, appearing on the on-screen adjudication menu as possible voter selections. These images appear to have been automatically forwarded by the electronic counting system to CROs or their staff when there were already valid choices marked in other areas on the ballot papers – the counting system assumed that the ballot paper contained too many votes. In these cases the CROs and their staff used the on-screen adjudication menu to select the correct choice according to the clear voter marks shown on the ballot papers. However, we are not able to confirm that the electronic counting system forwarded all such

examples of ballot papers with fold lines to be adjudicated by CROs or their staff – it is possible, although not observable, that the system counted fold-line marks as valid votes.

- A small number of instances of images forwarded to CROs or their staff that appeared to show two separate ballot papers overlapping, possibly as the result of the two papers having been scanned together. In the instances observed by Commission representatives, the two ballot papers appeared to be for different contests (for example, a Mayoral ballot paper partially overlaid and obscured by a London-wide Assembly ballot paper). The barcode used to identify the type of ballot paper was printed on the reverse of the paper, and where the image showed ballot papers from two different contests, the electronic counting system identified only the ballot paper at the rear of the image. This meant that although the image appeared to show a ballot paper of one type (in the example described above, a London-wide Assembly paper), the on-screen menu only provided the relevant adjudication options for a different ballot paper type (e.g. for a Mayoral ballot paper). Because it was not possible to properly adjudicate these images, they were rejected as invalid. In these instances, two potentially valid ballot papers were rejected, and as a result the electors who had completed those papers were effectively disenfranchised through no fault of their own.

11.40 Notwithstanding these technical issues, the adjudication process appeared to work smoothly and effectively, although there appeared to be significant variations in the level of activity during the day between the adjudication workload of CROs and their staff. Candidates, agents and observers appeared to understand the adjudication process, and the use of screens displaying each adjudication decision helped to provide transparency and assurance.

11.41 The election rules also included discretionary powers for CROs to retrieve individual ballot papers from ballot boxes to enable physical inspection of doubtful votes during adjudication, although CROs were not required to accept any request to do so. We are not aware of any instances of CROs being requested to physically examine individual ballot papers which has subsequently been confirmed by London Elects.

Rejected ballot paper analysis

11.42 A significant concern highlighted following the 2004 London elections, and noted again in the independent review of the May 2007 elections in Scotland, was the potential impact of the design of ballot papers on the ability of electors to clearly mark their choice of candidate or party.

11.43 As noted above, the London Assembly Elections Review Committee report on the 2004 elections identified a number of concerns relating to rejected ballot papers:

- An increase in the proportion of ballot papers for the Mayoral contest that were rejected either because the first choice column was blank or uncertain, or because they contained votes for more than one candidate, compared with the year 2000.
- An increased proportion of Mayoral ballot papers that contained a second choice vote but no valid first choice vote.
- The significant proportion of Mayoral ballot papers that contained no second preference choice (although smaller than the comparable proportion in 2000).
- The significant proportion of the combined Assembly ballot papers that were either blank or uncertain, including 5.9% of all Constituency Member sections of the ballot paper.

11.44 The Committee recommended that the GLRO should commission research to identify clear and accessible designs for ballot papers and explanatory material in advance of the 2008 GLA elections. The approach and results of that research were previously outlined in chapter 4.

11.45 At the 2007 Scottish Parliament elections, a single ballot paper was used to combine the contests for both the constituency and regional contests, as had been the case in London in 2004 (and in contrast to the decision to use separate ballot papers for the Constituency and London-wide member contests for the London Assembly in 2008). The independent review of the 2007 elections carried out some analysis of rejected ballot paper data, and suggested that 4% of all voters had one or both parts of the combined Scottish Parliament ballot paper rejected. Of that 4% of voters, three-quarters marked only one part of the combined ballot paper, leaving the ballot for the other contest to be rejected, while the remaining quarter were rejected because they had either voted more than once or because their choice was unclear.

11.46 The independent review noted that this rate of rejection was similar to that recorded for the combined constituency and London-wide member ballot paper used in the 2004 London elections, and compared unfavourably with the five AMS elections in the UK which have used separate ballot papers for the constituency and regional contests (the National Assembly for Wales elections in 1999, 2003 and 2007, and the Scottish Parliament elections in 1999 and 2003), when rejection rates were within the range of 0.36% to 1.39%.

11.47 Since the May 2008 elections, London Elects has made ward-level turnout and technical data relating to each of the three GLA contests available, including downloads from its website. A full analysis of issues relating to rejection rates will be carried out by Professors Rallings and Thrasher at the University of Plymouth, and we will publish this analysis later this year. However, without drawing definitive conclusions at this stage, we can make some observations about the number and proportion of ballot papers that were rejected at the 2008 GLA elections.

