

# Part C – Absent voting

## Contents

- 1 Introduction
  - The absent voting procedure
- 2 Postal voting and integrity
  - Postal voting, houses in multiple occupation and residential establishments
- 3 Absent voting timetable and information
  - Timetable for absent voting
  - Communicating the absent voting process
- 4 Proxy voting
  - Limits on numbers of proxies
- 5 The issue and distribution of postal ballot packs
  - Persons entitled to be present
  - Secrecy requirements
  - Timing of the issue
  - Preparation of postal vote stationery
  - Logistics
  - Procedure for issuing postal ballot packs
  - Re-issuing postal ballot packs
  - Late issue of postal ballot packs
- 6 Replacement postal votes
  - Replacement of spoilt ballot papers
  - Replacement of lost ballot papers
- 7 Receipt, opening and storage of postal votes
  - Receipt of postal votes
  - Security of postal votes received
  - Postal votes delivered to the polling station
  - Recording and evidencing actions
  - The opening process
  - Postal ballot boxes and packets
  - Opening the postal voters ballot box
  - Opening and verification of postal votes that have been delivered to polling stations
  - Confirming receipt of postal voting statements
  - Checking the postal voting statements and verifying personal identifiers

Opening the postal ballot paper envelopes  
Matching up separated documents  
Sealing the postal ballot box  
Retrieval of cancelled postal votes  
Statement as to postal ballot papers

#### Appendix – Resources

Notification of secrecy requirements  
Checking signatures at postal vote openings

# 1 Introduction

## The absent voting procedure

1.1 Postal voting has become a major project within the overall election process, in terms of management of staff and resources, technology and dealing with integrity issues. Additionally, postal voting has recently attracted considerable media and public attention both in terms of the management of the process and, more particularly, in terms of integrity issues. Effective planning and preparation are essential to ensuring the success of this part of the administration of the election.



This guidance covers the role of the Returning Officer.

Details of the absent voting **application process** and other duties of the Electoral Registration Officer can be found in Part G of *Managing electoral registration in Great Britain: Guidance for Electoral Registration Officers* at [www.electoralcommission.org.uk/guidance/resources-for-electoral-administrators/electoral-registration/managing-electoral-registration-services](http://www.electoralcommission.org.uk/guidance/resources-for-electoral-administrators/electoral-registration/managing-electoral-registration-services).



*Essentials of effective election management: Planning for a local government election in England and Wales* considers a project management approach to delivering the election and includes advice on effective procurement and contract management. It can be found at [www.electoralcommission.org.uk/guidance/resources-for-electoral-administrators/local-elections](http://www.electoralcommission.org.uk/guidance/resources-for-electoral-administrators/local-elections).



### **Combination**

Where elections are combined, the relevant Returning Officers can agree to take the proceedings on the issue and receipt of postal ballot papers together. If the poll at a local government election is combined with the poll at another election, Returning Officers will need to consider whether this is appropriate, or if the proceedings should be kept separate.

For further information on the split of functions at combined elections, see Part G, 'Combination of polls', Section 2, 'Combination arrangements'.

## 2 Postal voting and integrity

2.1 Returning Officers are well placed to identify incidents and patterns of activity that might indicate electoral malpractice. However, the judgment in two Birmingham election petition cases in 2004 made it clear that it is not the role of the Returning Officer to investigate possible fraud.

The Returning Officer has no duty to investigate electoral offences and no resources to do so either. More to the point... the Returning Officer has no power to investigate.<sup>1</sup>

This is reaffirmed at paragraphs 142 and 143 of the judgment, the former of which also covers some of the functions of the Electoral Registration Officer.

2.2 If any Returning Officer has suspicions of fraudulent activity, or receives any allegations about possible absent voting fraud, these should be reported to the police for further investigation. Early liaison with the police Single Point of Contact during the planning process should have highlighted when the key aspects of the postal voting processes are to take place and agreed actions to be taken should any suspicions arise.

### Postal voting, houses in multiple occupation and residential establishments

2.3 There is a perception that electoral fraud can be more easily perpetrated in houses in multiple occupation (HMOs) and other multi-electoral establishments. For example, it is sometimes feared that residents in nursing homes, care homes and other sheltered accommodation who rely on carers for assistance might be unduly influenced or have their vote stolen. There is also potential in any HMO or similar multi-electoral establishment where residents do not have a secure mailbox, such as in student accommodation or bedsits, for postal ballots to be intercepted and used fraudulently.

2.4 Visiting domiciliary and care staff may be asked to assist with postal ballots, and each will have access to numerous electors. Where the Returning Officer considers it appropriate, they should send letters to offer advice to such care staff and facilities such as care and nursing homes in advance of the election.

2.5 When offering advice, the Returning Officer should emphasise:

- that the decision on voting and the elector's vote should be their own
- the need for secrecy when voting
- the Electoral Registration Officer's and the Returning Officer's willingness to refer any suspicious application or postal ballot to the police for investigation
- the penalties that may be applied

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<sup>1</sup> See Judgment of Commissioner Mawrey QC, 4th April 2005, [www.hmcourts-service.gov.uk/cms/2384.htm](http://www.hmcourts-service.gov.uk/cms/2384.htm)

- that power of attorney does not allow someone to vote on behalf of another person

2.6 If there is a doubt as to whether postal ballot papers will be correctly delivered, Returning Officers could arrange to hand-deliver them to HMOs, and could attempt to identify a responsible person to distribute the envelopes within the property.

## 3 Absent voting timetable and information

### Timetable for absent voting

3.1 The deadline for changes (including cancellations) to existing postal, proxy and postal proxy applications is **5pm, 11 working days** before polling day.<sup>2</sup> The deadline for new postal and postal proxy applications is also **5pm, 11 working days** before polling day. The deadline for new proxy applications is **5pm, six working days** before polling day.

3.2 There is also a provision which allows a proxy to be appointed in the case of an emergency medical condition, illness or disability arising after the deadline for ordinary proxy applications, subject to the appropriate attestation being provided. The deadline for this is **5pm on polling day**.<sup>3</sup> Mental health patients who are detained under civil powers are also entitled to appoint a proxy **up to 5pm on polling day**.

3.3 Shortly after these deadlines have passed, the Electoral Registration Officer will be able to provide the Returning Officer with the absent voters lists so that postal ballot packs can be produced and proxy voters lists created. The Returning Officer should liaise closely with the Electoral Registration Officer regarding the transfer of the data.

3.4 The Returning Officer should work closely with the Electoral Registration Officer to agree an efficient and secure method for transmitting notice of successful applications for an emergency proxy: this may be written, verbal or both. Once an emergency proxy application has been accepted, the notification system agreed between the Electoral Registration Officer and the Returning Officer should ensure that the proxy is able to exercise their right to vote. The method chosen should be communicated to Presiding Officers as part of their training.

### Communicating the absent voting process

3.5 The date of ordinary local government elections is known well in advance and therefore the election plan should include how the options available to voters will be publicised in the run-up to elections as part of the wider communications strategy. With by-elections, there is limited time available for voting methods to be publicised. However, the communications strategy should nevertheless include how by-election publicity will be handled should one arise, including how the various deadlines associated with the absent voting process will be communicated.

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<sup>2</sup> Regulation 56(1), RPR 2001.

<sup>3</sup> Regulation 56(3A), RPR 2001.



More information is available in Section 12, 'Communication' of *Essentials of effective election management: Planning for a local government election in England and Wales*, available at [www.electoralcommission.org.uk/guidance/resources-for-electoral-administrators/local-elections](http://www.electoralcommission.org.uk/guidance/resources-for-electoral-administrators/local-elections).



Any promotional material about absent voting should provide key information on the absent voting process, including:

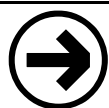
- the deadlines for the receipt of postal and proxy applications (including making changes to any existing arrangement)
- the date on which it is expected that postal ballot packs will be sent out (bearing in mind that factors such as possible printing or postal delays could result in papers arriving later than planned)
- how and when to obtain replacement postal ballot packs and the identification required

## 4 Proxy voting

4.1 The Electoral Registration Officer will provide the Returning Officer with a list of all electors who have appointed a proxy to vote on their behalf.

4.2 Proxies vote in the polling station where the elector was due to vote. If, however, the proxy is unable to attend the polling station in person, they can apply for a postal vote and become a 'postal proxy'. The list referred to above will also contain details of postal proxies. These proxies should be sent a postal ballot pack in the format for postal proxies. In this case, the Returning Officer must mark the polling station register with an 'A' so that the Presiding Officer does not allow the elector or the proxy to vote in person at the polling station.

4.3 There are a number of possible scenarios that can occur with regard to electors and their proxies voting in person, and the Returning Officer must ensure that Presiding Officers and their staff are well briefed to deal with them appropriately.



The Commission's *Handbook for polling station staff* and *A quick guide for polling station staff* include information on proxy voting at polling stations and can be found at

[www.electoralcommission.org.uk/guidance/resources-for-electoral-administrators/local-elections](http://www.electoralcommission.org.uk/guidance/resources-for-electoral-administrators/local-elections).

### Limits on numbers of proxies

4.4 A person may not have more than one proxy at any one time for local government elections.<sup>4</sup>

4.5 A person is entitled to vote as a proxy at the same local government election in any particular ward/division on behalf of two electors who are not close relatives. A person can additionally act as proxy for any number of the following relatives: spouse, civil partner, parent, grandparent, brother, sister, child or grandchild.<sup>5</sup> There is no limit to the number of these close relatives on whose behalf a proxy may vote.

4.6 The restriction on voting as proxy for more than two people who are not close relatives (as defined above) applies separately to each ward/division. A person could, therefore, vote for two electors who are not close relatives in any number of **different** wards.

4.7 It is not an offence to be appointed as a proxy by more than two people, but it is an offence to vote on behalf of more than two people who are not close relatives (as defined above) in the same ward/division at a local government election.<sup>6</sup>

<sup>4</sup> Paragraph 6(2)(b), RPA 2000.

<sup>5</sup> Paragraph 6(6), RPA 2000.

<sup>6</sup> Section 61, RPA 1983.

## 5 The issue and distribution of postal ballot packs



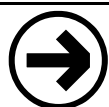
Where elections are combined, the relevant Returning Officers can agree to take the proceedings on the issue and receipt of postal ballot papers together. For example, any Returning Officers with combined principal area and parish or community council elections will need to consider whether this is appropriate, or if the proceedings should be kept separate. Regardless of which approach is taken, all local authorities that are running combined elections will need to consider the impact of combination on the resources required for the issue and distribution of postal votes, and the workflows to be followed.

### Persons entitled to be present

5.1 The only persons entitled to be present at the issue of postal votes are the Returning Officer, their staff, representatives of the Electoral Commission and any observers accredited by the Commission.<sup>7</sup> Candidates and their agents are not permitted to attend.

### Secrecy requirements

5.2 The Returning Officer must ensure that every person who is present at the issue of postal votes is given a copy of the secrecy requirements as set out in Section 66(4) and (6) of the RPA 1983.<sup>8</sup>



A copy of the notification of secrecy requirements is provided in the Appendix, 'Resources'.

