



# The Glenrothes UK Parliamentary by-election

Report on the administration of the  
6 November 2008 by-election

February 2009

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# 1 Introduction

## About the Electoral Commission

1.1 The 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.

1.2 We produce independent reports on the administration of all major elections in the UK. Their purpose is to ensure transparency of the electoral process and to highlight lessons that can be learned by Electoral Registration Officers, Returning Officers, the Commission, governments and legislatures for the administration of future elections. We also review and comment on draft electoral legislation and identify where changes in the law will help secure improvements in the delivery of quality electoral administration.

1.3 We were given the discretion to report on the administration of by-elections to the UK Parliament by the Electoral Administration Act 2006 (EAA).<sup>1</sup> This report on the Glenrothes UK Parliamentary by-election is the third such report.<sup>2</sup>

## About this report

1.4 The Glenrothes by-election took place on 6 November 2008 following the death of the Labour Member of Parliament (MP), Mr John MacDougall, on 12 August 2008.

1.5 This report aims to provide detailed information on the administration of the Glenrothes by-election particularly for the electors of the Glenrothes constituency, the candidates who contested the by-election and their agents, the Returning Officer and his staff, the Electoral Registration Officer and his staff, and others with an interest in improving electoral administration.

1.6 This report highlights specific issues observed at the by-election. Information for this report has been obtained from the observation of the election by Commission representatives and information provided by the candidates and their election agents, the Returning Officer, Electoral Registration Officer and their staff. We are grateful for their help and assistance during and after the by-election.

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

<sup>2</sup> Our previous reports, *The Ealing Southall and Sedgefield by-elections* and *The Crewe & Nantwich, Henley, Haltemprice & Howden and Glasgow East by-elections*, can be found on our website [www.electoralcommission.org.uk](http://www.electoralcommission.org.uk).

## 2 Context

2.1 The Returning Officer for a UK Parliamentary general election and by-election in Scotland is the same person who has been appointed as Returning Officer for the election of councillors in the local authority area in which the constituency is situated. Where a constituency covers more than one local authority area, it is for the Secretary of State to direct which local authority Returning Officer will be responsible for an election in that constituency. Returning Officers may appoint Depute Returning Officers to discharge any or all of their functions at an election.

2.2 As the Glenrothes constituency falls wholly within the Fife Council area, the Chief Executive of Fife Council, Ronnie Hinds, was the Returning Officer. He appointed one Depute Returning Officer with full powers to assist in the administration of the by-election. The election team was also made up of an elections administrator and other existing employees of Fife Council who undertook specific tasks to deliver the election.

### Funding and expenses

2.3 The administrative costs of all UK Parliamentary general elections and by-elections are centrally provided by the UK Government. In Scotland, the funds are administered by the Scotland Office. At present, when a by-election is called, the Scotland Office advances to the Returning Officer a proportion of the estimated expenditure to run the election based on the previous UK Parliamentary general election (or by-election, whichever is the most recent). These costs include the hire charges of election venues, the costs of producing ballot papers and postal ballot packs and fees for staff employed at the election. This can be supplemented by further funding where costs exceed this amount. Where costs are lower, Returning Officers are required to repay the balance. The Returning Officer is required to account for all spending to the Scotland Office within one year of the by-election.

2.4 The Scotland Office provided an advance of £110,000 which was expected to cover the estimated cost of the by-election. The cost of the 2005 UK Parliamentary general election for the Glenrothes constituency was £97,119.97

## 3 Preparations

### The timetable

3.1 One of the key issues which can have an impact on the successful delivery and administration of UK Parliamentary general elections and by-elections is the fact that they can arise at short notice. It is possible for the writ for a UK Parliamentary by-election to be issued as little as 15 working days before polling day. The timetable for the Glenrothes by-election was 18 working days.

3.2 The short timescales have significant implications for electors in terms of being able to complete and return application forms for registering to vote and applying for an absent vote by the relevant deadline. For Returning Officers it allows very little time to plan for by-elections compared with scheduled elections. This issue was mitigated at the Glenrothes by-election due to the two months that elapsed between the vacancy arising and the formal electoral timetable beginning. This lead-in time allowed the Electoral Registration Officer and the Returning Officer to begin preparations for the by-election much earlier than may otherwise have been the case. Electors also had more opportunity to find out that a by-election would be held in the near future and could then ensure that they were registered to vote and apply for an absent vote if they wished.