Mayoral ballot papers

11.48 Just over 1% of the 2,456,990 Mayoral ballot papers were rejected because the elector had marked a vote for more than one candidate in the first choice column, compared with 1.7% of ballot papers in 2004 and 1.4% in 2000. The proportion of ballot papers that were rejected because the first choice column was either blank or uncertain was approximately 0.6% of the total number of ballot papers, compared with 1.3% in 2004.

11.49 The data available for the 2004 elections does not distinguish between those Mayoral ballot papers where the second choice selection was uncertain and where it was blank, but in total those two categories accounted for 14.1% of all the Mayoral ballot papers counted. In 2008, 16.6% of Mayoral ballot papers had no candidate selected in the second choice column, and the second choice selection for a further 0.1% of ballot papers was rejected because the mark was uncertain. This represents an increase from 2004 of at least 2.5 percentage points in the proportion of Mayoral ballot papers where the second choice selection was blank.

11.50 There may be a number of possible explanations for the increased proportion of ballot papers where the second choice was left blank: electors may have misunderstood or been confused about the electoral system used for the Mayoral contest, and did not realise that they could select a second choice candidate; alternatively, some electors may have taken a deliberate decision not to make second choice selection.

11.51 The data does not allow us to test or confirm any of these explanations. However, the results of public opinion research carried out in London after the 2008 elections provide some additional information that may help to put the rejection rate figures into context. Forty percent of respondents said that they strongly agreed or tended to agree with the statement that 'I would only give a second preference vote to a candidate who has a good chance of winning the election'. Only 26% of respondents said that they strongly disagreed or tended to disagree with the statement.

11.52 Our public opinion research also sought views on the design and layout of the Mayoral ballot paper. Of those respondents who said that they had voted in the May elections, 93% found the Mayoral ballot paper very easy or fairly easy to complete, including two thirds of respondents who said it was very easy to complete. When asked to choose as many words or phrases as they liked from a given list to describe the Mayoral ballot paper, just under half (47%) of those who reported that they had voted in the May elections described the Mayoral ballot paper as 'well laid out', and only 5% of respondents described it as 'confusing'. While only 20% of respondents agreed that the ballot paper 'had clear instructions', a very small proportion (2%) described it as 'hard to follow'.

11.53 These findings suggest a level of understanding of the mechanics of the electoral system used for the Mayoral contest that may have influenced electors' decisions on whether or not to use their second preference vote. The design of the ballot paper appears to have been welcomed by electors.

Constituency and London-wide Assembly member ballot papers

11.54 Two separate ballot papers were used for election of Constituency and London-wide Members of the London Assembly in 2008, in contrast to the single combined ballot paper used in 2004. An initial analysis of rejection rates for the 2008 elections suggests that the decision to use two separate ballot papers for the different Assembly contests had a significant positive impact on the proportion of ballot papers that were rejected because they were either unmarked or uncertain.

11.55 In 2004, 1.7% of London-wide member ballots were rejected as unmarked or uncertain, and 5.9% of Constituency Member ballots were rejected as unmarked or uncertain. In 2008, 1.4% of the 2,454,096 London-wide Assembly Member ballot papers were rejected as unmarked or uncertain, and 1.7% of the 2,454,088 Constituency Member ballot papers were rejected as unmarked or uncertain. This represents a clear and significant improvement on the relatively high rates of rejection for the Constituency Member ballots which was noted in 2004.

11.56 The proportion of London-wide Assembly member ballots that were rejected because they contained too many votes reduced from 0.8% in 2004 to just 0.3% in 2008, and the proportion of Constituency Assembly Member ballots that were rejected in 2008 because they contained too many votes remained the same as in 2004 at 0.2%.

11.57 Our public opinion research found that 89% of those respondents who said they had voted in the May elections found the two London Assembly ballot papers very easy or fairly easy to complete, including 60% who said it was very easy to complete. When asked to choose as many words or phrases as they liked from a given list to describe the two London Assembly ballot papers as they liked just under half (44%) of those who reported that they had voted in the May elections described the London Assembly ballot papers as 'well laid out', and only 6% of respondents described them as 'confusing'. While only 18% of respondents agreed that the ballot papers 'had clear instructions', a very small proportion (3%) described them as 'hard to follow'.

11.58 Our initial analysis of rejected ballot paper data shows a reduction in the overall number of rejected ballot papers and a marked improvement in the proportion of ballot papers that were rejected because they were either unmarked or uncertain. Voters appear to have found the separate ballot papers for the election of Constituency and London-wide Members of the London Assembly easy to understand and to complete.