### Timing of the issue

5.3 It is the decision of the Returning Officer when the issue of postal ballot packs should take place, although postal ballot packs cannot be issued until after 5pm on the eleventh working day before the poll.<sup>9</sup>



The aim of the Returning Officer should be to allow postal voters as much time as possible to complete and return their votes. To achieve this, postal ballot packs should be issued to all who have applied as soon as practicable after the deadline for new applications for postal votes and for changes to be made to existing postal votes, 11 working days before polling day.

Returning Officers may need to consider additional staffing in order to ensure that all postal ballot packs can be issued as early as possible.

<sup>7</sup> Regulation 67, RPR 2001 and Sections 6A to 6E, PPERA.

<sup>8</sup> Regulation 70, RPR 2001.

<sup>9</sup> Regulation 71, RPR 2001.

Postal ballot packs to be sent overseas (for example, to service voters) should always be prioritised. They should be sorted and identified to the mail service provider so that they can be sent by the appropriate mail service.

A postal ballot pack cannot be issued to an elector until they have been allocated an elector number, which means that postal voters who have registered under the 11-day rule cannot be sent postal ballot packs until the notice of alteration has been published on the fifth working day before the poll. This means that a final issue and despatch of these postal ballot packs should take place as soon as possible after this time.

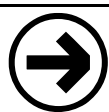
## Preparation of postal vote stationery

5.4 It is vital to ensure that there are sufficient ballot papers and enough of the other stationery required to be able to meet demand in the event of a late surge in applications. A postal ballot pack consists of:

- a ballot paper
- a postal voting statement
- a ballot paper envelope 'A'
- an outgoing envelope
- a return envelope 'B'

5.5 Both the ballot paper envelope 'A' and the return envelope 'B' should bear the local authority and the ward/district name and the return address of the Returning Officer. The Returning Officer should consider producing an explanatory leaflet, in graphical format, to assist the voter when marking the ballot paper and completing the postal voting statement.

5.6 There have traditionally been two main methods of preparing postal vote stationery: in-house, whereby postal vote stationery is printed and prepared by election staff or in-house printers; and outsourced printing, whereby postal vote stationery is printed or printed and collated by an external printing house.



For further consideration of production of postal vote stationery including an explanation of the materials that must be produced, see Section 5, 'External partners' and Section 13, 'Postal voting' of the Commission's planning guidance *Essentials of effective election management: Planning for a local government election in England and Wales*, available at [www.electoralcommission.org.uk/guidance/resources-for-electoral-administrators/local-elections](http://www.electoralcommission.org.uk/guidance/resources-for-electoral-administrators/local-elections).

In producing guidance to voters to assist them with completing and returning their postal votes, Returning Officers should have regard to *Making your mark*, the Commission's guidance on designing voter materials, which is available at [www.dopolitics.org.uk/making-your-mark](http://www.dopolitics.org.uk/making-your-mark).

5.7 The legislation requires that the postal voters list and the proxy postal voters list be marked to confirm that a postal voting statement has been received back by the Returning Officer.<sup>10</sup> In addition, at any time after the issue of postal ballot packs up to the close of poll, electors are able to ask for confirmation as to whether their postal vote has been received back and whether it has been recorded on either of the lists of rejected votes.<sup>11</sup> These requirements have implications for the production of the postal vote stationery, in that Returning Officers will need to ensure that they are able easily to mark the receipt back of postal voting statements on the postal voters list and proxy postal voters list.

5.8 It may be possible to undertake this recording task manually by reference to the ballot paper number required to be printed on the postal voting statement; but where a Returning Officer wishes to automate or part-automate the process, consideration will need to be given as to whether the stationery can be produced in-house or will need to be outsourced.

5.9 The Returning Officer is also required to produce different forms of postal voting statement for anonymous electors and for those who have been granted a waiver. The postal voting statement for anonymous electors must **not** show the name of the elector; where the elector has been granted a waiver by the Electoral Registration Officer, the signature box on the postal voting statement and any reference to signing in the instructions to voters are to be omitted.<sup>12</sup>



The stationery associated with postal voting is prescribed in legislation. In order to avoid any potential challenge to the postal voting process, the Returning Officer must therefore be satisfied that the postal vote stationery used is lawful. The responsibility for complying with the law remains with the Returning Officer, even if contractors are used.

For further information on what the postal voter should receive, please refer to Section 13, 'Postal voting' of the Commission's planning guidance *Essentials of effective election management: Planning for a local government election in England and Wales*.

## Logistics

5.10 The issue of postal votes is a crucial part of the administration of the election, but the timeframes for issuing postal votes are tight, with the deadline for receipt of postal vote applications being 11 working days before the election.

5.11 This alone can create logistical difficulties for the timely and successful issue of postal votes. When combined with other factors, such as difficulties recruiting staff or large numbers of applications arriving close to the deadline

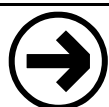
<sup>10</sup> Regulation 84(7), RPR 2001.

<sup>11</sup> Regulation 84A, RPR 2001.

<sup>12</sup> Forms G, H and J, RPR 2001.

for receipt of applications and delaying the Electoral Registration Officer from sending the final absent voters list to the Returning Officer, the issuing of postal votes can become problematic. If not managed correctly, this could potentially put the administration of the election at risk.

5.12 There are, however, measures that can be put in place to reduce the risk to the successful conduct of the election in terms of the production and issue of postal votes, some of which are described below.



The Commission has developed template planning documents to support Returning Officers in identifying and managing the risks specific to their area and circumstances. Evidence of effective risk management is also essential to meeting performance standard 2, as well as being something that would be required by insurers in the event of any challenge to decisions or election results.

These templates can be downloaded from the Commission's website at [www.electoralcommission.org.uk/guidance/resources-for-electoral-administrators/local-elections](http://www.electoralcommission.org.uk/guidance/resources-for-electoral-administrators/local-elections) and have been produced in Word format for adaptation to fit local circumstances.

## Practical considerations when issuing postal ballots in-house

5.13 A schedule for issuing postal ballot packs should be developed, which should have within it sufficient flexibility to enable additional issuing to be undertaken, should this prove necessary. It is the responsibility of the Returning Officer to appoint sufficient staff to issue postal ballot packs.

5.14 Particular measures that can assist in the smooth running of the issuing process are as follows:

- Trials to establish how long the issue might take and to identify any layout and process improvements.
- Some stationery can be prepared in advance; for example, consider the overprinting of envelopes with the return address and name of the local authority and ward, and the numbering and addressing of outgoing envelopes.
- A layout plan for the teams/process and equipment.
- Prepare boxes of equipment for each main issue, which could include:
  - postal voters list
  - stamping instruments (if being used)
  - corresponding number lists
  - statement of postal votes issued
  - sets of envelopes for the corresponding number lists
  - wire trays
  - pens
  - pencils
  - bulldog clips
  - paper clips
  - rubber bands

- control sheets
- rulers
- pencil sharpeners
- staff signature sheet to check off the staff that attend.
- Procure appropriate receptacles to transfer the postal ballot packs to Royal Mail or a commercial delivery firm (if not delivering by hand).
- Talk through the postal ballot pack issue process and have written instructions available for staff. Ensure sufficient supervision is in place, particularly when using staff with little or no experience of issuing procedures.
- Train supervisors to ensure that they can direct the process efficiently and effectively.
- Instruct supervisors to carry out spot checks regularly during each issue of postal ballot packs to ensure that the correct details appear on the ballot stationery and that the correct stationery is in the outgoing envelope.

## Procedure for issuing postal ballot packs

5.15 The issuing process can be summarised as follows:<sup>13</sup>

- Each postal ballot paper must bear the official mark (either by being stamped with a stamping instrument or by bearing some other security marking such as a watermark or an underprint), and have a unique identifying mark on the reverse. This unique identifying mark must be unique to the ballot paper and could either be a barcode or take some other form such as the ballot paper number with the addition of a prefix or suffix. Each postal ballot paper must also be uniquely numbered on the back.
- The elector number must be marked on the corresponding number list beside the relevant ballot paper number.
- A mark must be placed in the postal voters list (or the proxy postal voters list as the case may be).
- The number of the postal ballot paper must be marked on the postal voting statement sent with that ballot paper.
- The address to which the postal ballot pack should be sent is the address shown in the relevant postal voters list. In the case of a postal proxy, this is the address shown in the proxy postal voters list.

5.16 Further details of the issuing process are given below.

## Record keeping

5.17 As postal voters are issued with their ballot papers and envelopes, the corresponding number list and the postal voters list (or the proxy postal voters list, as appropriate) need to be marked.<sup>14</sup>

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<sup>13</sup> Regulation 72, RPR 2001.

<sup>14</sup> Regulation 72(2) and (3), RPR 2001.

### **The corresponding number list**

5.18 The corresponding number list records the details of which ballot paper is issued to which postal voter or postal proxy voter, along with the unique identifying mark applicable to each ballot paper. At the issue, the elector number must be marked on the list against the ballot paper number and its unique identifying mark. The corresponding number list to be used at a local government election is Form L1,<sup>15</sup> which is kept by the Returning Officer and is not the same as that to be sent to polling stations.

5.19 The corresponding number list relating to the ballot papers that have been issued must be sealed in a packet as soon as practicable after each issue of postal ballot packs, and can only be opened and inspected by the order of a court.<sup>16</sup> New lists and associated packets are therefore required at every issue. The list could be printed single-sided and cut at the point where the last ballot paper was issued at any single issue of postal ballot packs. The remaining corresponding number list can then be used at any further issuing sessions and for the issue of replacement postal ballot papers.

### **Postal voters and proxy postal voters lists**

5.20 A mark should also be placed on the postal voters or proxy postal voters list as appropriate against the elector's name, to denote that a postal ballot pack has been issued to the elector or their proxy.<sup>17</sup> As postal votes are returned by voters, the Returning Officer will be required to mark the return of each postal voting statement on the postal voters and proxy postal voters lists, which will be used to confirm to electors and their proxies whether their postal voting statement has been received back, and whether it has been recorded on either of the lists of rejected votes. After the election, the marked postal voters and proxy postal voters lists will be open for public inspection and made available for sale to the Electoral Commission, elected representatives, candidates, registered political parties and local constituency parties, police forces and government departments.<sup>18</sup>

5.21 The marked postal voters and proxy postal voters lists should not be sealed in the appropriate packets until after the final opening of postal ballot papers has been completed, but must be kept secure until that time.<sup>19</sup> Once the final opening of postal ballot papers is completed, the packets containing the marked postal voters and proxy postal voters lists should be sealed and stored in a secure place.<sup>20</sup>

5.22 The marked postal voters and proxy postal voters lists may be held in electronic form. If this is the case, at the end of the process the electronic copy should be transferred to a physical form (for example burned onto a CD-Rom) and sealed into the packets. A paper copy of the marked lists should also be made and stored in the packets, ensuring that accidental erasure of the electronically stored data does not result in loss of the lists.

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<sup>15</sup> Appendix of forms, RPR 2001.

<sup>16</sup> Regulation 75(1) and (2), RPR 2001.

<sup>17</sup> Regulation 72(3), RPR 2001.

<sup>18</sup> Regulations 117 and 118, RPR 2001.

<sup>19</sup> Regulation 75, RPR 2001.

<sup>20</sup> Regulation 84, RPR 2001.

