



# The European Parliamentary and local government elections June 2009

Report on the administration of the  
4 June 2009 elections

October 2009

## **Translations and other formats**

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Tel: 020 7271 0500

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# Summary and recommendations

The Electoral Commission wants to see people in the UK well served by electoral processes that meet their needs, with levels of performance that meet their expectations.

Above all, we want people to be confident in the results of elections, and we want to make sure that confidence is not damaged by hard-to-follow procedures, administrative errors, alleged or actual fraud, or legal challenges.

This report identifies and comments on key issues that emerged during the June 2009 European Parliamentary elections and the local government elections in England, which took place at the same time. It includes analysis of the experience of voters at the elections and the perceptions of candidates and their agents. It also highlights where improvements need to be made to the way in which future elections are run.

## Key findings

Overall, these elections were well-run, although problems with the production of ballot papers and postal votes affected voters in a relatively small number of areas. There were high levels of confidence and satisfaction among voters with the process of registering to vote and voting itself.

Regional and Local Returning Officers across the UK generally performed well in delivering these elections, but there are clearly areas where improvements are needed. Arrangements for national and regional coordination provided effective support for Returning Officers.

But with the next UK Parliamentary general election due to be held within the next seven months, more work is still needed to make sure the elections are well-run. Returning Officers in particular need to build on the effective planning and coordination arrangements which were put in place for these elections. This report explains what we will be doing and what we think Returning Officers and others should do to ensure similarly high levels of confidence and satisfaction at future elections.

## Key facts

### Participation

- More than 15.6 million people voted at the European Parliamentary elections in the UK. Just over 75% of all votes were cast at approximately 37,000 polling stations across the UK, and the remaining 24% of votes cast were postal votes.
- Turnout at the European Parliamentary elections in the UK was 34.5%; the average turnout across the EU was 43%.
- Turnout in the UK fell by 4% compared with the last European Parliamentary elections in 2004; across Europe as a whole turnout fell by 2.7%.

- Turnout at the local government elections in England was 39.2%.

### Voters' experiences

- Eighty per cent of people surveyed said that they were very or fairly satisfied with the process of voting; only 8% said they were very or fairly dissatisfied.
- Ninety-two per cent of those that had voted said they were confident the elections were well-run.
- Almost half (49%) of non-voters said that circumstances, such as being too busy, had prevented them from voting.
- Thirty-six per cent of non-voters said they would be more likely to vote if they had the choice to vote at a weekend.
- Nineteen per cent of non-voters stated that a dislike of politicians, candidates or parties had stopped them from voting. Only 8% stated this view at the 2004 elections.

### Confidence in the integrity of the elections

- There were no election petitions challenging the results of the June 2009 European Parliamentary elections or the local government elections in England.
- Forty-six cases of electoral malpractice were recorded by police forces in Great Britain, compared with 103 at the May 2008 local government elections in England and Wales. At the time of publication, we understand that nine cases (involving 12 allegations) of electoral malpractice relating to the signatures on postal vote applications have been reported in Northern Ireland, and that the Police Service of Northern Ireland is investigating the authenticity of signatures on a further 40 applications for postal and proxy votes.
- Almost all Returning Officers in Great Britain carried out new procedures for checking the personal identifier information on 100% of returned postal votes, above the minimum of 20% specified in law.
- Eighty per cent of people surveyed thought that voting was very or fairly safe from fraud or abuse, and only 7% said they thought it was very or fairly unsafe.
- But more than a quarter of people (27%) said that they were very or fairly concerned about fraud at the 2009 European Parliamentary elections.

### Candidates and parties standing for election

- In the European Parliamentary elections 72 Member of the European Parliament (MEP) seats were contested.
- The greatest number of parties standing in a single electoral region at the European Parliamentary elections was 16 in the South West.
- In the London region 14 parties and five individual candidates stood at the European Parliamentary elections – the ballot paper for the London electoral region was 70cm long.
- Almost 9,000 candidates were nominated to contest seats in 2,139 wards at the June 2009 local government elections in England.

## The performance of Returning Officers

- Just over 90% of Local Returning Officers in Great Britain met all three of the performance standards set by the Commission relating to the planning and organisation of the European Parliamentary elections.
- Three-quarters of Local Returning Officers met all three performance standards relating to supporting public awareness and participation; the remainder failed to meet one or more of the three standards.
- A significant number of Local Returning Officers did not have formal plans in place for public awareness activities.
- But one in five Local Returning Officers, 73 in total, did not meet the performance standard relating to identifying and managing the risk of electoral malpractice. In the majority of instances, this was because formally documented plans were not in place to identify and manage the risk of electoral malpractice.

## Our priorities and key recommendations

### Ensuring complete and accurate electoral registers

The number of entries on electoral registers has increased in recent years, and people report high levels of satisfaction with the process of registering to vote. But overall electoral registration rates are still too low, and it is clear that many people who are entitled to be registered are still not included on registers. Our priority is to ensure that everyone who is eligible and wants to be registered is included in time to be able to vote in the next elections.

#### **Recommendations to ensure complete and accurate electoral registers**

**Electoral Registration Officers should** put in place comprehensive plans to ensure the completeness and accuracy of electoral registers for the next elections. This should include making sure people who move house during the months before the next elections can update their details before the deadline 11 days before polling day, as well as concluding the autumn 2009 canvass of households across Great Britain. Those Electoral Registration Officers who did not meet the performance standards in 2008 should ensure they have put in place plans to meet them in 2009.

In Northern Ireland, the Chief Electoral Officer should continue to ensure that the registration process provides people with an effective means of updating their details when their circumstances change. In advance of the forthcoming UK Parliamentary general election the Chief Electoral Officer should take steps to ensure that everyone who is entitled to be registered is included in the register.

**The UK Government should** develop its plans for pilot schemes to give Electoral Registration Officers access to data sources to help improve the completeness and accuracy of electoral registers. It should begin implementation of schemes as quickly as possible alongside the implementation of individual electoral registration.

We are very pleased that the UK Parliament has now legislated to introduce individual electoral registration in Great Britain, and we will continue to work with the UK Government and Electoral Registration Officers to ensure clear and robust plans are developed to implement the new arrangements.

**The Electoral Commission will** continue to monitor and report on the performance of Electoral Registration Officers in ensuring complete and accurate electoral registers. We will continue to provide guidance and support to Electoral Registration Officers to help them meet the Performance Standards for electoral registration. We will also run voter registration campaigns in advance of any UK Parliamentary general election and the 2010 local elections in England.

## Ensuring effective coordination, planning and management of elections

Each election is different and poses a unique set of administrative and management challenges. Returning Officers at the June 2009 European Parliamentary elections were supported by statutory regional coordination and national planning arrangements that are not replicated in other elections, including UK Parliamentary general elections. Our priority is to ensure that elections are consistently well-run, wherever and whenever they are held.

### **Recommendations to ensure effective coordination, planning and management of elections**

**Returning Officers should** build on the positive experience of these elections to ensure effective plans are in place to manage the next elections in 2010. Returning Officers should ensure that where effective local and regional coordination arrangements have been developed for these elections, including the Interim Electoral Management Board in Scotland, the benefits of coordination and support are not lost for future elections, including the forthcoming UK Parliamentary general election.

In Scotland, the Interim Electoral Management Board should move beyond being an 'interim' body, and should raise its profile among key groups with an interest in the effective management of elections, including voters and political stakeholders. It should take steps to ensure it is fully accountable to the Returning Officers and Electoral Registration Officers across Scotland who form its membership, and should review its working structures to make clear the role and responsibilities of the Board and its members.

The results of our assessment against the Performance Standards framework for Returning Officers identify where there are weaknesses and where improvements are needed. Given the heavy reliance of many Returning Officers on contractors and suppliers, effective management and monitoring arrangements must be put in place to ensure suppliers deliver services and materials to meet the tight timescales involved in delivering any election, and especially the forthcoming UK Parliamentary general election.



**The UK and Scottish Governments should** build on the effective arrangements for national and regional coordination and management that were in place for the 2009 European Parliamentary elections to ensure similar support for future elections.

Governments should continue to support Returning Officers' efforts to improve coordination and planning. We welcome the UK Government's commitment to supporting the continuation of a strategic forum for senior electoral administration professionals across the UK.

In Scotland, the UK and Scottish Governments should take steps to support the Interim Electoral Management Board by putting it on a statutory basis and giving the Elections Convener powers to direct local officers.

The UK Government should build on the progress it has made in simplifying and rationalising the funding mechanism for UK-wide elections to ensure electoral administration is properly and efficiently funded. The other bodies and office holders who are responsible for administering the funding framework for other elections – the Scottish Government, the Welsh Assembly Government and the Greater London Returning Officer – should consider adopting a similar approach for future elections.

**The Electoral Commission will** continue to offer comprehensive and accessible guidance and advice to support Returning Officers and their staff in delivering well-run elections, taking account of lessons learned at these elections. We have already issued planning templates and guidance on the essentials of election management, which will be followed by comprehensive guidance for (Acting) Returning Officers before the end of 2009.

We will also continue to monitor and report on the performance of Returning Officers in delivering well-run elections. We will use the results of our assessment of the performance of Local Returning Officers at the 2009 European Parliamentary elections to identify where improvements need to be made before the forthcoming UK Parliamentary general election. We will work with Returning Officers to make sure that effective plans are put in place to make those improvements.

## Ensuring accessibility for voters

Voters at the June 2009 elections were generally very satisfied with the process of voting, but some improvements can still be made to improve accessibility for people who want to participate in future elections. Our priorities are to make sure that people who vote know how to cast their vote, and that anyone who is entitled to participate in elections is able to do so.

## Recommendations to ensure accessibility for voters

**Returning Officers should** use the Electoral Commission's *Making your mark* good practice guidance for designing voter materials, published alongside our report on these elections, to improve the usability and accessibility of materials used by voters at future elections across the UK, including the forthcoming UK Parliamentary general election. Information on how to complete the ballot paper should be given priority for display within the voting booth.

Those Returning Officers in Great Britain who did not meet the Performance Standards for encouraging public awareness and participation in elections should ensure they have put in place plans to meet them for the forthcoming UK Parliamentary general election.

**The UK Government should** publish and consult on its strategic vision for the future of elections and electoral administration, which it had committed to setting out by the end of June this year. Given the interest expressed by non-voters in our public opinion research in opportunities to vote at weekends, the Government should set out its position on advance voting, as a supplement to a principal polling day, as part of its wider vision.

The UK and Scottish Governments should also use our *Making your mark* guidance to improve the usability and accessibility of materials used by voters at future elections across the UK.

**The Electoral Commission will** work with the UK and Scottish Governments to identify opportunities to improve voter materials, including ballot papers, postal voting statements and polling station notices, building on our *Making your mark* guidance. We will also work with Returning Officers who did not meet the Performance Standards for encouraging public awareness and participation in elections to help ensure they have put in place plans to meet them for the next elections.

We will also deliver public awareness campaigns in advance of any UK Parliamentary general election and the 2010 English local elections, including information about polling day, polling station opening hours and different methods and systems of voting.

## Ensuring confidence in the integrity of electoral registration and elections

Although there were no legal challenges to the results of these elections and a relatively small number of allegations of electoral malpractice, a significant number of voters still have concerns about the safety of electoral processes from fraud and abuse. Each election brings new and different risks, and Returning Officers in particular need to recognise the need to be able to identify and manage the risk of electoral malpractice, even in areas where historically there may be no prior track-record of allegations. Our priority is to

ensure that people have confidence in the results of elections and in the integrity of electoral registration and voting processes.

### **Recommendations to ensure confidence in the integrity of electoral registration and elections**

**Returning Officers should** use the results of the assessment against the Performance Standards framework to identify weaknesses and areas for improvement, and put in place robust plans to identify and manage the risks of electoral malpractice at future elections. Where necessary, Returning Officers can use the templates and supporting materials that we have published to help develop their approach to managing the integrity of elections.

**The UK Government should** amend the Representation of the People Regulations to require Returning Officers to check and verify the personal identifiers on 100% of returned postal voting statements before postal ballot papers are included in the count at future elections in Great Britain. The UK, Scottish and Welsh Assembly Governments and the Greater London Returning Officer should also ensure that funding arrangements for future elections reflect the cost of checking 100% of returned postal voting statements.

**Political parties and candidates in Great Britain should** take steps to make sure their supporters follow the Code of Conduct on handling postal ballots, which has been agreed and signed up to since 2006. Where we hear about concerns that the Code of Conduct may not have been adhered to, we will follow up with the relevant party or candidate to make sure any issues are not repeated.

**The Electoral Commission will** extend our collaborative working with the police, prosecuting authorities, Returning Officers and political parties, and strengthen our ability to offer support and guidance to help manage the risks of electoral malpractice at future elections, including the forthcoming UK Parliamentary general election.

In particular, we will work with those Returning Officers who have not met the Performance Standard for maintaining the integrity of elections to ensure they have put in place robust plans to identify and manage the risks of electoral malpractice at the forthcoming UK Parliamentary general election.

## **Other reports and information about these elections**

### **Performance standards for Returning Officers**

We will publish a more detailed analysis of our assessment of the performance of Local Returning Officers at the June 2009 European Parliamentary elections in November 2009. Information about the performance of individual Returning Officers will also be available on our

website, where anyone can use an online tool to review performance against the standards in an accessible chart-based format.

## Electoral malpractice

We will publish a full analysis and assessment of data relating to allegations of electoral malpractice at the June 2009 European Parliamentary elections, including an update on progress in the cases outlined in this report, in December 2009.

## Candidate and party expenditure

Our report does not cover issues relating to candidate and party expenditure, or campaign finances. Financial returns were published on 1 October 2009 for political parties and candidates who spent up to £250,000 at the June 2009 European Parliamentary elections. Parties that spent over £250,000 have six months to submit an audited return to the Electoral Commission and we will publish this information on our website in January 2010.

# 1 Introduction

## About the Electoral Commission

1.1 The Electoral Commission is an independent body set up by the UK Parliament under the Political Parties, Elections and Referendums Act 2000 (PPERA). Our aim is integrity and public confidence in the democratic process.

1.2 We work to:

- register political parties
- make sure people understand and follow the rules on party and election finance
- publish details of where parties and candidates get money from and how they spend it
- set the standards for running elections and report on how well this is done
- make sure people understand it is important to register to vote, and know how to vote
- make sure boundary arrangements for local government in England are fair

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

## About these elections

1.4 On Thursday 4 June 2009 people across the UK voted in elections for Members of the European Parliament (MEPs), and in some parts of England people also voted in local government elections.

## European Parliamentary elections

1.5 Since 1979, the European Parliament has been directly elected through simultaneous national elections, each conducted according to a member state's laws and practice. These elections are conducted every five years and the period for the elections is pre-determined throughout the European Union. Elections to the European Parliament were held across the 27 states of the European Union between 4 and 7 June 2009. An order to move the local elections in England to coincide with the European Parliamentary elections was laid before Parliament and made on 4 November 2008. Therefore the local elections in England were also held on 4 June.

1.6 In the UK, more than 45 million people were eligible to vote in 12 electoral regions, including nine regions across England and one region each for Scotland, Wales and Northern Ireland. Since the 2004 European

Parliamentary elections, Gibraltar has been included in the South West electoral region in England.

1.7 Following enlargement of the European Union in 2007 by the accession of two additional states (Bulgaria and Romania), the number of MEPs representing the UK was reduced from 78 to 72. These 72 MEP seats are allocated across the UK in proportion to the number of people registered in each electoral region, with at least three seats for each region.<sup>1</sup> The final distribution of MEP seats was confirmed in an order in July 2008.<sup>2</sup>

1.8 Table 1 below shows the change in the number of MEP seats for each region since the last elections in June 2004.

**Table 1: Distribution of UK MEP seats by region for the 2009 European Parliamentary elections**

<b>Region</b>	<b>MEP seats 2009</b>	<b>Previous seats</b>	<b>Change</b>
East Midlands	5	6	-1
Eastern	7	7	0
London	8	9	-1
North East	3	3	0
North West	8	9	-1
South East	10	10	0
South West	6	7	-1
West Midlands	6	7	-1
Yorkshire & the Humber	6	6	0
Scotland	6	7	-1
Wales	4	4	0
Northern Ireland	3	3	0
<b>Total</b>	<b>72</b>	<b>78</b>	<b>-6</b>

1.9 The electoral system used for the European Parliamentary elections in England, Scotland and Wales was a form of proportional representation, using closed party lists. Voters marked their choice for either a political party or an independent candidate, and seats were allocated across each region using the D'Hondt system. In Northern Ireland, voters marked their choice of candidate in order of preference and the seats were allocated using the Single Transferable Vote system. For more information about both of these voting systems, please see our voter information website [www.aboutmyvote.co.uk](http://www.aboutmyvote.co.uk)

<sup>1</sup> In 2007 the Electoral Commission made a recommendation about the distribution of MEP seats across the UK in response to a direction from the UK Government: Electoral Commission, Distribution between electoral regions of UK MEPs: Recommendation (July 2007).