3.3 When a seat in the House of Commons becomes vacant, a motion is moved for the Speaker to make out their warrant for the issue of a writ for the election of a new Member to fill the vacancy. The writ of election for a by-election is issued by the Clerk of the Crown as soon as practicable after the Speaker has given the warrant for the issue of the writ. There are special provisions contained in the Recess Elections Act 1975 should the UK Parliament be in recess when a Member's seat becomes vacant. In this circumstance, two Members of Parliament can certify to the Speaker that a seat in the House of Commons has become vacant. Upon receipt of this certificate, the Speaker must issue a warrant for a new writ of election to be made.<sup>3</sup> These provisions do not, however, extend to vacancies caused by a Member who has accepted an office of profit under the Crown.

3.4 By convention, by-elections normally take place within three months of a vacancy occurring.<sup>4</sup> The Chief Whip of the party to which the former Member belonged usually takes steps for the motion to be moved which gives the relevant political party some control over determining the date of the election.

3.5 The death of Mr MacDougall MP occurred on 12 August 2008 during the UK Parliament's summer recess. No certificate was presented to the Speaker during the summer recess and the writ was issued following a motion of the House of Commons on 13 October 2008 when it had returned from recess.

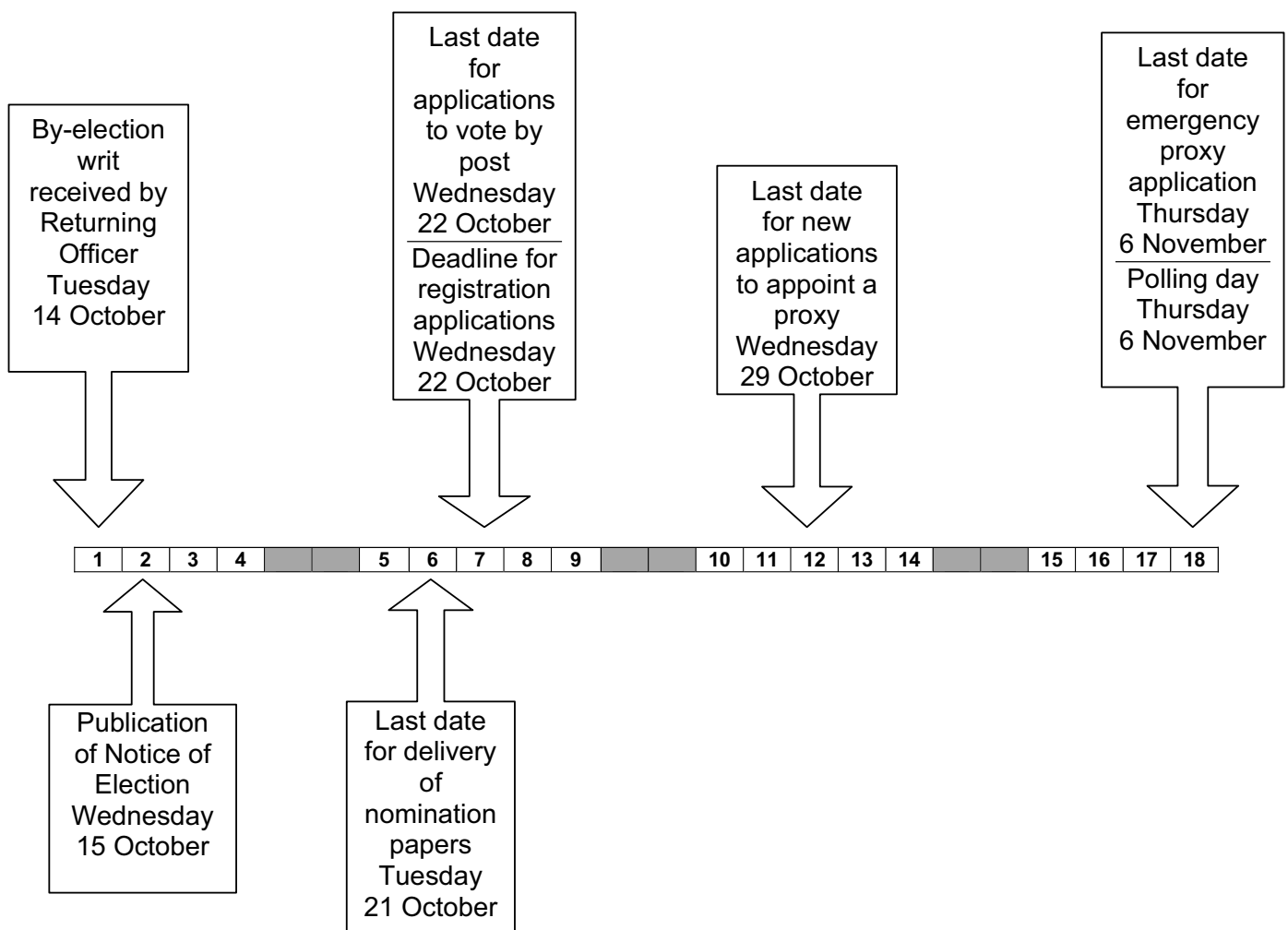
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<sup>3</sup> Section 1, Recess Elections Act 1975.