## Despatch

5.23 The Returning Officer has a choice of three means for the delivery of postal ballot packs:<sup>21</sup>

- a universal service provider, within the meaning of the Postal Services Act 2000
- a commercial delivery firm
- staff appointed for the purposes of the election

5.24 If using a universal service provider or a commercial delivery firm for the delivery of postal ballot packs, the number of envelopes must be counted and a receipt signed by those collecting the envelopes must be handed over to the Returning Officer.<sup>22</sup> Arrangements for collection of postal ballot packs being issued should be made in advance, with clear communication of the schedule for issuing.

5.25 If not delivering by hand using the Returning Officer's staff, postage must be pre-paid on the outgoing envelope, which is addressed to the postal voter. Postage must also be paid on all return envelopes, except where postal votes are being returned from outside the United Kingdom.<sup>23</sup>

5.26 Staff can be appointed by the Returning Officer to deliver the postal ballot packs by hand. Staff appointed by the Electoral Registration Officer as canvassers may be suitable for delivering postal ballot packs, as they will be familiar with a particular area. However, staff delivering postal ballot packs may not be a suitable option in all types of area, and this will be for the Returning Officer to decide on the basis of local circumstances.

5.27 Returning Officers using their own staff for delivery could use their electoral management system to assist with sorting the postal ballot packs into local, non-local and non-UK addresses. Each will require a different delivery method depending on their type.

### **Postal ballot packs to be delivered overseas**

5.28 There will be some postal voters who will require their postal ballot packs to be sent outside the UK. This will include service voters based overseas and also some electors who are normally resident in Great Britain but request that their postal ballot pack be sent to an overseas address, for example because they are on holiday at the time of the election.

5.29 The Returning Officer should ensure that any postal ballot packs to be sent overseas are prioritised and sent out as soon as possible after 5pm on the eleventh working day before the poll, ideally via air mail (or British Forces Post Office for relevant armed forces service voters) to allow sufficient time for the postal ballot pack to reach the elector and for the ballot paper to be received back before 10pm on polling day.

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<sup>21</sup> Regulation 76, RPR 2001.

<sup>22</sup> Regulation 76(2), RPR 2001.

<sup>23</sup> Regulation 76(3) and (4), RPR 2001.

5.30 The Returning Officer should liaise with Royal Mail about the higher cost of postage for sending items overseas to ensure that postal ballot packs are posted with the correct outgoing postage. Return postage is not required to be included on the return envelope if the address provided by the elector is outside the UK.



Where it may not be realistic for a postal ballot pack to be despatched, reach the voter and be returned to the Returning Officer before the close of poll, consideration should be given as to whether the elector should be advised to appoint a proxy as an alternative. It is, of course, the choice of the elector as to which method of voting they prefer; but it is important to advise the elector of the circumstances surrounding their choice so that they can make an informed decision.

### **Local delivery**

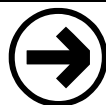
5.31 If postal ballot packs being sent to local addresses are to be delivered by a universal service provider or commercial delivery firm, outgoing postage will be required. Clearly, if the Returning Officer's staff are delivering postal ballot packs, no outgoing postage will be required, although there will be a cost in staff fees and time. However, postage must be pre-paid on the 'B' return envelope.

### **Non-local delivery**

5.32 It is not feasible for the Returning Officer's staff to deliver postal ballot packs to addresses that are not in the local area. Therefore all non-local postal ballot packs will require outgoing postage and will need to be delivered by a universal service provider or commercial delivery firm.

### **Royal Mail good practice guidance**

5.33 Royal Mail has produced guidance on postal voting, which covers the establishment of working relationships with relevant staff at Royal Mail. This guidance should be referred to by those planning to use Royal Mail to deliver postal ballot packs.



Royal Mail's guidance can be downloaded from [www.royalmail.com/postalvoting](http://www.royalmail.com/postalvoting).

## **Re-issuing postal ballot packs**

5.34 Occasionally envelopes, postal voting statements and ballot papers may be mismatched in packs, ballot papers may contain mistakes, or the additional information provided in the ballot pack may contain an error.

5.35 Returning Officers can correct procedural errors and they should attempt to rectify any such errors.<sup>24</sup> Although there is no direct provision to re-issue postal ballot packs, the Commission believes that this power to rectify procedural errors can be read to encompass this process. The Returning

<sup>24</sup> Section 46, EAA.

Officer may decide to re-issue some or all of their postal ballot packs depending on the circumstances: for example, if an error in collation affected a certain range of packs, only those packs may need to be re-issued.

5.36 The Returning Officer must be certain that any action will both rectify the error and not cause extra confusion or a different error. They should be confident that they know what went wrong and that their intended course of corrective action will be satisfactory.

5.37 When a postal vote has been re-issued the original ballot paper must be cancelled and must not be allowed to go forward to the count.

5.38 In the case of some errors, such as when the ballot paper has been printed correctly but the additional instructions contain an error as to the number of candidates to select, it may be appropriate to re-issue only to those who have requested a new postal ballot pack after having received an offer of re-issue from the Returning Officer. If the decision is taken to re-issue to all postal voters in that area, those who were not present to receive the re-issued ballot pack could effectively be disenfranchised even though their choice may be quite clear on the face of the ballot paper.

5.39 If the Returning Officer does decide that a re-issue is required and the error is one that may make the ballot paper or postal voting statement unusable, the Returning Officer should consider re-issuing the postal ballot packs rather than simply offering to re-issue them. Such circumstances may include instructing the voter on the top of the ballot paper itself to mark an incorrect number of candidates, placing an emblem for the wrong party against a candidate on the ballot paper or omitting a candidate from the ballot paper.

5.40 Any actions taken in an attempt to rectify a procedural error should be made with legal advice and carefully recorded. Both the error and any corrective action taken must be documented in case there is a challenge to the election.

## Late issue of postal ballot packs

5.41 The prescribed poll card for postal voters includes a date around which ballot packs will be sent out. The wording used clearly indicates that the date given is not a specific, guaranteed date but is the approximate date of issue, provided for the information of postal voters.

5.42 There is no prescribed last date for the issue of postal ballot packs, however the earlier they are distributed the more opportunity electors have to complete and return their postal votes.

5.43 Returning Officers should keep a written record of their actions in order to show that they made every possible effort to ensure that postal ballot packs were despatched as soon as possible in the event of any question as to the proper conduct of the election.

## 6 Replacement postal votes

### Replacement of spoilt ballot papers



An elector may apply for a replacement if they have spoilt either their ballot paper or their postal voting statement.

Applications for a replacement must be made to the Returning Officer by 5pm on polling day.

6.1 If a person spoils their postal ballot paper or postal voting statement, it is possible for them to obtain a replacement postal ballot pack if they follow the procedure below.<sup>25</sup>

6.2 The spoilt ballot paper or spoilt postal voting statement should be returned to the Returning Officer, along with the remaining ballot paper or postal voting statement, return envelope 'B' and ballot paper envelope 'A', regardless of whether or not they have been spoilt. A new postal ballot pack (ballot paper, postal voting statement and relevant envelopes) can then be issued to the elector.

6.3 Where an application is made before 5pm on the day before the poll, the Returning Officer may either hand a replacement postal ballot pack to the elector or cause it to be delivered to them. However, if the request for a replacement postal ballot pack is made after 5pm on the day before polling day, the replacement pack may only be handed to the elector.

6.4 Any returned spoilt ballot papers and postal voting statements have to be cancelled, and these documents should be sealed in a packet for spoilt postal ballot papers. The details of the returned spoilt ballot papers should be added to the list of spoilt postal ballot papers. This is an official document that records specified details where replacement papers have been issued, including to whom they have been issued.

### Replacement of lost ballot papers



Prior to issuing a replacement for a postal ballot pack that has been lost<sup>26</sup> or not received by the voter, the Returning Officer should check whether the postal voting statement originally issued has been marked as having been returned on the postal voters list or proxy postal voters list, as appropriate. If the postal voting statement has been marked as returned, the Returning Officer must remove the original postal voting statement from the receptacle for postal voting statements and the ballot paper from the postal ballot box at a postal vote opening.<sup>27</sup> This is described further in Section 7, 'Receipt, opening and storage of postal votes', 'Retrieval of cancelled postal votes', below.

<sup>25</sup> Regulation 77, RPR 2001.

<sup>26</sup> Regulation 78, RPR 2001.

<sup>27</sup> Regulation 86A(2), RPR 2001.

Prior to sealing the retrieved postal voting statement in a packet (see below), the Returning Officer should use their powers to conduct an additional personal identifier verification<sup>28</sup> and compare the signature and date of birth on the statement with those contained in the personal identifiers record. If they are significantly different, the Returning Officer should consider reporting the matter to the police in accordance with the Commission's guidance on preventing and detecting fraud.

6.5 Where a voter claims either to have lost or not to have received their postal ballot paper, postal voting statement or return envelopes 'A' and 'B', it is possible for a replacement postal ballot pack to be issued if the voter follows the procedure below.



Note that the description 'lost' includes the situation where the voter has lost their ballot paper, postal voting statement or envelopes after receiving them from the Returning Officer, in addition to the situation where the voter claims not to have received their postal ballot pack.

As postal voters may now request, at any time after the issue of postal ballot packs and before the close of poll, confirmation as to whether their postal voting statement has been marked as having been returned on the postal voters list or proxy postal voters list (as appropriate), electors who make such enquiries and are advised that their postal voting statement has not been received could potentially make a request to be issued with a replacement postal ballot pack.

The Returning Officer can only refuse the request to replace the postal ballot pack if they:

- are not satisfied as to the identity of the voter (see below)
- have reason to doubt that the elector has not received it or that they have lost their ballot paper, postal voting statement or envelopes

6.6 A voter can apply for a replacement postal ballot pack between the fourth working day before polling day and 5pm on polling day. The application must include details of the voter's identity.<sup>29</sup> If the voter still has the ballot paper, postal voting statement and/or return envelopes 'A' and 'B', they must also return whichever of these postal voting documents they still have.

6.7 Where an application is made before 5pm on the day before the poll, the Returning Officer may either hand a replacement postal ballot pack to the elector or cause it to be delivered to them. However, if the request for a replacement is made after 5pm on the day before polling day, the replacement pack may only be handed to the elector.

6.8 In the case where an elector has lost any part of their postal ballot pack, they must return the remaining parts to the Returning Officer when applying

<sup>28</sup> Regulation 85B, RPR 2001.

<sup>29</sup> Regulation 78(1), RPR 2001.

for a replacement. The Returning Officer must cancel these documents and make them up into a separate, sealed packet. This packet can subsequently be opened and additional cancelled documents added, if necessary.

6.9 A list of lost postal ballot papers is required to be completed by the Returning Officer to show details of where replacements have been issued.

6.10 The Returning Officer must be satisfied as to the postal voter's identity and have no reason to doubt that either they have lost or did not receive the original postal ballot pack. Returning Officers will take their own view as to what they require in the way of identification in order to be satisfied as to the voter's identity. However, we have included some considerations and recommendations regarding proof of identity below.

### Proof of identity

6.11 Returning Officers will wish to balance the effort required to satisfy themselves of an elector's identity with the proper administration of the election process. In seeking proof of identity, Returning Officers should bear in mind that no proof of identity is required for electoral registration or to vote in person at a polling station. A proportionate approach should be adopted that seeks to use some proof of identity that can easily be verified by election staff but that is not too onerous for the elector.

6.12 It is common practice for voters to contact the election office by telephone to enquire about a replacement ballot pack if their postal vote has failed to arrive. This is when election staff should advise about the procedure and what, if any, proof of identity will need to be produced before a replacement postal ballot pack is issued.

