



# Local elections in Wales 2008

Report on the administration of the  
1 May 2008 elections

July 2008

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We are an independent body set up by the UK Parliament. Our aim is integrity and public confidence in the democratic process. We regulate party and election finance and set standards for well-run elections.

## Democracy matters

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## Summary and recommendations

This report identifies and comments on key issues that emerged in the course of the local elections in Wales in 2008, including planning for the elections. It focuses primarily on the administration of the elections.

All seats in the 22 local councils in Wales were up for election at the same time; there were 3,200 candidates in 881 wards, contesting a total of 1,264 vacant seats. The local council elections were combined with elections to town and community councils. In Pembrokeshire alone, over 820 candidates were nominated for the two sets of elections. Over 2.2 million people were registered to vote in Wales and 44% of them did so.

In brief, the local elections in Wales went smoothly, with few problems that would have been apparent to voters. This was not least because the elections rules, unusually in the last few years, had not changed in Wales and England. In Wales, legislative change introduced for the first time at elections in 2007 was bedding down in 2008. Fewer elections in 2008 across the UK meant fewer problems within Wales with the supply of election products and printing of election stationery, as well as increased availability of supplier support, particularly for election software and hardware products.

A combination of these factors meant that organising and administering the elections was a less challenging process for Electoral Services Managers than it had been in 2007. One summed up the views of others at the Commission's post-election seminar, commenting that 'All in all, these were the smoothest elections in years.'

There was a range of small problems that could have been avoided. 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

We have previously stated our belief 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. The experience in planning for the elections in May 2008 reinforces the case that there should be a six-month period between the implementation of 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.

We believe that cross-local authority, regional and/or Wales-wide planning and shared delivery of services remain key areas for development.

We recommend that the Wales Election Planning Group considers contingency and succession planning arrangements for electoral services staffing in local authorities and disseminates examples of good practice.

Training for polling station staff affects the service available for voters. We have consistently encouraged Returning Officers to train all polling station staff and will consider how performance standards might help in this area.

Royal Mail has requested that consideration be given to extending the quick guide card for postal workers, on electoral integrity, across the UK at the next elections.

We continue to stress the value of 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.

We will review our *Guidance to candidates and agents* with a view to clarifying the advice on disqualification of prospective election candidates.

We will give advice on the effect of early publication of notice of election on candidacy in future editions of our *Guidance for candidates and agents*, and will continue to monitor the practical implications for candidates and political parties. We also note that the UK Government has recently published its White Paper on party finance and expenditure in the UK, which includes proposals on the regulation of candidates' spending and when candidates' spending limits begin.

We believe that those seeking nomination as independent candidates, who are not currently in office, 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.

Political parties, Returning Officers and the Commission should continue to stress, in briefings and guidance, the importance of avoiding the last-minute submission of candidate nomination papers in order to facilitate effective processing and reduce the likelihood of errors and invalid forms.

Our advice is that a nomination form should be fully completed identifying the political party for which the candidate will be standing, before the proposer, seconder and subscribers are asked to sign it. This ensures that any registered elector signing a nomination form is aware of whose candidacy they are supporting.

We will review our *Guidance for candidates and agents* on the subject of election imprints, with a view to improving its clarity.

We are required to monitor the compliance of local election candidates with the controls on election campaign spending and will report further on whether

any trends were apparent amongst groups of independent candidates in Wales in 2008, after the statutory deadline for submission of candidates' returns.

Our formal consultation on *The registration of party descriptions* was completed in June 2008. We will make public our conclusions, which may contain findings on independent candidates, in autumn 2008.

We recommend that Welsh Assembly Government considers strengthening the Code of Recommended Practice on Local Authority Publicity in Wales, and advises councils to reiterate the Code's guidance to incumbent councillors in advance of future local elections.

We were pleased that the UK Government made no changes to the legislation for absent voting identifiers ahead of the 1 May 2008 elections, as we recommended. This has enabled Electoral Registration and Returning Officers to refine their procedures and consider the necessary processes. Now that the one year period has elapsed, we recommend to the UK Government Ministry of Justice that some enhancement is needed to the legislation on absent vote identifiers for England and Wales, as well as for Scotland:

- Reconsideration of the signature waiver provisions, with the aim of striking a balance between ensuring that electors who cannot genuinely provide a signature are not prevented from absent voting and preventing abuse of the system.
- 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 vote security 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.

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

We will continue to review reasons for postal vote rejection levels based on the available research, in consultation with Returning Officers and Electoral Services Managers, and convene seminars in Wales before the end of 2008 at which best practice on managing absent vote identifier checks can be shared.

We will continue to review our voter information provision to consider how information suitable for first time voters, or those who have not voted for some time, can best be made available.

In practice, the rules on corresponding number lists still have the potential to cause difficulties at larger-scale combined elections. Difficulties will increase where the franchise for two elections is different, as in a UK Parliamentary general election combined with local elections. We shall be glad to work with the UK Government on the applicability of rules for corresponding number lists at combined elections.

We continue to recommend that Returning Officers should provide training or briefing for all polling station staff that includes improving accessibility for all voters. The Commission will consult on draft performance standards for Returning Officers in autumn 2008, including standards relating to accessibility of elections.

We will keep under review the question of verification of ballot papers face up in the light of evolving practice on the separate timing of the verification and the counting of votes.

We will consult on draft performance standards for Returning Officers in autumn 2008, including standards relating to election counts.

In light of experience at the elections in 2008, we will review the legislative provisions on candidates' commonly used names with a view to making recommendation if necessary to the UK Government for consistency in the election rules.

We recommend that Returning Officers and Electoral Services Managers, as part of their election planning and with appropriate specialist support, review the election results provision on their local authority websites with a view to making results as speedily and readily available as practicable.

# 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 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 identifies and comments on key issues that emerged in the course of the local elections in Wales in 2008, including planning for the elections. It focuses primarily on the administration of the elections.

1.4 The Commission is not required to report on the administration of local elections in any part of the UK, but is able to do so under the terms of PERA. We were pleased to be asked by the Welsh Assembly Government to report on the elections, as we were for the last set of local elections in 2004. We have welcomed the recommendation of the Committee on Standards in Public Life that we should be statutorily required to report on all local government elections in Wales (and England)<sup>1</sup>.

1.5 In parallel to this report, we are publishing separate reports on the elections to the Greater London Authority and on the local elections in England.

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<sup>1</sup> Committee on Standards in Public Life, *Review of the Electoral Commission*, Eleventh Report (2007).

1.6 This report does not include details of campaign expenditure incurred by election candidates, which will be available later in 2008, after the relevant deadline for submission of candidates' statutory returns.

## About the elections

1.7 Local elections in Wales are held on a four year cycle. All the seats in the 22 unitary authorities in Wales were up for election at the same time. The elections were conducted on a first-past-the-post basis, where the candidate with the most votes wins. In multi-member wards, voters were able to elect sometimes as many as five councillors to represent them. There were 3,200 candidates in 881 wards, contesting a total of 1,264 seats: an average of 2.5 candidates per seat. Over 2.2 million registered voters were eligible to vote and 44% of them did so.

1.8 The local council elections – the 'principal area elections' – were combined with elections to town and community councils, meaning that many voters had two ballot papers to complete.

1.9 This was the first time since devolution in 1999 that the local elections in Wales were not combined with another major election. In 1999, the local elections were combined with the first set of elections to the National Assembly for Wales. Following a decision by the Assembly to de-couple Assembly and local elections, the local election cycle was postponed by a year from 2003. In 2004, local elections across England and Wales were combined with the UK-wide European Parliamentary elections.

1.10 Elections for the London Mayor and 24 members of the Greater London Assembly were also held on 1 May. There were 137 elections for local authorities in England, most of these electing a third of the relevant council and a smaller number electing half or all of the council.

1.11 Like all local elections, the conduct of the elections was the responsibility of local Returning Officers. They are senior local government officers appointed to run the elections independently of their councils. In 16 out of 22 local authorities, the Returning Officer was the Chief Executive. Local authorities are required to provide staff to support the Returning Officer, supplementing them with temporary staff and contractors according to local practice.

1.12 The costs of local elections are met directly by local authorities from their own budgets. A Returning Officer may claim expenses from the council for which the election is being held. Expenses must not exceed a pre-arranged scale which may be fixed in advance by the council concerned. Costs of town and community council elections are also borne by local authorities, although many recharge community councils for running their elections.

1.13 The Commission has been reporting on major elections in the UK since 2001 and this is our fourth detailed report on Wales-only elections<sup>2</sup>. Rather than reviewing every aspect of the election, we have focussed, firstly, on the key issues that arose in 2008 and, secondly, we have made comparisons with our findings on the Assembly elections in 2007, where relevant to both sets of elections.

## The elections in brief

1.14 In brief, the local elections in Wales went smoothly, with few problems that would have been apparent to voters. This was not least because the elections rules, unusually in the last few years, had not changed in Wales and England. In Wales, legislative change introduced for the first time at elections in 2007 was bedding down in 2008. Fewer elections in 2008 across the UK meant fewer problems within Wales with the supply of election products and printing of election stationery, as well as increased availability of supplier support, particularly for election software and hardware products.

1.15 A combination of these factors meant that organising and administering the elections was a less challenging process for Electoral Services Managers than it had been in 2007. One summed up the views of others at the Commission's post-election seminar, commenting that 'All in all, these were the smoothest elections in years.'

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

1.17 The sheer number of candidates in combined local elections in Wales meant that a dominant feature of the elections was advising those standing in them and dealing with issues that arose in the conduct of their campaigns.

1.18 These main themes are developed through detailed examples in the report.

## Sources used to inform this report

1.19 This report has been informed by a number of sources, including:

### Commission representatives

1.20 Commission representatives visited 13 local authorities across Wales. They met with Returning Officers, Electoral Services Managers, election candidates, agents and political party activists in advance of the elections. They attended postal vote openings; visited polling stations; observed campaigning activity; and attended election counts to observe procedures and working practices.

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<sup>2</sup> The Electoral Commission *The National Assembly for Wales elections 2007* (2007); *Local elections in Wales 2004* (2004); *The National Assembly for Wales elections 2003* (2007).

## Election results analysis

1.21 We 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 local elections. Further election results analysis will be published on the Commission's website.

## Public opinion research

1.22 We commissioned ICM to conduct public opinion research on the voter experience of the elections. Interviews were conducted with a sample of 500 in Wales. Interviewing was carried out by telephone between 2-11 May 2008. Further details will be published on the Commission's website.

## Stakeholder consultations

1.23 Following the elections, a seminar was held to receive feedback and review the election experiences of Returning Officers, Electoral Services Managers, representatives of the political parties and the police. 21 local authorities in Wales were represented.

1.24 We also held discussions with representatives of the four main political parties through the Commission's Wales Political Parties Panel, to hear of their election experiences.

## Returning Officers' feedback

1.25 Returning Officers were given the chance to complete a feedback form seeking their views on a range of topics on the administration of the elections.