<sup>2</sup> The European Parliament (Number of MEPs and Distribution between Electoral Regions) (United Kingdom and Gibraltar) Order 2008.

## Roles and responsibilities of Regional Returning Officers, Local Returning Officers and County Returning Officers

1.10 A Regional Returning Officer (RRO) is appointed for each region. RROs have overall responsibility for the conduct of the election within their region. They are specifically responsible for taking nominations from political parties and individual candidates and collating the election results from each local authority before declaring the elected candidates for the region. In Northern Ireland the Chief Electoral Officer is responsible for all aspects of the administration of the elections.

1.11 The running of the elections at a local level is the responsibility of Local Returning Officers (LROs). LROs' responsibilities include publishing the notice of election as directed by the RRO, the conduct of the poll, including the issue and receipt of postal votes and the printing of ballot papers, and the verification and count in the area for which they are responsible. The LRO must also ensure that fees and charges claims are submitted on time.



For more information about fees and charges see Chapter 6, paragraphs 6.22–8.

1.12 RROs can also direct LROs to undertake certain functions, such as arranging for the printing of ballot papers centrally in order to benefit from economies of scale for bulk purchases. LROs have a duty to comply with whatever directions they receive.

### Local government elections in England

1.13 Local government elections were held in 27 shire counties and in nine unitary authorities, including in five new unitary authorities that assumed their functions on 1 April 2009: Cornwall, Bedford, Central Bedfordshire, Shropshire, and Wiltshire. In Cornwall, elections to the new unitary authority were held using electoral arrangements (the number of councillors and ward boundaries) based on draft recommendations that had been published by the Boundary Committee for England in December 2008. It is unusual for elections to be held based on draft boundary recommendations. In this case the Government carried out a consultation in Cornwall, and since no issues were raised the decision was made to hold the election based on the draft recommendations rather than deferring the changes until they had been approved.

1.14 Where polls are combined, responsibility for a number of the functions of LROs is transferred to the Returning Officer for the county election. As the LRO is not the same person as the County Returning Officer (CRO) by statute, many CROs will designate LROs as Deputy Returning Officers (DROs), which means that the same person will, in practice, be administering both polls.

1.15 There were also mayoral elections in Doncaster, Hartlepool and North Tyneside, and a number of local government by-elections.

1.16 There were no local government elections in London or the metropolitan areas of the West Midlands, Greater Manchester, Merseyside, South Yorkshire, West Yorkshire and Tyne and Wear.

1.17 Table 2 below shows the number of authorities holding elections in June 2009, together with the total number of seats up for election.

**Table 2: Number of English local authorities and seats up for election in June 2009**

<b>European Parliamentary electoral region</b>	<b>County Councils holding elections</b>	<b>Unitary authorities holding elections</b>	<b>Total number of seats up for election</b>
East Midlands	5	0	336
Eastern	5	2	482
London	0	0	0
North East	0	0	0
North West	2	0	168
South East	7	1	533
South West	4	3	472
West Midlands	3	1	255
Yorkshire & the Humber	1	0	72
<b>Total</b>	<b>27</b>	<b>7</b>	<b>2,318</b>

1.18 The electoral system used for local government elections in England is first-past-the-post, including in multi-seat wards where more than one vacant seat is to be elected. Voters marked their choice for between one and three candidates (depending on the number of seats to be filled) and the candidate or candidates with the highest number of votes were elected.

## About this report

1.19 The Commission is required to produce a report on the administration of each European Parliamentary election in the UK.<sup>3</sup> We published a report following the European Parliamentary elections in 2004 and made a number of recommendations.<sup>4</sup> These have largely been implemented, including our recommendation that a formal working group of RROs be established in time for the 2009 elections, and the requirement that any decision on whether or not to combine elections be made at least six months before the date of the elections to allow for sufficient planning.

1.20 This report identifies and comments on key issues that emerged during the course of the June 2009 elections. It focuses primarily on the experience of electors and those standing in elections, the performance of those responsible for running the elections, and the effectiveness of the legal framework within which the elections were conducted.

<sup>3</sup> Section 5(2)(b), PPERA.

<sup>4</sup> [www.electoralcommission.org.uk/document-summary?assetid=13167](http://www.electoralcommission.org.uk/document-summary?assetid=13167)



1.21 As explained above, local government elections were held in parts of England on the same day as the European Parliamentary elections in June 2009. Although we are not statutorily required to report on the administration of these local elections, this report refers to the experience of voters and candidates at those elections and identifies issues that are relevant to both the European Parliamentary and local government elections.

1.22 Political parties and candidates are required by law to report information about donations made to them and the money they spend on election campaigning. Candidates submit the details of their spend on election campaigning to Returning Officers in their election expenses returns.

1.23 The Electoral Commission is responsible for publishing information about donations to, and campaign spending by, political parties in Great Britain. Information about donations received by parties is reported on a quarterly basis, and donation figures for the first six months of 2009 are available on our website.

1.24 Information about the money spent by political parties on campaigning at these elections will not be available until after the deadlines for submission of party campaign spending returns. Returns covering campaign spending of up to £250,000 were due to be submitted to the Commission by 4 September 2009, and returns covering spending of more than £250,000 are due to be submitted by 4 December 2009.

1.25 We published the sub-£250,000 returns on our website on 1 October 2009, and will publish the returns over £250,000 as soon as practicable after we receive them. We will then publish a report on our analysis of trends in campaign expenditure in early 2010.

## Sources used to inform our report

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

- research with electors, candidates and agents
- feedback from Returning Officers<sup>5</sup> and RROs
- analysis of electoral data collected by the Local Government Chronicle Elections Centre at the University of Plymouth
- feedback from political parties, candidates and agents
- feedback from correspondence and enquires from electors and elected representatives
- pre- and post-election seminars with electoral administrators
- an assessment of how Returning Officers in Great Britain performed against the performance standards published by the Electoral Commission

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<sup>5</sup> All Returning Officers and Local Returning Officers were given the opportunity to complete feedback forms asking about their experience of and views on the elections: 150 completed forms were returned.

- attendance and observation across the UK by Commission representatives during the election period to observe procedures and working practices
- information obtained by the Association of Chief Police Officers (ACPO) Police National Information and Coordination Centre (PNICC) relating to allegations of electoral malpractice in England, and Wales
- information obtained by the Association of Chief Police Officers Scotland (ACPOS) relating to allegations of electoral malpractice in Scotland
- information obtained from the Police Service of Northern Ireland relating to allegations of electoral malpractice in Northern Ireland
- evaluation of the Commission's public awareness campaign

## 2 Registering to vote for the elections

2.1 A complete and accurate electoral register underpins any election.

2.2 The main focus of electoral registration activity in Great Britain is currently the registration of electors within households, which is undertaken annually in the autumn (commonly known as the 'annual canvass'). Individuals may also register or amend their existing details, such as their name or address, at any time of the year, a process known as 'rolling registration'.

2.3 Registration is different in Northern Ireland, where a system of continuous individual registration operates. There is no annual canvass, but people can apply to be included on the electoral register at any time. Those applying to be included on the electoral register must provide personal identification information in the form of their date of birth, National Insurance number, and signature. Names are retained in the electoral register until the Chief Electoral Officer for Northern Ireland is informed that someone is no longer entitled to be registered at the listed address, either because they have moved away or because they have died.

2.4 Since the June 2009 elections the UK Parliament has passed legislation to introduce individual electoral registration in Great Britain under the Political Parties and Elections Act. The Commission will work with the UK Government and Electoral Registration Officers (EROs) to ensure the successful introduction of this framework.

### Who could vote

2.5 For the June 2009 elections to the European Parliament, people over the age of 18 on polling day were eligible to vote if they were:

- British or qualifying Commonwealth citizens resident in the UK, including members of the House of Lords<sup>6</sup>
- citizens of the Irish Republic resident in the UK
- citizens of other European Union (EU) countries resident in the UK
- British nationals living overseas who moved up to 15 years ago, and who had previously been registered to vote in the UK
- service or Crown personnel serving in the UK or overseas in the armed forces or with Her Majesty's Government

2.6 Although citizens of other EU countries are eligible to vote in European Parliamentary elections in the UK, they are allowed to vote only in one member state. EU citizens were required to complete a separate application if they wanted to register for these elections, accompanied by a declaration that they would vote in the UK only.

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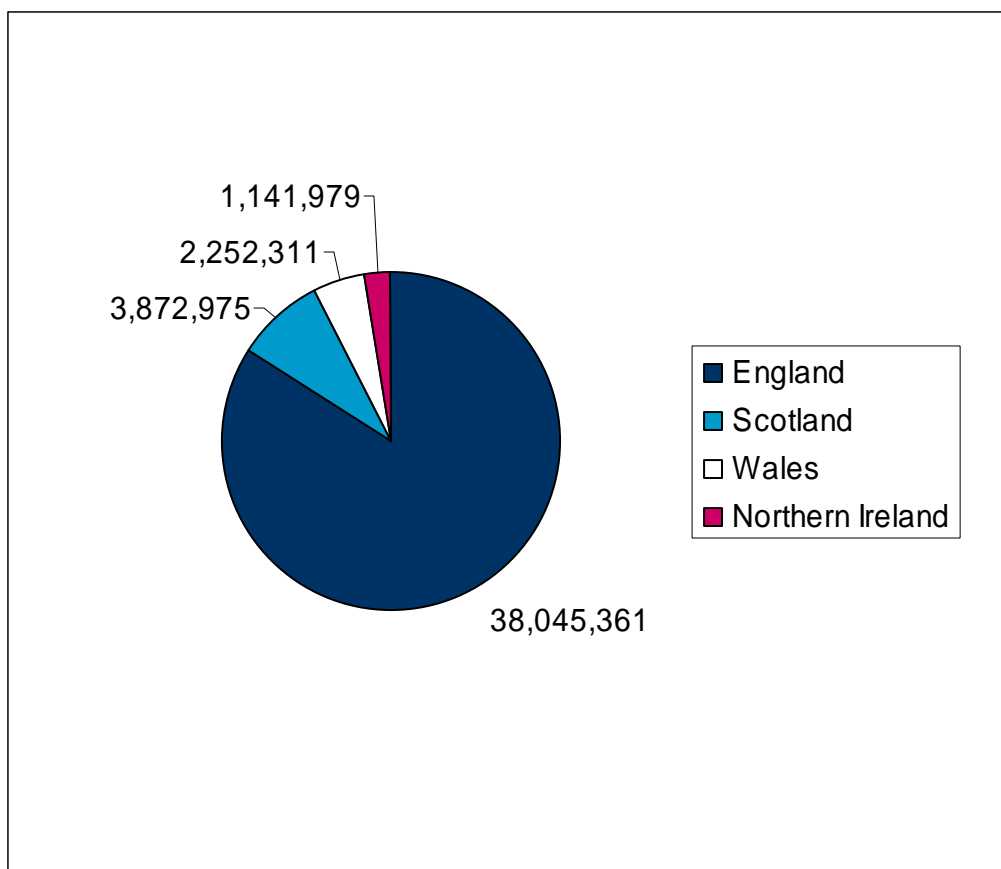
<sup>6</sup> In Northern Ireland, electors must have been resident in Northern Ireland during the whole of the three-month period before their application to register.

2.7 For these elections, the deadline for applications to be included in the register was midnight on Tuesday 19 May, just over two weeks before polling day.

## The registers for the June 2009 elections

2.8 The register included 45,312,626 entries for the June 2009 European Parliamentary elections. That figure represented an increase of 2.6% since the last European Parliamentary elections in June 2004. Chart 1 shows a breakdown across the UK of the number of entries in the register for the June 2009 European Parliamentary elections.

**Chart 1: Number of people registered to vote at the June 2009 European Parliamentary elections across the UK**



2.9 The registers for local government electors in parts of England had 17,545,844 entries.

2.10 According to our public opinion research conducted between 5 and 23 June 2009, 94% of people asked claimed or believed that they were registered to vote.<sup>7</sup> Based on the most recent data published by the Office for

<sup>7</sup> Question 1: 'As far as you are aware, does your name appear on the list of those people registered to vote, either where you are living now or at another address?' Sample size: 2,533 people in the UK.

National Statistics, which relates to estimates of the population at mid-2008,<sup>8</sup> the number of people included on registers for the European Parliamentary elections in June 2009 represented approximately 93.9% of people aged over 18 and resident in the UK.

2.11 The numbers of entries on electoral registers in England, Scotland and Wales represented a similar proportion of the relevant estimated population, at 94.1%, 93.9% and 95.5% respectively. In Northern Ireland, however, the number of entries included on the electoral register for the June 2009 elections was equivalent to 85.1% of the estimated population. Accurately estimating registration rates, however, is a very complex research exercise. The Commission will continue to explore possible methodologies that will help provide robust estimates of registration rates, including using data from the 2011 census.

2.12 Between the start of the election period in April 2009 and the deadline for registration applications on 19 May 2009, more than 195,000 people successfully applied to be included on electoral registers across the UK (based on returns from Northern Ireland and from 380 out of 398 EROs in Great Britain). These late registration applications added just under 0.5% to the number of entries on the registers.

2.13 This was the first election at which people in Northern Ireland could apply to be registered so close to polling day – previously the deadline was up to six weeks before polling day. More than 5,600 people successfully applied to be added to the electoral register in Northern Ireland during the ‘late registration’ period.



For more information on registration in Northern Ireland see Chapter 7, paragraphs 7.2–3.

## People’s experiences of registering to vote

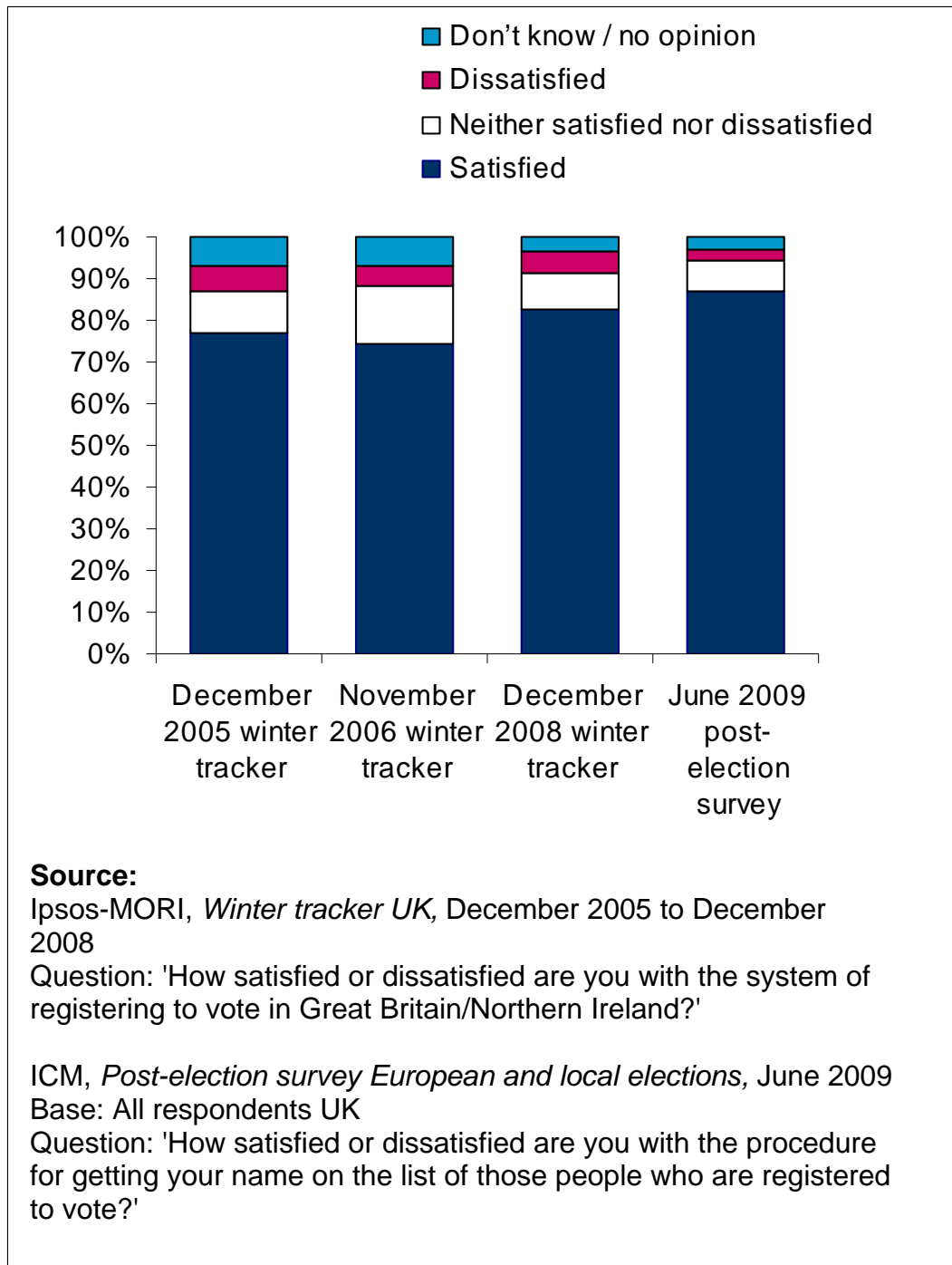
2.14 Our public opinion research shows that there are high levels of satisfaction with the process of registering to vote. In response to our research conducted just after the June 2009 elections, 87% of people said that they were very or fairly satisfied with the electoral registration process, with more than half (54%) reporting that they were very satisfied. Only 2% of people said that they were dissatisfied with the registration process.