6.13 Returning Officers may wish to be guided by the following recommendations in preparing an appropriate procedure for satisfying themselves as to the identity of an elector requesting a replacement postal ballot pack.

#### **Recommendation 1**

6.14 One primary proof of identity should be provided for the issue of a replacement postal ballot pack. This should be an official document that includes a photograph of the elector, together with the elector's name. The two most secure examples are:

- valid, current passport
- photocard driving licence

6.15 Other documents may be acceptable as primary proof, as long as they have a sealed photograph. Examples include:

- local bus pass
- student card issued by a recognised further or higher education body
- identity card issued by a recognised local employer

6.16 Some electors may have a good reason for being unable to produce one of these proofs of identity – for example, those with a cultural tradition that precludes photographic images. In these circumstances, it is recommended that they should provide two examples drawn from the list of secondary proofs of identity.

### **Recommendation 2**

6.17 If the Returning Officer still has any doubt about the identity of an elector requesting a replacement postal ballot pack, then a secondary proof of identity can be sought. Two secondary proofs of identity may also be requested if the elector cannot produce a primary proof.

6.18 Secondary proofs of identity include:

- full driving licence (without photograph)
- council tax payment book or recent council tax bill
- council or social landlord rent book
- recent rent receipts or tenancy agreement
- allowance, benefits or pension book issued by the Department for Work and Pensions
- cheque book, cheque card or National Savings book
- recent bank or building society statement (not a store card statement)
- recent utility bill (two different ones are preferred – not mobile phone bill)
- P45
- correspondence from a government department
- identity card issued by a member state of the European Union/European Economic Area, travel document issued by the Home Office, or certificate of naturalisation or registration
- letter (attested statement) from a responsible person such as a solicitor, doctor, minister of religion, magistrate, teacher, hostel manager, social worker, district nurse, midwife or other responsible person, which says they know the elector and can confirm their name and address – some Returning Officers may include the elector's landlord or tenant in this category, and possibly stipulate that they must be on the electoral register
- National Health Service medical card or National Insurance card
- birth, adoption, marriage, civil partnership, divorce or statutory declaration certificates (these should preferably have been issued within six months of the event to which they refer and not be replacements)

6.19 The following points should also be considered:

- For added security, originals, not photocopies, of the proof of identity should be produced.
- The evidence provided by the voter should show a clear link between the name on the identifying document and the current entry on the electoral register.
- Birth certificates are not absolute proof of identity and so the voter may be asked to provide additional evidence to allow their identity to be checked.

- Where utility bills or bank statements are provided, they should be recent (issued within the last three months).
- Cheque, bank or credit cards should be checked against the voter's signature.
- Before an attestation is sought, the voter should be advised that some signatories may charge a fee for the service.
- The Returning Officer should state that proof of identity will not be retained and that the documents will be treated confidentially.

## Tendered ballot papers

6.20 Electors marked as absent voters but who attend the polling station after 5pm on polling day and claim that they have lost or not received their postal ballot packs can be issued with a tendered ballot paper on satisfactorily answering the prescribed questions.<sup>30</sup>

6.21 If, however, such an elector arrives at a polling station before 5pm on polling day, the elector should be encouraged to apply to the Returning Officer's office to have a replacement postal ballot pack issued. Tendered ballot papers cannot be issued to such electors until after the deadline to apply for replacement postal ballot packs has passed.



More detailed information on the tendered ballot paper procedure is included in the Commission's *Handbook for polling station staff*, which is available to download from the Commission's website at [www.electoralcommission.org.uk/guidance/resources-for-electoral-administrators/local-elections](http://www.electoralcommission.org.uk/guidance/resources-for-electoral-administrators/local-elections).

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<sup>30</sup> Rules 38 and 39, LEPAR 2006.

## 7 Receipt, opening and storage of postal votes

7.1 This process involves the following tasks:

- counting the returned ballot paper packs
- secure storage of ballot paper packs until an official opening
- regular openings under the scrutiny of candidates, agents and observers
- verification of postal voting statements at the opening against the personal identifiers record
- recording the number of postal ballot papers sealed in the postal ballot box
- sealing and secure storage of postal ballot boxes and secure transportation of them to the count

### Receipt of postal votes

7.2 A postal ballot paper or a postal voting statement may be returned by post or by hand to the Returning Officer's office, or by hand only to any polling station in the **ward**, before the close of poll.<sup>31</sup>

7.3 The postal ballot paper and/or the postal voting statement do not have to be returned in the covering envelope issued to the voter – the voter may use their own envelope.

### Security of postal votes received

7.4 All postal votes received by the Returning Officer, either at their office or at a polling station on polling day, should be securely stored in appropriate receptacles. There should be a clear, written, audit trail for all postal votes received back.

7.5 Postal ballot packs returned to the office of the Returning Officer should be stored in a postal voters ballot box, marked with the words 'postal voters ballot box' and the name of the ward.<sup>32</sup> All postal voters ballot boxes should be capable of being sealed to ensure the security of the contents, and should be stored in a secure place until the next scheduled opening of postal votes.

7.6 Returning Officers should take every precaution to transport postal votes securely to the opening and count venues, particularly if these are not in the same building as the election office. Returning Officers should designate an officer to ensure that all postal votes returned to the office of the Returning Officer before the close of poll are taken securely to the count.

7.7 Postal votes returned to polling stations must be stored securely and out of the reach of those entitled to attend the polling station. Returning Officers should emphasise to Presiding Officers the importance of maintaining the

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<sup>31</sup> Rule 45(3) and (4), LEPAR 2006.

<sup>32</sup> Regulation 81(1) and (2), RPR 2001.

security of the returned postal votes, as they do with regard to the ballot box and other election documents.

## Postal votes delivered to the polling station



It is important to reduce to an absolute minimum the number of returned postal votes that have yet to be opened when the polls close. This means ensuring that they are collected from polling stations throughout the day and that there is appropriate capacity to open them before and after the close of poll to deal with those delivered just before the poll closes.

7.8 In polling stations, the Returning Officer should provide packets clearly labelled as containing postal votes returned by hand to the polling station, marked with the number of the polling station.

7.9 Ensure that the size of the packets is adequate to take a large number of returned postal votes in case more are received in this way than has previously been the case. Whatever the size or nature of the packet, it must be capable of being properly sealed and secured before being removed from the polling station.<sup>33</sup>

7.10 More than one packet should be supplied to the Presiding Officer so that when the Returning Officer, or a person authorised by them, collects postal votes from the polling station during polling day, the postal votes already received can be transmitted in one packet while the Presiding Officer still retains a packet for any further postal votes handed in at the polling station before the close of poll.



### **Sealing the packets**

The Presiding Officer must seal the postal votes into a packet.<sup>34</sup>

Any candidate, agent or polling agent present when votes are being collected may attach their own seal to the packet after the Returning Officer's staff have attached their seal. This seal should be shown to any candidates and agents present at the postal vote opening before it is broken.

7.11 As an added security measure, which would also assist at the count, Presiding Officers should record the number of postal vote envelopes handed in at the polling station. The Returning Officer should provide a suitable form that can be inserted and sealed in the packet when collected by the Returning Officer or delivered to them at the close of poll. As a further security measure, Presiding Officers could also be asked to keep a record of the number of envelopes inserted in each packet returned to the Returning Officer, in order to confirm that the packet has not been tampered with or the number of envelopes contained within it changed.

<sup>33</sup> Regulation 79(3)–(5), RPR 2001.

<sup>34</sup> Regulation 79(5), RPR 2001.

7.12 The receipt of all packets containing postal ballot papers should be recorded on their arrival at the count centre where they are to be opened after the close of poll.



For further information on polling station procedures, see the Commission's *Handbook for polling station staff*, available at [www.electoralcommission.org.uk/guidance/resources-for-electoral-administrators/local-elections](http://www.electoralcommission.org.uk/guidance/resources-for-electoral-administrators/local-elections).

For more information on procedures at the verification and count, see Part E, 'Verification and count', Section 3, 'The verification and count processes'.



Further guidance on planning for postal vote opening can be found in Section 13, 'Postal voting' of *Essentials of effective election management: Planning for a local government election in England and Wales*, available at [www.electoralcommission.org.uk/guidance/resources-for-electoral-administrators/local-elections](http://www.electoralcommission.org.uk/guidance/resources-for-electoral-administrators/local-elections).

## Recording and evidencing actions



Recording the receipt and movement of postal votes is crucial. It is advisable to have a schedule recording the totals of postal votes received at the Returning Officer's office and placed in a postal voters ballot box, and the subsequent movement of those boxes to opening and count venues. Returning Officers may wish to include in this record whether the covering envelopes were hand-delivered by voters, and to which location, or received from Royal Mail. Ensure that there is a clear audit trail.

7.13 Returning Officers may wish to provide Presiding Officers with a form on which to record the details of electors who attend a polling station and are marked as being absent voters but who claim not to have applied for a postal or proxy vote. Recording the name, address and elector number of such electors should enable the Electoral Registration Officer to write to those people after the election and could also provide invaluable evidence in any police investigation.



An example log is available to download from the Commission's website at [www.electoralcommission.org.uk/guidance/resources-for-electoral-administrators/local-elections](http://www.electoralcommission.org.uk/guidance/resources-for-electoral-administrators/local-elections).

Procedures for the issue of tendered ballot papers are covered in detail in the Commission's *Handbook for polling station staff*.

## The opening process

7.14 Returning Officers will need to consider the frequency and timing of postal vote opening sessions.

7.15 In addition to determining what will be necessary in order to carry out the personal identifier verification efficiently and effectively, the requirement to be able to respond to electors requesting confirmation of whether their postal voting statement has been marked as having been received back should also be considered, and an appropriate system established to respond to any such enquiries.

### Persons present at opening

7.16 Candidates, election agents, agents appointed specifically for the purpose of observing the opening of postal votes, representatives of the Electoral Commission and observers accredited by the Commission are entitled to attend opening sessions.<sup>35</sup> The postal voters ballot boxes must be opened in the presence of any such persons attending the opening session.<sup>36</sup>

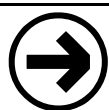
7.17 Transparency is essential to ensure confidence in the process. Returning Officers should ensure that the candidates and agents present are aware of the tasks that are being undertaken at the opening and that they have the opportunity to scrutinise the activities being undertaken.

### Notification of time of opening

7.18 The Returning Officer must give at least 48 hours' written notice of each opening session to each candidate; this should specify the time and place of the opening, and the number of agents a candidate may appoint to attend each opening.<sup>37</sup> The agent of each candidate should also be informed of the time and location of the opening sessions.

### Notification of requirement for secrecy

7.19 The Returning Officer must ensure that every person attending the opening of postal votes is given a copy of the secrecy requirements contained in Section 66(4) and (6) of the RPA 1983.<sup>38</sup>



A copy of the secrecy requirements is supplied in the Appendix, 'Resources'.

### Postal ballot boxes and packets

7.20 Two types of ballot box are required: the postal voters ballot box and the postal ballot box. Sealable packets are required for each polling station for postal votes returned to the Presiding Officer.

<sup>35</sup> Regulation 68, RPR 2001.

<sup>36</sup> Regulation 83(1), RPR 2001.

<sup>37</sup> Regulation 80, RPR 2001.