## Enquiries

1.26 Throughout the election period the Commission received a substantial number of telephone calls, emails and letters from Returning Officers and Electoral Services Managers, candidates, agents and political parties, members of the public and the media, along with representative organisations. These enquiries and requests for advice helped inform our overall picture of the elections, the key issues that arose and happened 'on the ground'.

## 2 Planning for the elections

### Legislation and its impact on planning

2.1 There was a notable positive feature in 2008 which assisted Returning Officers in planning for the elections in May: the lack of any change to electoral legislation since the last set of elections held in Wales in May 2007. This stability was much commented on in feedback from all involved.

2.2 In 2006, the Electoral Administration Act (EAA) was introduced across the UK and brought some key changes to the conduct of elections. Implementing the changes had meant new accompanying secondary legislation; new guidance for electoral staff and revised briefings for candidates, agents and electoral and polling station staff. Secondary legislation was not finalised until the beginning of February 2007, only just in time for elections in May 2007.

2.3 Consequently, preparing for the elections in 2007 had been a very stressful experience for many electoral services staff. The lateness of the implementation of change caused difficulties, particularly in terms of the supply and installation of new software for dealing with new postal vote security measures. The Commission recommended to the UK Government that no changes be made to the legislation for local elections in 2008.

2.4 In contrast to the changes experienced the previous year, the elections in May 2008 were conducted using the legislation in place for local elections in 2007, notably the Local Elections (Principal Areas) (England and Wales) Rules 2006 and the Local Elections (Parishes and Communities) (England and Wales) Rules 2006. These rules do vary in some respects to the election rules that governed the conduct of the National Assembly for Wales elections in May 2007, as a result of the electoral system used in the Assembly elections, but essentially Returning Officers and election staff were running the May 2008 elections on procedures with which they were familiar.

2.5 Further, a factor affecting the conduct of the Assembly elections in 2007 was not present in May 2008. Assembly elections are conducted on a constituency basis. Several constituencies span local authority boundaries. A number of logistical difficulties had arisen in 2007 in relation to cross-boundary implementation of new postal vote security measures. For the local elections in 2008, there was no such cross-boundary factor.

2.6 For all local authorities these were the first set of elections for which people could register to vote anonymously. The provisions of the EAA<sup>3</sup>, which introduced anonymous registrations of electors in certain circumstances, came into force on 1 June 2007. The number of electors who registered

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<sup>3</sup> Section 10.

anonymously was minimal and no issues arose for electoral administrators at the 2008 elections<sup>4</sup>.

2.7 Very largely, therefore, Returning Officers and Electoral Services Managers were building on and learning from the experience of implementing procedures and practices introduced in 2006/07 and bedding these down.

**2.8 We have previously stated our belief 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. The experience in planning for the elections in May 2008 reinforces the case that there should be a six-month period between the implementation of legislative change (including both primary and secondary legislation) and the date of any scheduled elections.**

**2.9 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.**

## Wales-wide planning

2.10 The Wales Election Planning Group is a forum for a collaborative approach to election planning and is comprised of representatives of Returning Officers, electoral administrators, political parties, government officials and the Commission. It is chaired by a senior Assembly Government official and the Assembly Government provides the secretariat. It took a relatively limited role in planning in 2008, however, largely because of the locally autonomous nature of the elections.

2.11 The downside of limited Wales-wide, regional or cross-local authority planning in 2008 was that any economies of scale that might be achieved through cross-authority procurement, negotiation with external contractors and suppliers and opportunities for shared delivery of services, was limited and ad hoc.

2.12 Where it took place, however, cross-authority benefits were realised. For example, five local authorities in North Wales collaborated on planning decisions: each purchased blank postal ballot stationery and each purchased a printer of sufficient quality to undertake in-house printing. In the same way, they collaborated on the production of candidate nomination packs, printing these in-house and sharing the translation costs. The reason for this approach was that Returning Officers retained control, avoiding the need for outsourcing. It saved costs and achieved greater consistency of approach.

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<sup>4</sup> Based on ONS data from the 1 December 2007 electoral register the number of anonymous electors is six in Wales.

2.13 In our report on the National Assembly for Wales elections 2007<sup>5</sup>, we recommended that urgent steps be taken by local authorities in Wales to facilitate cross-local authority planning and collaborative delivery of elections. We recommended that the Wales Election Planning Group should take this issue forward. In responding to that recommendation (and other issues), the Assembly Government has commissioned external consultants to give operational advice on implementing such an approach and that project is on-going at the time of publishing this report.

**2.14 We believe that cross-local authority, regional and/or Wales-wide planning and shared delivery of services remain key areas for development.**

## Local planning and resourcing

2.15 We observed variations in the quality of local planning for the elections. A number of local authorities had an election project plan in place that demonstrated strategic commitment from the authority. In such examples, appropriate senior staff from across the authority are involved in a project and risk management approach which supports their electoral services team.

2.16 At the other end of the scale, there are authorities that largely leave their very small electoral services team to get on with it, with limited year-round senior management support. There is a consequent greater risk of coming unstuck in the event of problems. In one local authority, for example, crisis management arrangements had to be made to run the elections by senior staff with limited operational knowledge, in the unplanned absence of the Electoral Services Manager.

2.17 There remains a need for better contingency and operational planning by some local authorities, and a greater spreading of expertise. This would mitigate the difficulties caused by the absence or departure of a key member of staff at a critical period. Forthcoming staff retirements in Wales are also potentially problematic for authorities that have not focussed on succession planning.

2.18 The Wales Election Planning Group would be a suitable forum for further consideration of contingency and succession planning arrangements for electoral services in local authorities with a view to promoting best practice.

**2.19 We recommend that the Wales Election Planning Group considers contingency and succession planning arrangements for electoral services staffing in local authorities, and disseminates examples of good practice.**

2.20 From July 2008, the Commission will begin collecting financial information from Returning Officers relating to the financial year 2007/08, alongside our scheme of performance standards for electoral administration. We aim to collate and analyse resources and funding for, along with

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<sup>5</sup> The Electoral Commission *The National Assembly for Wales elections 2007* (2007).

expenditure on, electoral services on a consistent basis. We will aim to identify where resources have an impact, positive or negative.

## Local training of election staff

2.21 The extent of training for temporary staff employed at the local elections, particularly polling station staff, was much more variable than it was at the National Assembly for Wales elections in 2007. This was a matter of cost.

2.22 The costs of training polling station Presiding Officers and poll clerks at UK Parliamentary general elections and European Parliamentary elections is met by the UK Government Ministry of Justice and at National Assembly elections by the Assembly Government. These costs cover travel expenses and a fee for attending the training. For the local elections, such costs are borne by local authorities themselves.

2.23 To support the training of temporary election staff, the Commission provides materials for Returning Officers to use in cascade training, such as handbooks and presentations, all of which are free of charge. This means that the main cost for a Returning Officer in providing training for poll staff is meeting their travel expenses and providing fees.

2.24 Some local authorities in 2008 put in place arrangements that reflected those in place for the Assembly elections in 2007, that is, they trained all their polling station staff. Others provided truncated briefings for Presiding Officers but not poll clerks, compared with fuller training in 2007. At least one authority undertook no training of polling station staff at all. It was a variable overall picture.

2.25 No training provision, or limited training provision, for the local elections in 2008 meant that reliance was placed on training provided a year ago. Turnover of polling station staff varies in different localities, but certain polling station procedures were different between the two sets of elections in any event.

2.26 Commission representatives observing the elections in authorities across Wales visited polling stations and noted, in some localities, a varying knowledge and understanding amongst polling station staff that appeared to reflect the extent of local training provision. This was in contrast to the majority of areas where polling station staff were confident and competent.

**2.27 Training for polling station staff affects the service available for voters. We have consistently encouraged Returning Officers to train all polling station staff and will consider how performance standards might help in this area.**

## Preparing for the elections: guidance from the Commission

2.28 The Commission published guidance and support materials for Returning Officers and their staff and for candidates and agents. The materials were provided free of charge and included:

- A guidance manual for Returning Officers, to assist in managing all aspects of the electoral process.
- A handbook for polling station staff detailing polling station procedures for Presiding Officers and poll clerks.
- A guidance manual for candidates and agents to assist them in complying with electoral law and meeting standards of good practice.
- Guides on adjudicating ballot papers at the count.
- Additional materials available for download from the Commission's website, such as an election project plan and Frequently Asked Questions.
- Briefing sessions for Returning Officers and electoral services staff.
- Briefing sessions for candidates and agents of the main political parties.
- Individual advice and enquiry service.

2.29 In preparation for the elections in May 2008, we provided briefing and workshop sessions for Returning Officers and electoral administrators in Wales. These were delivered in two phases.

2.30 Firstly, in our report on the National Assembly for Wales elections in 2007<sup>6</sup>, we recommended that Returning Officers and electoral administrators review their verification and count practices, and undertook to convene a workshop on count design and management. In December 2007, we held such count workshops in two venues. At the same sessions, we also provided training from the Forensic Science Service on postal vote signature checking and reviewed postal vote rejections levels. Twenty out of the 22 local authorities in Wales sent representatives.

2.31 Secondly, we held a pre-election briefing seminar in February 2008, covering areas of interest to those attending, including candidate and party issues, nominations, postal voting and electoral integrity, led by the police Single Point of Contact. Representatives of all 22 local authorities attended.

2.32 Feedback from Returning Officers, their staff and the political parties on the materials and briefings was positive. We will continue to work with those who run and those who stand in elections to produce guidance materials that meet identified needs and are suitable for the purpose. The key task of the Commission's team staff in Wales during the election period was to provide day-to-day advice to, and work with, the main political parties, candidates, agents, elected members and police forces, as well as to Electoral Registration Officers, and Returning Officers and their staff.

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<sup>6</sup> Ibid.

### 3 Electoral integrity

3.1 Focussing on the prevention of electoral malpractice continues to be a priority for us. In 2008, we built on our existing work with electoral registration officers, Returning Officers, political parties, the Association of Chief Police Officers (ACPO) and the Crown Prosecution Service to promote electoral integrity and election security.

3.2 In partnership with ACPO, we again issued *Guidance on fraud prevention and detection* to all police forces, recast this year with new advice detailing electoral offences. The guidance is the main part of our commitment to provide more information and support for police forces on this specialised area of law. For the second year running in Wales, there was also a bilingual pocket guide for beat officers on duty during the elections, to assist them with the handling of any issues.

3.3 In conjunction with the political parties, we agreed to carry forward the 2007 *Code of conduct on the handling of postal vote applications and postal ballot papers*. In 2008, we also produced a credit card size guide, *Postal voting – a quick guide for party workers*. These plastic coated cards were produced as a pilot and issued to political parties to distribute to candidates. This was positively received, although we will review content and distribution to ensure its effectiveness.

3.4 A pro-active approach to electoral integrity was particularly evident in Wales this year. Forces across Wales and England were generally better prepared, 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.