<sup>8</sup> Office for National Statistics, Population estimates for UK, England and Wales, Scotland and Northern Ireland - Mid-2008 population estimates for the UK (Newport: Office for National Statistics, 2009). Available at [www.statistics.gov.uk/downloads/theme\\_population/Mid\\_2008\\_UK\\_England\\_&\\_Wales\\_Scotland\\_and\\_Northern\\_Ireland\\_27\\_08\\_09.zip](http://www.statistics.gov.uk/downloads/theme_population/Mid_2008_UK_England_&_Wales_Scotland_and_Northern_Ireland_27_08_09.zip)

Note: Care should be taken when using the mid-year population estimates as a figure for the total electorate of an area as not everyone who is usually resident is entitled to vote. For example, foreign citizens from outside of the EU and Commonwealth are not eligible to vote.

2.15 Chart 2 below shows how the proportion of people who say that they are satisfied with the process has changed since December 2005.<sup>9</sup>

**Chart 2: Satisfaction with the electoral registration process**



2.16 Our research showed, however, that satisfaction with the electoral registration process appears to increase with age, with 94% of people aged 65 or over reporting that they were very or fairly satisfied, compared with just

<sup>9</sup> Caution should be taken when inferring any statistical trends from two separate surveys due to differences in methodology, sampling, changes in question wording and at what stage in the electoral cycle the question was asked.

71% of those aged 18 to 24. People who said that they had voted in the June 2009 elections were more likely to report that they were very or fairly satisfied with the process of registering to vote (95%) compared with non-voters (79%).

## Performance standards for Electoral Registration Officers

2.17 In April 2009 we published our first assessment of the performance of EROs in Great Britain against a series of 10 published standards. We found that more than eight out of 10 (84%) EROs, covering 85% of electors in Great Britain, either met or exceeded all three of the standards relating to the completeness and accuracy of electoral registration records. However nearly 60 EROs said that they failed to meet all three of these core standards. We have been working with these officers to ensure that they have the appropriate tools to be able to meet the standards in future and we published revised guidance with additional templates in September 2009.

2.18 We also found that performance in other subject areas was more varied, with a particular weakness apparent in standards that required evidence of a comprehensive formal written plan either to meet or exceed the standard. In particular, performance was weak against the standards relating to planning for rolling registration and the annual canvass, public awareness and the conduct of house-to-house enquiries.

2.19 Over two-thirds of EROs across Great Britain did not meet the standard relating to public awareness, the lowest level of performance against any of the 10 standards. In order to meet this standard EROs were required to state that they had implemented a comprehensive strategy and plan for improving participation in electoral registration.

2.20 We were encouraged both by the overall level of performance against the standards, and by the willingness of EROs and their teams to use the performance standards framework as a basis for continued improvement. The exercise, however, highlighted areas where improvements were clearly needed. We have put in place plans to discuss with EROs the steps which they will take to improve their performance for the annual canvass in autumn 2009. Plans are in place to ensure that before the next UK Parliamentary general election, all EROs that didn't reach core standards are contacted to develop strategies for ongoing improvements that will be monitored and reassessed regularly.

## Conclusions

2.21 A complete and accurate electoral register underpins any election. Through the introduction of individual electoral registration we will continue to work with administrators to improve the completeness and accuracy of the register to ensure that all eligible electors are able to vote.

2.22 Current best practice and the hard work of many EROs to maintain electoral registers locally has ensured that the vast majority of the eligible population are included in the electoral register and that the majority of authorities meet or exceed the performance standards concerning the

accuracy and completeness of the register. This is supported by the Commission's public opinion research, which identified very high levels of satisfaction with the process of registering to vote.

2.23 However, some EROs did not meet the performance standards for formally planning to maintain and improve the accuracy and completeness of the register. Planning needs to be improved to ensure that EROs can maximise the opportunities that the annual canvass and rolling registration can have on increasing the percentage of the eligible electorate that are successfully registered.

2.24 The performance standards framework will support those EROs that do not currently meet the standards to improve, by embedding key processes and practices.

2.25 In Northern Ireland, the Chief Electoral Officer should continue to ensure that the continuous registration process provides people with an effective means of updating their details when their circumstances change. Further steps should be taken to encourage registration in areas of low registration and among those groups who are less likely to be registered.



## 3 Voting at the June 2009 elections

### How people voted: different ways of casting a vote at the elections

3.1 People who were unable to vote in person at their local polling station on 4 June 2009, or who chose not to, could apply to vote by post or to appoint a proxy to vote on their behalf.

3.2 In Great Britain, since 2000, all registered electors have had the option to vote by post without the requirement to give a reason or have their application attested by a doctor or other medical professional.

3.3 In Great Britain, applications for an absent vote can be made for an indefinite period, for a definite period or for a particular election. Applications for a proxy for a single election must provide a reason why they are unable to go to the polling station (e.g. on holiday). If you require a proxy for a longer period you must have your application attested by a prescribed person (e.g. a medical professional or your employer). All applications for proxy votes must be signed by the applicant and their date of birth provided. Those unable to sign are entitled to apply for a waiver.

3.4 In Northern Ireland, people who want to vote by post or to appoint a proxy are required to give a valid reason why they will be unable to vote in person at their local polling station, such as illness, physical incapacity, or absence on the day of poll due to work commitments or holiday arrangements.

### Voting at polling stations

3.5 Polling day for the 2009 European Parliamentary elections was Thursday 4 June. The majority of votes at the European Parliamentary elections in the UK, just over 75%, were cast by voters in more than 37,000 polling stations. 3.8m votes were cast as postal votes, accounting for the remaining 24% of all votes. Polling stations across the UK opened at 7am, and closed at 10pm.

### Voting by post

3.6 The deadline for applications to vote by post for electors in Great Britain was 5pm on Tuesday 19 May 2009. In Northern Ireland the deadline was 14 May 2009. The total number of people across the UK who were sent a postal vote at these elections was 6,318,501, equivalent to 14.2% of the total electorate. People who were sent a postal vote were significantly more likely to have voted than those who were not. Across the UK as a whole, turnout among those who were sent a postal vote was 61.6% compared with 30.4% of those who were able to vote in person at their local polling station.

3.7 The number of people applying to vote by post in Great Britain has increased significantly since the option was made available to all electors in 2000. However, the proportion of people who were issued with a postal vote for the June 2009 elections was slightly lower than at the local elections in

England and Wales in 2008. Table 3 shows how the proportion of electors who chose to have their ballot papers sent to them by post has increased since 1999.

**Table 3: Percentage of electors sent a postal vote in Great Britain, 1999–2009<sup>10</sup>**

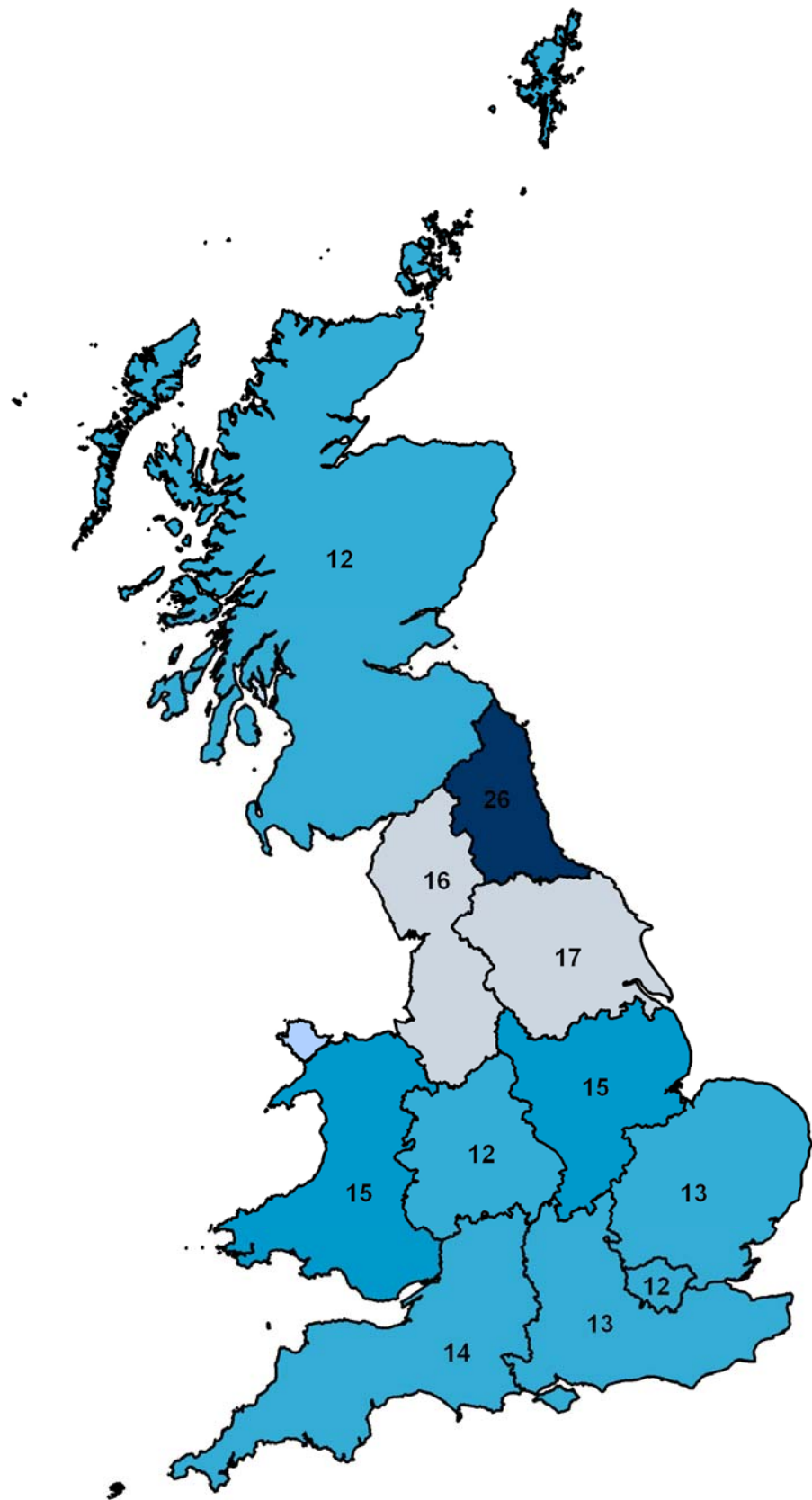
<b>Election</b>	<b>% of electors sent a postal vote in Great Britain</b>
1979 UK Parliamentary general election	2
1999 European Parliamentary election	1.2
2001 UK Parliamentary general election	3.9
2002 local elections (England)	7.7
2004 European Parliamentary elections	8.6
2005 UK Parliamentary general election	12.1
2007 National Assembly for Wales, Scottish Parliamentary and local elections	12.6
2008 local elections (England and Wales)	14.8
2009 European Parliamentary elections	14.2

3.8 The proportion of people who were sent a postal vote varied between the different parts of the UK. As would be expected, the smallest proportion of people sent a postal vote was in Northern Ireland, at 1.2% of the electorate, where the application requirements are different to the rest of the UK. The areas with the highest proportion of people sent postal votes at these elections were the three regions in the north of England where all-postal voting pilot schemes were held in 2004. Figure 1 shows the variation in the proportion of electors who were sent postal votes in the different regions of Great Britain.

<sup>10</sup> Please note that the elections shown here did not all cover the same parts of the UK. **Source:** The Electoral Commission (2001 and 2004–9), Local Government Chronicle Elections Centre (2002), C. Rallings and M. Thrasher, British Electoral Facts 1832-1999 (1979 and 1999).

Note: This excludes Northern Ireland where arrangements are different. It also excludes all-postal pilot areas in 2004.

**Figure 1: Variations in the proportion of electors sent a postal vote across Great Britain**



3.9 There was also significant variation in the proportion of people who chose to be sent a postal vote between different local authority areas in Great Britain. Only 5.4% of electors in Kingston upon Hull were sent a postal ballot paper, compared with 36.3% of electors in Stevenage. Table 4 shows the five local authority areas with the smallest and greatest percentage of electors who were issued with postal ballot papers.

**Table 4: Local authorities with the smallest and greatest proportion of postal voters**

Local authorities – smallest proportions	Postal voters	Local authorities – greatest proportions	Postal voters
Kingston upon Hull	5.4%	Telford and Wrekin	31.5%
Barrow-in-Furness	5.5%	Sunderland	35.3%
Isles of Scilly	6.2%	South Tyneside	35.6%
Ealing	6.8%	Newcastle upon Tyne	35.7%
North Warwickshire	6.9%	Stevenage	36.3%

3.10 Our public opinion research found that older people, those with a disability, and those who are not working were more likely to vote by post.

### Voting by proxy

3.11 People who could not attend their local polling station to vote, and who did not wish to vote by post, could appoint a proxy to vote on their behalf. The deadline for appointing a proxy was 5pm on Wednesday 27 May 2009, six days before polling day. After this time people who were suddenly taken ill and unable to vote in person at their local polling station were able to appoint a proxy to vote on their behalf up to 5pm on polling day itself.

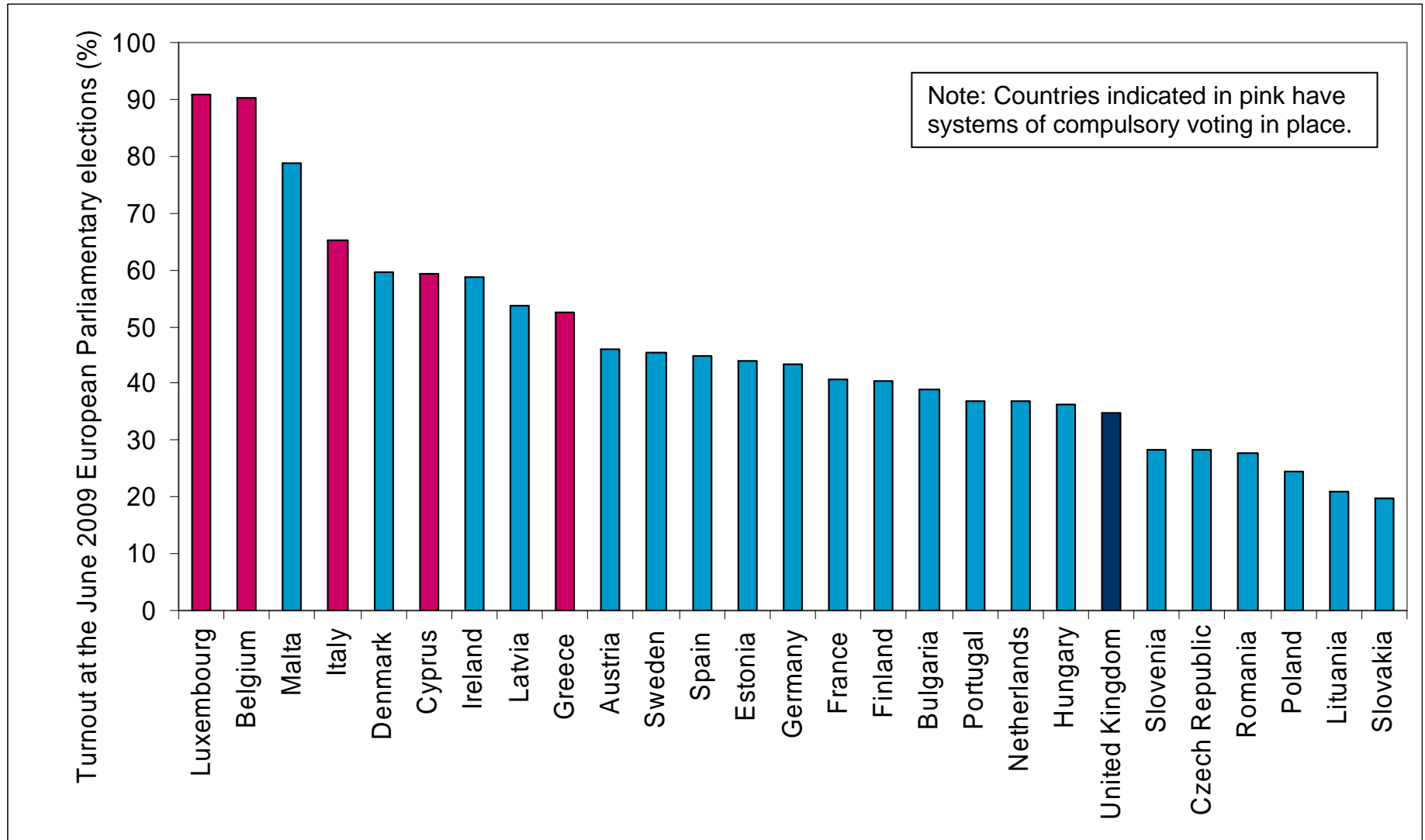
3.12 Across the UK, more than 43,000 people were appointed to act as a proxy for another elector, representing less than 0.01% of the total eligible electorate. A slightly higher proportion of electors in Northern Ireland (0.13%) appointed proxies compared with other parts of the UK. However, this was a fall from 0.36% in 2004.