11.59 Although the proportion of unused second choices on ballot papers for the Mayoral election increased compared with the previous election in 2004, there is no clear evidence to suggest that electors failed to mark a second choice because they were confused by the design of the ballot paper or the electoral system.

Recounts

11.60 Candidates in each of the Constituency Member contests or their agents were entitled to request a re-count of votes. The GLRO issued a direction that he must be informed before any request for a re-count of votes was agreed, although CROs were able to refuse a recount without reference to the GLRO. For all three contests re-counts were only permissible at the constituency level. There was an informal agreement among the 14 CROs that they would only consider a re-count if any individual majority was less than 500 but this was later changed to 50 at the last briefing of CROs on 9 and 10 April 2008. There was no provision for a London-wide re-count for the Mayoral or London-wide Assembly Member contests, and the GLRO had no power to order one. There were no re-counts requested or ordered at the 2008 GLA elections.

Results

11.61 The CRO verified the overall validity of the result by comparing the number of ballot papers included in the count with the total number entered at the registration stage for the whole contest. Commission representatives attending the count centres noted that there was some confusion among CROs and the assembled candidates and party agents when the verification figures were printed from the electronic counting system. The printout included the individual verification totals, and any discrepancies, for each ballot box, rather than the overall verification figure for the constituency as appeared to have been expected. Some agents appeared to take great interest in the detailed verification figures, and in one instance a heated discussion of the totals took place between agents and the CRO before the verification figures were agreed.

11.62 Information on the number of unmarked ballot papers which had been provisionally rejected by the electronic counting system was available to candidates and agents. They could request that the CRO show them all the unmarked ballot papers for their inspection and raise objections. Following this process the provisionally rejected ballots would then be formally rejected. The Commission understands that no candidate or agent made such a request.

11.63 Following consultation with the agents for the Constituency Assembly candidates in the usual manner, including discussion of the total ballot paper verification figures, including rejected unmarked ballot papers, each constituency result was declared by the CRO.

11.64 The results from the first constituency were announced at about 9pm, and the last constituency results were announced at about 11.30pm.

11.65 Data on the number of votes cast in the Mayoral and London-wide Assembly contests was transmitted securely to City Hall, where the results from each of the 14 constituencies were consolidated. The GLRO declared the results for the Mayor of London and the London-wide Assembly Members

contests in the Chamber at City Hall. The results of the Mayoral election were declared just before midnight on 2 May. Turnout at the Mayoral election and GLA election was 45.3%.

11.66 Nearly two weeks after the elections, on 13 May 2008, the GLRO wrote to all Mayoral candidates election agents to inform them of an error that had occurred while transmitting the results from the Merton and Wandsworth constituency. It appeared that the first and second preference figures for the Mayoral contest from two ballot boxes had not been transmitted to the central count collation centre at City Hall, and had not been included in the overall declaration of results. The data from the Constituency and London-wide Assembly member contests had been transmitted and received correctly. This error had not been identified at the time the results were originally transmitted.

11.67 The effect of the additional votes included in these two ballot boxes was to reduce the winning candidate's majority (taking into account both first and second preference allocations) by 132 votes. However, the figures announced by the GLRO at the original declaration remain the formal result of the Mayoral election.

Progress and length of the count

11.68 The London Elects team had estimated that the count process would take 12 hours from the registration of the first ballot boxes to the declaration of results. The declaration of the result in the Mayoral contest was finally announced just before midnight on 2 May, 15 hours after the count had begun.

11.69 London Elects expect to receive a comprehensive management information report from Indra about the operation of the count which will provide Indra's technical evaluation of the performance of the electronic counting system, although it was not available at the time of completing this report. Several possible explanations for the longer than expected count process have been suggested, by London Elects officials, Indra staff and by other observers who attended the count centres. In the absence of any technical evaluation by Indra, we present these explanations below without any suggestion of their accuracy.

11.70 One explanation offered was simply that turnout was greater than expected, and that the additional time taken to complete the count was a reflection of the increased number of ballot papers that were required to be scanned and processed, although we understand that London Elects had planned on the basis of a 45% turnout, almost exactly the level that actually occurred. Other explanations attributed delays to scanning machines jamming and scanning more slowly when scanning batches of postal ballot papers; to poor training of scanner operators; to the number of re-scans that were required; to a reduction in hardware processing power caused by the frequency of updates to the count progress screens.