3.5 Because of relatively small numbers of votes in many wards, local elections are potentially at greater risk of malpractice than large scale elections where electoral majorities can often be measured in thousands of votes. According to feedback from both Electoral Services Managers and police representatives, closer links were developed between them than ever before, on the grounds that prevention was much better than having to deal with problems after the event.

3.6 The Single Point of Contact (SPOC) for South Wales continued to act as lead contact for Wales and liaised with the appointed SPOCs in the other three police forces. He worked assiduously to promote a preventative approach, ensuring that all four police forces enhanced their preparations to discourage electoral malpractice. 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.

3.7 We also worked with the Royal Mail on electoral integrity issues and responded to their proposal for a jointly produced bilingual quick guide for postal workers, to be piloted in Wales. The *Postal voting and local elections in*

*Wales* cards were in the same format as the quick guide for party workers. In addition to general security advice, Royal Mail drivers and delivery staff across Wales were asked to be extra vigilant and report possible electoral malpractice to their line managers. The cards were supported by posters in sorting offices. Around 5,500 cards were produced and distributed to Royal Mail staff. Early feedback has been positive.

### **3.8 Royal Mail has requested that consideration be given to extending the quick guide card across the UK at the next elections.**

3.9 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.

3.10 Postal voting in Wales has become increasingly safe from malpractice, not least because the percentage of postal votes where absent vote identifiers were checked increased in 2008 compared with 2007. Most Returning Officers managed to check 100% of postal votes at most postal vote opening sessions. Staff were more rigorously trained on checking personal identifiers.

## Specific incidents

3.11 Such incidents as arose during the elections were of a local, small scale nature, as described below.

## Electoral registration

- In early April 2008, the media reported that two arrests had been made in connection with attempts to register in Cardiff. The people in question were alleged to be resident in a county in England and ineligible to be entered on the Cardiff register. It was reported that the attempts to register were to obtain credit facilities rather than aimed at affecting the result of any election. At the time of compiling this report, the case was under investigation by the police.
- A small number of further cases regarding attempts to enter false registrations on the electoral register were identified by the electoral services department of Cardiff County Council a week prior to polling day.
- An investigation was conducted by the electoral services department including a cross referencing of the non-domestic rates register with the electoral register. This revealed a small number of electors being registered at a business premises and a mosque.
- The police subsequently launched an investigation into these matters which was still ongoing at the time of compiling this report.

## Candidate nominations

- The agent of a candidate in Swansea, who was also a candidate himself, was accused of entering the details of subscribers on the nomination form of the candidate for whom he was agent, without their knowledge. The issue was reported to the Returning Officer and it was subsequently confirmed that the two people submitted as signatories had not given their permission to do so and did not endorse the candidate. The case was reported to the police who made an arrest. The case was still under investigation at the time of compiling this report.
- There were also allegations from some candidates that other candidates pressurised or intimidated people when knocking on doors to get subscribers. Some complained that elderly people had been persuaded to subscribe forms where they did not realise what they were signing. Some allegations were referred to the police for investigation.

## Postal voting

- In Bridgend, around 10 postal votes were rejected on grounds that the accompanying personal identifiers had been completed by someone from the nursing home in which the voters live. Police enquiries were ongoing at the time of compiling this report.

## Public confidence

3.12 Our public opinion survey showed that 60% of the public considered that electoral fraud was not a problem or not a very big problem, about the same percentage as at the Assembly elections in 2007 (61%). Furthermore, 74% were not very or not at all concerned about fraud in these elections. Of the 25% who were, 13% felt that the voting system was open to abuse; 11% that postal voting was open to abuse and 10% were concerned about the risk of getting the wrong result.

3.13 Our survey also shows that voters rate safety and secrecy highly. The percentage of respondents who rated these issues crucial or very important, compared with those who rated convenience highly, were as follows:

- My vote is safe from fraud or abuse: 81%.
- My vote is secret: 81%.
- Voting is easy/convenient for me: 76%.
- I have a choice of methods to cast a vote (such as by post, or in person at a polling station): 72%.

## 4 Registering to vote

### Registration levels

4.1 On 1 December 2007, when newly compiled electoral registers were published following the annual household canvass of electors, 2,273,586 people were registered to vote at the local elections in May 2008<sup>7</sup>. This is very similar to the number registered to vote at the National Assembly for Wales elections in 2007, where 2,248,122 were registered.

4.2 In our public opinion survey, of those people who did not vote in the local elections, 85% said they were registered to vote and 12% said they were not. Two percent were not sure.

4.3 The Electoral Administration Act 2006 (EAA) placed a duty on Electoral Registration Officers to take all steps that are necessary to maintain electoral registers, including a number of specified activities<sup>8</sup>. In the months leading up to the May elections, a number of Electoral Registration Officers undertook activities to promote electoral registration. These included placing adverts in local newspapers and council newsletters, local radio features and advertisements and writing to all non-respondents to the annual autumn canvass.

4.4 A number of EROs conducted 'mini canvasses' in January and February 2008 and wrote to registered electors to confirm registration details. This was an opportunity to remove or add people who had moved house since the autumn. People who were registered at properties which other council records showed that no-one lived there were also removed. Such initiatives will have helped to ensure that the electoral register was more accurate and complete ahead of the elections in May.

### Latest date to register to vote

4.5 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 until just over two weeks before polling day. The last date for registration for the elections on 1 May 2008 was 16 April.

4.6 Analysis shows that an average of 473<sup>9</sup> new electors were added to each local electoral registers by EROs in this period. The majority of EROs indicated that they did not find processing these new registration applications or dealing with the volume of queries about electoral registration overly burdensome.

4.7 A minority of EROs reported finding the later registration date more of a challenge to manage. This was either because they had a higher volume of

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<sup>7</sup> Source: Office of National Statistics.

<sup>8</sup> Section 9A, added to Representation of the People Act 1983.

<sup>9</sup> Based on 15 out of 22 local authorities for which data was available.

new registrations – for example, in one local authority, 1,000 registrations and 500 new postal vote applications – or because their staffing resources were already very stretched and the additional workload posed a problem.

## The Commission's public information on registering to vote

4.8 The Commission's public information campaign in the run-up to the 1 May local elections in Wales and England aimed to encourage people to register to vote, building on the success of the 2007 campaign with the key message 'If you want to vote, make sure nothing stops you'.

4.9 A series of bilingual television, radio, press and online adverts were used to communicate the date of the election and that in order to be able to take part, individuals were required to register to vote with their local authority by 16 April. The campaign also allowed for tests of additional media, including press advertising in local and regional titles in Wales. A second phase of activity including radio and online advertising informed voters about the day itself and reminded people about polling station opening hours. The campaign directed people to the Commission's public-facing voter information website [www.aboutmyvote.co.uk](http://www.aboutmyvote.co.uk) / [fymhleidlaisi.co.uk](http://fymhleidlaisi.co.uk) and a freephone telephone helpline.

4.10 The campaign was reinforced by additional activity to reach key under-registered groups, with field marketing teams helping students and people from black and minority ethnic communities to fill in voter registration forms. Our annual mailing to recent homemovers was also sent out in advance of the elections; in 2007 this activity helped over 90,000 people to register to vote. Information was also sent out to members of the Armed Forces and to British Embassies and Consulates abroad.

4.11 Detailed evaluation of the campaign is underway to assess its effectiveness, but initial results suggest it was well received. There were over 4,800 calls to our local elections hotline, and over 242,000 visits to the [aboutmyvote.co.uk](http://aboutmyvote.co.uk) website with an average of 34,600 visits per week during the campaign. Nearly 23,000 registration forms were downloaded from England and Wales (excluding London), while 2,100 registration forms were filled in as a direct result of our field marketing activity.

4.12 Quantitative public opinion research was also conducted to evaluate recall and perception of the campaign. Overall, 56% of respondents recalled seeing at least one of the adverts, with 64% agreeing that the adverts reminded them 'that if you're not registered you cannot vote', while 57% agreed that the key message was 'how important it is to register if you want to vote'. Spontaneous awareness of the fact that elections were taking place more than doubled from 32% before the campaign to 76% after, with 93% aware that it was elections for their local council. Attitudes towards registering to vote were very positive following the campaign, with 87% of respondents agreeing that 'even if you are not interested in voting now it's important to register so you can in the future' and 83% agreeing that 'registering to vote gives you the opportunity to have your say'.

4.13 In addition to our public information campaign, we promoted electoral registration through features and articles in Wales-wide, regional and local press and media. As a result of this activity, many local newspapers and radio stations carried reminders about registering to vote.

4.14 We also supported local electoral officers in their duty to promote participation in the elections, by providing a range of free practical materials, advice and guidance in our Do Politics Centre ([www.dopolitics.co.uk](http://www.dopolitics.co.uk)). These included press release templates, posters and registration leaflets.

4.15 A number of local authorities used the material provided, in particular the press release templates and the registration forms, as part of a local campaign. Some authorities also incorporated the visuals from the Commission's national campaign as part of their local efforts.

## Performance standards and electoral registration

4.16 Following the Electoral Administration Act 2006, the Commission developed a vision for quality electoral services to form the basis of a performance standards framework for Electoral Registration Officers (EROs). At the time of compiling this report, we have, for the first time, a complete set of baseline performance information for electoral registration and are consulting with practitioners and relevant stakeholders on a set of 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 after the annual canvass in September 2008.

## 5 Standing for election

5.1 There were 3,200 candidates standing for election in 881 local council wards, contesting a total of 1,264 vacant seats. In addition were the many candidates contesting town and community council elections. The sheer volume of elections was a challenge to manage, both for Returning Officers and political parties, especially in terms of candidate nominations. In Pembrokeshire alone, over 820 candidates were nominated for the two sets of elections.

5.2 While many election candidates were seasoned campaigners, a sizeable minority had never stood for election before. The election results also indicate that a substantial minority of successful candidates would not have had access to advice from a professional political party machine: 370 elected candidates were either independents or represented minor parties, compared with 344 Labour candidates, 207 Plaid, 173 Conservatives and 162 Liberal Democrats. (A small number of seats remained vacant.) Newly formed political party Llais Gwynedd, for example, stood 26 candidates for the first time in the elections to Gwynedd County Council.

5.3 We again published *Guidance for candidates and agents*, distributed through Returning Officers and the main political parties. It was widely used and welcomed. We provided briefing sessions for election candidates and agents during the political party conferences held in February and March 2008. We also published supplementary guidance for town and community council candidates.

5.4 The vast majority of Returning Officers held local briefing meetings with candidates and agents to address potential difficulties in advance of the elections, as we recommend. Feedback to the Commission from candidates who attended such sessions was very positive and Electoral Services Managers felt that the sessions paid off by reducing the time taken to check candidate nomination forms.

5.5 However, a minority of Electoral Services Managers reported that attendance at their briefing sessions was patchy, which they felt was then reflected in the lesser understanding of candidates in aspects of the electoral process. They reported that dealing with queries from candidates was very time-consuming.