<sup>4</sup> House of Commons Information Office, Factsheet M7, *Parliamentary Elections*, [www.parliament.uk/documents/upload/M07.pdf](http://www.parliament.uk/documents/upload/M07.pdf)

3.6 The writ was received in Glenrothes on Tuesday 14 October 2008 and the Notice of Election was published on Wednesday 15 October. The closing date for the delivery of nomination papers was Tuesday 21 October. Applications to register to vote in the by-election, or to apply for a postal vote, had to be received by the Electoral Registration Officer by Wednesday 22 October while applications to vote by proxy (except in the case of a medical emergency) had to be received by Wednesday 29 October. Polling day for the by-election was set as Thursday 6 November.

3.7 The electoral timetable lasted for 24 calendar days, or 18 working days, from receipt of the writ to polling day.<sup>5</sup> A full timetable for the by-election is detailed in Appendix A.



<sup>5</sup> The election timetable is calculated by excluding *dies non*, which are Saturdays, Sundays, Good Friday and any other bank holiday.

## Legislation

3.8 The Electoral Administration Act 2006 (EAA) and subsequent secondary legislation made key changes to the electoral process including:

- enabling people to register to vote after an election has been called (up to 11 working days before polling day)
- requiring Electoral Registration Officers and Returning Officers to actively encourage participation in elections and providing some funding to enable Returning Officers to provide explanatory election materials and guidance in alternative formats, such as in languages other than English, using pictures, in Braille, and in audio
- reducing the minimum age of candidacy from 21 to 18
- allowing candidates to use their commonly used names on ballot papers
- allowing Returning Officers to use two columns on a ballot paper
- allowing independent observers at elections
- introducing new provisions about the nature and number of the descriptions that candidates standing on behalf of political parties may use on the ballot paper, and the process by which they may be registered with the Electoral Commission
- extending the deadline for the registration of political parties wishing to field candidates at an election from the last date for publication of the Notice of Election to two days prior to the last day for delivery of nomination papers
- introducing a procedure for the cancellation and replacement of postal ballot papers
- requiring a marked copy of the postal voters list to be compiled and prescribing conditions for access to such a list

3.9 The EAA also introduced new requirements for absent voting whereby absent voters must provide their date of birth and signature (personal identifiers) to the Electoral Registration Officer on their application. If an applicant is unable to provide a consistent signature, they may request that the Electoral Registration Officer waives the requirement to provide a signature. Electoral Registration Officers are required to refresh the personal identifiers of an absent voter at five-yearly intervals.

3.10 Absent voters must reproduce these personal identifiers on their postal voting statement which is returned with the ballot paper. Returning Officers at UK Parliamentary general elections and by-elections must set aside a minimum of 20% of the envelopes in each postal voters ballot box for personal identifier verification. They must also be satisfied that the personal identifiers provided to them have been provided by the person that the ballot paper was sent to by checking the personal identifiers against those given on the application form.

3.11 This system was implemented in England and Wales for elections held in May 2007. Due to the extensive changes already being introduced for the 2007 Scottish Parliamentary and local government elections, it was decided not to commence this provision until 2008. The Representation of the People

(Scotland) (Amendment) Regulations 2008 brought this system into full effect in Scotland from 8 August 2008 for UK Parliamentary general elections and by-elections. Therefore, the Glenrothes by-election was the first election in Scotland where the Returning Officer was required to undertake the verification of personal identifiers. A detailed examination of the administration of this verification process is given in Chapter 7 – Absent voting.

## Planning

3.12 Recent UK Parliamentary by-elections have been held very quickly after the occurrence of the vacancy<sup>6</sup> with the writ issued within two or three weeks. This was not the case for the Glenrothes by-election where a full two months elapsed between the death of Mr MacDougall MP and the issuing of the writ by the Clerk of the Crown in Chancery. This has not happened since the Brent East by-election in 2003 following the death of Paul Daisley MP on 18 June 2003. The writ for that by-election was not issued until 22 August 2003 and the election was subsequently held on 18 September 2003. This longer lead-in time was helpful in allowing the Returning Officer and Electoral Registration Officer to undertake planning in advance of the writ being issued. Nevertheless, certain activities, such as the receipt of nominations or the issue of poll cards, cannot either begin or be completed until the day of the poll is set and the electoral timetable formally begins.