### Turnout and participation at the elections

3.13 A total of 15,621,504 people voted in the June 2009 European Parliamentary elections, representing 34.5% of the total number of people who were eligible to vote.<sup>11</sup> Across the EU as a whole, turnout at the June 2009 elections was higher than in the UK, at 43%.

<sup>11</sup> This figure is the number of valid votes cast as a percentage of the electorate.

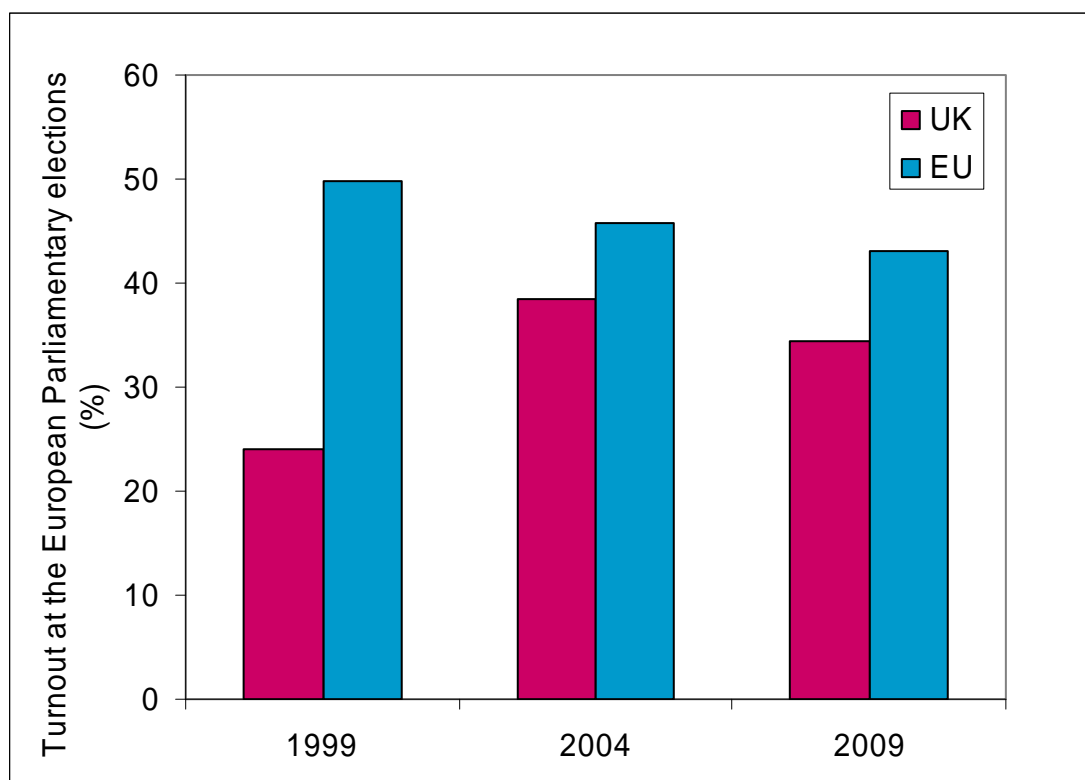
Chart 3: Turnout at the June 2009 European Parliamentary elections



### Turnout compared with other elections

3.14 Turnout at European Parliamentary elections in the UK has historically tended to be lower than the average across the EU as a whole. While turnout across the EU in 2009 fell by 2.7% compared with the last elections in 2004, turnout in the UK fell by approximately 4% compared with 2004. The 2004 elections in the UK also included all-postal voting pilot schemes in four regions of England, which had an upward effect on turnout across the UK as a whole. Chart 4 shows the difference in turnout at European Parliamentary elections since 1999 between the UK and the EU average.

**Chart 4: Turnout at European Parliamentary elections, 1999–2009**



3.15 Turnout at European Parliamentary elections has also tended to be lower than at other types of elections in the UK. Turnout at the local government elections that were also held in England on 4 June 2009 was 39.2%.

### Who voted

3.16 It is not possible to analyse demographic trends in participation using official data, since no personal data such as age or gender is recorded on the electoral register. As part of our public opinion research after the elections, however, we asked people whether or not they had voted in the June elections.

3.17 Participation appeared to be highest among older voters – nearly three-quarters (74%) of people aged 65 or over said that they had voted in the European Parliamentary elections, compared with only 13% of those aged 18 to 24. In those parts of England where local government elections were held,

85% of people aged 65 or over said that they had voted in the local elections, compared with only 10% of those aged 18 to 24. People from black and minority ethnic backgrounds had a lower propensity to vote (35% compared to 49% of white people).

## Why people did and did not vote

3.18 Almost half (49%) of non-voters said that circumstantial reasons prevented them from voting on polling day, including those who said that they were too busy or did not have enough time to vote (21%), and those who said that they had intended to vote but circumstances on the day had prevented them from doing so (8%).

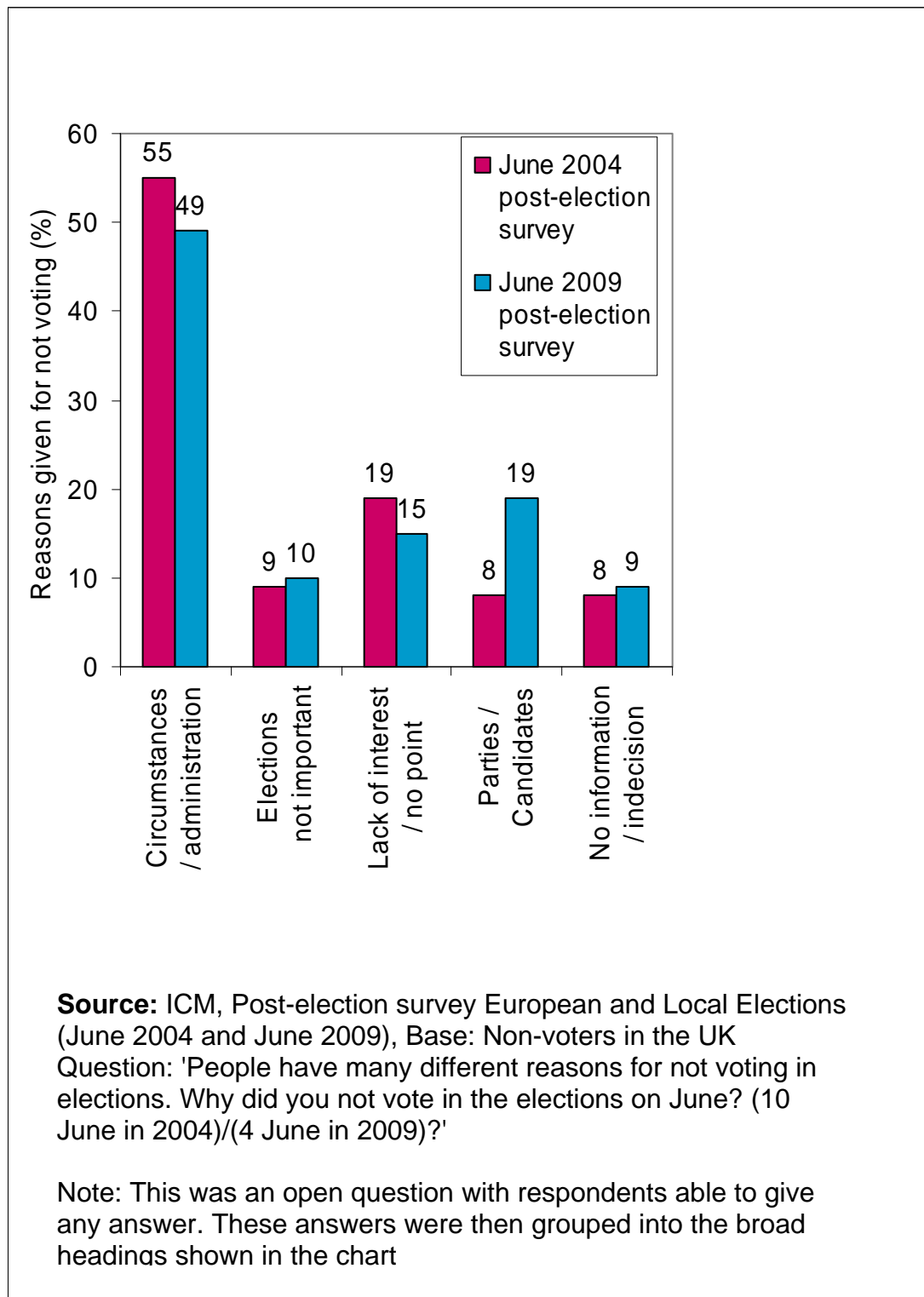
3.19 Other types of reasons given by people who said that they had not voted included a dislike for or disillusionment with candidates, political parties and politicians in general (19%), a lack of interest in politics (15%), and a belief that the elections were not important (10%).

3.20 Chart 5 shows the reasons given by people for not voting at the June 2009 elections, compared with the previous European Parliamentary elections in 2004. Perhaps unsurprisingly, given the wider political context in the months leading up to the elections with a focus on the expenses claims of UK Members of Parliament, the proportion of people saying that they did not vote because they disliked the candidates or political parties increased from 8% in 2004 to 19% in 2009, with 6% citing the recent expenses scandal as a reason for not voting.<sup>12</sup>

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<sup>12</sup> Caution should be taken when inferring any statistical trends from two separate surveys due to differences in sampling.

**Chart 5: Reasons for not voting, 2004–9**



3.21 There also appears to have been some confusion among voters about which types of elections were taking place in the area they lived. Our public opinion research suggested that even in those parts of England where local government elections were not being held (in London, the large metropolitan



areas and some unitary council areas), nearly three-quarters (71%) of people thought that local elections were in fact taking place.

3.22 Similar proportions of people in Scotland (72%), Wales (68%) and Northern Ireland (74%) also thought that local government elections were being held when they were not. It is reasonable to suggest that while many people were aware that an election had taken place, a high proportion incorrectly assumed that it must have been a local government election.

3.23 Just under one in ten (9%) of those who said that they had voted in both elections said that they would not have voted in the European Parliamentary elections if they had not been held on the same day as the local government elections. Only 2% said that they would not have voted in the local government elections if they had not been held on the same day as the European Parliamentary elections. This suggests that most voters do commit to voting across elections, although it does appear that European Parliamentary elections are viewed as somewhat secondary in comparison with the local elections.

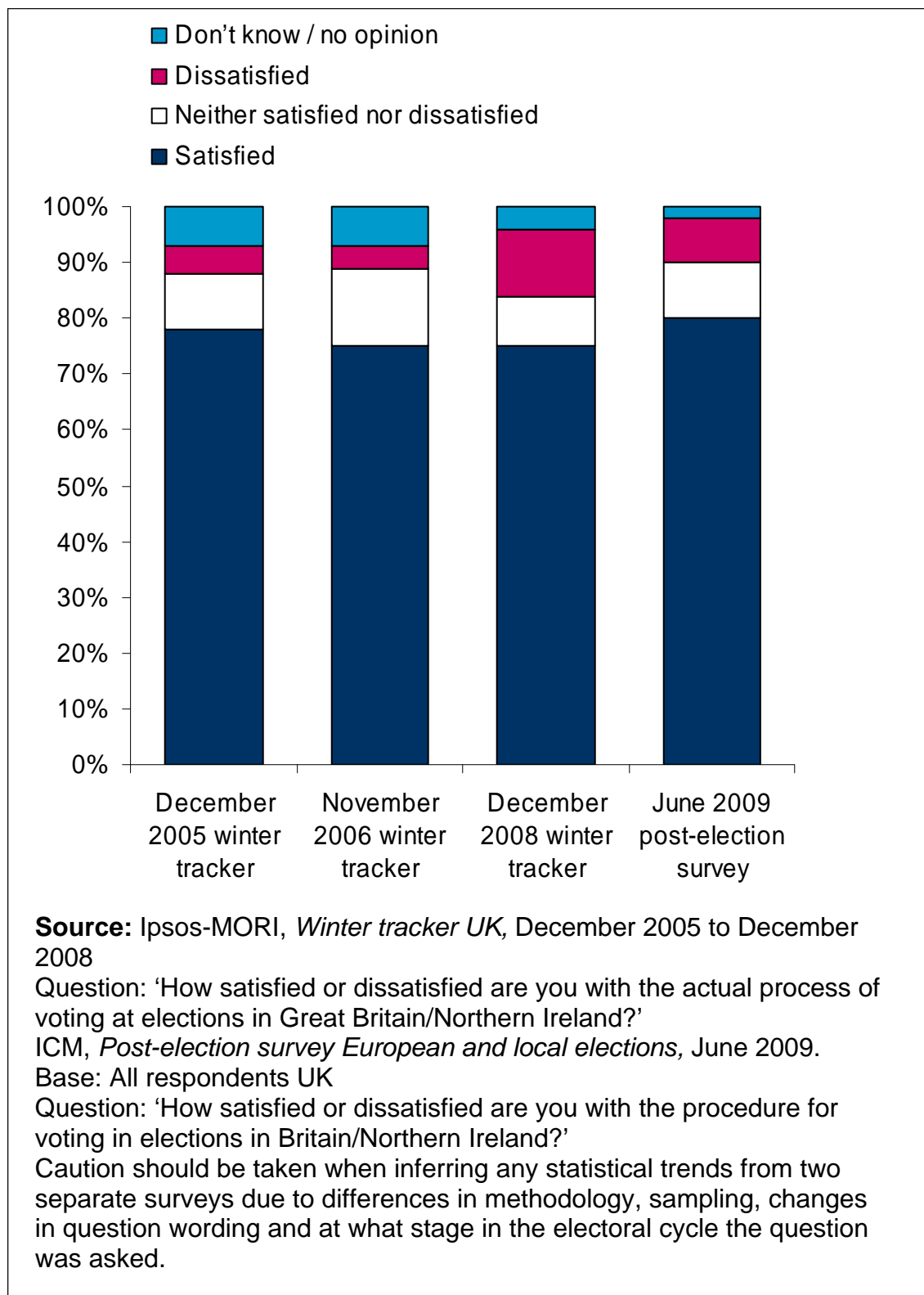
## People's experience of voting at the elections

3.24 Elections are relatively infrequent events that take place only once a year in most parts of the UK, and less frequently in some parts. People's experiences of the electoral process, and in particular their experience on polling day itself, can have a significant impact on their views of the electoral process as a whole and also on the results of the elections themselves.

## Confidence and satisfaction with the way the elections were run

3.25 Our public opinion research shows that the majority of people in the UK are satisfied with the overall process of voting. Eight out of ten people (including those who reported that they had not voted at the June 2009 elections as well as those who said they had) said that they were either very or fairly satisfied with the process of voting, compared with only 8% who said that they were dissatisfied. Older people were more likely to be satisfied than younger people, with 90% of those aged 65 and over saying they were very or fairly satisfied, compared with just 68% of those aged 18 to 24.