5.6 For their part, the main political parties told us that many of their election agents and candidates had years of experience and did not want to devote valuable time, otherwise spent on campaigning, to attending briefing sessions where they were already familiar with the issues. Small changes in election procedures and between different types of election, however, can catch out even the most experienced. The additional value of attending briefing meetings to build working relationships is also lost if candidates and agents fail to attend.

**5.7 We continue to stress the value of 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.**

## Candidate nominations

### Disqualification from standing for election

5.8 We received a number of queries and comments regarding the disqualification of prospective election candidates. A person is disqualified from being elected or being a member of a local authority if he or she holds any paid office or employment in the local authority, including those who hold paid office on joint boards or committees on which the local authority is represented<sup>10</sup>. Furthermore, a number of posts are politically restricted, such as Heads of Service or Statutory Chief Officer, or other managers or staff who regularly advise elected members. Holders of such posts are disqualified for election to any local authority in Great Britain<sup>11</sup>.

5.9 We issued further guidance in relation to the specific question of when local authority employees need to resign their position if they wish to stand for election to the local authority. Our view is that a person consenting to be nominated for election must qualify to be elected on the day of nomination and on the day of election – not just on the day they take up office if successful. This means that a person cannot be validly nominated as a candidate at an election to that authority unless they have resigned and served any notice period before the date of nomination<sup>12</sup>.

5.10 It became apparent that there was also a lack of understanding, at least among some potential candidates who held posts on relevant public bodies on which local authorities are represented, that the provisions on disqualification would apply to their posts. In one case, a candidate who was employed in a public sector body in such a post was elected. The matter was referred to the Independent Adjudicator, who upheld the disqualification and a by-election had to be held.

**5.11 We will review our *Guidance to candidates and agents* with a view to clarifying the advice on disqualification of prospective election candidates.**

### Eligibility to stand for election

5.12 A point in the eligibility requirements for both principal area and community council candidates became the subject of a number of queries and comments to us.

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<sup>10</sup> Section 80 Local Government Act 1972.

<sup>11</sup> Section 1(1), Local Government and Housing Act 1989.

<sup>12</sup> See details in The Electoral Commission Circular EC02/2008.

5.13 To be eligible for election, a candidate must meet at least one of four criteria. One of these is that the candidate's 'principal or only place of work' during the last 12 months must have been in the local authority area – for community councils, within the community ward or within 4.8 km of it<sup>13</sup>. This criterion, in a few cases, appears to have been too open to liberal interpretation.

5.14 Queries to us came from prospective candidates and electoral administrators about circumstances where individuals were retired and living outside the local authority area or community ward. However, they did some work during the last twelve months within the relevant ward – in some cases, what appeared to be a very small amount of work.

5.15 A Returning Officer's legal duty, in making a decision as to the validity of a nomination paper, does not go beyond seeing that the form is correct on its face. Our *Guidance to candidates and agents* makes clear that the onus is on candidates to state, in consenting to nomination, that they are qualified and not disqualified from election. The inclusion of false information is a criminal offence and, if the candidate is elected, the election is void if the candidate is guilty of making a false statement.

### Effect of early publication of notice of election

5.16 A number of local Returning Officers published notices of election in advance of the deadline of the 25th working day before the election (27 March 2008). The purpose was to extend the candidate nomination period, as Returning Officers are entitled to commence the receipt of nominations on the same day that the notice of election is published. As well as assisting with the volume of nominations to be received, an extended nomination period also provides a longer period for informal checks to be made on nomination papers before they are finally submitted to the Returning Officer.

5.17 However, there was uncertainty amongst potential candidates and Electoral Services Managers about the effect of the early submission of nomination papers on the date a nominated person officially became a candidate.

5.18 A person does not officially become an election candidate in a local government election, even if their nomination papers have been submitted, until the last day for publication of notice of election, at the earliest<sup>14</sup>. In local authorities where notice of election was issued early, the practical effect was that a person could submit a nomination paper from 20 March, have the nomination accepted as valid by the Returning Officer, but not become a candidate for the purpose of their election campaign and expenses until 27 March.

5.19 Becoming a candidate in a local government election means that election expenses are regulated from that time. It also means the candidate is entitled

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<sup>13</sup> Section 79 (1) Local Government Act 1972.

<sup>14</sup> Section 118A(3), Representation of the People Act 1983.

to a free copy of the full electoral register for the electoral ward s/he is contesting<sup>15</sup> and a copy of the list of absent voters (and proxy voters) for the area<sup>16</sup>. 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 must be signed (subscribed) by 10 registered electors from the ward in which the candidate is standing. The subscriber's electoral number, available only from the electoral register, must also be included on the form.

5.20 Some independent candidates, who were not existing councillors, complained to us about what they perceived as a disadvantage to their election campaign in the effect of these provisions. Candidates were not entitled to a copy of the electoral register to assist in completing their nomination papers until the date they became candidates on 27 March. However, political parties are entitled to a free copy of the full electoral register at any time throughout the year. In practice, therefore, a candidate representing a political party is likely to have the assistance of their party in order to identify 10 registered electors. Only independent candidates who are already existing councillors would have access to the register in the same way as political parties. Some party candidates would, therefore, have been validly nominated a week ahead of those independent candidates who were reliant on obtaining a copy of the electoral register to identify their potential subscribers.

5.21 As well as the impact on the date of candidacy, a further complication arises from the early publication of notice of election. Political parties may register up to 12 descriptions of their party name with the Commission. These descriptions may be used by 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. Where a Returning Officer in one local authority area publishes a notice of election early, the possibility exists that a candidate may submit a nomination paper with a description that is subsequently amended or deleted by the party. The nomination paper would be valid, but that same description would not be valid for candidates from the same party in other local authorities where notices of election were published later.

5.22 In practice, the potential complication with party descriptions did not arise in Wales in 2008 as none of the parties contesting elections sought to amend or delete their registered descriptions just ahead of the elections. The potential remains for difficulties on future occasions, both at local council and National Assembly for Wales elections. The Commission has recently formally consulted on *The registration of party descriptions*<sup>17</sup>, including the process for registering, amending and deleting descriptions during the candidate nomination period. We will publish the outcome of those consultations in autumn 2008.

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<sup>15</sup> Regulations 104 and 108(1)(c), Representation of the People (England and Wales) Regulations 2001.

<sup>16</sup> Regulation 61, 2001 Regulations.

<sup>17</sup> The consultation closed on 13 June 2008.

5.23 The various complications that arise from the early publication of notice of election, in relation to the effective date of candidacy, occur in local government and devolved elections but not in UK Parliamentary general elections and European Parliamentary elections, where publication dates are fixed. In view of the complications, there is a need for further monitoring of the practical implications for candidates and political parties. The UK Government published a White Paper in June 2008, which includes proposals on the regulation of candidates' spending and when candidates spending limits begin. Any changes resulting from those proposals may affect this issue. In the short term, we will address the issue in our published guidance materials.

**5.24 We will give advice on the effect of early publication of notice of election on candidacy in future editions of our *Guidance for candidates and agents*, and will continue to monitor the practical implications for candidates and political parties. We also note that the UK Government has recently published its White Paper on party finance and expenditure in the UK, which includes proposals on the regulation of candidates' spending and when candidates' spending limits begin<sup>18</sup>.**

**5.25 We believe that those seeking nomination as independent candidates, who are not currently in office, 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.**

### Submission of nomination papers

5.26 We recommend, as do Returning Officers locally, that candidates avoid the last minute submission of nomination papers. Submitting nomination papers ahead of the statutory deadline enables informal checks to be made and any errors or omissions to be addressed, thereby minimising the likelihood of a candidate's nomination being invalid. Returning Officers made efforts to facilitate the receipt of large volumes of nominations, such as operating appointments systems and training additional staff to receive nominations. Nominations closed at 12 noon on Friday, 4 April.

5.27 The four main political parties also encouraged candidates to avoid late submission. However, there were thousands of election candidates, including many independent candidates, and problems did arise with the last-minute submission of nomination papers that might have been avoided.

5.28 For example, in Swansea, a batch of candidate nomination packs was collected at the end of the afternoon on the day before nominations closed, by one political party, and brought in just half an hour before the noon deadline the following day. To deal with queues, a ticketing system was in place. The

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<sup>18</sup> Ministry of Justice *Party finance and expenditure in the United Kingdom: the Government's proposals* (June 2008) Cm 7329.

difficulties the Returning Officer faced in processing fully the volume of forms led to allegations that candidates in the batch were still completing their forms after the statutory deadline, though the allegations were refuted.

5.29 Late submission of nomination forms can sometimes be explained by the difficulties candidates experienced in locating 10 registered electors to subscribe their nomination forms, within the timeframe between receiving a copy of the electoral register and the time that nominations close. (In 2008, between 27 March and noon on 4 April.) Nevertheless, this is unlikely to explain the extent of the late submissions that many Returning Officers told us about.

**5.30 Political parties, Returning Officers and the Commission should continue to stress, in briefings and guidance, the importance of avoiding the last-minute submission of candidate nomination papers in order to facilitate effective processing and reduce the likelihood of errors and invalid forms.**

Subscribers to nomination papers

#### **Numbers of signatures required**

5.31 Some candidates expressed their view to us that the requirement for 10 locally registered electors to subscribe the nomination paper is a deterrent to standing for election. Several Returning Officers and Electoral Services Managers made similar comments. Comparisons were made with the nominations procedures for National Assembly elections, where just one subscriber is required<sup>19</sup>. However, there is no deposit required from a candidate standing for election as a councillor, compared with the £500 deposit required to stand for election to the National Assembly (and for other national elections).

5.32 The Commission recommended in 2004 to the UK Government that the subscriber system should be abolished and replaced with a simplified system. The UK Government rejected this recommendation, on the grounds that the requirement for subscribers demonstrates that a level of local support exists for a person's candidacy.

5.33 Meanwhile, candidates for town and community councils require just two subscribers to be validly nominated. The two sets of elections are, by default, combined and the anomalous requirements for subscribers are particularly noticeable to those individuals who are councillors in both a local authority and a community and follow both nomination procedures at the same time.

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<sup>19</sup> Rule 4(5), Schedule 5, National Assembly for Wales (Representation of the People) Order 2007.

### **Signatures of subscribers**

5.34 There were some allegations of wrongdoing in relation to subscribers' signatures. Those that were referred to the police for investigation are detailed above in relation to *Electoral integrity*.

5.35 There were also a small number of complaints that candidates sought to obtain subscribers signatures without making clear which party they were representing. For example, an allegation that several people did not know that they were nominating a candidate for the British National Party was reported in a local newspaper, though no complaint was submitted to the police. The allegation was refuted by the candidate<sup>20</sup>.

5.36 In this context, we were asked for advice on whether it is possible for subscribers to withdraw their signatures on a nomination paper after the nomination form has been accepted. In accordance with the law, it is not possible for a person to withdraw a signature from a nomination form once it has been submitted.