Transparency of the count

11.71 Observers have commented that the count layout was effective in allowing sufficient access to and understanding of the process. However it was not clear which boxes had been scanned and which had not, as all were returned to tables in the central area of each constituency count, alongside those still to be verified and counted.

11.72 Following the recommendation of the Elections Review Committee, count progress screens were used to indicate mounting piles of ballot papers for each candidate, although they did not provide running totals. The progress screens were welcomed by candidates, agents and other observers although some felt that the information provided could have been presented more clearly. Written explanatory information about the count process and the progress screens had been provided to attendees at the count centres, and London Elects staff were available to answer more detailed queries.

11.73 Commission representatives attending the count centres observed varying levels of interest in and engagement with key count processes by candidates and political party agents. In particular, attention was focused on the ballot image adjudication process, and some key stages such as the initiation of the counting systems and the verification of ballot box totals against ballot paper accounts stages of the count attracted little interest. We heard views from some political party representatives attending count centres expressing some unease that a process they were scrutinising was complex and the individual stages were not communicated in sufficient depth to candidates and agents.

Conclusions and recommendations on the use of electronic counting

11.74 The experience of the use of electronic counting at the 2008 London elections provides a number of useful learning points for the development of policy relating to the use of electronic counting, both in relation to future elections in London and more broadly across the rest of the United Kingdom.

11.75 Despite the obvious disappointment that the counting process took significantly longer to conclude than planned or expected, it is clear that the implementation of electronic counting in London was better planned and executed than many previous experiences. The team responsible for planning have clearly learned a great deal from the 2000 and 2004 GLA elections, from the experience of the Scottish elections in 2007 and from the smaller pilot schemes at local elections since 2000. This experience was reflected in improved planning, management and testing approach.

11.76 However, as had been the case in Scotland 2007, the 2008 GLA elections were carried out without the guidance of clearly articulated national policy or direction on the use of electronic counting. In response to the recommendations of the Gould report on the 2007 elections in Scotland, we outlined a series of steps that we believe should be taken as a necessary pre-

condition to any further use of electronic counting at statutory elections in the UK:

- The UK Government should undertake and publish a cost-benefit analysis for the use of electronic counting, and consult widely on the findings.
- The UK Government should consult on and finalise an implementation strategy for electronic counting, setting clear milestones for establishing procedures for testing, security, and stakeholder assurance.
- The UK Government should produce an analysis of the modifications required to electoral law to allow for electronic counting to be undertaken with all the transparency and safeguards currently in place for manual counting, including those for adjudicating and rejecting ballot papers – consulting widely on the necessary amendments to legislation.
- The Commission should produce comprehensive best practice guidance on the management of electronic counting processes, including risk assessment, contingency planning, preparation of manual backups and a design for elector and stakeholder consultation.
- The UK Government should make the necessary amendments to section 6A-6F of the Political Parties, Elections and Referendums Act 2000, to guarantee full access to all relevant parts of any e-counting system or process for accredited observers.

11.77 While we reiterate the need for the UK Government to carry out a cost-benefit analysis for the future use of electronic counting, it is clear that relatively soon the GLA and the GLRO will need to make a decision on whether or not to use electronic counting for the 2012 elections. Given the extent to which the use of electronic counting dominates the planning and administration requirements for many aspects of the election process – from the design of the ballot papers and ballot boxes, through to the choice of count venues and the size and skills of the GLRO’s own administrative team – a relatively early decision in principle on the use of electronic counting will be required to ensure that the planning timescales for these elections are to be replicated.

11.78 As far as we are aware, no formal evaluation of the practicability or potential costs of a manual count has been carried out in relation to the GLA elections. While we acknowledge that a case for using technology to support administrative processes may be made on economic, efficiency or accuracy grounds, we are not convinced that an overwhelming case has been made in respect of the use of electronic counting technology at elections for the Mayor of London and London Assembly. We believe that the experience of this year’s elections in London should form part of a re-examination of the underlying case for using electronic counting at future elections; the anticipated benefits for the speed of the count were not fully achieved this year.

11.79 There are significant capital and resource costs involved in planning and implementing electronic counting, including hardware, venue hire and staff resource costs. However, the experience of using technology to support

or replace traditionally manually-implemented processes has highlighted a number of less easily quantifiable but nonetheless important 'hidden' costs: the transfer of administrative control from Returning Officers and electoral administrators to suppliers or contractors; a reduction in the transparency of key election processes; an increase in the technical knowledge and expertise required by candidates, agents and observers to effectively monitor and scrutinise processes.