**Chart 6: Satisfaction with the process of voting, 2005–9**



3.26 People who actually turned out to vote were confident that the June 2009 elections were well run. More than nine out of 10 (92%) of those who said that they had voted were either fairly or very confident that the elections were well

administered, including 54% who said that they were very confident. Only 4% of people said that they were not confident that the elections were well administered.

3.27 This high level of confidence was consistent across the different parts of the UK, and tended to increase with age (92% of those aged 65 or over compared with 83% of those aged 18–24). People who voted in polling stations were more likely to be confident that the elections were either fairly or very well administered (94%) than those who had voted by post (84%).

### The experience of people who voted in polling stations

3.28 Our research showed that people who went to vote in person at their local polling station were very satisfied with the process, and find it a convenient way to vote. Ninety-eight per cent of people who voted at polling stations were satisfied with the process, and 95% found it a convenient way to vote. Eighty-three per cent said that they found it easy to get to their local polling station. The 7% who found it difficult disproportionately comprised young people (15% of those aged 18–24) and those who reported they had some form of disability (17%). Having arrived at their polling station, nearly all respondents to our survey (99%) said that they found it easy to get inside to vote.

3.29 These findings mirror our observations at polling stations on polling day, which raised few concerns about the accessibility of the polling stations visited. Overall, it was apparent that electoral administrators had taken steps to ensure that polling stations were accessible for voters, both in terms of getting into the polling station and negotiating their way around once inside. We did observe, however, that in buildings that had been used to host multiple polling stations, some had been organised more effectively than others and this impacted on voters' abilities to access the correct polling station to cast their vote. In some buildings signage was clear and staff were on hand to ensure that voters went to the correct polling station, while in others we noted that voters were confused about where to go to cast their vote.

3.30 Local authorities have clearly made efforts to improve the accessibility of polling stations. This is coupled with an overall improvement in the accessibility of public buildings since the extension of the Disability Discrimination Act in 2005, which made it a requirement for all buildings to be accessible to all. Disabled entrances were seen to be well signposted with usable ramps in place, large-print ballot papers and tactile voting devices were available for voters with visual impairments, and low polling booths were available for wheelchair users. We are also aware that many electoral services managers have been more proactive in including access issues as part of their polling station staff training.

3.31 There remains, however, a minority of polling stations that are very difficult or impossible to access by wheelchair. Others were observed where access to the polling station was made difficult for all voters because double doors had one door locked shut or signs were insufficiently clear, especially from roads.

3.32 We also heard concerns from voters on polling day that the length of ballot papers for the European Parliamentary elections may have compromised the secrecy of the ballot. Where it was too long to lie flat on the space provided in polling booths, electors were sometimes forced to stand some way away from the booth to mark their vote. When taking their completed ballot paper to the ballot box, it was not always possible to fold it in a way that concealed the way in which they had voted. Voters also noted that some ballot boxes filled up very quickly, as one voter observed in a letter to their MP:

The ballot boxes were far too small. The ballots were sticking out of the hole in the box and could have been pulled out with ease.

**Elector, London**

3.33 In Northern Ireland, people were required to present a specified form of photographic identification before being given their ballot paper in polling stations, as has been the case at all elections since 2003. Changes made in 2008 removed the requirement for photographic identification to be current, and also added three new forms of identification to the list of specified documents: Translink 60+ SmartPass, Translink Blind Person's SmartPass, and Translink War Disabled SmartPass. All respondents to our public opinion survey in Northern Ireland said that they had no difficulty finding or presenting their identification at polling stations.

### Information for voters in polling stations

3.34 Feedback from Returning Officers and electoral administrators suggests that an increasing number of voters ask for basic information about how to vote and about what to expect at polling stations. Anecdotal evidence suggests that this includes not just those who have recently reached the age of 18, but also older people who may have not voted before or who may not have voted for some time.

3.35 In particular, feedback from electoral administrators and our own observations suggests that some voters were surprised at the number of parties or candidates on the ballot papers for the European Parliamentary elections, and remarked that they had heard from or about very few of them before they went to cast their vote. Voters appeared to need time to read the ballot paper and see which parties or candidates were standing for election. The following comment made by an elector to one of our representatives in a polling station on polling day, reflects comments made by people in other parts of the UK:

I decided not to go and vote in the end. There were so many parties on the ballot paper and I had no idea what they all stood for. I felt that I would have just been making a decision by weeding out the ones I definitely didn't want to vote for and that seemed wrong to me.

**Elector, Yorkshire & the Humber**

3.36 Our research suggests that voters thought the support that they received on polling day from staff in polling stations was helpful: 88% of polling station

voters said that the support they received was very or fairly good. A similar proportion (82%) thought that the written instructions in polling stations on how to vote (such as the posters on display in the polling station or in the polling booth) were very or fairly good.

3.37 Overall this broadly mirrors our own observations on polling day, which included some instances of helpful materials such as colour-coded notices in polling booths to match the colour of the ballot paper for added clarity. We also saw, however, a number of notices displayed prominently in polling booths that detailed corrupt and illegal practices and offences at elections. While this is important information for voters to be aware of and useful to display in the polling station, in the polling booth itself a higher priority should be given to the information on how to vote, which helps people to accurately and confidently complete their ballot papers.

### The experience of people who voted by post

3.38 Our research also suggests that people who voted by post were very satisfied with the process and found it a convenient way to vote. Ninety-eight per cent of respondents who voted by post said that they were very or fairly satisfied with the process, including 84% who said they were very satisfied. No respondents said that they were dissatisfied with the process.

3.39 People also reported that they found postal voting straightforward and convenient. Ninety-eight per cent of postal voters said that they found it a convenient way to vote, and 95% said that they found it very or fairly easy to complete and return their postal vote (including 71% who said that they thought it was very easy).

3.40 Data provided by Returning Officers suggests that not everyone was able to complete their postal ballot correctly. In Great Britain, returned postal votes must be accompanied by a statement that includes the signature and date of birth of the voter. These details must be checked and verified against details previously provided by the voter when they applied to vote by post. If either piece of information is missing, or does not match, the voter's ballot paper cannot be included in the count.<sup>13</sup> Currently, the Electoral Registration Officer (ERO) is only able to refresh their record of absent vote identifiers every five years, which can mean that votes with signatures that have deteriorated over time (for example, the signature of some elderly voters who are less able to write after five years) risk being not included in the count. The Commission continues to recommend that legislation is changed to give EROs the power to refresh absent vote identifiers at any time.

3.41 Across the UK as a whole, 4.4% of ballot papers returned by post were not included in the count for the 2009 European Parliamentary elections. By comparison, 3% of ballot papers returned by post were not included in the count for the 2008 local government elections in England, while 4.5% were not included in the count for the 2008 local government elections in Wales.

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<sup>13</sup> For information about the process of verifying personal identifying information, please see Chapter 7.

3.42 The proportion of ballot papers returned by post that were not included in the count for the 2009 European Parliamentary elections varied between different parts of the UK, from 3.6% in the Yorkshire & the Humber electoral region, to 6.5% in the East Midlands electoral region. In Northern Ireland, 10.4% of all ballot papers returned by post were not included in the count.

3.43 As illustrated in Table 5,<sup>14</sup> the main reason why ballot papers returned by post were not included in the count was that voters had not provided a signature that matched the one provided at the time of their original application to vote by post. Nearly three-quarters of those ballot papers returned by post that were not included in the count were rejected because the date of birth or signature did not match. The Chief Electoral Officer for Northern Ireland was unable to provide an itemised breakdown of the reasons for postal vote rejections. It would be helpful for our analysis if these breakdowns could be provided at future elections.

**Table 5: Reasons for postal vote rejection across Great Britain at the European Parliamentary elections June 2009**

Rejected for	% rejected postal ballots – Wales	% rejected postal ballots – Scotland	% rejected postal ballots – England	% rejected postal ballots – Great Britain
Signature missing	7.3	17.2	12.0	11.6
Date of birth missing	7.1	5.6	5.0	5.1
Both missing	10.4	11.6	12.0	11.9
Mismatched signature	32.8	32.5	34.2	34.1
Mismatched date of birth	32.0	23.0	25.6	25.9
Both mismatched	10.4	10.1	11.2	11.2

3.44 More than a quarter of those ballot papers returned by post that were not included in the count were rejected because either the date of birth or signature or both was not provided, with people more likely to omit their signature than their date of birth. The overall proportion of people failing to provide one or both identifiers was slightly higher in Scotland than elsewhere in Great Britain. This was the first set of elections across Scotland where the requirement for postal voters to provide identifiers had been in force.

3.45 Feedback and anecdotal evidence from Returning Officers and electoral administrators suggests that some voters may have dated their postal vote

<sup>14</sup> The data in this table is based on preliminary analysis of returns from 380 out of 398 local authorities in Great Britain. There appear to be inconsistencies in the way that some authorities have completed their returns. There will be further analysis of postal vote rejection rates in a report being prepared for us by the Local Government Chronicle elections centre.

statement with the date they signed it, rather than their date of birth, and that some postal vote statements may have been swapped in error between spouses or other family members at the same address. They also suggest that some voters' signatures may have changed significantly since they were first provided on their application to vote by post (including electors getting married and changing their surname).

3.46 The Commission reiterates its recommendation that the administration of postal voting would benefit significantly if EROs had the power to refresh the absent vote identifiers at any time.

3.47 Concerns were also raised by electoral administrators that the signatures were most likely to differ among voters from the oldest and youngest generations:

My main observation was the greatly increased number of people whose signatures have altered in the intervening three years since the personal identifiers were collected (particularly among the younger age groups) to the extent that the software wouldn't automatically accept them, resulting in the need for manual intervention.

**Deputy Local Returning Officer, South East**

The majority of failures were for incorrect dates of birth with most of these being elderly people, so the impact appears to be more significant for these voters.

**Elections Manager, Scotland**

3.48 Research carried out in 2008 for the Electoral Commission's *Making your mark* project explored the design of election stationery, including postal voting statements and declarations of identity.<sup>15</sup> The findings suggested that people find the process of postal voting more complicated and difficult to follow than the process of voting in a polling station. The relatively large number of documents involved in completing and returning a postal vote can be overwhelming and confusing.

3.49 Our research found that postal voting statements (and declarations of identity in Northern Ireland) are not easy to complete accurately and can be daunting even for experienced voters. Instructions are often printed on the back of the documents themselves and are easily missed, and some are not clearly written and can be difficult to follow. They also often use fonts that are not easy to read, and use language that is unfamiliar to voters and that they cannot understand. Many Returning Officers send out supplementary guidance containing pictorial instructions, which voters generally preferred to the lengthy written instructions, but even these can be unclear and difficult to follow.

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<sup>15</sup> Research respondents were asked to complete ballot papers and postal voting statements, or declarations of identity in Northern Ireland, as if they were voting in a real election. The relevant guidance materials were provided for respondents to refer to if they chose, including guidance and instructions usually displayed in polling stations and polling booths, and supplementary postal voting guidance.

3.50 Our *Making your mark* project includes produced design guidance aimed at improving the usability and accessibility of voter materials used at elections across the UK. It includes recommendations for changes to the design of voter materials, including those used for postal voting, to make them more user-friendly.

### Problems with the delivery of postal ballot packs

3.51 Although postal voters generally reported high levels of satisfaction with the process, in some areas significant numbers of people were unable to complete and return their ballot packs in time to be included in the count because of production and delivery problems. It is not possible to quantify how many voters may have been affected. While these problems were not widespread and affected only a small number of authorities, they were not limited to one geographic area, as the local press headlines below suggest:

Ballot form errors ‘unacceptable’

**Leicester Mercury, 3 June 2009**

Emergency action for voters

**Surrey Mirror, 4 June 2009**

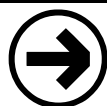
Pensioner at risk of losing precious vote – Anger as postal polling papers fail to arrive in time

**Devizes Gazette & Herald, 4 June 2009**

Frantic last minute attempt to replace faulty ballot papers

**St Ives Times & Echo, 5 June 2009**

3.52 Feedback from Returning Officers and electoral administrators indicates that many have continued to experience problems of poor performance from printers and other contractors involved in delivering postal ballot packs to voters. Concerns have been expressed by administrators about the capacity and capability of printers to deal with the increasing complexity and volumes of election stationery, particularly given the significant numbers of people who have applied to vote by post in some areas. However, this situation was often exacerbated by less than ideal contract management by Local Returning Officers (LROs) with limited procurement experience.



For more information about managing external contractors and suppliers please refer to Chapter 7, paragraphs 7.16–19.

### People’s experience and success in completing their ballot papers

3.53 Across the UK as a whole, less than one per cent of ballot papers (0.65%) for the 2009 European Parliamentary elections were rejected at the count, compared with 0.8% rejected at the 2004 European Parliamentary



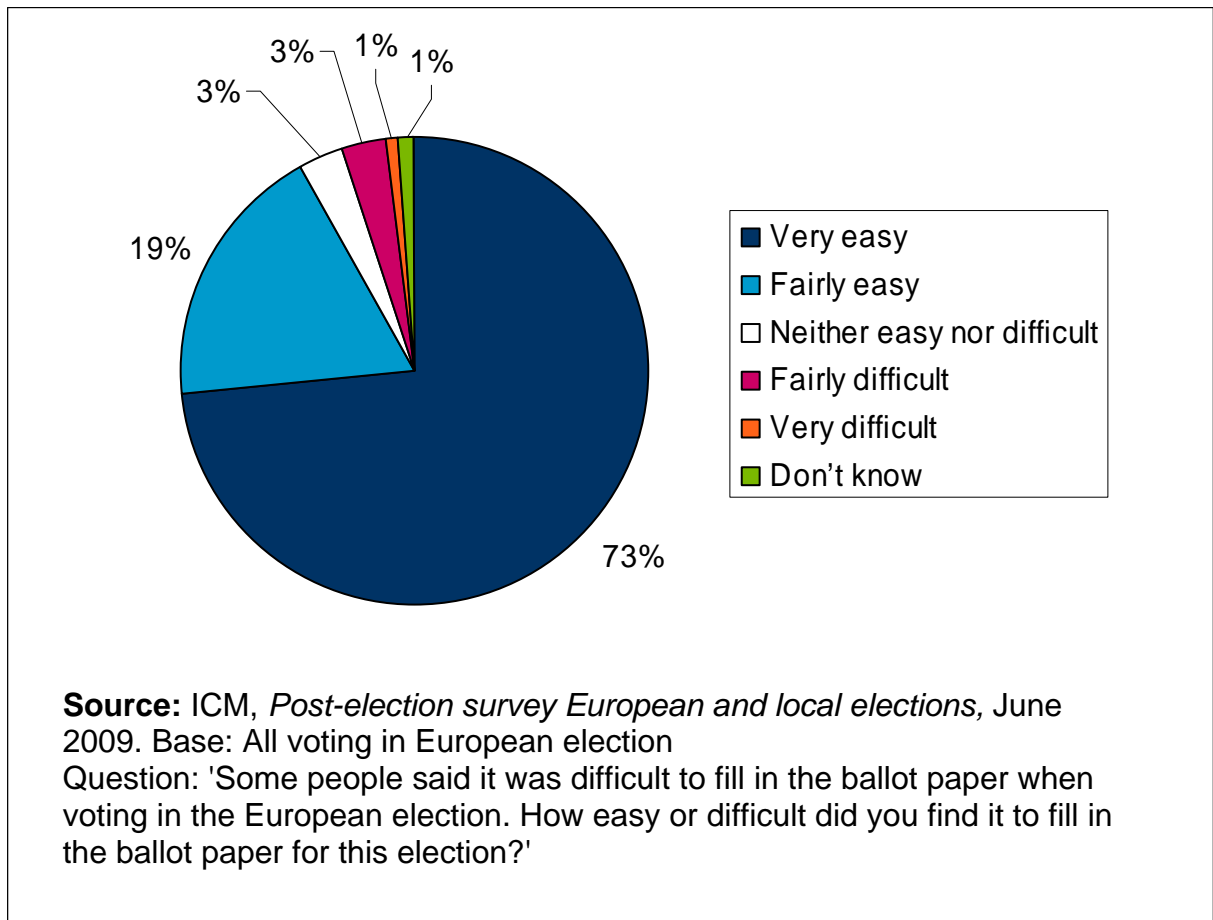
elections. Ballot papers may be rejected if they do not include the official mark,<sup>16</sup> if they include more votes than is permitted, if they contain any mark or writing that might identify the voter, if they are unmarked, or if the voter's intention is not clear. The proportion of ballot papers rejected at the count in 2009 was highest in Northern Ireland (0.88%) and lowest in Scotland (0.4%).