**5.37 Our advice is that a nomination form should be fully completed identifying the political party for which the candidate will be standing before the proposer, seconder and subscribers are asked to sign it. This ensures that any registered elector signing a nomination form is aware of whose candidacy they are supporting.**

### **Election campaigns**

5.38 At the local elections in 2008, campaigning was very local in nature with no noticeable national advertising by parties. Street placards were the main visible signs of campaigning and the prevalence of these was variable. It was largely a campaign of election leaflets, which themselves became the focus for many queries and complaints from candidates during the election period.

5.39 It was also the case that in a number of areas, local contests were hard fought and sometimes became bitter. Returning Officers and Electoral Services Managers commented that some candidates fought 'dirty' campaigns and a number of allegations were referred to the police for investigation.

### **Imprints on election material**

5.40 During the election campaign period, we received many queries from candidates and local activists about the imprint requirements that apply to election publicity. All election publicity must carry an imprint with details of the full name and full postal address of the printer and promoter of the material. Despite the briefings provided by political parties to their candidates and the advice contained in our *Guidance for candidates and agents*, there were a number of errors with imprints, as well as allegations that some election publicity materials carried no imprint. Sometimes these allegations were linked with further allegations that the material was false or defamatory.

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<sup>20</sup> South Wales Guardian 7 May 2008.

5.41 The intention of the imprint requirements is to enable anyone to contact or trace the source of the material, for example, in case of any issue about its content. A breach of the imprint requirements is potentially a criminal offence and a complaint has to be made to the police. In practice, minor issues were addressed between the four main political parties where they were involved without need for recourse to the police.

5.42 Nevertheless, there were some instances of relatively serious imprint offences that warranted referral to the police, which are under investigation.

5.43 Towards the end of the election campaign period, we also received a number of queries that revealed an erroneous belief amongst some candidates and agents that an imprint offence was a legitimate cause to question the result of an election.

5.44 The main political parties in Wales gave us feedback about the clarity of advice provided in the Commission's *Guidance for candidates and agents*. They were concerned that some of the guidance was potentially confusing for candidates and agents, and requested that the Commission revisit the section of the guidance in question.

**5.45 We will review our *Guidance for candidates and agents* on the subject of election imprints, with a view to improving its clarity.**

## Independent candidates

5.46 More independent candidates were elected in May 2008 than candidates from any single political party; along with those from minor, locally based parties, there were 370 such candidates. For a number of years, there have been councils in Wales where independent candidates have been in political control or in a significant minority position. The position of such groups, along with candidates from minor parties, increased in significance in 2008. The outcome of the elections in May 2008 resulted in 18 out of 22 councils with no overall control. After post-election coalition deals were struck, Independents had overall control of two councils and led, or were junior coalition partners on, a total of 16 councils.

5.47 In this scenario, it was unsurprising that the campaigning activities of independent candidates in some areas resulted in comments to the Commission, from candidates, representatives of political parties and from members of the public.

5.48 The comments and queries concerned the legal position of independent candidates, in particular those who had previously formed an independent group in the previous council and were campaigning as a group. There is no prohibition on independent candidates working as a group during an election period, neither is there any obligation on political groupings to register with the Commission as a political party. The Commission is required to monitor the compliance of election candidates with the controls on election campaign

spending<sup>21</sup> but is not in a position to interfere with the organisation of a group with regard to campaign techniques.

5.49 However, it is important that independent candidates are not perceived to be standing as a group to campaign in an election, without registering as a political party, in order to avoid the regulatory regime in the Political Parties Elections and Referendums Act 2000 that applies to political parties.

5.50 We recognise the potential for lack of clarity about the position of independents during an election period. This is especially the case when attempting to differentiate between independents who do work as a campaigning group, and those who are simply individual candidates independent of any political affiliation or grouping. We had complaints from individual independent candidates that if there is an 'independent group' it is very difficult for others to distinguish themselves from that group.

5.51 The Carmarthen Journal, a weekly newspaper available in the county, displayed a half page advertisement in the 23 April edition encouraging individuals to 'Vote Independent' on 1 May. The imprint states the advertisement was 'paid for by independent candidates standing for election in the forthcoming Carmarthenshire County Council ballot on May 1<sup>st</sup>'. This begs the question for voters as to whether the advertisement was placed on behalf of all independent candidates standing for election in the county or a group of them.

**5.52 We are required to monitor the compliance of local election candidates with the controls on election campaign spending and will report further on whether any trends were apparent amongst groups of independent candidates in Wales in 2008, after the statutory deadline for submission of candidates' returns.**

**5.53 Our formal consultation on *The registration of party descriptions*<sup>22</sup> was completed in June 2008. We will make public our conclusions, which may contain findings on independent candidates, in autumn 2008.**

#### Local authority publicity during an election period

5.54 Another issue prompting a number of queries and comments from candidates and members of the public to the Commission was that of publicity about incumbent councillors, who were also election candidates, during the election campaign period.

5.55 The National Assembly for Wales has a Code of Recommended Practice on Local Authority Publicity<sup>23</sup>. The Code recommends that the period between the notice of an election and the election itself should preclude proactive publicity in all its forms of candidates and other politicians involved directly in

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<sup>21</sup> Section 145(1) Political Parties, Elections and Referendums Act 2000.

<sup>22</sup> The Electoral Commission *The registration of party descriptions* (March 2008).

<sup>23</sup> The National Assembly for Wales, October 2001.

the election. It advises that members holding key political or civic positions should be able to comment in an emergency or where there is a genuine need for a response to an important event outside the authority's control. Proactive events arranged in this period, the Code advises, should not involve members likely to be standing for election.

5.56 One particular issue which generated a number of comments to the Commission was the use of a scheme in Carmarthenshire County Council, launched in October 2007, where councillors were able to apply for a grant of up to £5,000 to benefit small-scale projects or requests for support in their ward. It was alleged by opposing candidates that some councillors, who were standing for re-election, had held their allocated sum until March, and that its use on projects generated coverage in local newspapers during the campaign election period. The resulting controversy was reported in the press<sup>24</sup>.

5.57 The issue is one for local authorities themselves, but in light of the number of queries we received about the general issue from election candidates, it does appear that the National Assembly's Code of Recommended Practice was not universally known about by all councillors standing for re-election in May 2008. It appears that the Code would also benefit from strengthening, such as with the inclusion of examples of publicity activities to be avoided during an election campaign.

**5.58 We recommend that Welsh Assembly Government considers strengthening the Code of Recommended Practice on Local Authority Publicity in Wales and advises councils to reiterate the Code's guidance to incumbent councillors in advance of future local elections.**

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<sup>24</sup> For example, the Western Mail, 26 April 2008.

## 6 Absent voting

### The voter experience

6.1 At the local elections, 15% of the registered electorate had a postal vote and 71% of them used it<sup>25</sup>.

6.2 There were very high levels of public satisfaction with postal voting at the local elections. Our public opinion research found that, amongst those who voted by post, 97% were very or fairly satisfied with the overall experience. This compares with the 94% at the Assembly elections in 2007.

6.3 The proportion of postal voters who thought it was very or fairly easy to understand how to complete and return their postal vote was also high, at 91%. As many as 97% classed it as very or fairly convenient, a small increase on 2007 when 95% gave it those ratings.

6.4 As to postal voting being an encouragement to vote, 69% felt it had encouraged them, with 31% considering it made no difference. Of those who felt it had encouraged them, 62% said they would have voted anyway, while 38% said they would not.

6.5 Of those who voted by post, 85% felt it was very or fairly good at allowing people to vote in secret. This compared with 62% of respondents to our survey as a whole, including those who had voted in polling stations or not voted at all.

6.6 Amongst all respondents to our survey, 57% classed postal voting as very or fairly safe from abuse, with 29% regarding it as fairly or very unsafe.

### The management of absent voting

6.7 The views of Electoral Services Managers on managing the postal vote operation in 2008 were unanimous. The following representative comments were made at our post-election seminar.

Whatever process you use or however you manage it, postal voting is the challenge of any election.

**Deputy Returning Officer**

No matter how smart the paperwork, key people are essential.

**Deputy Returning Officer**

With the numbers of postal votes we have, we can't hope to control the volume within electoral services alone. We have to share management elsewhere within the authority.

**Deputy Returning Officer**

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<sup>25</sup> Based on 530 out of 881 wards for which data was available.

It's like running two elections. If you're not careful, you can take your eye-off-the-ball of the election in polling stations.

**Deputy Returning Officer**

6.8 Although Electoral Services Managers that have a substantial number of postal votes to administer continue to find it a challenge so to do, the operation is generally well run, with managers becoming accustomed to dealing with increasing volumes of postal votes since postal voting on request was introduced in 2001. Lessons were learned from implementing new procedures for absent vote identity checks in 2007 and improved the operation of identifier checking in 2008.

## Absent vote identifiers

6.9 In 2007, new requirements for absent voting were introduced in England and Wales. All Returning Officers in Wales conducted elections for the National Assembly for Wales according to these requirements in 2007. At elections in 2008, the new requirements were bedding down and other factors, detailed below, eased the operation of the system in 2008 compared with 2007.

6.10 The basic system is that all applicants for an absent vote, whether by post or proxy, must provide their date of birth and signature as a security measure at the time of application to the relevant Electoral Registration Officer (ERO). Those who vote by post must then reproduce these 'identifiers' on their postal vote security statement when they cast their vote<sup>26</sup>.

6.11 Where an applicant for a postal or proxy vote is unable to provide a signature, they may request that the ERO waive the requirement for a signature to be provided. The regulations also make it a requirement for EROs to request electors to submit fresh signatures at five-yearly intervals.

6.12 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 Offices check at least 20% of returned postal voting statements; however, the Commission recommends that this should be extended to mandatory 100% checking of 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.

6.13 On 20 February 2007, the Commission was directed by the Secretary of State for Justice to review the implementation of absent vote identifiers in England and Wales.<sup>27</sup> The Commission published a report in July 2007 in

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<sup>26</sup> Representation of the People (England and Wales) Regulations 2001 (as amended).

<sup>27</sup> 'Review of the introduction of personal identifiers for absent voting', letter from Bridget Prentice MP (Parliamentary Under Secretary of State for Constitutional Affairs) to Sam Younger (Chair of the Electoral Commission), 20 February 2007.

response to this direction<sup>28</sup>, which examined the implementation of the new requirement in detail. The UK Government responded to this report in December 2007.<sup>29</sup> The Commission continues to pay close attention to the implementation of absent voting identifiers.

**6.14 We were pleased that UK Government made no changes to the legislation for absent voting identifiers ahead of the 1 May 2008 elections, as we recommended. This has enabled Electoral Registration and Returning Officers to refine their procedures and consider the necessary processes.**

**6.15 Now that the one year period has elapsed we recommend to the UK Government Ministry of Justice that some enhancement is needed to the legislation on absent vote identifiers for England and Wales, as well as for Scotland:**

- **Reconsideration of the signature waiver provisions, with the aim of striking a balance between ensuring that electors who cannot genuinely provide a signature are not prevented from absent voting and preventing abuse of the system.**
- **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 vote security 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.**

**6.16 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.**

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<sup>28</sup> The Electoral Commission (2007) *The introduction of absent voting identifiers in England and Wales*.