<sup>38</sup> Regulation 70, RPR 2001.

7.21 The **postal voters ballot box** is used to keep any returned postal votes. Any postal ballot papers and postal voting statements that are delivered separately should also be placed in the postal voters ballot box.

7.22 The Returning Officer should first sort the returned postal votes by ward and then place the envelopes in the appropriate postal voters ballot box for the particular ward.

7.23 A record should be kept of the total number of envelopes received on a daily basis: this should then be used for audit purposes and checked against at the opening when the number of envelopes will be counted officially. This record can also be used to guide the arrangement of opening sessions.

7.24 Packets for postal votes returned to polling stations should be produced containing a polling station identifier and should be able to be securely sealed. At least two should be provided, to allow collection during polling day and the final delivery by the Presiding Officer to the count venue at the end of the poll. Records of all such packets should be kept so that each one is accounted for before the end of the last postal vote opening.

7.25 **Postal ballot boxes**, each marked with the words 'postal ballot box' and the name of the ward, should be provided at each opening of the postal voters ballot box. There should be a separate box for each ward. The postal ballot boxes will be used to store the postal ballot papers which are to go forward to the count from each opening of postal votes.

7.26 **All** postal ballot boxes and packets should be sealed and stored securely until the count. It is important that each postal voters ballot box, postal ballot box and packet for postal votes returned to polling stations is accounted for during the election so that the Returning Officer can ensure that all postal votes are opened and valid votes reach the count.

7.27 A clear audit trail should be made, including a written note of all such boxes and packets that have been issued. This should be amended when the contents are processed at each stage.



The Returning Officer must be sure that all of these items are accounted for before completing the verification of the ballot papers at the count.

As the postal ballot boxes are the first boxes to be opened and verified, it is particularly important that the number on the ballot paper account for these boxes is accurate, as a correctly verified set of postal ballot boxes will create confidence at the beginning of the verification and count process.

## Opening the postal voters ballot box

7.28 When the postal voters ballot box is opened, the first step is for the Returning Officer's staff to count and record the number of covering

envelopes.<sup>39</sup> The Returning Officer must then set aside a minimum of 20% of the envelopes in each postal voters ballot box for personal identifier verification.<sup>40</sup> The total numbers received and put forward for personal identifier verification will need to be recorded for the statement as to postal ballot papers – Form K – which is completed at the end of the election.



The Commission strongly believes that 100% of personal identifiers should be verified. Not only does 100% verification mean that every postal vote will have been verified to minimise the risk of fraud, but it also results in every postal vote being treated equally and in one administrative process for all postal votes rather than two separate processes being operated side by side.

If the Returning Officer decides to verify less than 100% of postal voting statements at each opening session, it is important that those set aside for personal identifier verification are kept separate from those that are not going to be subject to the more detailed check. Postal voting statements that are going to undergo personal identifier verification need to be independently accounted for and sealed in packets separate from those that do not have the personal identifier verification undertaken. However, the same basic opening process applies to all postal votes.

A marked copy of the postal voters list showing every returned postal voting statement (verified or not) is required to be produced by the Returning Officer. Information from this marked copy must be available to confirm the receipt of a voter's postal voting statement on request by a postal voter. 100% verification using an automated system may help to simplify this task.

The Returning Officer may choose to check more than 20% but less than 100% of the postal voting statements at this stage. Where less than 100% of postal voting statements are to be verified at any given postal vote opening, the Returning Officer should explain to candidates and agents, as well as to any representatives of the Commission or accredited observers present, what the sample selected is and how that sample size was arrived at.

Where a Returning Officer has made the decision to verify the minimum 20%, or a sample between 20% and 100%, of postal voting statements at each opening, the regulations provide a power to go back and verify the identifiers on any or all of the postal voting statements from previous opening sessions that were not originally subject to the verification of identifiers.<sup>41</sup> This power should be exercised at the Returning Officer's discretion, and reasonably and consistently. This could be complicated from an administrative perspective, as Returning Officers will need to retrieve any ballot papers deemed invalid as a result of the additional verification. Again, the Returning Officer should explain to candidates and agents, as well as to any representatives of the Commission or accredited observers present, why the sample size has been increased.

<sup>39</sup> Regulation 84(1), RPR 2001.

<sup>40</sup> Regulation 84(1A), RPR 2001.

<sup>41</sup> Regulation 85B, RPR 2001.

7.29 Each covering envelope should be opened. On occasions, not all parts of the postal vote will have been returned or placed in the correct envelope:

- If the covering envelope contains a postal voting statement and either a ballot paper envelope or ballot paper without the envelope, the postal voting statement should be handled as in 'Checking the postal voting statements and verifying personal identifiers', from paragraph 7.38 onwards, in order to check whether it is valid. The receipt of the postal voting statement should be marked on the postal voters list (or proxy postal voters list as the case may be).
- If no postal voting statement is visible, but there is a ballot paper envelope, the envelope should be opened to see whether or not the postal voting statement is inside. If it is, it can again be handled as in 'Checking the postal voting statements and verifying personal identifiers', from paragraph 7.38 onwards.
- If the covering envelope contains a postal voting statement but no ballot paper envelope or ballot paper, the receipt of the postal voting statement should still be marked on the postal voters list (or proxy postal voters list as the case may be). The contents should then be returned to the envelope, which should be marked 'provisionally rejected' and placed in the receptacle for rejected votes (please note that there is no receptacle for provisionally rejected votes).
- If the covering envelope contains a ballot paper but no postal voting statement, the contents should be returned to the envelope, which should be marked 'provisionally rejected' and placed in the receptacle for rejected votes.
- After every opening it is recommended that a matching of postal voting statements that have been received without a ballot paper envelope and ballot paper envelopes that have been received without a postal voting statement should be undertaken, so as to reduce burden on the last postal vote opening.

## Opening and verification of postal votes that have been delivered to polling stations

7.30 Postal votes returned to the Returning Officer's office during polling day and those returned to polling stations and collected by the Returning Officer during polling day must be opened and their postal voting statements processed in the same way as those returned by post. A minimum of 20% of each postal voters ballot box must be set aside for personal identifier verification at each opening.

7.31 Postal votes returned to polling stations that have not been collected during polling day must be delivered to the Returning Officer by Presiding Officers after the close of poll. Adequate resources should be allocated for the opening of postal votes after close of poll, so that any delay to the count is minimised. Again, these must be dealt with in the same way as those returned by post, and a minimum of 20% of each postal voters ballot box must be set aside for personal identifier verification at each opening.

7.32 Some key points to consider in managing this process are as follows:

- The packets containing postal votes from polling stations should be handed in separately from other packets at the ballot box reception area. This will enable the postal votes to be sent immediately for opening and will obviate the need to search for them.
- The Returning Officer should have an audit trail to ensure that all packets for postal votes can be accounted for.
- Have a dedicated team comprising an experienced supervisor and staff to open postal votes after the close of poll. These staff should be experienced in the opening process.
- Have a reserve of staff available to move on to opening postal votes if the number coming into the count from polling stations is greater than expected.
- Complete the matching process continuously throughout the election, so that only the provisionally rejected items from the final postal votes and from any other previous opening that have not yet been able to be matched need to be matched after the polls have closed.



The Returning Officer must set aside a minimum of 20% of the envelopes received at the close of poll from the polling stations for personal identifier checking, and undertake the signature and date of birth check against the personal identifiers record. Consideration will need to be given as to how these checks will be undertaken following the close of poll, particularly if the counting of votes is to commence immediately after 10pm.

The Returning Officer should check the same proportion of postal votes received from polling stations as of those received by post, to avoid the postal votes returned by one method being treated differently from those returned by another method.

## Confirming receipt of postal voting statements

### Marking the postal voters list and the proxy postal voters list

7.33 There is a requirement for the Returning Officer to produce a marked postal voters list,<sup>42</sup> which is produced by marking the postal voters list and proxy postal voters list on the return of each postal voting statement.<sup>43</sup>

7.34 When a postal voting statement is returned, regardless of whether or not it is accompanied by a ballot paper, the Returning Officer is required to place a mark on the postal voters list or, as appropriate, on the proxy postal voters list to confirm that it has been received back.

7.35 The Returning Officer must use this list to confirm, on request from a postal voter, whether or not their postal vote has been marked as received back by the Returning Officer.<sup>44</sup>

<sup>42</sup> Regulation 84(7), RPR 2001.

<sup>43</sup> Regulation 84(6), RPR 2001.

<sup>44</sup> Regulation 84A, RPR 2001.



The automated verification of 100% of postal vote personal identifiers will provide the opportunity to automate the creation of a marked postal voters list and one that can be used for confirming the receipt of a postal voting statement.

7.36 It is important to note that the Returning Officer must confirm whether the number of the ballot paper issued to the elector or their (postal) proxy has been recorded on either of the two lists that are required to be kept and used for matching up documents where either the postal voting statement or the ballot paper has been received without the other.

7.37 Where a request for such confirmation is received, Returning Officers are required to satisfy themselves that the request has been made by the elector or their proxy before providing the confirmation. The regulation does not specify how requests are to be made or received, and many requests may be made by telephone in the first instance. It will be for the Returning Officer to determine how they are satisfied in any particular case.

## Checking the postal voting statements and verifying personal identifiers



Candidates, agents, representatives of the Electoral Commission and accredited observers are permitted to oversee all aspects of the opening process, including the checking of the postal voting statements for validity and the verification of personal identifiers. Where electronic systems are being used, it should be noted that those attending, including observers, do not have the right to operate or test any scanners or software being used.

### Checking the postal voting statements

7.38 Each postal voting statement must be checked for validity. It should have:<sup>45</sup>

- a signature in the space provided for the voter to sign in, and
- the voter's date of birth

7.39 It should be noted that in the case of electors for whom a waiver has been granted, the postal voting statement will not contain the section asking for a signature and the signature box. Postal vote opening staff should be given clear instructions on the process to follow when they find such a statement, and told that in such an instance they should be looking for a date of birth only.

7.40 Additionally, in the case of postal voting statements that have been set aside for personal identifier verification, the signature and date of birth must be compared against those held on the personal identifiers record. The


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<sup>45</sup> Regulations 84, 85 and 85A, RPR 2001.

Returning Officer must, as part of their requirement to check that the postal voting statement is duly completed:

- correlate the ballot paper number shown on the postal voting statement with the ballot paper number on the corresponding number list, so as to determine to whom the postal ballot paper was addressed
- compare the signature on the postal voting statement with that on the personal identifiers record relating to the person to whom the postal ballot paper was addressed
- compare the date of birth on the postal voting statement with that on the personal identifiers record relating to the person to whom the postal ballot paper was addressed

7.41 It should be noted that this level of checking will mean that each elector will need to complete their own statement: there is no provision permitting the matching of a completed statement with identifiers provided by others in the same household.

 It is essential that Returning Officers include the elector's name on the postal voting statement as prescribed, except in the case of anonymous electors, in order to minimise the potential for family members to complete one another's postal voting statements in error.

7.42 Where the Returning Officer determines that a postal voting statement is invalid:

- either because a signature or date of birth is missing
- or, in the case of those set aside for personal identifier verification, because the signature and/or date of birth supplied on the postal voting statement does not match that on the personal identifiers record,

the postal voting statement should be attached to the relevant ballot paper envelope (or to the ballot paper if it has not been returned in the ballot paper envelope), endorsed 'rejected', shown to any agents present and then placed in the receptacle for rejected votes. The agents present are also permitted to view the entries in the personal identifiers record. If any agent objects to the decision to reject, the words 'rejection objected to' should be added.