11.80 Candidates, agents and observers act as a crucial check on the accuracy and integrity of the count process, both for their own benefit and for the wider benefit of the vast majority of electors who are not able to physically attend the count. Candidates and agents have accepted the accuracy of the count process and the legitimacy of the result of the 2008 GLA elections – there have been no formal challenges, and we have heard few complaints about the count process itself.

11.81 While we acknowledge the argument that electronic counting has the potential to improve the accuracy of counting, especially where more proportional voting systems require detailed, more complex vote-distribution calculations, we have observed and considered a number of factors that may damage confidence in the effectiveness of electronic counting systems if not properly addressed:

- Acknowledged limitations of the scanning software, including observed examples where two ballot papers were scanned together and were subsequently rejected.
- Numerous examples of unexplained variations between the numbers of ballot papers recorded as having been issued by presiding officers and the numbers recorded as having been scanned and included in the count.
- The significant level of technical knowledge required to understand and properly scrutinise administrative processes undertaken by electronic counting systems, including the ability of candidates and agents to properly scrutinise, inspect and object to the rejection of ballot papers.
- Limits to the transparency of the systems used, including restrictions on access to quality assurance reports.
- Inaccurate or incomplete transmission of results data, and insufficient audit procedures to detect such problems.

11.82 We reiterate our recommendation to the UK Government that it should undertake the activities identified in our November 2007 response to the independent review of the 2007 Scottish elections (and outlined previously in paragraph 11.76) before electronic counting is pursued for use at any future statutory elections in the UK.

11.83 In the absence of a wider policy and legislative framework for electronic counting, we would start from the assumption that the 2012 GLA elections will be counted manually. We recommend that, as a key part of any broader cost-benefit analysis of electronic counting carried out by the UK Government, a detailed analysis of the costs and benefits

of both electronic and manual options for counting ballot papers at the 2012 GLA elections should be carried out by the GLRO. This analysis must be carried out as a matter of urgency, as an essential first step in the process of planning for the administration of the 2012 elections, and certainly before any high-level budget decisions are taken. Any analysis will need to be led by the GLRO, but should ideally be informed by a clear statement of the UK Government's wider policy objectives and strategy for the future use of electronic counting. The results of any analysis should be formally published before any decision on the use of electronic counting for the 2012 elections is taken.

11.84 Any assessment of the costs and benefits of using electronic counting should also include an assessment of the impact of electronic counting on the scrutiny role of candidates and observers, and on broader public confidence in the effectiveness and integrity of the counting of votes.

Appendix A

Extract from London Elects Factsheet 6

How the voting systems work

How the Mayoral results are calculated

If there are only two candidates, the Mayor of London is elected using the first-past-the-post system. The candidate with the most votes wins.

If there are three or more candidates, the Supplementary Vote system is used. This voting system is used to ensure the candidate with the broadest amount of support from London is elected.

In the Supplementary Vote system, voters can cast a first choice and second choice vote. A voter does not have to cast a second choice vote but must cast a first choice vote or it will not be counted.

If a candidate receives more than half of the first choice votes they are elected.

If this does not happen, the top two candidates with the most first choice votes go through to a second round. All the other candidates are eliminated but the second choice votes on their ballot papers are looked at. If they are for either of the top two candidates, these second choices are added to their totals.

The candidate with the highest total of first and second choice votes wins. If there is a tie then the Greater London Returning Officer (GLRO) draws lots.

How the London Assembly results are calculated

There are 25 London Assembly Members:

- 14 Constituency Assembly Members who represent different areas in London, and
- 11 London-wide Assembly Members, who represent London as a whole.

Voters will have two separate ballot papers to vote for the London Assembly:

- a yellow paper to vote for a Constituency Assembly Member, and
- an orange paper to vote in the London-wide Assembly Member contest.

The Additional Member System is used to elect the London Assembly Members.

This system combines the first-past-the-post system, which is used to elect the Constituency Assembly Members, and a form of proportional representation, called the Modified d'Hondt Formula, which is used to elect the remaining London-wide Assembly Members.

First, in each constituency the votes for the Constituency Assembly Members are added up. Using the first-past-the-post system, the candidate with the most votes in each constituency is elected. If there is a tie, the Constituency Returning Officer draws lots to choose the winner.

If all Assembly Members were elected in this way, some parties or independent candidates, whose votes were spread right across London, might not win any individual seats.

So the votes cast across London in the London-wide Assembly Member election are all added together regardless of constituency boundaries. At the end of the count, any party or individual candidate with less than 5% of the vote is eliminated.

A formula is then used to proportionally allocate the 11 London-wide seats taking into account the political make-up of the 14 Constituency Assembly Member seats already allocated. This voting system is used so that the overall Assembly reflects how all of London voted.

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