<sup>29</sup> *The Government's response to the Electoral Commission's recommendations in its evaluation report 'The introduction of absent voting identifiers in England and Wales'*.

6.17 One of the major issues that occurred in Wales in 2007 was the difficulty experienced by Returning Officers in sharing identifiers across local authority boundaries, as a number of Assembly constituency boundaries span those boundaries. This did not occur in the local elections this year, as all elections were contested within local authority boundaries.

6.18 Sharing identifiers for constituencies that cross local authority boundaries remains a key concern in the run up to the next UK Parliamentary general election and the 2009 European Parliamentary elections. We continue to press the UK Government to move to a mandatory national standard for the storage, maintenance and exchange of absent voting identifiers.

## The experience in 2008

6.19 This was the second year in which Electoral Services Managers were using absent vote identifiers and the experience they gained in 2007 was an undoubted benefit to them. Lessons were absorbed and there was more time to plan the whole operation, compared with the stressful experience last year of introducing new procedures that were heavily reliant on new software and hardware available only just in time for the elections in May 2007.

6.20 Following experience in outsourcing operations to external suppliers in 2007, when some Electoral Services Managers felt let down when timing was critical, a number of Electoral Services Managers decided to bring the printing of postal ballot stationery in-house. Over half of all local authorities undertook in-house printing. They considered this gave them more control and greater speed.

6.21 For example, one local authority which discovered an error on a batch of postal ballot packs was able to call upon their in-house printing team at short notice over a weekend. They reprinted, reissued and made special arrangements with Royal Mail for despatch the same weekend, so that revised postal ballot packs were received by voters with minimal delay.

6.22 Somewhat ironically, those Electoral Services Managers who outsourced operations experienced improvements and were able to negotiate speedy, quality services. Although all local authorities in Wales had elections, there were many fewer elections in English local authorities and none in Scotland or Northern Ireland. Taken with the decision of over half the authorities in Wales to print in-house, the reduced demand for commercial suppliers and contractors at peak election time meant effective services were available for those who used them.

6.23 The technology on which absent vote identifier checking relies, both hardware and software, was also in its second year of operation, and the majority of problems experienced in 2007 had been resolved for the elections in 2008.

6.24 The following comment was typical of others made to Commission representatives:

IT problems in 2007 meant staff (in the local authority) were overwhelmed. But the team had more time to plan for all eventualities in 2008 and there were very few problems with a 100% check in place compared to around 60-70% in 2007.

**Electoral Services Manager**

6.25 Some problems were initially experienced in a few local authorities when postal vote opening began, which appeared to be caused by accommodating postal ballot stationery printed in-house. In a small number of cases, local authorities had not undertaken advance testing, using scanners, of postal ballot stationery which had been printed differently compared with the previous year. This resulted in a few postal vote openings being postponed until the problems were sorted out.

### Absent vote identifiers: looking ahead to a UK Parliamentary general election

6.26 Although the experience with absent vote identifiers at elections in Wales in 2008 was much improved compared with 2007, this was because of a combination of factors and should not be taken to be predictive of what would occur at a UK-wide Parliamentary general election or European Parliamentary election.

6.27 In UK-wide elections, demand for specialist suppliers and contractors would increase again, along with the difficulties of sharing identifiers in constituencies that cross local authority boundaries. In the UK, only Wales has yet experienced elections (in 2007) that were run on constituency boundaries when implementing the use of absent vote identifiers at the same time. The valuable lessons learned should feed into UK-wide election planning.

### Rejected postal votes

6.28 The percentage of postal votes rejected as invalid by Returning Officers, as a percentage of the number returned, was 4.5%<sup>30</sup>. This was a fall compared with around 6% at the Assembly elections in 2007, when personal identifiers were first introduced and lower than at any time since postal voting on request was first introduced in 2001.

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<sup>30</sup> Based on 530 out of 881 wards for which data was available.

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**Table 1: Number of postal ballots rejected as a percentage of those returned**

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Local elections in Wales	2008	4.5
National Assembly for Wales	2007	6.2
UK Parliamentary general election	2005	4.6
Local elections in Wales	2004	5.0
National Assembly for Wales	2003	5.8
UK Parliamentary general election <sup>31</sup>	2001	4.9

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6.29 A much greater number of postal votes were subject to scrutiny in 2008 than they were in 2007. At most postal vote opening sessions, 100% of postal votes were checked compared with varying percentages above the minimum 20% in 2007.

6.30 It is likely that, in 2008, postal voters had become more accustomed to the requirement to provide signature and date of birth. This is likely to have reduced the numbers of postal votes that had to be rejected because the accompanying postal vote security statements were completed incorrectly compared with 2007. This was certainly a perception of Returning Officers.

6.31 A number of Returning Officers, having reviewed the reasons for postal vote rejection in 2007 told us they had actively worked to reduce rejection levels in 2008. On the other hand, some Returning Officers concluded their rejection rates were up, or had remained stable, because of an increased percentage of checks made and a more rigorous application of the checking process than in 2007.

6.32 Analysis of the reasons why postal votes were rejected as invalid by Returning Officers shows that the two main reasons for rejection were mismatched signature or mismatched date of birth. That is, the postal vote security statement accompanying the ballot paper contained a signature or date of birth that could not be matched to that contained on the elector's postal vote application.

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<sup>31</sup> The first election at which postal voting on request was introduced.

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**Table 2: Reasons for postal vote rejection in Wales in 2008**

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<b>Rejected for</b>	<b>% rejected postal ballots</b>
Want of signature	9
Want of date of birth	6
Want of both	15
Mismatched signature	32
Mismatched date of birth	30
Both mismatched	7

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Note: not all Returning Officers provided a breakdown of reasons<sup>32</sup>.

6.33 In relation to mismatched signatures, we provided training on signature checking in December 2007, through the Forensic Science Service, which was attended by almost all Electoral Services Managers and other election staff. The training gave more rigour and consistency to decisions on signatures. A number of Returning Officers allowed only the staff who had attended that training to deal with signature checks and some commissioned the same training locally to increase their pool of trained staff. Commission representatives, who observed postal openings in 13 local authorities, noted a greater consistency of approach by Returning Officers.

6.34 In relation to mismatched dates of birth, postal voters made a number of types of error in dates of birth. In particular, they inserted the date they had signed the postal vote statement rather than their own birth date.

6.35 A less frequent cause for rejection was where both signatures and dates of birth were mismatched. Where both signatures and dates of birth were completely dissimilar 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.

6.36 In total, 30% of postal votes were rejected because they lacked a signature or date of birth, or both. The design of postal ballot stationery is a factor that can affect the extent to which voters correctly supply their date of birth and signature, as we identified on our report on the Assembly elections in 2007. The Commission has already committed to publish a plan for the

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<sup>32</sup> Source: Professors Rallings and Thrasher at the Local Government Chronicle Elections Centre at the University of Plymouth.

development of a set of UK-wide standards on the accessibility, design and usability of ballot papers and associated stationery<sup>33</sup>.

6.37 Absent vote identifiers were introduced by the EAA in 2007 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.

6.38 It is notable that the increased percentage of checking of absent vote identifiers and more rigorous application of the checking process at the elections in 2008 identified only around 10 postal votes, and those were in one case, that were referred by a Returning Officer to the police for investigation of potential malpractice. This very low incidence could mean that the introduction of absent vote identifiers, along with the pro-active approach to preventing electoral malpractice that we have outlined earlier, has had a deterrent effect and that malpractice is genuinely very low in Wales. To reach definitive conclusions, the reasons why signatures were rejected because of mismatch, in particular, requires further research.

**6.39 We will continue to review reasons for postal vote rejection levels based on the available research, in consultation with Returning Officers and electoral services managers, and give further guidance based on our findings. We will convene seminars in Wales before the end of 2008 at which best practice on managing absent vote identifiers and preventing electoral malpractice can be shared.**

## Levels of postal voting

6.40 The proportion of the electorate who requested a postal vote increased in 2008 compared with 2007, to almost 15% of the electorate. This was the about the same as at the English local elections in 2008, but more than at the London mayoral and Greater London Assembly elections, where just under 12% did so.

**Table 3: Postal voters as percentage of electorate in Wales**

<b>Election</b>	<b>Year</b>	<b>%</b>
Local elections in Wales	2008	14.7
National Assembly for Wales	2007	12.5
UK Parliamentary general election	2005	12.7
Local elections in Wales	2004	10.7
National Assembly for Wales	2003	6.9
UK Parliamentary general election	2001	4.9

<sup>33</sup> The Electoral Commission *Taking forward the Electoral Commission's independent review of the 2007 Scottish Parliamentary and local government elections* (January 2008).

6.41 While more people in 2008 requested a postal vote than in 2007, there was a fall in the percentage who used it, compared with the Assembly elections in 2007. Nevertheless, those with a postal vote remain much more likely than the rest of the electorate to use their vote. Turnout of postal voters was 71%, the same as at the English local elections; 72% voted by post at the London mayoral and the Greater London Assembly elections.

**Table 4: Postal ballots returned as percentage of number issued**

<b>Election</b>	<b>Year</b>	<b>%</b>
Local elections in Wales	2008	71
National Assembly for Wales	2007	78
UK Parliamentary general election	2005	78
Local elections in Wales	2004	65
National Assembly for Wales	2003	63
UK Parliamentary general election	2001	82

## Proxy voting

6.42 There was an average of 125 proxy voters per local authority<sup>34</sup>. No general issues were raised with the Commission about the operation of proxy voting.

<sup>34</sup> Based on 15 out of 22 local authorities from which data was available.

## 7 Voting in polling stations

### The voter experience

7.1 Our public opinion survey showed that, of those who voted in polling stations in Wales, 98% were very or fairly satisfied with the overall experience. Ninety two percent of polling station voters classed the experience as very or fairly convenient; 95% classed it as very or fairly safe from fraud or abuse, and 96% classed it as very or fairly good at allowing people to vote in secret.

7.2 Amongst all respondents, including those who voted by post or who did not vote, 80% considered polling station voting to be very or fairly convenient. 91% considered it very or fairly safe from fraud or abuse, and 92% classed it as very or fairly good at allowing people to vote in secret. By contrast, 62% classed postal voting as very or fairly good at allowing people to vote in secret.

7.3 The age group who were least likely to vote at polling stations were those aged over 65, 75% of whom said they were unlikely so to do.

### Information for voters

7.4 Feedback from Returning Officers and Electoral Services Managers suggests that there are an increasing number of voters who seek basic information about how to vote and about what to expect at polling stations. This includes not just those having recently reached the age of eighteen but also older age groups who have not voted before or not voted for some time.

7.5 For example, Returning Officers report increasingly being asked about tellers, who work for political parties and record the elector numbers of voters at polling stations, in order to ascertain numbers voting. The increased number of queries may ironically result from the decreased number of tellers at polling stations compared with several years ago, to the extent that voters are unused to seeing them there. Anecdotal evidence from Returning Officers also suggests that voters ask about issues such as bar coding on ballot papers or other identifying marks and ballot paper numbers. These are security measures and provide an audit trail in the event of a challenge to an election in the courts.