3.13 Prior to the commencement of the electoral timetable, Commission representatives met with the Returning Officer to highlight the recommendations made in our report on the UK Parliamentary by-elections held earlier in 2008, which he could take forward for the Glenrothes by-election. These areas included:

- public awareness campaigns to encourage electoral participation
- holding a briefing meeting for candidates and agents
- implementing the new arrangements for the processing of postal votes (see below)
- attendance of a member of staff at the production of postal ballot packs in order to conduct quality assurance checks
- ensuring all forms and notices have been updated to reflect recent legislative changes
- improving disabled access to polling places and the provision of equipment and notices in alternative formats to assist voters
- providing clear information about the layout and conduct of the count in advance to candidates, agents and observers
- ensuring that the different parts of the count centre were clearly labelled with the activities that would take place and that all attendees could identify the senior count staff

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<sup>6</sup> *The Crewe & Nantwich, Henley, Haltemprice & Howden and Glasgow East by-elections*, the Electoral Commission, October 2007.

3.14 The Returning Officer addressed these points throughout the election and most, although not all, were an improvement on the practices observed by Commission representatives at other by-elections.

3.15 Overall, the length of time between the vacancy occurring and the election being held benefitted electors by raising their awareness of the fact that an election was due to be held in the constituency and allowing sufficient time to ensure that they were registered to vote and to apply for a postal or proxy vote if they so wished. This is in stark contrast to the few days that electors had to ensure they were registered for other UK Parliamentary by-elections in 2007 and 2008. The ability of the Electoral Registration Officer and the Returning Officer to use this time to prepare for the election and provide information to the public at an early stage was also beneficial.

**3.16 Additional time to plan and prepare for a UK Parliamentary general election or by-election is not always available to Returning Officers. To ensure that any election is administered efficiently, we recommend that Returning Officers develop contingency plans for organising a UK Parliamentary general election and by-election at short notice.**

**3.17 We also reiterate our recommendation that the UK Government extend the UK Parliamentary timetable, both for general elections and by-elections to 25 working days.**

## 4 Electoral registration

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

4.2 This was the first time that an election to the UK Parliament has been held during the annual canvass since new rules allowing late registration of electors prior to an election were introduced by the Electoral Administration Act (EAA) in 2006. There have, however, been numerous by-elections for local government during the annual canvass.

4.3 Changes to the Representation of the People Act 1983 introduced by the EAA allow electors to register up to 11 working days before a particular election. The legislation does not, however, allow additions of electors or amendments to an elector's existing details made on an annual canvass form to be used to update the register for an election held between 1 September and 1 December. The Electoral Commission has previously issued guidance to Electoral Registration Officers that, in the event of such an election, rolling registration forms should be sent to those seeking to make such changes to the electoral register, to enable them to be legitimately registered and participate in the election. The Electoral Registration Officer for Fife followed the Commission's guidance to issue rolling registration forms in response to changes made on annual canvass forms. There is no evidence to suggest that significant numbers of electors were unable to register to vote in the election due to the by-election being held during the annual canvass and the need to complete a rolling registration form.

4.4 Some electors whose registration details had changed during the previous year (such as those who had moved house recently) were therefore required to complete an extra form in addition to the canvass form to ensure their details were updated on the register which would be in use for the by-election. Following the moving of the writ, Fife Council issued a press release to explain this process and why it was necessary.

4.5 This issue of being unable to accept changes made on an annual canvass form for elections held during the autumn was identified in the preparations for a potential UK Parliamentary general election in the autumn of 2007. Clause 12 of the Political Parties and Elections Bill currently before the UK Parliament seeks to change this situation and allow changes made on an annual canvass form to be added to the electoral register used for any elections held between 1 September and 1 December. We support changing the law to this effect as long as the solution is workable and effective in practice and simplifies the process for electors and Electoral Registration Officers.

## 5 Public awareness

5.1 There is relatively little time for public awareness activities in the timeframe available at a UK Parliamentary by-election. However, due to the national and local media interest that these by-elections usually generate, local electors tend to have a good level of awareness that a by-election will take place in the near future although not necessarily the date on which the election will be held.

5.2 The Communications & Marketing team at Fife Council planned and organised a multi-faceted public awareness campaign on behalf of both the Returning Officer and the Electoral Registration Officer as soon as the seat became vacant. It was not possible, however, to finalise any detail until the writ was issued on 13 October as election publicity primarily centres around communicating the date of the poll and deadlines for registration and postal vote applications. These dates cannot be confirmed until the official timetable begins with the receipt of the writ by the Returning Officer and in Glenrothes this created challenges in securing press and outdoor advertising space within such short timescales.

5.3 The publicity campaign incorporated local press, radio and outdoor advertising, web based activity, and the distribution of posters and leaflets via community groups and in local shopping areas. Outdoor advertising was limited due to the difficulties in securing advertising sites at short notice.