7.43 If the postal voting statement is valid and is accompanied by a ballot paper envelope, the number on the statement should be compared with the number on the ballot paper envelope. If they match, each should be placed in the appropriate receptacle (that is, those for postal voting statements and for ballot paper envelopes). If they do not match, the ballot paper envelope should be opened and any ballot paper inside removed and dealt with as follows:

- If the postal voting statement is valid, the number on the statement should be compared with the number on the ballot paper:
  - If they match, they should be placed, respectively, in the receptacle for postal voting statements and the postal ballot box.

- If they do not match, the ballot paper should be attached to the postal voting statement and the statement should be marked ‘provisionally rejected’ and placed in the receptacle for rejected votes.

7.44 If a covering envelope contains a postal voting statement but no related ballot paper or ballot paper envelope, the postal voting statement must be marked ‘provisionally rejected’ and placed in the receptacle for rejected votes.



Where a postal ballot is rejected because the personal identifiers on the postal voting statement do not match those held in the personal identifiers record, the Returning Officer may consider referring the matter to the police.

The Returning Officer should discuss the process to be followed with the police in advance. This will help to identify what procedures the Returning Officer should have in place for identifying suspicious activity and when to refer the matter to the police.

Evidence of liaison with the police on this as well as other appropriate matters is required to meet performance standard 4: Maintaining the integrity of an election.

## Verifying personal identifiers

7.45 In determining the validity of postal voting statements, the Returning Officer ‘must satisfy himself that the postal voting statement is duly completed and as part of that process must compare the date of birth and the signature on the postal voting statement against the date of birth and the signature contained in the personal identifiers record’.<sup>46</sup>

7.46 Neither the signature nor the date of birth is more important than the other in deciding if a postal voting statement has been duly completed – both must be provided and both must match.<sup>47</sup> Neither identifier takes precedence over the other.

7.47 If the current date is given on the statement, it is clear that it is not the elector’s date of birth and the statement should not be deemed as duly completed because there is no match. Similarly, if it appears that the incorrect date of birth was entered on the record from the application phase, for example the date of signing the application has been entered instead of the date of birth, this will not match the date of birth given on the postal voting statement and the statement must be rejected.

7.48 It is possible that the elector may complete the date of birth field in a different way to the format asked for by the postal voting statement. In such a case, if the Returning Officer is satisfied that the elector’s date of birth has been given, and matches that provided at application, the Returning Officer may be able to satisfy themselves that the postal voting statement has been duly

<sup>46</sup> Regulation 85A(2), RPR 2001.

<sup>47</sup> Regulation 85A(2), RPR 2001.

completed. Every decision on a postal voting statement should be taken on merit and on an individual basis.



Forensic experts from the Forensic Science Service, along with the Commission's own staff, have developed some guidance with regard to manual checking of signatures. The guidance provides some background to the way electors may write signatures on postal voting statements. This guidance was initially provided in Circular EC21(2007) and has been replicated in the Appendix, 'Resources'.

7.49 If the Returning Officer is satisfied that a statement was duly completed then it can be accepted. It is clear that signatures do not have to be identical but need only 'satisfy' the Returning Officer.

7.50 The Returning Officer is not necessarily confined to making the determination on the two signatures and two dates of birth. The legislation allows the judging of the signature and date of birth as 'part' of the determination, but the use of the word 'part' means that other sources can also be used. It would be acceptable for a Returning Officer to include any additional information they have in making their decision, although complete absence of a signature (where the elector has not been previously granted a waiver), or a date of birth in all cases, must lead to an unsatisfactory statement and rejection.

7.51 This guidance is of particular relevance in the case of an elector who may have become incapacitated since supplying their identifiers to the Electoral Registration Officer, for example where an elector has broken their arm and is unable to replicate their normal signature.

7.52 Again, any judgement to reject a postal voting statement should be made on its merits and on an individual case basis.

### Actions to be taken once the decision to reject is made

7.53 Where the decision has been taken to reject, the postal voting statement should be:

- marked 'rejected'
- entered on the list of rejected postal voting statements
- attached to the ballot paper envelope (or ballot paper if there is no envelope)
- placed in the receptacle for rejected votes

7.54 Candidates and agents have the right to view rejected postal voting statements but, as with all electoral processes, they should not handle documents. If they object to a rejection, the postal voting statement should be marked 'rejection objected to' before being attached to the ballot paper envelope and placed in the receptacle for rejected votes. Unlike candidates and agents, accredited observers and representatives of the Commission have no right to object to the rejection of a postal voting statement.

## Opening the postal ballot paper envelopes<sup>48</sup>

7.55 The Returning Officer must open separately, after the postal voting statements have been sealed away, the remaining ballot paper envelopes that have been placed in the receptacle for ballot paper envelopes and deal with their contents:

- A ballot paper whose number matches that on the envelope goes in the appropriate postal ballot box.
- A ballot paper whose number does not agree with that on the envelope should be attached to its envelope, marked 'provisionally rejected' and put in the receptacle for rejected votes.
- A ballot paper envelope that does not contain a ballot paper should be marked 'provisionally rejected' and put in the receptacle for rejected ballot paper envelopes.
- When a ballot paper appears to have been cut by the voter it can still be placed in the postal ballot box if the postal ballot paper contains the correct ballot paper number in relation to envelope 'A'.



Ballot papers must be kept face down throughout the opening process.<sup>49</sup> Ballot papers should be fully unfolded after removal from the envelope.

7.56 Even though the Returning Officer is required to keep the ballot papers face down, there may be occasions when candidates and agents see the front of a ballot paper. However, anyone attending the opening of postal votes, which includes staff working at the opening session, is not permitted to reveal any information regarding the votes cast on any particular ballot paper and must maintain the secrecy of voting.<sup>50</sup>

7.57 Anyone attending a postal vote opening session must be provided with a copy of the relevant secrecy requirements. They should be reminded of these requirements and of the penalty, on summary conviction, either of a fine of £5,000, or six months' imprisonment.<sup>51</sup>

## Matching up separated documents

7.58 Two separate lists must be kept in relation to rejected postal votes:<sup>52</sup>

- a list of ballot paper numbers for ballot papers received without valid postal voting statements
- a list of ballot paper numbers for postal voting statements received without ballot papers

<sup>48</sup> Regulation 86, RPR 2001.

<sup>49</sup> Regulation 84(6), RPR 2001.

<sup>50</sup> Section 66(4), RPA 1983.

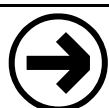
<sup>51</sup> Section 66(6), RPA 1983.

<sup>52</sup> Regulation 87, RPR 2001.

7.59 The Returning Officer must check these two lists at postal vote openings and if the missing postal voting statement or ballot paper has been returned, the list must be amended accordingly. Any document previously marked 'provisionally rejected' should be treated as though it had never been so marked. The ballot papers that are no longer to be treated as provisionally rejected must be placed in the correct postal ballot box, and the postal voting statement should be placed in the appropriate envelope.

7.60 The two lists must be taken to the final opening of postal votes where the lists must be checked against all ballot papers/postal voting statements that have been returned separately from their corresponding postal voting statement/ballot paper by the close of poll, and matched up if possible.<sup>53</sup>

7.61 Returning Officers should ensure that all stages of the receipt and opening of the postal votes are recorded. In particular, they must maintain the two lists of rejected postal votes as described in paragraph 7.58. Listing of a postal voting statement or ballot paper should take place during the opening as soon as they are identified and marked as being 'provisionally rejected' for want of the accompanying documentation. This can be an onerous process if levels of postal voting are high, and so appropriately skilled or trained staff should be used.



Returning Officers may find it helpful to use a postal vote matching spreadsheet, an example of which is available to download from the Commission's website at

[www.electoralcommission.org.uk/guidance/resources-for-electoral-administrators/local-elections](http://www.electoralcommission.org.uk/guidance/resources-for-electoral-administrators/local-elections).

7.62 At the end of each opening, the lists should be kept securely until the next opening or the count, as appropriate. It might also be prudent to print off a copy of the record as it exists at the end of each opening session. Once documents are matched, this should be recorded on the lists to provide a record of actions taken, rather than striking through the relevant numbers or removing them from the list.



A number of electronic scanning and checking systems have been developed to assist with the verification of personal identifiers.

Returning Officers are reminded that the legislation is clear about the opening process and that the use of technology does not mean that the processes outlined above can be dispensed with in any way.

## Sealing the postal ballot box

7.63 The final stage of the postal vote opening process is to put the valid postal ballot papers in the postal ballot box. The ballot papers should be counted accurately and the number recorded for matching against the number counted at the verification at the count. Postal votes should be kept in batches

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<sup>53</sup> Regulation 88, RPR 2001.

to ensure that any cancelled ballot paper can be located and removed if necessary.

7.64 Any agents present should be made aware of the number of ballot papers in the box before it is sealed. The agents that are present may also apply their own seals before the box is securely stored until the count.

7.65 The agents that do wish to apply their own seal should be informed that the Returning Officer may break the seals and retrieve a ballot paper that has become cancelled. They should be informed that this can only be done at an official opening of postal votes which they will be invited to attend.

## Retrieval of cancelled postal votes<sup>54</sup>

7.66 Postal ballot papers that have been cancelled require both the postal voting statement and the ballot paper to be retrieved at a formal postal vote opening.

7.67 Where a postal vote has not yet been through the formal 'opening' process, the Returning Officer should open the incoming envelope 'B' and remove envelope 'A' containing the ballot paper and secure it to the postal voting statement marking both 'cancelled'. Any cancelled ballot papers must be placed in the packet for spoilt ballot papers.

7.68 Where a postal vote has already been processed as part of one of the formal 'opening' sessions, the Returning Officer shall retrieve the postal voting statement from the appropriate packet and break the seal on the relevant postal ballot box to retrieve the correct numbered ballot paper. Where ballot papers have been placed in batches, the Returning Officer will be able to identify the batch in which the ballot paper has been placed, which should help with finding the relevant ballot paper. After re-sealing the postal ballot box, both the retrieved ballot paper and postal voting statement must be marked 'cancelled' and placed in the packet for spoilt ballot papers.

7.69 In all cases, the retrieval of postal votes and their accompanying postal voting statements should be done in full view of any candidates, agents, representatives of the Commission or observers present at the opening session, and the agents should be shown the ballot paper numbers of any cancelled papers. However, the ballot papers must be kept **face down** throughout the retrieval process in order to prevent any persons present from seeing how the votes had been cast.

7.70 Any agents that are present should be allowed to witness the seal being broken and the retrieval and re-sealing processes, and to apply their own seal. The absence of an agent does not invalidate or prevent the requirement to retrieve cancelled postal votes.

7.71 To aid the retrieval of ballot papers from the large number of returned ballot papers, the Returning Officer should organise a system of batching

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<sup>54</sup> Regulation 86A, RPR 2001.

ballot papers. When ballot papers are batched as part of the verifying of personal identifiers, any batch identification number header sheets should be retained on the ballot papers as long as they do not show the names, addresses or elector numbers of the voters. The batch headers can be removed at the verification of the ballot papers at the count.