3.54 Findings from our public opinion survey suggest that completing the ballot paper for the 2009 European Parliamentary elections was not a problem. Ninety-three per cent of respondents said that they found it easy to complete, with 74% reporting that they found it very easy. These findings were consistent across age groups and across different parts of the UK, despite the number of political parties and individual candidates (and therefore the length of the ballot papers themselves) varying across each region. In London, a total of 19 parties or candidates were included on the ballot paper, compared with only seven candidates in Northern Ireland.

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<sup>16</sup> All postal ballot papers must contain an appropriate security marking, known as the 'official mark', and another unique identifying mark. The mark must be appropriate to ensure security and prevent copying. It could be a printed emblem or mark or a special printing device such as a watermark. Once a mark is used, it cannot be reused for another five years in the same local counting area.

**Chart 7: Confidence in completing ballot papers for the European Parliamentary election 2009**



3.55 Only four per cent of respondents said that they had difficulty completing the ballot paper for the European Parliamentary elections. Those who did find it difficult indicated that they found the paper complex and confusing, that there was a lack of information on how to complete their ballot paper, that the layout was poor, and that they thought there were too many candidates.

3.56 People living in those parts of England where local government elections also took place in June 2009 did not report difficulties in completing the ballot papers for those elections. Almost all (99%) of respondents said it was very or fairly easy to complete. Among those who voted in **both the local and European elections**, the vast majority (98%) found it easy to complete the two different ballot papers on the same day, including 83% who said it was very easy. However, research conducted on behalf of the Commission indicates that despite the perception that forms were easy to complete, there were higher rejection rates in areas where the elections were combined.

3.57 Although our research shows that, overall, people found it easy to complete the ballot paper for the European Parliamentary elections, we are aware that some voters did face problems. Feedback from Returning Officers and electoral administrators suggests that a minority of voters cut or tore their ballot paper before returning it, so that only the portion relating to a specific

party or candidate remained, or so that the part of the ballot paper below the voter's choice was missing.

3.58 We are also aware that in some areas, problems with the printing of European Parliamentary and local election ballot papers meant that people may have experienced difficulties completing the ballot papers successfully. These included:

- draft ballot papers that had been cut by some printers to exclude candidates at the bottom of the paper – this was corrected in time
- ballot papers that had missing party emblems
- ballot papers where the wrong party emblem was printed next to candidates' names
- ballot papers that had parts of candidates' names missing
- ballot papers pre-folded by suppliers or folded by polling staff before being handed to voters

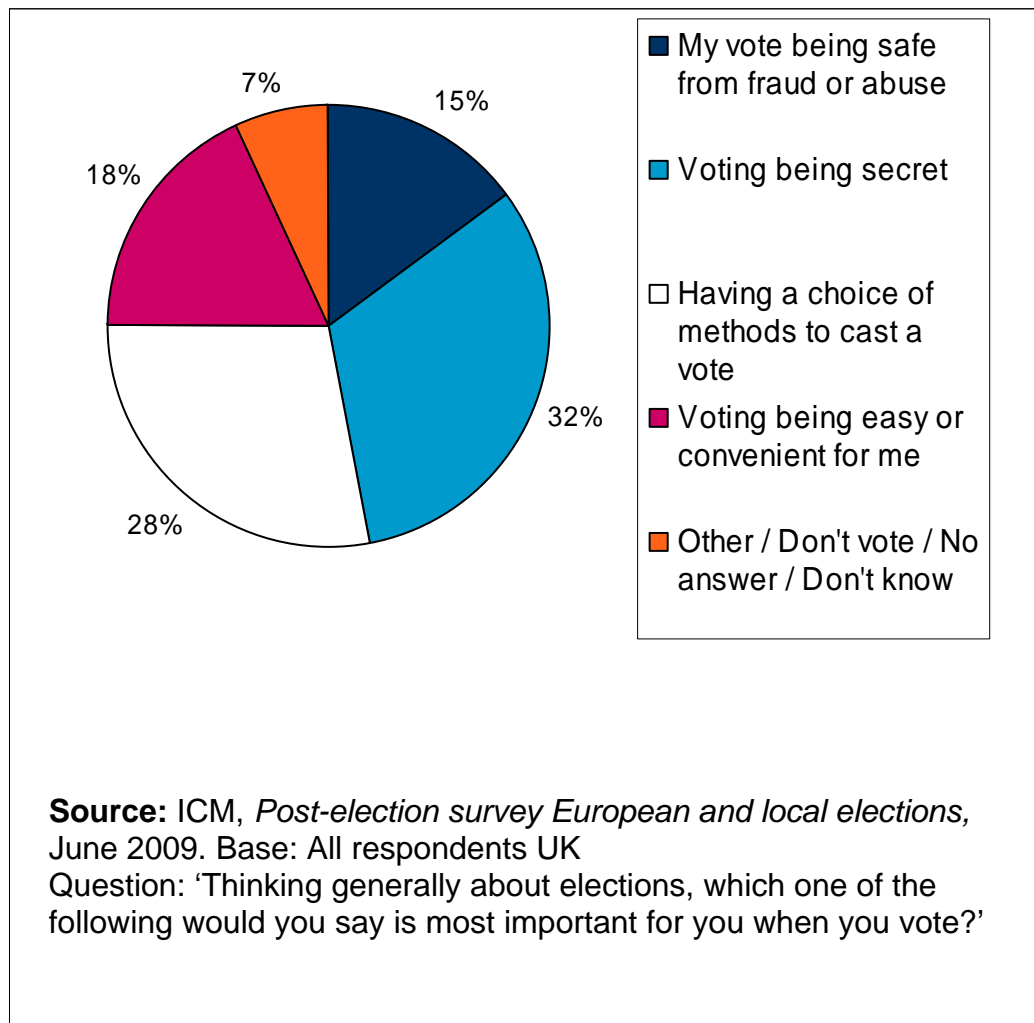
3.59 Again, while these problems were by no means widespread and affected only a small number of authorities, the impact on individual voters is likely to have been significant. In particular, we heard concerns on polling day itself from voters and political party representatives about problems in some areas with the production of ballot papers, which were folded in a way that could have obscured the last line of the ballot paper. Having established the nature of the problem, the Commission issued urgent advice to Returning Officers to contact polling station Presiding Officers and instruct them to take steps to ensure ballot papers were not folded when issued to voters.

## People's priorities for voting

3.60 What people say about their priorities for voting helps us to understand the possible future challenges for elections. Our public opinion research asked people to identify what was most important for them when voting.

3.61 Following the June 2009 elections, just under a third of people (32%) reported that voting being secret, without anyone else knowing how they voted, was the most important factor when they vote. Having a choice of methods by which to vote was identified by more than a quarter of people (28%) as most important to them, and just under a fifth (18%) identified ease or convenience as their highest priority. Fifteen per cent of people said that their vote being safe from fraud and abuse was the most important factor when they vote.

**Chart 8: Public opinion about the most important aspect of voting**



3.62 There were some significant differences in people's priorities, depending on where they lived and how old they were. Older respondents were more likely to rate their vote being secret as the most important factor (45% of those aged 55 or over). Younger voters were more likely than older voters to report that having a choice of methods of voting (34% of 18 to 34 year olds) or voting being easy/convenient (26% of 18 to 34 year olds) was important to them. Respondents in Northern Ireland were less likely to prioritise having a choice of methods (16%) than people in Great Britain (England 29%, Wales 25%, Scotland 24%), but were more likely to assign importance to their vote being safe from fraud and abuse (21%) than people in Great Britain (England 15%, Wales 13%, Scotland 16%).

3.63 Non-voters were asked if the opportunity to vote at the weekend would have made them more or less likely to vote. Thirty-six per cent said they would be more likely to vote if they had the chance to do so at the weekend. Two per cent said that it would make them less likely to vote.

3.64 The Commission wishes to improve the voter experience and extend choice, and will examine the implications of offering advanced voting in addition to the Thursday poll.

## Conclusions

3.65 The challenge for the next UK Parliamentary general election is to maintain such levels of satisfaction under different election rules, greater pressure on resources, and a different administrative framework.

3.66 Given the interest expressed by non-voters in our public opinion research for opportunities to vote at weekends, the Government should set out its position on advance voting, as a supplement to a principal polling day, as part of its wider vision.

3.67 The earlier that decisions are taken to outsource the production of key electoral materials or support services, specifications prepared and appropriate companies invited to tender for the work, the better. The Commission considers it is essential that there are formal, written contracts, to ensure that specifications are agreed and adhered to and that quality assurance checks are carried out effectively.

3.68 It is important to ensure that the RROs or LROs remain in control of the process. It is the statutory responsibility of the Local Returning Officer to ensure that any outsourced work complies with all the requirements as specified within primary legislation and secondary regulations and guidance.

3.69 The Commission has published *Making your mark* guidance aimed at improving the usability and accessibility of voter materials used at elections across the UK. It includes recommendations for changes in the design of prescribed materials so that they are more user-friendly and take account of voters' needs.

3.70 When asked to complete a European Parliamentary ballot paper, research for *Making your mark* found that voters are confused by the presence of lists of candidate names on the paper. The confusion was about why the names are there, who or what the voter can vote for, and consequently how they should mark their vote on the ballot paper. Numbering of both parties and candidates on the ballot paper added to this general confusion. Voters also found that the candidate names made the ballot paper very cluttered, and were often printed in such small type that they were difficult to read.

3.71 *Making your mark* recommends that ballot papers are designed with the voter's needs put first. It calls for excessive candidate information to be removed, leaving clear and concise choices for the voter. It also recommends that there is greater consistency between ballot papers for different types of elections. Some of these changes will require legislative change to ensure a new statutory framework for ROs to develop future ballot papers.

## 4 Standing for election in June 2009

### The number of parties and candidates nominated

4.1 The number of registered political parties or individual candidates, including candidates standing for election on behalf of political parties in Northern Ireland, who were validly nominated and who stood in the June 2009 European Parliamentary elections is shown in Table 6.

**Table 6: Number of parties and individual candidates at the European Parliamentary elections**

<b>Region</b>	<b>Member of European Parliament seats</b>	<b>Parties</b>	<b>Individual candidates</b>
East Midlands	5	13	0
Eastern	7	14	1
London	8	14	5
North West	8	12	1
North East	3	12	0
South East	10	15	0
South West	6	16	1
West Midlands	6	12	0
Yorkshire & the Humber	6	12	0
Scotland	6	12	1
Wales	4	11	0
Northern Ireland	3		7

4.2 At the local government elections, which also took place in England on 4 June 2009, nearly 9,000 candidates were nominated validly. Table 7 shows the number of vacant seats and candidates who stood in the local elections.

**Table 7: Number of candidates standing in the local government elections**

	<b>Divisions</b>	<b>Vacant seats</b>	<b>Candidates</b>
Unitary elections	400	460	1,640
County elections	1,739	1,858	7,317
<b>Total</b>	<b>2,139</b>	<b>2,318</b>	<b>8,957</b>

# The experience of parties and candidates standing at the European Parliamentary elections

## Relationships with Regional Returning Officers

4.3 The Electoral Commission received feedback from agents that indicated that overall they had a good experience of dealing with their Regional Returning Officer (RRO) and their elections staff, who were described as 'friendly', 'professional' and 'helpful'. Communication from the RRO was also generally considered to be timely and useful and the Commission's guidance for political parties, candidates and agents was used widely, and welcomed.

4.4 All RROs held briefings for candidates and agents that were well-received, and proved to be useful forums for two-way communication. However, attendance at these was patchy in some regions and this was felt to be reflected in agents' subsequent understanding of the electoral process.

4.5 For European Parliamentary elections, election agents are appointed by the party to act on the candidates' behalf (unless an individual candidate decides to act on their own behalf). Overall, the experience of being an agent at the European Parliamentary elections was positive, with agents generally being satisfied with the administration of the elections in their area.

4.6 There are four types of election agent at a European Parliamentary election: national election agents, election agents for registered political parties, election agents for individual candidates, and sub-agents.

4.7 There are two types of agent for registered political parties: the national election agent for registered political parties standing in more than one electoral region, and the election agent for registered political parties standing in one electoral region only. These agents are responsible in law for the election campaign, except for the campaign's financial management. Both types of election agents are entitled to observe various parts of the election process, including the conduct of the poll at the polling stations, postal vote opening sessions and the verification and counting of the votes.

4.8 Election agents for individual candidates are responsible in law for the proper management of the election campaign, which includes the financial management of the campaign. Like their political party counterparts they are also entitled to observe various parts of the election process.

4.9 Sub-agents are, in effect, deputy election agents. Parties standing in more than one electoral region can appoint one sub-agent to act in any electoral region, and further sub-agents to act in any part of an electoral region, as long as the parts do not overlap. Parties standing in only one electoral region or individual candidates can also appoint sub-agents to act in any part of an electoral region, as long as the parts do not overlap.

4.10 Some RROs felt that the system of agents used at European Parliamentary elections is complicated and that agents do not fully understand

how it operates, particularly in relation to the distinctions between agents, sub-agents, counting agents, and their respective roles.

## The nomination process

4.11 Overall, the nomination process itself was seen to be straightforward and appeared to go well from the perspective of both agents and administrators. RROs found that early planning and engagement with parties and their agents was key to the smooth running of the nomination process.

4.12 However, there were issues with the nomination forms provided by certain suppliers to various RROs. Agents said that the forms were either complicated or badly designed and therefore did not find them easy to complete. In response to this, the Commission issued further advice to RROs and developed a standard nomination form that could be used in place of the forms provided by suppliers, in time for the nomination process. These forms will be revised further and updated for use at future elections.

4.13 To alleviate some of the problems with the completion of nomination forms, several RROs put in place processes to encourage agents to bring in nominations papers early on for informal checking. The aim was to identify and address errors so that when nominations were formally submitted they could be validated quickly and easily. The Commission welcomes this approach, and together with the standard nomination forms that are now readily available, considers that such problems can be avoided for future elections, if best practice is adhered to.

## Deposit payment

4.14 In order to be validly nominated for the European Parliamentary election, each registered party and individual candidate in an electoral region must deposit the sum of £5,000 with the RRO before the deadline for the delivery of nomination papers.

4.15 There is a varying but increasing demand from parties and candidates for the facility to pay deposits electronically, i.e. by bank transfer, or by debit or credit card. In London, for example, around 60% of parties and candidates favoured electronic transfer to pay deposits. Others paid by cash, debit card or banker's draft. Not all RROs had this facility in place for these elections, but those that did stressed the importance of having systems set up well in advance of the nomination period to accept these types of payments.

4.16 There appeared to be some confusion about when a deposit payment made electronically is deemed to have been made. This is important in relation to the deadline for nominations, as the deposit must be paid before the deadline. The Commission considers it important that Returning Officers communicate their terms of payment to candidates and parties and agree a date by which electronic transfers must be made, so monies are received in time for the nomination deadline.



## Registered party descriptions

4.17 Another key issue that gave rise to confusion among agents at the nomination stage was the use of party descriptions on the ballot paper.

4.18 At the 2004 European Parliamentary elections, parties were entitled to use either their party name or a description of up to six words on the ballot paper. However changes to the rules for the 2009 European Parliamentary ballot paper used in Great Britain required the registered party name to appear on the ballot paper, and gave the option for a registered party description to appear in addition to, and following, the registered party name.

## Ordering of parties on the ballot paper

4.19 Ordering of parties on the ballot paper is alphabetical. At the 2004 elections, ordering was according to the first letter, or letters, of the name or description used. At these elections, ordering was determined by party names, as these were required to appear first, including the word 'the' if it is the first word in the name or description. This meant that some parties appeared in a position on the ballot paper that was different to what they were expecting. Before the 2009 elections the Electoral Commission wrote to the parties highlighting the ordering changes, and that 'the' would be taken into account. Some parties subsequently changed their registered name to remove 'the'.

4.20 Where parties chose to use both a registered name and a party description on the ballot paper, difficulties arose for RROs. In some cases, party names were repeated in party descriptions and in practice, the length of some combinations of names and descriptions meant that the description was split over two lines. There was an inconsistent approach to handling this issue across regions. There were particular difficulties in the use of registered party descriptions in Wales, where additional provisions apply that take into account use of both the Welsh and English languages. This meant that, in theory, there could be two party names and two descriptions appearing on the ballot paper for one party.

4.21 The Commission will continue to work with political parties and RROs to ensure that these provisions regarding registered party descriptions are disseminated locally and all candidates understand how and where they will be positioned on the ballot paper.