5.4 Radio advertising was carried out in two waves. The first wave, from 18–22 October, advertised the deadlines for registration and postal voting applications. The second wave, from 30 October to 5 November, focused on motivating people to vote. Press releases were also issued to provide information to the public on registration, postal voting and a notice of change to the location of one polling place.

5.5 The Communications & Marketing team put a considerable amount of thought and effort into designing and delivering a commendable range of public awareness activity at short notice. Some systems had been put in place for tracking the volume of telephone calls from the public in response to press releases. However due to the narrow timeframe available, the Communications & Marketing team had not been able to put in place a formal evaluation process to test the effectiveness of each strand of the campaign, including the different methods of advertising.

5.6 We believe evaluation is a vital tool for ensuring that lessons are learned about the effectiveness of different elements of public awareness activity. The evidence gathered through evaluation can also help to improve the cost effectiveness of future publicity campaigns. We encourage Returning Officers and Electoral Registration Officers to develop and implement strategies to evaluate all strands of public awareness activity they undertake in anticipation of elections which can be called at short notice.

## 6 Candidates, agents and political parties

6.1 Political parties are required to be registered with the Electoral Commission if they wish their candidates to use the registered party name or one of their 12 descriptions on the ballot paper when contesting any statutory election in the UK. Eight candidates contested the Glenrothes by-election, each on behalf of a registered political party.

### Nominations

6.2 The nomination process went smoothly. All eight candidates who submitted nomination papers remained validly nominated.

### Briefing meetings

6.3 The Returning Officer organised a briefing meeting to be held with validly nominated candidates and their election agents shortly after the deadline for nominations. This session covered the key aspects of the election, including the new process for verifying personal identifiers at the postal vote openings and key dates and arrangements for candidates and their agents to observe the various elements of the election. This meeting also included a detailed presentation on the proposals for the arrangements of the count centre including layout and provision for the media. It also provided candidates and their agents with an opportunity to ask questions of the elections team.

6.4 Feedback received from candidates and agents showed that this briefing was helpful in assisting with their planning and understanding of the process. **We continue to believe that there is great value in holding briefing meetings on standing for election in order to avoid problems and minimise individual queries. We will continue to reflect the benefits in our guidance to Returning Officers.**

### Candidates' election expenses

6.5 Candidates contesting a UK Parliamentary by-election are subject to a £100,000 spending limit that is applicable from the moment a person becomes a candidate through to the date of the poll. Expense returns with supporting receipts must be submitted to the Returning Officer by every candidate along with a declaration from the agent, within 35 calendar days from the date the result of the by-election is announced. We will undertake compliance checks on the returned election expenses.

## 7 Absent voting

### Deadlines for absent voting applications

7.1 In our report on the four UK Parliamentary by-elections held in 2008<sup>7</sup> we discussed the impact that tight timetables for by-elections has on the ability for electors to apply for a postal vote and for Electoral Registration Officers to process these applications. As electors were aware for several months that there would be a by-election in Glenrothes, there was sufficient time for them to enquire about absent voting and complete and return the necessary application forms to the Electoral Registration Officer. More than 1,200 additional electors were granted postal votes between the vacancy occurring and the deadline for postal vote applications.

7.2 The proportion of electors choosing to vote by post in the Glenrothes area has increased since postal voting on demand first became available in 2001. At the 2005 UK Parliamentary general election, 6% electors (a total of 4,030 people) had registered to vote by post. By the deadline of 10pm on polling day 77.5% of those had returned their postal vote to the Returning Officer.

7.3 The percentage of the electorate registering as postal voters increased further by the time of the 2007 Scottish Parliamentary and local government elections, at a rate similar to that experienced in the rest of Scotland. In the Central Fife Scottish Parliamentary constituency, which comprises approximately 80% of the electorate of the Glenrothes UK Parliamentary constituency, 9.7% of electors (a total of 5,668 people) registered to vote by post, and 65.9% returned their ballot papers to the Returning Officer.

7.4 At the 2008 Glenrothes UK Parliamentary by-election, 10% of electors (a total of 6,925 people) were registered to vote by post. Of these, 147 postal vote applications were for a specific period of time, including 132 which were for the by-election alone. The remainder had applied to vote by post at all future elections until further notice was given to the Electoral Registration Officer. A total of 5,548 postal ballot packs, 80% of those issued, were completed and returned to the Returning Officer prior to the close of poll.

7.5 The ability of electors to apply and receive an absent vote and the ability of Electoral Registration Officers to process those applications, remains an issue for a UK Parliamentary general election or by-election that is called with little or no prior notice due to the very short timeframe in which this can be done.