## Statement as to postal ballot papers

7.72 The Returning Officer must complete the statement as to postal ballot papers (Form K) and send a copy to the Commission and the Secretary of State between 10 and 25 days after polling day.

## Appendix – Resources

### Notification of secrecy requirements

#### **Section 66 of the Representation of the People Act 1983 (as amended)**

[ ... ]

(4) Every person attending the proceedings in connection with the issue or the receipt of ballot papers for persons voting by post shall maintain and aid in maintaining the secrecy of the voting and shall not –

- (a) except for some purposes authorised by law, communicate, before the poll is closed, to any person any information obtained at these proceedings as to the official mark; or
- (b) except for some purpose authorised by law, communicate to any person at any time any information obtained at these proceedings as to the number or other unique identifying mark on the back of the ballot paper sent to any person; or
- (c) except for some purpose authorised by law, attempt to ascertain at the proceedings in connection with the receipt of ballot papers the number or other unique identifying mark on the back of any ballot paper; or
- (d) attempt to ascertain at the proceedings in connection with the receipt of the ballot papers the candidate for whom any vote is given in any particular ballot paper or communicate any information with respect thereto obtained at these proceedings.

[ ... ]

(6) If a person acts in contravention of this section he shall be liable on summary conviction [to a fine not exceeding level 5 on the standard scale or] to imprisonment for a term not exceeding 6 months.

# Checking signatures at postal vote openings

## Introduction

This guidance aims to provide practical advice on postal vote opening procedures, with special regard to carrying out manual checking of signatures and dates of birth. It has been developed by forensic experts from the Forensic Science Service along with the Electoral Commission's own staff and provides some background to the way electors may write signatures on postal voting statements. It provides three guiding questions that are of use when deciding whether to accept or reject a signature. It also provides a step-by-step decision-making tree to enable people with little knowledge of signature comparison to apply rules consistently.

The Forensic Science Service is a Government Company wholly owned by the Home Office and has over 60 years' experience in forensic science. This guidance is, however, issued by the Commission and responsibility for its contents rests with the Commission.

This guidance was originally provided with Circular EC21(2007): *Checking signatures and dates of birth on postal voting statements*.

## Aim

This guidance aims to set out a method for deciding whether to accept a signature on the postal voting statement after comparison with the signature of that elector previously supplied to the Electoral Registration Officer. The guidance will not teach the person looking at the signatures ('the examiner') to be an expert, but should help them to make a decision to accept or reject a vote for valid and documentable reasons.

In determining the validity of postal voting statements, the Returning Officer 'must satisfy himself that the postal voting statement is duly completed and as part of that process must compare the date of birth and the signature on the postal voting statement against the date of birth and the signature contained in the personal identifier record'.<sup>55</sup>

## Control signatures

Most Returning Officers will check the signature on the postal voting statement against one previously provided signature ('the control signature'). Returning Officers should be aware that even in very short timeframes a person's signature varies naturally and that the natural range of variation of a person's signature cannot be fully determined through such small samples. Therefore our advice is that the examiner should err on the side of inclusion and only reject postal voting statements when they are fully satisfied that the signature provided on the statement is not that provided at application. Our approach in this guidance is that a Returning Officer should be confident that a signature shows major and significant differences to the control signature

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<sup>55</sup> Regulation 85A(2), RPR 2001.

before deciding that they are not so satisfied. In summary, unless the Returning Officer can be certain that the signature is unsatisfactory the signature should be accepted.

## Electronic signature verification

Many authorities are using an electronic checking system to compare the signatures and this should reduce the number of signatures that need to be checked visually. There are a variety of systems in the marketplace and each one will handle the signatures slightly differently. Some of these systems will display the control signature and the signature on the postal voting statement side by side on a computer screen. The consequence of this is that the signatures to be examined will be electronic images, not the ink signatures themselves. Provided that the scanning has been done correctly and the images are scanned at an appropriate quality this should in most cases be acceptable. However, it should be understood that information present on the original document is not always apparent on the electronic copies, so some of the features described in the guidance may be more difficult to determine in scanned signatures.

## A suggested process

The suggested process for comparing signatures asks the examiner to answer three questions, which are:

- Are the signatures a similar shape?
- Are the pen-paths of the signatures similar?
- Are the signatures similar in fluency?

The flow chart supplied with this guidance aims to help guide the examiner through the process to ask these questions in the correct order, and to help justify any decision made. The underlying principles to be applied are to look for major differences in shape, pen-path and fluency in that order. If the flow chart is used, the examiner will end up at a square or circle with a letter in it. By recording the letter they will be able to say why they have accepted or rejected a particular signature if challenged. The Commission considers that it is reasonable to make a record of this letter code. This can be achieved either by adding the letter code to the postal voting statement next to the word 'rejected'; by adding a column on the list of rejected votes and adding the letter code to the relevant row; or by adding the letter code to any packaging that the rejected statement and ballot paper are to be stored in within the receptacle. While not expressly required or authorised in the legislation, it is not expressly prohibited to make such a record and therefore we consider such a record to be within the spirit of the legislation.

The guidance is based on eight proven principles for forensic examination, which are summarised in 'Principles of examination', on pages 45 to 47 below.

## Making a decision

The decision-making process requires judgement and a measure of discretion; set out in this guidance is a framework and methodology developed in partnership with the Forensic Science Service. The process you use, whether electronic, visual or a mixture of both, should be designed to reduce the risk of accepting illegitimate signatures as genuine.

Once they have gained sufficient practice in looking at signatures, it is expected that most examiners will be able to make decisions on signatures quickly and with confidence. The visual check provides the examiner with three criteria on which to base their decisions, and these are derived from the nature of the writing. It is expected that most of the signatures examined will be shape variants of the genuine signature with the same pen-path and fluency of the original signature and therefore the decision to accept should be a straightforward one.

It should be emphasised that the examiner is looking for large differences in shape, pen-path or fluency. All signatures show differences to each other, and a common pitfall is that, when no large difference is discovered, smaller differences are given too much significance. If there are no large differences in shape, pen-path or fluency, then the signature is probably genuine and the Returning Officer should be comfortable about making a decision.

## Actions to be taken once the decision to reject is made

Having asked the three questions, the examiner will discover some signatures that they wish to reject. The postal voting statement document should be:

- marked 'rejected'
- entered on the list of rejected postal ballot papers – you may also find it helpful to record the reason for rejection, for example by noting the letter from the flow chart
- attached to the ballot paper envelope (or ballot paper if there is no envelope)
- placed in the receptacle for rejected votes

Candidates and agents have the right to view rejected postal voting statements but as with all electoral processes they should not handle documents.

If they object to a rejection then the postal voting statement should be marked 'rejection objected to' before being attached to the ballot paper envelope and placed in the receptacle for rejected votes.

## Using the flow chart

The flow chart is designed to give the examiner guidance on looking for significant differences in shape, pen-path and fluency. While for the most part the decisions are straightforward, the following notes about each acceptance or rejection point are supplied to help reach a decision using the chart.

Decisions on signatures are rarely clear-cut, more often coming down to a balance of probabilities. This is backed by the wording of the legislation, which requires a Returning Officer to be satisfied. We believe this allows for the Returning Officer to accept a signature unless certain that it is illegitimate.

**Rejection at point A:** There are major differences in the shape of the signature which are unlikely to be explained by natural variation.

**Rejection at point B:** The signature is in a different name and there is no part of it which can be compared.

**Acceptance at point X:** The signature on the postal voting statement and the application are the same general shape and the name is the same. The signatures also have the same pen-path and are similar in fluency.

**Acceptance at point Y:** The signature on the postal voting statement and the application are the same general shape and the name is the same. The signatures also have the same pen-path but the signature on the application form is of lower fluency than the postal voting statement signature. There are genuine reasons why an application signature may be of a lower fluency – poor pen function, uneven writing surface, etc.

**Acceptance at point Z:** The signature on the postal voting statement and the application form are the same general shape and the name is the same. The signatures also have the same pen-path. However, the signature on the postal voting statement is of significantly lower fluency than the one on the application form, but this lack of fluency is just in one part of the signature. The rest of the signature is of similar fluency to the application signature, and these parts of the signature match in shape.

**Rejection at point C:** The signature on the postal voting statement and the application are the same general shape and the name is the same. The signatures also have the same pen-path. However, the signature on the postal voting statement is of significantly lower fluency than the one on the application form and this lack of fluency is not just in one part of the signature but is throughout the signature. (As a guide, expect to find three independent features demonstrating low fluency.) There are possibly parts of the signature that do appear fluent, but these do not match the shape of the corresponding parts in the application form signature.

**Acceptance at point W:** The signature on the postal voting statement and the application form are the same general shape and the name is the same. While there is a significant difference in the pen-path used to construct the signatures, both the signatures are of low fluency or a significant proportion of the signatures match in shape, pen-path and fluency.

Difference in pen-path is often because the signature is written by someone unfamiliar with the 'signature template' used by the owner of the signature. However, in some instances, particularly in an elderly person with poor writing skill, the writer can become confused and use a different pen-path. Hence, accept signatures with a seemingly mismatched pen-path when both

signatures are low in fluency or where significant fluent parts of the signature match.

**Rejection at point D:** The signature on the postal voting statement and the application form are the same general shape and the name is the same. However, there is a significant difference in the pen-path used to construct the signatures in that the pen is moving in a different direction at a specific point in one signature when compared with the other. In addition, one of the signatures is significantly more fluent than the other or they are both of reasonable (not low) fluency, and there are no parts of the signature which match well in shape.



**Additional actions where malpractice is suspected**

The Commission has already recommended that Returning Officers who reject postal voting statements after comparison with the supplied identifiers should always consider referring them to the police, particularly if a pattern is evident. If this is contemplated, there are a number of actions that would assist the police.

It would assist any forensic investigation if latex/plastic gloves are worn when handling suspicious rejected postal voting documents.

When handling the documents, only touch them on the edges. Handle the documents only to package them. Do not undo staples, flatten, or in any other way alter the document. Avoid handling the documents as much as possible.

Locate the original postal voting statement and all its associated documents and isolate them from other voting papers.

Take a loose-fitting plastic bag or a brown envelope and record the ballot paper number on the outside, together with any other relevant information such as the name of the individual whose vote it is and the ward in which they voted. It would also help if the date, time, where the questioned papers were found, who has packaged them and anyone else who has handled them were also recorded.

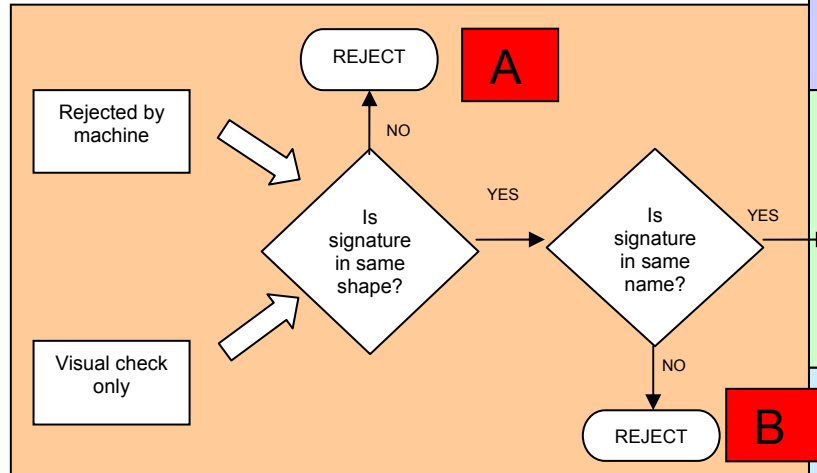
Place thin pieces of card either side of the questioned papers (to prevent them becoming marked), place them into the pre-labelled loose-fitting plastic bag or brown envelope and seal the packaging with adhesive tape.