7.6 We have detailed earlier in this report the Commission's public information provision relating particularly to electoral registration. Immediately ahead of the election, we targeted regional and local press in Wales with a press release containing the 'Insider's guide to voting' - what a voter could expect on polling day. Together with initiatives from some Returning Officers based on Commission templates, a good number of local and regional papers across Wales provided voter information during the week of the election, as well as that available on broadcast media.

**7.7 We will continue to review our voter information provision to consider how information suitable for first time voters or those who have not voted for some while can best be made available.**

## Polling station incidents

7.8 There were a small number of incidents in polling stations of which we were aware, including a few complaints about the campaigning activities of candidates and their supporters outside certain polling stations, which voters can find intimidating and potentially a deterrent to voting. There were no incidents requiring police attention at polling stations.

7.9 The reported incidents were low level and generally appropriately addressed by polling stations Presiding Officers with the additional assistance of Returning Officers where necessary. It is important that Presiding Officers are fully briefed on how to respond to any incident involving complaints about intimidating campaigning in the environs of a polling station.

7.10 The Commission UK-wide undertook discussions with the major political parties on campaign activities in the environs of a polling station, but it was clear that an agreed code of practice would not be achievable and the consensus of the political parties was that it was not necessary. We will continue to keep this issue under review according to the available evidence on level and number of incidents.

## Ballot papers: an administrative issue

7.11 In 2007 we reported on some problems with the new requirement to produce a 'corresponding number list' to record the issue of ballot papers. This list replaced the ballot paper counterfoil and, like the previous counterfoil, is the only place where the ballot paper number and the elector number appear together. Its purpose is to allow for subsequent investigation of electoral malpractice should a court order it.

7.12 Where county council elections were combined with community council elections, some Electoral Services Managers reported that the need for the use of a single corresponding number list at a combined election (as the law prescribes) caused a number of practical difficulties. Different electoral administrators adopted differing practices to deal, for instance, with voters who only requested one ballot paper, or who voted in one election at one time and then returned to vote in the other later in the day.

7.13 We issued guidance on this issue following feedback at our pre-election seminars for Electoral Services Managers. We reiterated that it is not acceptable for only the principal area (county council) ballot paper numbers to be printed on the list provided to polling stations, and for the polling station staff to then add the community council ballot paper numbers to the list as the ballot papers are issued. Returning Officers were advised to consider how they would manage this process in practice, particularly where the community area was not coterminous with the principal area boundary. We recommended

that one possible solution to this issue could be to use a separate sheet of paper for each poll but which are joined together in some way (for example, by staple), to satisfy the requirement of having a combined list to the same effect as that prescribed in the election rules.

7.14 Post-election feedback indicated that this guidance had been effective. On polling day, we received no reports of difficulties experienced by polling station staff and Electoral Services Managers reported back to us that they felt the introduction of the corresponding number list in 2007 was a helpful innovation.

**7.15 The rules on corresponding number lists still have the potential to cause difficulties in practice at larger-scale combined elections. Difficulties will increase where the franchise for two elections is different, as in a UK Parliamentary general election combined with local elections. We shall be glad to work with the UK Government on the applicability of rules for corresponding number lists at combined elections.**

## Accessibility

7.16 Accessibility of polling stations has been a significant issue in the past and one on which we have reported before. Following our recommendations, the Electoral Administration Act 2006 (EAA) introduced a number of measures to improve accessibility, including enabling electoral documents to be made available in Braille, languages other than English, and in graphical, audio and other accessible formats.

7.17 The EAA also made it a requirement for local authorities to review their polling districts and the accessibility of polling places every four years, commencing with a review in the 12 months from 1 January 2007. We issued guidance on the conduct of these reviews and have an appeal role in the process. We held briefing seminars for electoral administrators in July 2007, one objective of which was to enable discussion of local authorities' plans and to share practice. Most reviews in Wales took place during the autumn and winter 2007. By the notice of election for these elections, no appeals had been received by the Commission concerning any polling stations in Wales.

7.18 The available evidence suggests that there continues to be a gradual improvement in the accessibility of polling stations, with positive and conscious steps being taken by all local authorities. Efforts have been made to improve access in communities where choice of public buildings is limited, particularly in rural areas. Low-level polling booths and ballot boxes to facilitate access for wheelchair users are becoming the norm. A number of local authorities have reported to us that either all or the vast majority of their polling stations are deemed to be accessible. The improved accessibility of public buildings generally has been a factor in this.

7.19 During the local elections and after them, we received little negative feedback about accessibility issues, including from disability groups, less so

than at previous elections in Wales. This was mirrored in comments from the main political parties and Electoral Services Managers themselves.

7.20 That is not to say that there were no problems. Representatives of the Commission visited 13 local authorities, including polling stations on election day. A theme of their feedback was that some polling stations that would have passed advance checks as to their accessibility contained some obstacles to accessibility on election day itself, particularly to voters in wheelchairs. For example, there were a number of polling stations where access was restricted by double doors with one door locked shut, making unaided wheelchair access impossible and creating difficulties for parents with children in buggies. Other problems such as rugs placed across entrances created obstacles. Sometimes temporary ramps were slightly the wrong size, creating a trip hazard – there was at least one accident with a temporary ramp on polling day.

7.21 Our representatives also noticed that polling station signage and large-print ballot papers were not always placed in areas that were easily visible or fell down during the day. Tactile voting devices for the visually-impaired were readily available in the polling stations that we visited but not all polling station staff that our representatives spoke to knew how to use them.

7.22 On the whole, seemingly minor problems could cause difficulty and frustration to those individual voters who encountered them. Some of the barriers to accessibility in polling stations that we observed on polling day could have been overcome by polling station staff on the day removing minor obstacles and maximising the accessibility of the environment, such as using lighting well and positioning equipment, signage and large-print ballot papers to best effect.

7.23 The Commission's Polling Station Handbook, available to order free by Returning Officers, contains guidance and a checklist on polling station accessibility. It was on hand for use by staff in the vast majority of polling stations across Wales. However, written guidance needs to be reinforced by verbal briefings and training of polling station staff in advance of an election. As we have noted earlier in reporting on election planning, training for polling station staff in 2008 was not undertaken in every local authority in Wales and there were varying degrees of training provided.

**7.24 We continue to recommend that Returning Officers should provide training or briefing for all polling station staff that includes improving accessibility for all voters. The Commission will consult on draft performance standards for Returning Officers in autumn 2008, including standards relating to accessibility of elections.**

## 8 Counting the votes

8.1 In May 2008, there were a variety of different arrangements in place across Wales for counting the votes. These varied in three ways: when the counts took place; whether the counts took place in central locations or on a devolved basis; and in the methods used to count votes. Despite the disparity, the vast majority of election counts ran smoothly and feedback from the main political parties, candidates and Commission representatives was largely positive. There was no single type of arrangement that clearly worked better than others.

### Timing of the count

8.2 The local elections rules<sup>35</sup> require that the count must take place 'as soon as practicable' after the poll. Practicability is a matter for individual Returning Officers to decide. Main political parties and the media normally press for an overnight count – the media are also keen for early indication of when counts will be held so that they can plan their election coverage.

8.3 We continue to stress that it is important for a count to be accurate, with results that are accepted, rather than fast, and believe that how and when this is best achieved is genuinely a matter for local decision.

8.4 In May 2008, the predominant feature governing Returning Officer decisions as to the timing of local counts was the number of elections taking place. In some areas, there were relatively few contests for community council seats with candidates being elected unopposed, thereby reducing the number of elections to be counted. In order to manage the volume of counts, the following types of arrangements were in place:

- Verification of principal area and community councils on Thursday night immediately followed by the count, concluding in the early hours of Friday morning.
- Verification of principal area and community councils on Thursday night, with principal area counts on Thursday night, community council counts starting at an appointed time on Friday.
- Verification of principal area and community councils on Thursday night, with both counts starting at an appointed time on Friday.

8.5 When it became known that many counts were not taking place until Friday, there was general political acceptance of the arrangements. The relative lack of lobbying for overnight counts appears to have been because of understanding at local level of the volume of counts to be managed, and also because the outcome was not one resulting in national governmental change. There was no negative political feedback after the elections about those counts which were held on Fridays.

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<sup>35</sup> Paragraph 44, Schedule 2 to the Local Elections (Principal Areas) (England and Wales) Rules 2006, SI 2006/3304.

## Postal votes at the count

8.6 Many Deputy Returning Officers considered that the single factor slowing down the election-night count was the need to deal with postal votes which were handed in at polling stations on election day. These had to be opened and postal vote identifier checks completed before the postal votes could be included in the count. Many commented on the large numbers of postal votes handed in on the day.

8.7 Not all found that dealing with such votes slowed down the count. This was because they had collected postal votes handed in at polling stations during the day and held opening sessions, which continued as late as practicable. Where such arrangements had been made, typically less than five unopened postal votes came in from each polling station after the 10pm close of poll, and that volume was manageable by a member of staff allocated to deal with them at the count.

8.8 Such arrangements were not always practicable, particularly in rural areas or geographically spread local authorities where polling stations are sometimes a considerable distance from where postal vote opening sessions were held.

8.9 In view of the complicating factor of dealing with postal votes handed in to polling stations on election day, some Electoral Services Managers called for a deadline to be introduced by which postal votes should be handed in, for example, 5pm on election day. However, we believe that despite the administrative complications, it is crucial that every person who wants to vote has the opportunity to do so and that the recent standardisation<sup>36</sup> of polling hours at 7am – 10pm for all elections, which we had called for, should continue to apply without restriction. Postal voters should continue to be able to return their completed postal votes to polling stations up to the close of poll at all elections.

## Verification of ballot papers

8.10 As some local authorities planned to verify ballot papers on Thursday night but not count them until Friday morning, there was some concern in advance of the election about handling of ballot papers at the verification stage. The legislation on this point for local government elections is clear – ballot papers must remain face up at all times throughout the verification and counting process. Concerns were raised with us that by verifying the ballot papers face up, candidates and agents attending the verification process would be able to forecast election results before they were counted.

8.11 This is in contrast to the rules for European Parliamentary elections rules, where verification is completed ahead of the rest of the count. The rules require that ballot papers must be verified face down. Although the poll in the UK traditionally takes place on a Thursday, polls in other EU Member States

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<sup>36</sup> Applying to all elections held from May 2006. E.g. Rule 1, Local Elections (Principal Areas) (England and Wales) Rules 2006.

take place on different days until 9pm on Sunday, when the polls are closed across Europe.

8.12 Votes in all other elections are required to be verified face up, in order to ensure that no voter might be identified from the number or other unique identifying mark on the reverse of the ballot paper.

8.13 In practice, the impact was difficult to assess. Many local elections were for multi-member wards, where voters placed their mark on the ballot paper for sometimes up to five candidates. The main political parties told us that this made it difficult for candidates, agents and parties to forecast results from ballot papers they could only glimpse briefly. However, there were some accurate predictions of election results in the media early on Friday morning, 2 May, in areas where verification had taken place but counting had not yet begun.