### The management of absent voting

7.6 If the Returning Officer outsources the printing and despatch of postal ballot packs, the Electoral Commission believes it to be important that a

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<sup>7</sup> *The Crewe & Nantwich, Henley, Haltemprice & Howden and Glasgow East by-elections*, the Electoral Commission, October 2008.

member of the Returning Officer's staff visits the contractor's office during the production process to undertake quality assurance checks on the printed postal ballot packs.

7.7 The Returning Officer for Glenrothes did contract a commercial supplier to print and issue the postal ballot packs. We were pleased that a member of the Returning Officer's staff did undertake these checks on a sample of packs before allowing them to be despatched. The process of printing and sending postal ballot packs to postal voters ran smoothly.

7.8 The postal ballot packs were despatched on Friday 24 October and completed packs began to arrive with the Returning Officer the following week. The first opening of postal votes, however, did not take place until Wednesday 5 November – the day before polling day. The timing of the postal vote openings and the potential consequences of that timetable, as detailed below, gave us cause for concern.

7.9 Many Returning Officers, including the Returning Officer for Glenrothes, have opted to use electronic comparison checking software to assist in their adjudication of the personal identifiers. A trial of the system with test data was held the evening before the first postal vote opening which highlighted no problems. However, when the postal voting statements were scanned during the first opening, there was a problem whereby the electronic scanner was not aligned correctly with scanning marks (known as cornerstones) on the postal voting statement and therefore sent every postal voting statement for manual adjudication. This problem was resolved by lunchtime and scanning continued as expected. Had the postal vote openings begun earlier, a check of the system with a small number of actual postal voting statements returned may have identified these problems and allowed them to be resolved sooner. As it was, there was little margin for error during this process although the Returning Officer indicated to us that there were contingency plans in place.

7.10 In addition, postal voters can ask the Returning Officer to confirm whether or not their postal vote has been received. We do not believe that the arrangements the Returning Officer had in place were sufficient to provide this information in a timely manner had any absent voter requested it. Again, beginning postal vote openings at a much earlier stage would have facilitated this service. While no postal voter asked for this information during the by-election, the service should have been available if required.

## Returned and rejected postal voting statements

7.11 Upon receipt of the returned postal ballot packs, Returning Officers must check (a) that both the signature and date of birth of the postal voter have been entered on the postal voting statement (unless a signature waiver has been previously granted) and (b) that the personal identifiers supplied match those supplied at the time of application. In part (b), the law requires that Returning Officers check at least 20% of returned postal voting statements; however, we strongly believe that 100% personal identifier verification is preferred and would represent good practice.

7.12 In our July 2007 report on the introduction of absent voting identifiers in England and Wales, we outlined the merits of verifying 100% of postal voting statements.<sup>8</sup> A full check of all returned postal voting statements is the only way of checking that postal votes are returned by those who applied for them. Full checking will also remove actual and perceived loopholes in the system and can be expected to deter further attempts at malpractice. We therefore commend the Returning Officer and his staff for undertaking 100% verification on the first occasion of the Regulations being in force in Scotland.

7.13 Postal voting statements that are subject to the verification of personal identifiers can be rejected for a number of reasons. These include either the signature, the date of birth or both being missing from the postal voting statement, or where the Returning Officer cannot be satisfied that either the signature, date of birth or both were completed by the elector that the postal ballot was issued to. In total, 101 postal votes were rejected by the Returning Officer, representing less than 2% of those returned by the close of poll. A breakdown of the reasons for postal vote rejection is shown in Table 1.

**Table 1: Reasons for postal vote rejection**

<b>Rejected for</b>	<b>Number of postal ballots rejected</b>
Want of a signature and/or date of birth <sup>9</sup>	41
Mismatched signature	10
Mismatched date of birth	15
Mismatched signature and date of birth	35

7.14 Representatives of several candidates raised concerns with Commission representatives about what happens to postal voting statements that are rejected due to the personal identifiers failing to match and the length of time that can elapse until Electoral Registration Officers are required by law to refresh an absent voter's record. The Commission has previously highlighted parts of the law which may benefit from further consideration, including allowing Electoral Registration Officers to refresh an absent voter's personal identifiers at any time and requiring Returning Officers to take a proportionate level of action where a postal voting statement is rejected. We have recently held discussions with electoral administrators and civil servants to establish what action may be needed to ensure that electors are not disadvantaged by the new requirements, including amending the legislation if necessary.

<sup>8</sup> *The introduction of absent voting identifiers in England and Wales; the Electoral Commission's evaluation*, the Electoral Commission, July 2007.

<sup>9</sup> The Returning Officer was unable to obtain a more detailed breakdown of rejected postal vote statements due to missing signature, date of birth or both.