Maintain a list of all the documentation and keep it safe.

It is the Commission's view that the additional protection of the contents of the receptacle of rejected votes as mentioned in the previous paragraphs are reasonable to maintain the safe custody of the receptacle and therefore its contents.

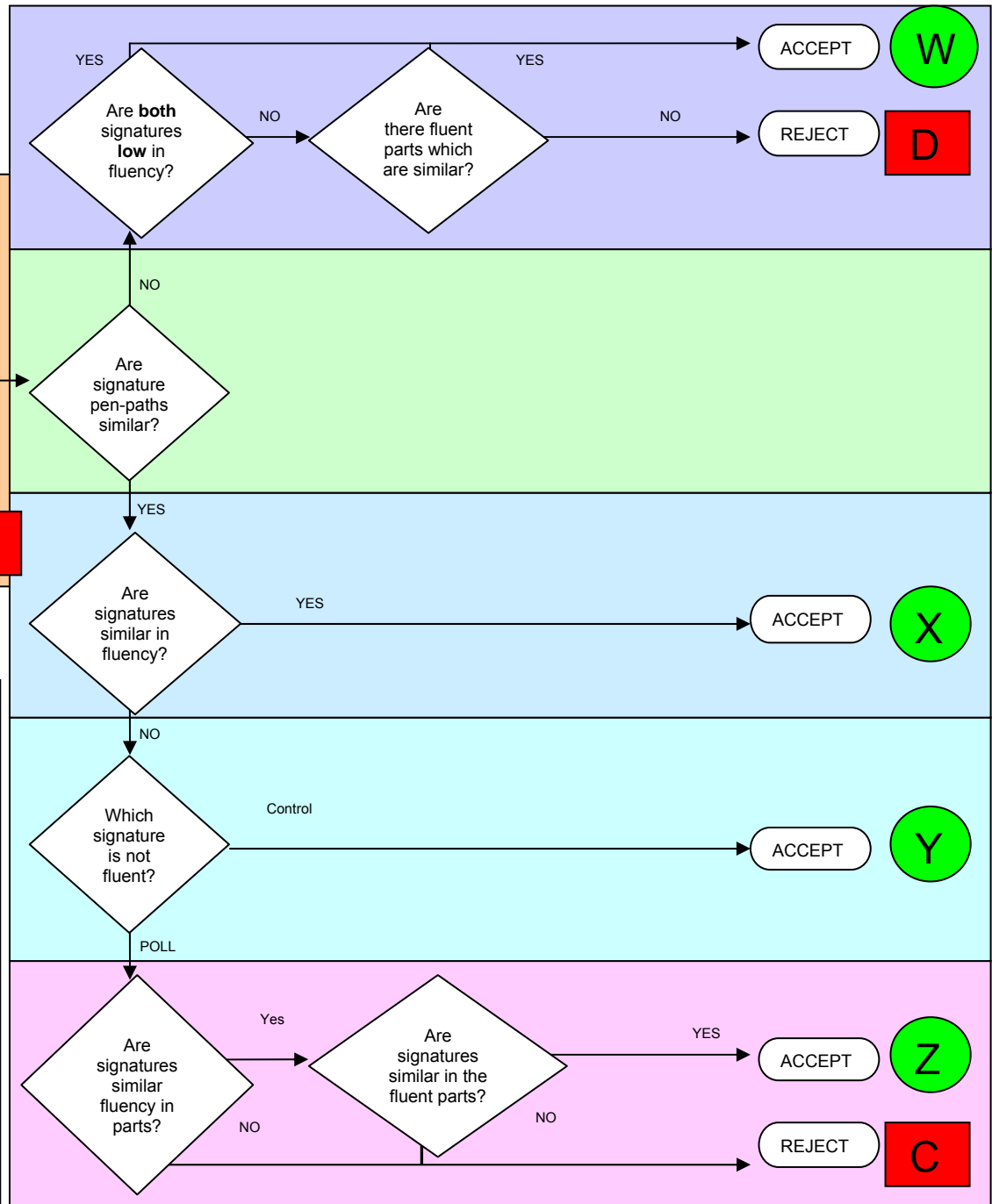
The signatures used for the control signatures, i.e. the signatures on the applications to vote by post, will also be important in any forensic process but are unlikely to require examination for fingerprints, DNA or other evidence types. Provided that they are kept safe and can be recovered later it is probably best to wait for instructions from the police to decide how these should be packaged and submitted.

## Flow chart



PRINCIPLE 1  
 The writing and signature of an individual cannot necessarily be connected.  
 PRINCIPLE 2  
 The signature of one individual has a natural variation.  
 PRINCIPLE 3  
 The signature of one individual has a range of variation that cannot be determined from one control signature.  
 PRINCIPLE 4  
 Coincidental matches are uncommon.  
 PRINCIPLE 5  
 Signatures must be pictorially similar to be accepted.  
 PRINCIPLE 6  
 A successful forger has to reproduce the shape and the fluency of a signature.  
 PRINCIPLE 7  
 Genuine signatures usually have the same pen-path.  
 PRINCIPLE 8  
 Genuine signatures are usually similar in fluency.

**SHAPE\*PEN-PATH\*FLUENCY**



## Principles of examination

### **PRINCIPLE 1: The writing and signature of an individual cannot necessarily be connected: compare like with like**

The writing style and signature of an individual cannot necessarily be connected, so someone writing their signature in ordinary writing on the application form and as a signature on the postal voting statement may have their signature rejected.

Some people use their full signature on some documents and an abbreviated form on another; notwithstanding this, there should still be parts of the signature that can be compared and the absence of a part of the signature (e.g. John Smith on one and J Smith on the other) should not be taken as a difference in style. However, if the name is spelt wrongly (e.g. Smith instead of Smythe) then this should be rejected at rejection point B as people are usually consistent about how they spell their own name.

Occasionally people will have changed their name between signing the application and signing the postal voting statement, for instance when they get married; it is their responsibility to inform the Electoral Registration Officer when this occurs and to supply a new control signature. There may still be parts of the signature that can be compared (e.g. the first name, if used), but signatures in different names with no points of comparison should be rejected.

### **PRINCIPLE 2: The signature of one individual has a natural variation**

A signature can be regarded as a learnt habit and therefore one individual's signature conforms to a specific template that has been developed over a period of time. It is therefore automatic for that individual (i.e. they do not have to remember the template each time they wish to write their signature), but people are not machines and therefore do not reproduce the template in exactly the same shape every time. The software comparing signatures will have been set up to reject signatures because they appear 'too perfect' for these reasons.

Signatures of one individual can vary from minute to minute and day to day, depending on the conditions under which they are signing. They are affected by cold, writing position, the pen used, the surface they are writing on, health and so on, but will fall within a range of variation which is a characteristic of that individual.

### **PRINCIPLE 3: The signature of one individual has a range of variation that cannot be determined from one control signature**

The signature of one individual can have a small range of variation or a large range of variation. While some generalisations can be made, it is safer to assume that the range of variation for one individual cannot be determined from one control signature. You will always be able to find differences in shape between two signatures, but the difference may not be significant. Therefore the examiner should allow for a large range of variation and must only reject the postal voting statement signature if it shows a large difference from the application signature.

**PRINCIPLE 4: Coincidental matches are uncommon**

To guess what a person's signature looks like from their name alone is very difficult, and becomes more and more difficult as the signature becomes more complex. Coincidental matches are only likely to occur when the writing style used is simple, but even then it would be uncommon. If the forger is guessing at the signature it is very unlikely to be the same shape or follow the same pen-path.

**PRINCIPLE 5: Signatures must be similar in shape to be accepted**

If people want to use their signature to identify themselves, they must produce signatures that look similar. Anything that is wildly different should therefore be rejected (rejection point A). Here the examiner is looking for very different shapes, not minor differences caused by natural variation, and should only reject when the signature is effectively a different shape.

Sometimes the person signs the wrong form or signs in a different name (e.g. someone signing in a married name on one occasion and maiden name on another). Where there are parts of the signature that can be compared (for instance, if they use the same surname but a different first name) then the parts which can be compared should be compared while the difference should be discounted (as one cannot compare parts of the signature which are absent). If there is nothing that can be compared, then the signature should be rejected (rejection point B).

**PRINCIPLE 6: A successful forger has to reproduce the shape and the fluency of a signature**

If the person attempting to steal a vote has available an example of a genuine signature of the person whose vote it is, they may try to simulate the signature. (Note that we use the term simulate, not copy, to distinguish this deliberate attempt to reproduce the signature from the simple act of photocopying the signature.) There are several ways of simulating a signature. Most people will use a freehand simulation by placing the signature in front of them and trying to reproduce the pen-path and shape. Others may try to trace the signature or reproduce it from memory.

When signatures are fairly simple in design it is possible to produce a fair copy and these may well be accepted by the examiner. The process will not differentiate a good simulation from a genuine signature. As the signature becomes more and more complex simulation becomes more difficult. Most forgers do not practise very much and will get the shape, the pen-path or the fluency wrong. It is usually possible to get either the shape or the fluency correct, but it is very difficult to get both the shape and the fluency correct in all but the simplest of signatures.

**PRINCIPLE 7: Genuine signatures usually have the same pen-path**

The pen-path is the way the pen moves across the paper. It is a learnt habit for many writers and therefore they will follow the same pen-path automatically, irrespective of other conditions that may be affecting their writing (such as cold, writing position, etc.). It forms the basic template of the signature and is therefore a good indicator of whether the signature is

genuine. A complex, fluent signature with the same pen-path is almost certainly by the same author.

The examiner is encouraged to imagine how the pen is moving in making a signature. This includes the movements the pen is making off the paper to get from the finish of one letter to the start of the next. A significant difference is where the pen is moving up instead of down at a particular point in the signature, or clockwise instead of anti-clockwise, left to right instead of right to left, etc. In some signatures the appearance may be significantly altered because the pen has left the paper in one signature, but not in the other, so that the joining stroke is evident. This is not considered to be a significant difference in pen-path.

**PRINCIPLE 8: Genuine signatures are usually similar in fluency**

Fluency is a reflection of the writing skill of an individual. People generally write with similar fluency all the time. There are exceptions, for instance when medications or injuries are influencing the writing, but these are uncommon.

Skilled writers can usually write fast and therefore are able to write with high fluency, signs of which include:

- smooth curves
- variation in pen pressure
- tapered ends to letters
- joining of three or more letters together
- pen in contact with the paper for long sections of the signature
- flourishes, lead-in strokes and exit strokes

At the other extreme there are some people, particularly the elderly or infirm, who do not have good writing skills and therefore exhibit signs of low fluency, which are:

- jerky curves
- even pen pressure throughout
- blunt ends to letters
- separate letters
- pen lifts, hesitations and blobs
- simple design

Many simulations are written with low fluency, but it should be noted that low fluency is not necessarily a sign of simulation. It is important that the examiner looks for major differences in the fluency, as this can be an indication of different writers producing the signatures