8.14 As we outlined earlier, there were a variety of different arrangements in place across Wales for verifying and counting votes. Practice in managing election counts has evolved in part to manage much increased volumes of postal votes. It is arguable that the election rules presume a uniformity of approach to verifying and counting votes that no longer applies.

**8.15 We will keep under review the question of verification of ballot papers face up in the light of evolving practice on the separate timing of the verification and the counting of votes.**

## Management of the count

8.16 At the Assembly elections in 2007, although the majority of elections counts ran smoothly, we reported that count practices varied widely and some counts seemed less well organised than others<sup>37</sup>. In our report on the Assembly elections, we recommended that Returning Officers and electoral administrators review their verification and count practices with a view to building on and sharing existing good practice. We undertook to convene a workshop on count design and management to assist in this important task.

8.17 In December 2007, we held two workshops to review verification and count practices with a view to building on, and sharing, existing best practice. The practice points raised at this workshop were considered and incorporated into the Commission's revised manual for Returning Officers and other Commission training and guidance materials.

8.18 It was clear from feedback received from the main political parties, candidates who gave us comments, and from Commission representatives, that count management in May 2008 reflected sound planning by the majority of Returning Officers and electoral administrators. A number of counts were strongly managed and smoothly run, with good, regular communication between Returning Officer and candidates, such as announcements

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<sup>37</sup> The Electoral Commission *The National Assembly for Wales elections 2007* (2007).

throughout the count. The following comments from Commission representatives were typical:

The planning of the count appeared very good. All staff had been trained previously using Electoral Commission material and it was clear that this training had been effective. Once counting started the supervisors did not have to show any counters what to do – they just got on with it. The count supervisors also appeared well briefed and experienced and were able to supervise their teams with very little assistance from the Electoral Services Manager or the Returning Officer.

**Commission representative**

The counts themselves were very well organised, with regular announcements informing those present of which wards were to be counted and the tables at which this would be happening. Live results information was provided via two large television screens in each count centre. Each count centre had equally good access for candidates, agents and other observers and all had refreshments available via bars and vending machines and adequate seating for all. Observation rooms were provided for those without clearance to enter the count. Security at the counts was also good.

**Commission representative**

8.19 Political parties and candidates sometimes feel that transparency is not fully considered when count arrangements are planned, so it is important the process and the stages that have been reached are communicated during the count. This is especially true of local elections, where candidates can sometimes be waiting a considerable time for their own particular ward to be counted.

The verification and count was open to all, with the permission of the Returning Officer, and a number of facilities were available including an all-night café, TV access and comfortable seating. The transparency of the process was central to the planning of the count.

**Commission representative**

8.20 A number of other counts went smoothly enough, although plans did not always turn out quite as well as hoped. For example, one of our observers noted:

(The local authority) had made a real concerted effort to make the progress and results of the counts as easy as possible for the candidates and agents to understand. A large screen was displayed in the hall that showed which contests were being counted on which tables. However, the display was not updated as the count progressed so that when the first set of contests were concluded and another started on the same count table, no changes were made to alert candidates that the votes for their ward were being counted.

**Commission representative**

8.21 There were a small number of counts where there is still room for improvement. The following are comments from our observers:

The sound system was not particularly effective and elections staff were frustrated as they were constantly delayed by trying to track down the relevant candidates and agents.

Spoiled ballot papers were adjudicated at a table at one side of the hall. At the start of the night, candidates and agents were called to the table when the spoilt papers for the ward were being adjudicated. This appeared to have been abandoned towards the end of the count when papers were being adjudicated without any candidates and agents present.

The verification process seemed inconsistent. Most papers were verified face up but some were wrongly verified face down.

**Commission representative**

Until 12.50am, there had been very little work done by the counters, most had been sitting doing no counting for some time. There seemed a lack of autonomy of the counting tables and consequent over-reliance on direction from the Returning Officer/Deputy Returning Officer.

A better count system would have allowed decisions to be made further down the chain, leaving the RO/DRO to spend time on strategic issues and the complicated local problems.

Count staff were not sufficiently trained or confident to complete the count in accordance with a particular structure. Improved structures would benefit all involved in the count and would greatly improve the speed of the proceedings.

**Commission representative**

## **8.22 We will consult on draft performance standards for Returning Officers in autumn 2008, including standards relating to election counts.**

### **Innovations**

8.23 A couple of local authorities introduced innovations in 2008 that merit reporting in their own right.

### **Devolved counts**

8.24 Most Returning Officers counted the elections in between one and four central locations, depending on the size of the local authority. A minority adopted a different approach and held regional, devolved counts. Most striking of all was Swansea, where the count was held in 36 different centres.

8.25 There was a count centre in each of the electoral wards, along with a central hub. When the poll closed, a number of Presiding Officers became Deputy Returning Officers, and the verification and count took place in local count centres, some of which had been polling stations earlier. Checking of postal vote identifiers for those postal votes which had been handed in during

the day at polling stations was done by use of manual records kept at the relevant polling station.

8.26 Feedback received from candidates and agents, along with the main political parties, was largely very positive. Candidates got their results quickly within their localities. Party representatives also commented that the local counts had the potential to generate more community involvement and interest in the elections, in turn stimulating participation.

8.27 As results were declared in individual count venues, they were sent through to a central hub. Three large screens displayed results. The hub proved very popular, with candidates arriving from their count centres after their results were declared.

8.28 Recounts were undertaken on Friday morning at the central hub. These were carried out simultaneously, each with their own Deputy Returning Officer who had presided over the local count the previous night.

8.29 Overall, the shared conclusion of all involved was that the devolved count worked well and had a number of benefits. There are a number of potential risks to devolved counts, not least the availability of sufficient staff trained to manage the ward level counts as Deputy Returning Officers. The Returning Officer and his team had planned the operation very carefully, however, including identifying, mitigating and managing the risks.

8.30 We conclude that this model can work well, where there is high level strategic and operational commitment from the local authority to deliver it, including good project management of the change.

## Counting multi-member wards

8.31 In Pembrokeshire, an innovation was introduced to facilitate counting in multi-member community council wards. A new counting system was designed by electoral services, with assistance from the council's IT department. It proved to be an advancement on the traditional 'call out' and 'grass skirt' methods of recording and counting such votes, with a more professional appearance.

8.32 The key counting tool was an in-house designed spreadsheet, which was projected onto a screen so that candidates and agents could view proceedings. Basic data was inputted to the spreadsheet before counting began – this data included community/ward details, electorate size, the number to be elected, number of candidates and the list of candidates. Once this information had been entered, the counting of ballot papers began.

8.33 There were a maximum of 40 ballot papers allocated to each spreadsheet, with sufficient to cater for the electorate. The spreadsheet was projected on to a screen. Six counting stations each had a 'caller' and an operator. Votes were counted as follows:

- The caller would identify the candidates for whom a vote had been cast by calling out their allocated number on the ballot paper, e.g. 'vote cast for candidate 1, 3, 4, 7' etc.
- The operator would input the numbers of valid votes onto the ballot entry sheet, which simultaneously identified the number of the candidate on the screen.
- The spreadsheet calculated the running totals for each candidate on each ballot entry sheet and recorded the number of votes cast on each ballot paper.
- Separate worksheets recorded total votes cast for each candidates, details of spoilt ballot papers and turnout figures.
- The results were displayed at the end.

8.34 The Returning Officer found the system was less time consuming (it saved an estimated two hours on the previous community count and involved less staff); was more straightforward when compared to the traditional count methods; was transparent for candidates and agents; and was praised by all candidates and agents that Commission representatives spoke to. The Returning Officer and Electoral Services Manager considered the method worked very well and could be rolled out further to other local authorities.

## Rejected votes

8.35 The percentage of ballot papers at election counts that were rejected by Returning Officers as spoilt averaged 0.6%<sup>38</sup>. That is the same percentage as those rejected in the Assembly elections in 2007 and very similar to those rejected in the local elections in Wales in 2004, at 0.8%.

## Declarations of results

8.36 A point of detail arose as to the form in which Returning Officers may declare election results. The relevant election rules<sup>39</sup> provide that, in declaring the election result, the Returning Officer must give notice of 'the name of each candidate' elected.

8.37 The wording of the rule is in contrast to provisions elsewhere in the rules, which expressly enable candidates to use a 'commonly used name' on their nomination form and ballot paper. While a number of Returning Officers did declare results using candidates' commonly used names, there was concern that the rules could require that a candidate's full name should be used in declaring the election result. In some cases, this would have the effect that the candidate declared to have won the election would not be one that voters recognised from the name on the ballot paper. We recommended that in the declaration of results both the commonly used name and the full name of the candidate be given in order to limit any possible confusion.

<sup>38</sup> Data based on 437 out of 881 wards for which data was available.

<sup>39</sup> Rule 50, Local Elections (Principal Areas) (England and Wales) Rules 2006.

**8.38 In light of experience at the elections in 2008, we will review the legislative provisions on candidates' commonly used names with a view to making recommendation if necessary to the UK Government for consistency in the election rules.**

## Website publication of results

8.39 The main political parties commented on the very variable provision of local election results on local authority websites across Wales. Some local authorities did this 'live', posting results quickly on their websites. Others did so much more belatedly and on some websites it was difficult to track these down.

8.40 We agree with the parties that publication of election results on local authority websites at the earliest possible time is a significant source of public information, and that the local priority given to the election and results service can also convey a sense of relative importance of the election to voters and potential voters.

**8.41 We recommend that Returning Officers and Electoral Services Managers, as part of their election planning and with appropriate specialist support, review the election results provision on their local authority websites with a view to making results as speedily and readily available as practicable.**

## Voter turnout

8.42 Voter turnout in the local elections in Wales was 44%<sup>40</sup>. This was the same percentage as in the Assembly elections in 2007 and very similar to the 43% at local elections in Wales in 2004 (combined with European Parliamentary elections).

8.43 At the local elections held in England on 1 May 2008, 36% voted, compared with 41% in 2004 (combined with European Parliamentary elections). At the elections for the London Mayor and the Greater London Assembly, 45% voted, compared with 36% in 2004.

8.44 While turnout figures for different socio-demographic groups are not officially recorded, election surveys can provide us with useful estimates. Our public opinion research showed that the age group 18-24 year olds were the least likely to vote: only 17% of them said they did so. In other age groups, nearer to half said they voted: 51% of 25-34 year olds; 44% of 35-54 year olds; 51% of 55-64 year olds and 46% of those over the age of 65. About the same percentage of women as men said they voted: 46% compared with 47%<sup>41</sup>.

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<sup>40</sup> Based on 599 out of 881 wards for which data was available.

<sup>41</sup> It should be noted that because this research into voter behaviour sought a fairly equal number of voters and non-voters (ending up with 45% of the sample having voted, and 55% not having done so), turnout estimates should only be seen in relative rather than absolute terms.