## Voting by proxy

7.15 Electors who may be unable to attend a polling station on polling day can choose to appoint a proxy – a person who will vote on their behalf. While the deadline for applying for a postal vote is 11 working days before the poll, it is only six working days for proxy applications. The limited amount of time available to apply for a postal vote has resulted in higher number of proxy appointments being made at previous by-elections. For example, there were over 400 proxy voters at the 2008 Crewe & Nantwich by-election compared to an average of 10 for other scheduled elections in that constituency.

7.16 There were 22 electors registered as permanent proxy voters in the Glenrothes constituency at the beginning of the electoral timetable. A further 61 electors appointed a proxy for the by-election only which is comparable to the 58 electors who appointed a proxy solely for the 2005 UK Parliamentary general election in this constituency. This suggests that the longer lead-in time to this by-election allowed more electors to vote by their preferred method.

## 8 Voting in polling stations

8.1 Overall, our observations were that polling day ran smoothly. The vast majority of polling station staff had worked on previous elections and all had attended a briefing session organised by the elections team on how to fulfil their duties on polling day. Polling station staff commented that the briefing by the elections team was good and enabled them to undertake their work with confidence.

8.2 This was the first election in the constituency since the combined Scottish Parliamentary and local government elections of May 2007. The Central Fife Scottish Parliamentary constituency, which comprises approximately 80% of the electorate of the Glenrothes UK Parliamentary constituency, recorded 1,256 rejected constituency ballot papers (4.45% of votes cast) and 641 rejected regional ballot papers (2.27%) at the 2007 elections. On this basis, and given this election used a different style of ballot paper and a different voting system, there were concerns that voters might complete their ballot paper incorrectly. In the event, a total of 25 ballot papers (0.07%) were rejected and any concerns proved to be unfounded.

8.3 To help minimise voter confusion, polling station staff were told to remind voters to mark a single cross (X) next to the candidate of their choice. This was particularly important because the instructions on a UK Parliamentary ballot paper state that a voter should vote for no more than one candidate but do not specify how this should be done (whether to use numbers or a 'X'). Notices elsewhere in the polling station do tell the voter how to mark their ballot paper but this information is not included in the notices inside each polling booth. This means there are no explicit instructions for voters at the time of voting. The stationery and notices used during the by-election were compliant with electoral legislation.

**8.4 The Electoral Commission is developing design standards to help improve the usability and accessibility of ballot papers and associated electoral stationery. We will make recommendations later in 2009.**

8.5 One polling place in Kinglassie had to be moved due to unscheduled maintenance after the poll cards had been issued to electors. The Returning Officer immediately wrote to registered electors in the area to inform them of the new venue. A press notice was also issued to highlight the change more widely.

8.6 Some activities of the press during polling day caused concern among polling station staff and these were brought to the attention of Commission representatives. For instance, some journalists falsely believed they could enter a polling place freely. Information about what the media could and could not do at different election venues was available from the Returning Officer. We will review our existing guidance for the media and Returning Officers are encouraged to use this as part of their election planning when it is available.

## 9 The count

9.1 The counting of the votes took place in the Fife Institute in Glenrothes immediately following the close of poll at 10pm and was completed by 12.45am. Overall, the conduct of the count went well.

9.2 The turnout in the 2008 Glenrothes by-election was 52.37% compared to 56.14% at the 2005 UK Parliamentary general election. The detailed result of the by-election can be found in Appendix B.

9.3 Persons entitled to attend the count are the Returning Officer and their staff, the candidates and one guest each, the election agents, the counting agents for each candidate and Electoral Commission representatives and accredited observers. The Returning Officer also has a discretionary power to admit other people to the count if their presence will not impede the counting of the votes. This power is regularly used to permit the media to observe proceedings.

### Postal votes at the count

9.4 The new requirements for the verification of personal identifiers provided by postal voters caused no delay to the count. By sending postal ballot packs out as soon as possible after the deadline for applications, voters were able to complete and return their postal votes before polling day and these could be processed at the first opening of postal votes. Sweeps of the polling stations were made by elections staff in the early evening for postal votes that had been hand delivered during the day and meant that only 80 postal votes had to be opened at the count centre. All 80 postal voting statements were processed and ready to be included in the count by the time the verification of ballot papers received from polling stations had been completed.

### Management of the count

9.5 We do have some concerns that the count was not as transparent as it could have been due to the layout of tables in the hall. One table where votes were being counted was not clearly within the view of candidates, agents or other observers. Also, the central tables where the votes for each candidate were collated were situated behind the Returning Officer's platform and obscured from view.

9.6 A reorganisation of the layout of the hall would have assisted the candidates, agents and observers to fulfil their duties and provided a fully transparent count.