## Agents' perspective of postal voting and polling day

4.22 Feedback received from agents generally suggested that the overall processes for dealing with absent votes and polling day itself went well. Where issues were raised about absent voting they included problems associated with:

- delays in the printing and distribution of postal votes
- guidance illustrating an example vote being cast that featured a party that was standing

4.23 In relation to polling day itself, some agents raised concerns about the ballot paper, including its length and where it had been folded in a way that obscured the party's name.

### Agents' perspective of the count

4.24 Agents were generally satisfied with the process used for the collation of results and allocation of seats, but a number had complaints about the length of time this took.

4.25 There were also some agents who were not satisfied with the level of transparency of the results process in their region, although this does not appear to have been a widespread problem.

### Experience of candidates at the English local elections

4.26 The majority of candidates (86%) standing in the local government elections said that they were satisfied with the administration of the elections in their area.

4.27 The majority of candidates (73%) found that the Returning Officer or their election staff were available for advice during the campaign. Of those candidates who expressed an opinion, the majority said that the introductory briefing session run by the Returning Officer or electoral staff was useful. Candidates tended to find the guidance produced by the Commission to be clear and easy to use.

4.28 Research supports the assumption that the extent of a candidate's prior electoral experience determines the way in which they engage with the election process, and what the most likely sources of information to assist them will be.

4.29 Equally significant is the way in which their local party is organised, in determining the extent that candidates engage and rely on alternative, external sources of information. Candidates from smaller or less organised party structures, and independents by their very nature, have a greater reliance on external sources for information.

### Key themes from candidate feedback

#### **Nomination process**

4.30 Most candidates thought that nomination papers were available in good time (89%) and 81% said that they did not find them difficult to complete, although 18% said that they were difficult to complete. Ninety-three per cent of candidates said that the electoral timetable allows sufficient opportunity for people to stand for election if they want to.

#### **Confidence in the electoral register**

4.31 Most candidates (68%) thought that the register of local electors included people who were all entitled to be on it, although 12% did not agree that this

was the case. Sixteen per cent thought that the register included some people who were not entitled to be on it, although 41% disagreed with this and 43% chose to say that they did not know.

4.32 Candidate willingness to state that they did not know if the electoral register contained people who were not entitled to be on it may indicate that they do not have the means to find out whether this is the case, rather than indicative of a lack of confidence in the content of the register itself.

### **Guidance and support**

4.33 Candidates were most likely to obtain information about how to stand in the elections from their political party (67%) with information on the nomination process coming mostly from party and election agents.

4.34 Local authorities were frequently used as a source of information and were the most common source for administrative information, such as obtaining a copy of the electoral register, rules on postal voting, the election timetable and procedures at the count. Most candidates did not make use of the electoral briefings provided by the local authority. However, over 90% of those who did found attending the session useful.

4.35 Overall, candidates considered the issue of election expenditure to be the matter on which they would most likely contact the Commission for guidance.

### **Postal vote opening, verification and count**

4.36 Almost half of candidates said that election staff made it clear what was going on during the postal vote verification process. However, a significant minority disagreed (19%) and 37% expressed no opinion. An even larger proportion (25%) did not agree that election staff made it clear what was happening at all stages of the count, although the majority (61%) thought that they had (14% said that they did not know). Satisfaction with decision-making processes at the count was high among candidates.

## **Conclusions**

4.37 Satisfaction with the process amongst candidates and agents in these elections was high. Where the regional coordination was well managed, and communication was effective, it provided real benefits to candidates and officials.

4.38 The processing of deposit payments can be improved by RROs communicating the terms of payment and the methods of payment available to candidates well in advance.

4.39 The Commission will continue to offer advice and guidance that is accessible and supportive to all candidates and interested individuals. We will review our guidance on the role of sub-agents, and consider with the UK Government and Returning Officers how best to ensure the effective operation of the sub-agent system.

## 5 Integrity and confidence in elections

5.1 People's perceptions and attitudes about electoral fraud are important indicators. The number and nature of allegations of electoral malpractice provide an incomplete measure of the threat to the integrity of elections. The perceptions that people have about the extent of electoral fraud are likely to shape their view of the outcome of the election itself.

### Reports and allegations of malpractice

5.2 We worked with the Association of Chief Police Officers in England and Wales (ACPO) and Scotland (ACPOS) to ensure a consistent and complete record of allegations of malpractice relating to the June 2009 elections. All 51 police forces across England, Scotland and Wales submitted seven returns of any allegations relating to elections or electoral registration since 26 May 2009. The eighth and last reporting date was 8 September 2009. An update on progress on these cases and our full assessment of this data will be published in December 2009. We have carried out an initial analysis for this report and all figures relate to the position at the end of August 2009.<sup>17</sup>

5.3 Our initial analysis, based on allegations recorded by the police, suggests that cases of electoral malpractice continue to fall in number (the number of cases) and size/scale (the number of allegations relating to each case). At the time of publication, a total of 46 cases have been reported across Great Britain compared with 103 at the May 2008 elections in England and Wales.

5.4 Cases were recorded by a total of 19 police forces, including one police force in Wales and one in Scotland. Thirty-two police forces reported that they had not recorded any allegations during the reporting period. The largest number of cases recorded by individual forces in England was seven cases each by Devon & Cornwall Police and by West Midlands Police, followed by Derbyshire Constabulary with five cases.

5.5 The most frequent allegations related to personation (11 cases), registration (nine cases) and failure to display the imprint on election material (nine cases). Other allegations included false nomination (six cases), false statements about candidates (four cases) and undue influence (three cases). The scale of malpractice allegations is also quite small – the largest single case involved 24 photocopies of a ballot paper that were returned in a single envelope.

### Outcomes

5.6 At the time of publication, one case recorded during the reporting period has been prosecuted relating to an allegation of false registration. False registration offences involve breaches of the Representation of the People Act

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<sup>17</sup> The 2009 figures cited in this report are believed to be correct at the time of publication but must be considered provisional pending the publication of our full report in December 2009.

1983 where an individual makes a false application to vote in person or by post or proxy. Two people were sentenced at Bournemouth Crown Court to one month in prison each, to run concurrently with a six-month sentence they both received for other, non-election fraud offences. The motive for these false registrations appears to have been financial fraud rather than any attempt to affect the outcome of any election.

5.7 No formal caution has been given by the police in relation to any other case recorded during the reporting period. The police have given informal advice to deter a recurrence of an alleged malpractice in four cases – this falls short of a caution, which requires guilt to be admitted. A total of 16 cases (35% of the total) have been closed as requiring no further action by the police, and 25 cases (54%) are either still under investigation or the file is with the Crown Prosecution Service for advice.

5.8 Our analysis does not include Northern Ireland, because there is no established Single Point of Contact (SPOC) network. The Commission is working with Police Service Northern Ireland (PSNI) towards establishing parity with the rest of the UK. At the time of publication, we understand that nine cases (involving 12 allegations) of electoral malpractice relating to the signatures on postal vote applications have been reported in Northern Ireland, and that the PSNI is investigating the authenticity of signatures on a further 40 applications for postal and proxy votes. There have been no allegations of malpractice in relation to polling day. We cannot draw any conclusions about these allegations until the police have concluded their investigations, and we will follow all these cases through to their conclusion.

## Election petitions

5.9 Elections can only be challenged through the issue of an election petition by the High Court. A petition can be issued by a person who voted or has the right to vote at the election, except anonymously registered voters or a candidate claiming to have the right to be elected or re-elected. The allowable grounds for petition are undue election, or undue declaration. A successful petition can result in an order that the election result to be set aside and the election re-run. No valid election petition was lodged in relation to any election held on 4 June 2009 in Great Britain.

5.10 We are aware that the Royal Courts of Justice received papers from two prospective petitioners, each relating to alleged maladministration of an election rather than allegations of malpractice. Neither potential petition was progressed as the costs were not paid within the prescribed period. One related to the alleged non-delivery of poll cards to about 500 electors in Oxford. The other alleged that misinformation from the elections office about eligible signatories for a nomination paper meant that a candidate was unable to stand.

## Perceptions of electoral integrity and malpractice

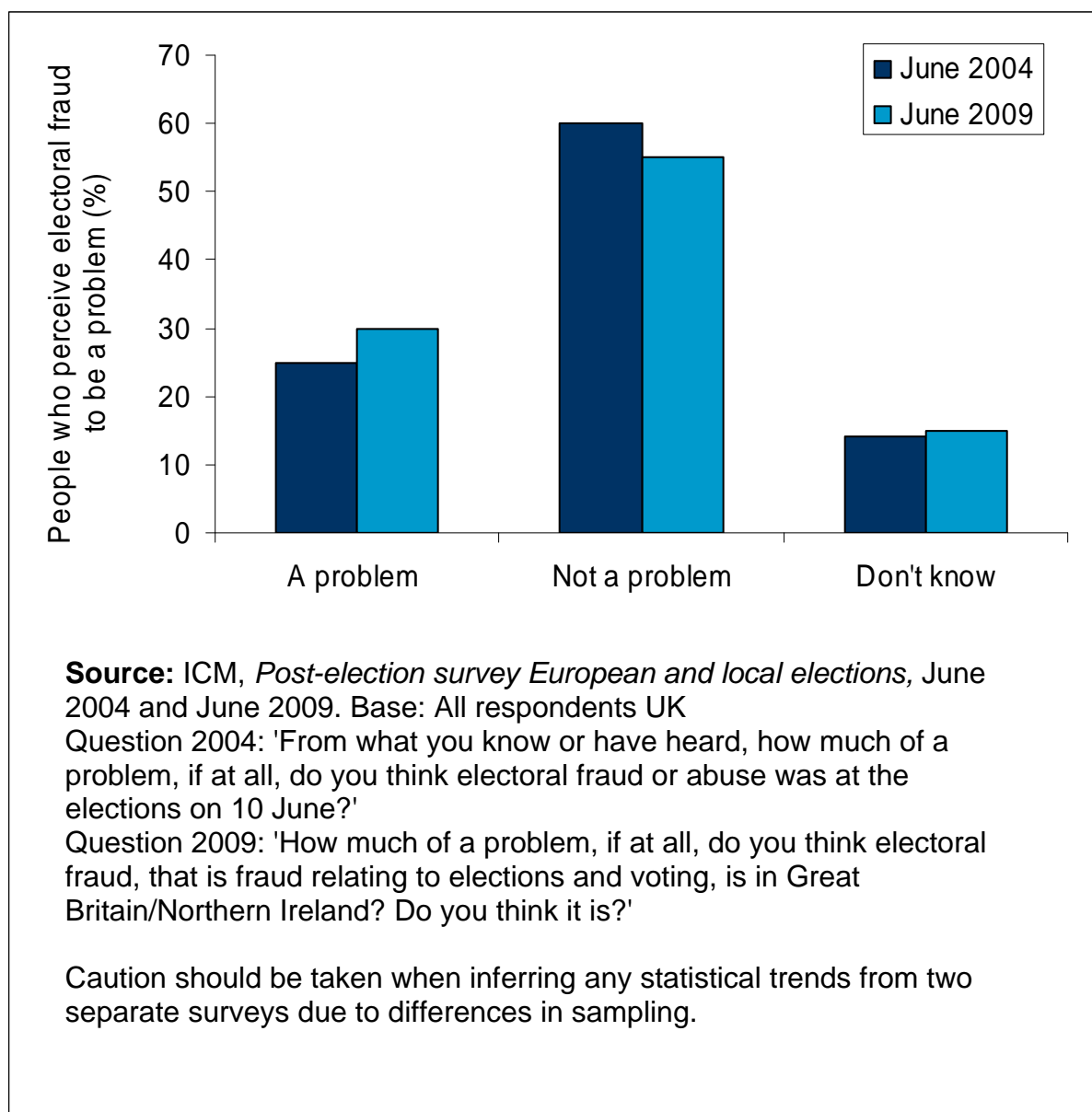
### People's perceptions

5.11 Confidence and trust in the voting process in the UK is generally high, with 80% of respondents to our public opinion survey reporting that they thought voting in general is very or fairly safe from fraud or abuse, and only 7% reporting that they thought voting is either very or fairly unsafe. More than half (55%) said they thought fraud relating to elections and voting is either not a problem at all or not a very big problem in the UK.

5.12 In those areas of England where local government elections were held, nearly eight out of ten (79%) said that they were not very concerned or not concerned at all about electoral fraud or abuse in those elections. When asked about the June 2009 European Parliamentary elections specifically, more than two-thirds of all people (69%) said that they were not very concerned or not concerned at all about electoral fraud or abuse. However, at this election (27%) said that they were fairly or very concerned about electoral fraud.

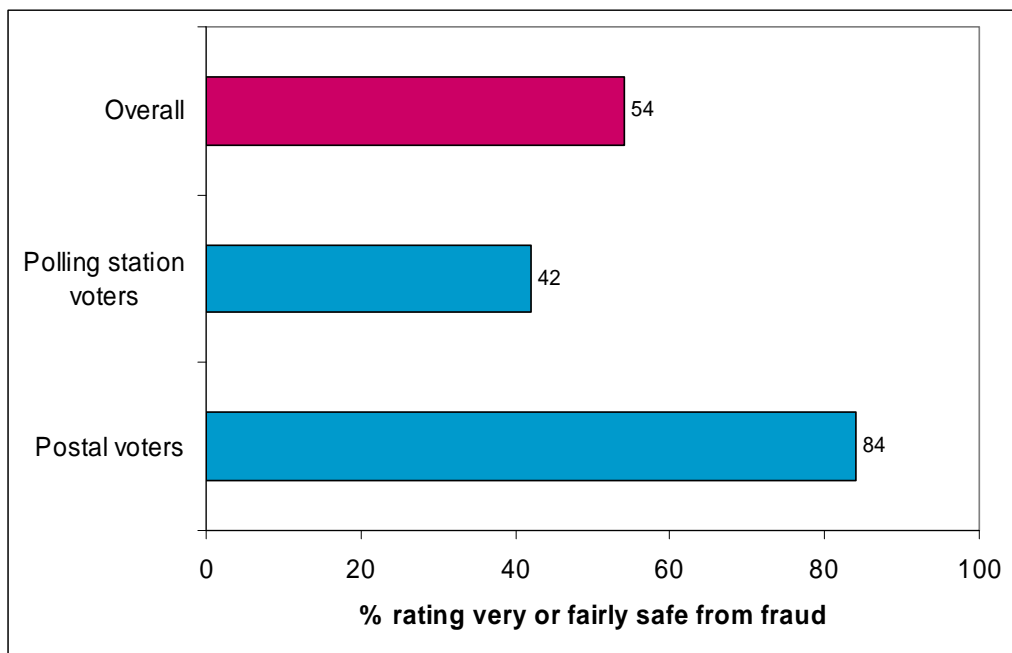
5.13 Those people who said that they were concerned about fraud gave a number of reasons. Thirteen per cent cited concerns about the safeguards in place to prevent electoral fraud. Other reasons given by people who were concerned about fraud related to negative press coverage (7%) and concerns about the honesty of Members of Parliament (7%).

**Chart 9: Concern about fraud at the 2009 European Parliamentary elections**

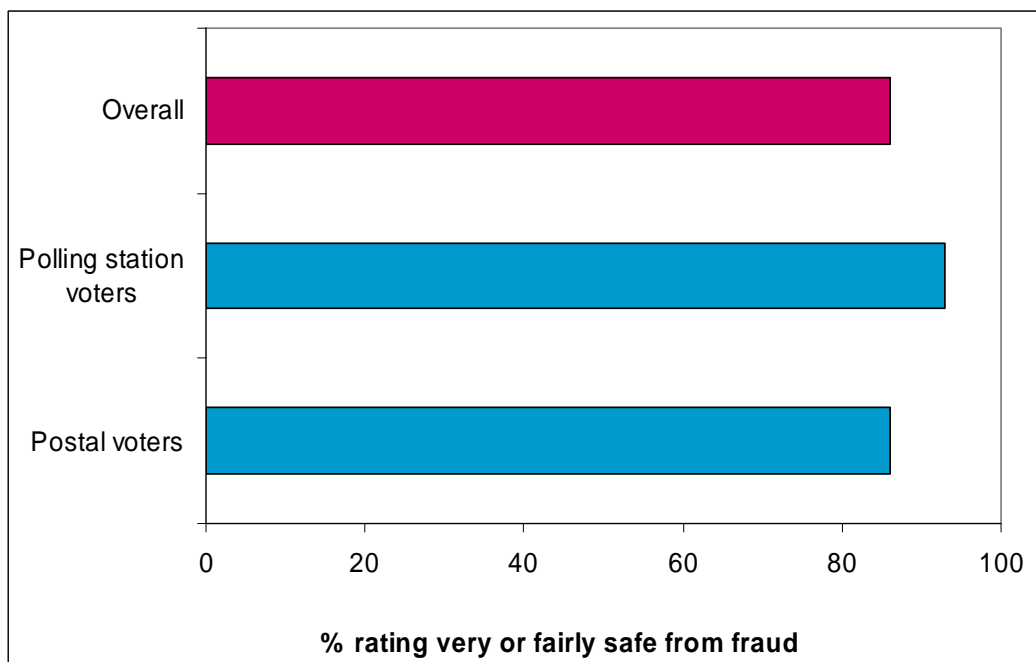


5.14 There were also marked differences in perceptions of the security of different voting methods. Voting in a polling station was generally seen as being safer than voting by post: 86% of people said that they thought voting at a polling station was very or fairly safe from fraud or abuse, compared with only 54% of people who said that they thought postal voting was very or fairly safe. Perhaps unsurprisingly, people who said that they had voted by post were twice as likely to think that this method was safe from fraud or abuse than those who had voted in a polling station: only 42% of people who had voted in a polling station said that they thought postal voting was very or fairly safe from fraud or abuse, compared with 84% of people who had voted by post.