### Information in the count centre

9.7 In our report on the four UK Parliamentary by-elections held in the summer of 2008, we highlighted problems at certain counts in relaying adequate information to attendees. Prior to the official timetable commencing, Commission staff met with the Returning Officer for Glenrothes to highlight

these issues. The Returning Officer took our concerns on board and put a number of arrangements in place which we believe helped attendees at the count to remain informed of what was happening at each stage. These included:

- all count staff were clearly identifiable by the use of uniform clothing
- communications staff were assigned to support the media, and were also identifiable by uniform clothing
- the Returning Officer made regular announcements about the progress of each stage of the count
- details of the ballot box number and polling place were placed on the verification table to allow attendees to identify which polling station's ballot papers were being verified

9.8 In addition to this, we would have preferred that more written information to explain the process of verifying and counting the votes was provided at the count centre. There could also have been better signage of the different parts of the hall and posters which identified who the count management staff were and where they could be located.

## Media arrangements

9.9 Over 160 representatives from local, national and international print and broadcast media were accredited by the Returning Officer to attend the count of which 100 were present on the night.

9.10 In response to feedback from the media representatives after the 2007 Scottish Parliamentary and local government elections, the Fife Council Communications & Marketing team made considerable efforts to improve facilities for the media including the introduction of an online accreditation process. Media attending the count were provided with their own dedicated areas of the count centre, internet access points were provided for journalists' use and communications officers, clearly identifiable by their clothing, were assigned to support the media on the night.

9.11 Evaluation forms were provided by the Communications & Marketing team to media who were accredited. These are currently being reviewed to improve services for future elections.

## Disposal of documents

9.12 Following a UK Parliamentary general election or by-election in Scotland, the Returning Officer is required to deposit the official election documents with the Sheriff Clerk of the sheriff court district in which the constituency is situated. These documents include all the ballot papers and the marked registers and absent voters lists.

9.13 The documents were hand-delivered to the Sheriff Clerk by a member of the Returning Officer's staff and a receipt was obtained in accordance with the Parliamentary Election Rules.

9.14 On 3 February 2009, it came to light that the Sheriff Clerk no longer had the marked registers that were deposited with him, although other election stationery remained in his possession. We are concerned when any election documentation is not retained in the proper manner and therefore we welcomed the statement by the Scottish Courts Service that they will appoint an external investigator to conduct an inquiry into this matter.

9.15 Clause 14 of the Political Parties and Elections Bill currently before the UK Parliament will, if enacted, require each Returning Officer at future UK Parliamentary elections and by-elections in Scotland to retain the election documents in their custody. We welcome the proposed legislative change, which will keep all matters to do with the election at the local level with those in charge of running the election and should improve consistency and continuity in the management of the electoral process.

## Appendix A – The electoral timetable

<b>Event</b>	<b>Date</b>
Writ moved in the House of Commons	13 October 2008
Writ received by the Returning Officer	14 October 2008
Notice of Election published	15 October 2008
First day for delivery of nomination papers (between 10am and 4pm on any day until last day)	16 October 2008
Last day for the delivery of nomination papers	Not later than 4pm on 21 October 2008
Last day for withdrawals of candidature	Not later than 4pm on 21 October 2008
Last day for appointment of election agents	Not later than 4pm on 21 October 2008
Publication of statement of persons nominated – if no objections made*	Not later than 5pm on 21 October 2008
Last day for requests for a new postal vote, or to change or cancel an existing postal vote or proxy appointment	Not later than 5pm on 22 October 2008
Last day for applications to be included on the register of electors in order to vote in the election	22 October 2008
Last day for new applications to vote by proxy (except for medical emergencies)	Not later than 5pm on 29 October 2008
Last day for appointment of counting agents and polling agents	4 November 2008
Last day to apply for new applications to vote by proxy on grounds of a medical emergency	Not later than 5pm on 6 November 2008
Polling day	7am–10pm on 6 November 2008

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

## Appendix B – Result of the Glenrothes UK Parliamentary by-election

Electorate	69,155
Number of votes cast	36,220
Percentage poll	52.38%
Number of rejected ballot papers	25

<b>Candidate</b>	<b>Party</b>	<b>Votes received</b>	<b>Share of the vote (%)</b>
Balfour, Morag Anne	Scottish Socialist Party	212	0.6%
Golden, Maurice Charles	Scottish Conservative and Unionist	1,381	3.8%
Grant, Peter	Scottish National Party (SNP)	13,209	36.5%
McLeary, Louise	Solidarity – Tommy Sheridan	87	0.2%
Parker, Jim	Scottish Senior Citizens' Unity Party	296	0.8%
Roy, Lindsay	Scottish Labour Party	19,946	55.1%
Seunarine, Kris	UKIP	117	0.3%
Wills, Harry	Scottish Liberal Democrats	947	2.6%

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see inside back cover for details.

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  
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