**Chart 10a: Perceptions of the security of voting by post**



**Chart 10b: Perceptions of the security of voting at polling stations**



**Source for charts 10a and 11b:** ICM, *Post-election survey European and local elections*, June 2009. Base: All respondents UK  
Question: 'In general, when it comes to being safe from fraud and abuse, would you say that voting by post is .../ voting at a polling station is ...'



## Candidates' perceptions

5.15 We also asked a sample of candidates at the local elections in England about their perceptions of electoral fraud. While the majority of candidates who took part in our survey (80%) did not think that electoral fraud in Great Britain is a big or a very big problem in general, one in five said that they thought it was a very big or a big problem. Certain groups of candidates were more likely to think that electoral fraud is a very big or a big problem, including independent candidates (24%) and those who represented political parties other than the three largest parties (31%).

5.16 Candidates were slightly less likely to be concerned about electoral fraud or abuse in their own elections compared with their sense of the scale of electoral fraud more generally. When asked if they were concerned about electoral fraud or abuse in their own local council elections, 84% of candidates said that they were not very or not at all concerned, while one in six (17%) said that they were very or fairly concerned. Again, independent candidates (25%) and those who represented political parties other than the three largest parties (22%) were more likely to say that they were concerned about electoral fraud in local elections.

## Conclusions

5.17 The level and type of electoral risk for the forthcoming UK Parliamentary general election will be different to those associated with the 2009 elections. The Commission is committed to working with the 51 police forces, political parties, electoral administrators and the Royal Mail across England, Scotland and Wales, and the PSNI, to mitigate against such risks. We will publish a full analysis and assessment of data relating to allegations of electoral malpractice at the June 2009 European Parliamentary elections, including an update on progress in the cases outlined in this report, in December 2009.

## 6 Management of the elections and the performance of Returning Officers

6.1 Central to the successful delivery of any election are the many individuals who are responsible for planning and managing the administration of postal voting, polling stations and count centres. At the June 2009 elections this included Regional Returning Officers (RROs), Local Returning Officers (LROs), Electoral Registration Officers (EROs), and electoral administrators across the UK.

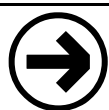
### Planning and coordination across the UK

6.2 European Parliamentary elections are relatively complex, given the size and coverage of the electorate, but they are also the most coordinated. They are administered using a management structure in which the RRO is responsible for the overall management of the election in their region and the LROs are responsible for most aspects of delivery in their own area. Consequently, planning and management assumes even greater importance.

### Role and appointment of Regional Returning Officers

6.3 At European Parliamentary elections a single RRO is appointed for each of the 12 European electoral regions. The Secretary of State for Justice was responsible for appointing RROs for each of the 11 regions in Great Britain for the 2009 elections, while in Northern Ireland the Chief Electoral Officer fulfils the responsibilities of Returning Officer at all elections, including as the RRO for European Parliamentary elections. For an electoral region in England and Wales, the RRO was required to be an Acting Returning Officer, whereas in Scotland the RRO must be a UK Parliamentary Returning Officer.

6.4 Each of the 11 RROs in Great Britain was able to claim a maximum fee of £12,000 for their services, in addition to a further amount for expenses which varied according to the size of the electoral region. Each LRO was also able to claim a fee for their services in conducting the elections, which varied according to the size of the area for which they were responsible and the proportion of electors who had applied to vote by post. The smallest fees were £1,250 for the LROs for the City of London, Gibraltar and the Isles of Scilly for Rutland. The largest fee was £34,491 for the LRO for Birmingham. Some LROs may also have received fees for their work in managing local government elections in England. The Chief Electoral Officer for Northern Ireland received no fee for his responsibilities as RRO for Northern Ireland as his post is a full-time salaried position.



For more information about fees and charges see Chapter 6, paragraphs 6.22–8.

6.5 The Ministry of Justice (MoJ) carried out a recruitment process for the 11 positions in Great Britain, beginning in January 2008. A role description was

drawn up in consultation with the Electoral Commission and the Electoral Leadership Forum, a group of senior Returning Officers that meets to discuss strategic electoral administration issues. A panel was convened to assess applications and interview candidates, comprising a senior MoJ official, a senior member of staff of the Commission, and a former RRO.

6.6 While feedback from RROs on the recruitment process has been positive, some RROs felt they would have benefited from it taking place earlier to enable them to have longer in post to plan for the elections. This view was echoed in feedback from the group of electoral administrators from the RROs' own local authorities, who worked with each RRO to manage the delivery of their statutory responsibilities.

### Regional Returning Officers' coordination group and European Parliamentary elections working group

6.7 Fourteen months before the June 2009 elections, an RRO coordination group chaired by the MoJ was established. The group met on a monthly basis and meetings were attended by staff from the Electoral Commission and a representative of the Association of Electoral Administrators (AEA). The purpose of the meetings was to provide a forum for RROs to help shape the legislative framework that underpinned the elections, to share and identify good practice, and to raise for discussion any issues of common concern.

6.8 Alongside the RRO coordination group, a separate working group was established in July 2008 involving electoral administrators from the RROs' own local authorities. Chaired by a senior member of Commission staff, its meetings were scheduled to synchronise with meetings of the RRO coordination group so that it could consider and report back on specific issues arising from the coordination group meetings. It was intended to be a more 'hands-on' group dealing with practical and administrative details, including considering the draft European Parliamentary election legislation and advising on the development and content of the Commission's support material.

6.9 We heard mixed feedback about the RRO coordination group. There was some consensus among those who participated in the meetings that it had enabled greater national consistency in general approach. Some RROs and LROs also said that it was helpful to have a clear layer of responsibility for electoral management between the Government and LROs.

6.10 Others, however, did not feel that the coordination group had been as effective as it could or should have been. There was some criticism that the group had taken too long to make certain decisions, and also that some issues may have been more appropriately delegated to the working group for consideration and recommendation (including, for example, the colour of the ballot paper). It has been suggested that the MoJ should have pressed the coordination group to make decisions, where required, in good time. Some LROs also felt that information from the coordination group was not always communicated quickly or particularly effectively.

6.11 There were also suggestions that the coordination group could have focused more clearly on the key strategic issues and less on administrative detail. It was notable that two of the RROs, for the North East and North West electoral regions, did not attend any of the coordination group meetings in person, instead sending a representative to communicate views on their behalf. Other RROs either attended only occasional meetings in person, or reduced their attendance as the elections drew closer. It has been suggested that the detailed level of discussions and the perceived lack of strategic focus at some coordination group meetings meant that some RROs withdrew from active engagement with the group.

6.12 The working group was welcomed by both RROs and LROs, and feedback suggests that it was particularly effective in helping to provide consistency of approach and communication across regions, and also in providing feedback on draft advice and guidance developed by the Commission.

6.13 The working group has continued to meet regularly since the June 2009 elections, and has focused particularly on developing plans for the management of the next UK Parliamentary general election, which must take place by June 2010.

6.14 Although there is no longer a statutory basis for decision making by the coordination group now that the 2009 elections have concluded, the Ministry of Justice has reconvened the coordination group to consider strategic planning issues on an ongoing basis.

## The role of the UK Government

### Legislation

6.15 A number of new and amended pieces of electoral legislation were implemented prior to the June 2009 elections.<sup>18</sup> The key pieces relating to the conduct of elections are summarised below.

6.16 The Local Government and Public Involvement in Health Act 2007 (LGPIHA) enabled the Secretary of State, by order, to move the 2009 local elections to coincide with the date of the European Parliamentary elections. The provisions of the LGPIHA require such proposals to be consulted upon. Following a consultation exercise,<sup>19</sup> the decision was taken to combine the 2009 elections and this was implemented by the Local Elections (Ordinary Day of Elections in 2009) Order 2008.

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<sup>18</sup> The full list of legislation – which covers additional areas including the distribution of UK MEPs; the designation of Regional Returning Officers; persons disqualified for the office of MEP in Gibraltar and the UK; and Welsh versions of forms and forms of words – can be found on the Ministry of Justice website at

[www.justice.gov.uk/publications/european-parliamentary-elections.htm](http://www.justice.gov.uk/publications/european-parliamentary-elections.htm)

<sup>19</sup> Department for Communities and Local Government, Moving the date of English Local Government elections to the date of the European Parliament elections in 2009: Consultation (May 2008).

6.17 In accordance with the provisions of the LGPIHA, which require such orders to be in place at least six months before the date of the election, the Local Elections (Ordinary Day of Elections in 2009) Order 2008 came into force on 5 November 2008.

6.18 The European Parliamentary Elections (Amendment) Regulations 2009 set out in full how the European Parliamentary elections were to be conducted, taking account of changes made by the Electoral Administration Act 2006 (EAA), related secondary legislation, and in relation to combination of elections. The European Parliamentary Elections (Amendment) Regulations 2009 came into force on 30 January 2009, little more than four months prior to polling day on 4 June. The European Parliamentary Elections (Northern Ireland) (Amendment) Regulations 2009 came into force nearly two months later on 27 March 2009.

6.19 Further regulations – the European Parliamentary Elections (Amendment) (No.2) Regulations 2009 – were made and brought into force on 1 April 2009 in order to correct some errors that had been introduced in the European Parliamentary Elections (Amendment) Regulations 2009.

6.20 The European Parliamentary Elections (Franchise of Relevant Citizens of the Union) (Amendment) Regulations 2009 came into force on 17 March 2009. These regulations applied new provisions on late registration, new provisions on anonymous registration in England, Wales and Scotland, and changes to the procedure for determining applications for and objections to registrations to European Union citizens resident in the UK for the purpose of voting at European Parliamentary elections.

6.21 Although the UK Government made efforts to ensure the legal framework for the 2009 European Parliamentary elections was in place in good time before polling day, the Commission is disappointed that the original regulations were not brought into force within the timeframe recommended in the Gould report,<sup>20</sup> which suggested a minimum six-month lead-in time for most electoral legislation. The need to introduce additional legislation to correct errors at a later stage again highlights the importance of finalising legislation well in advance of an election.

### **Fees and charges**

6.22 For European Parliamentary elections RROs and LROs are paid for their services and are entitled to recover the costs of running the election from the Consolidated Fund through the MoJ. The amounts available to RROs and LROs for their services and expenses are laid down in regulations that set out the specified level of funding available for each RRO and LRO. The total budget set aside for funding the administration of the European Parliamentary elections in England and Wales was £64.4 million.

6.23 The Fees and Charges Orders for the European Parliamentary elections were made at different times across the UK. In Northern Ireland, the order

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<sup>20</sup> The Electoral Commission, *Scottish elections 2007: The independent review of the Scottish Parliamentary and local government elections 3 May 2007* (October 2007).

was passed on 30 March 2009, while in England and Wales it was not made until 23 April, and in Scotland on 30 April, only five weeks in advance of the election.

6.24 The lateness of the legislation caused quite a lot of uncertainty for Returning Officers ahead of the election about how budget arrangements would work in practice. This had a negative impact on proper planning for the elections. In particular, Returning Officers were unable to give potential staff information on the levels of payments, which had a consequential effect on recruitment time and budgetary planning. As illustrated below this meant that some authorities had to make financial commitments prior to knowing the final budget.

The main challenges included the late delivery of the Fees and Charges information where the MoJ did not release confirmed information before the 6mth time period recommended by the Gould report. This meant that financial commitments had to be made prior to the budget being agreed by central government.

#### **Democratic Services Manager, South East**

6.25 In response to changes introduced in the EAA, these elections were the first to use a new system to assess RROs' and LROs' entitlement to funds and to process their claims in England and Wales. The new system increases the accuracy and transparency of the process and gives RROs greater flexibility by removing too much central direction. It was also the first time that electronic forms were made available to English and Welsh RROs and LROs to submit claims for expenses.

6.26 The Charges Orders for England and Wales specify an overall maximum recoverable amount available to each RRO and LRO, which must not be exceeded, and which is the total of the maximum recoverable amount for their services and the maximum recoverable amount for their expenses. The system allows greater flexibility for RROs and LROs to spend up to the maximum recoverable amount. RROs and LROs are able under the new system to spend funds on the different functions specified in the Charges Orders as they see fit.

6.27 Feedback from RROs and LROs suggests that there have been no issues with the new system for claiming election expenses. However, some administrators in Scotland suggested that a new system of rolling funding would now be more appropriate than an advance and payment of balance. In addition, LROs in areas holding combined elections said that funding should allow for separate issue of postal votes at combined elections

6.28 The UK Government should build on the progress it has made in simplifying and rationalising the funding mechanism for UK-wide elections to ensure electoral administration is properly and efficiently funded. The other bodies and office holders who are responsible for administering the funding framework for other elections – the Scottish Government, the Welsh Assembly Government and the Greater London Returning Officer – should consider adopting a similar approach for future elections. We are aware that the UK

Government is also leading work to review the funding framework for future elections and to identify opportunities for efficiency savings, and we will use evidence and data from our own survey of electoral administration expenditure in Great Britain to support that review.

## Planning and coordination within electoral regions

### Roles, responsibilities and the relationship between Regional Returning Officers and Local Returning Officers

6.29 RROs were responsible for the overall management of the European Parliamentary elections within each electoral region. They were specifically responsible for receiving nominations from political parties and independent candidates, determining the form of the ballot paper and for collating the election results from across the region before declaring the result and the candidates elected for the electoral region.

6.30 For each local authority in England and Scotland, and each parliamentary constituency in Wales, the delivery of the elections was the responsibility of LRO. Their key functions included publishing the notice of election as directed by the RRO, the conduct of the poll, including the issue and receipt of postal votes and the printing of ballot papers, and the verification of ballot papers and the count. In Northern Ireland, the Chief Electoral Officer as Returning Officer was responsible for the overall conduct of the European Parliamentary elections, and was supported by eight Deputy Returning Officers.

6.31 The Regional Returning Officers (Great Britain) for the 2009 European Parliamentary elections: Roles and Responsibilities: October 2009 set out the responsibilities of the RROs and LROs in conducting the election. The Commission published guidance to both RROs and LROs. RROs have powers in each region to direct LROs in relation to the discharge of their functions. LROs were under a duty to comply with whatever directions they received.

#### **Directions issued by RROs at the 2009 elections**

The RRO for Scotland issued two directions in March 2009. Firstly, that no LRO in the electoral region was to undertake a postal vote opening on polling day unless there were exceptional circumstances, such as a local government by-election on the same day. The reason for this was to enable administrators to focus on the process of checking in advance of election day, as it was the first time that absent vote identifier checks had been conducted in Scotland for a national election. The RRO also wanted to reassure the public that they were concentrating on the job at hand and using their time wisely. The second direction was that all LROs should use the Royal Mail sweep,<sup>21</sup> the intention of

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<sup>21</sup> A Royal Mail sweep can be arranged by electoral administrators to take place on polling day. Royal Mail collects any remaining postal votes from a main mail centre and, if requested neighbouring mail centres, and delivers them to the local authority so that they can be included in the count.

this was to maximise the number of ballot papers included in the count and in doing so put the voter first.

The RRO for the North West electoral region issued a direction in April 2009 that all LROs in the electoral region should check the personal identifiers provided by postal voters on 100% of returned postal ballot packs. It also directed LROs to ensure all postal ballot packs were delivered to Royal Mail no later than Tuesday 26 May, and that they draw up and implement a risk management and contingency plan.

The RRO for the East Midlands issued a direction on 26 May 2009 at the request of an LRO, specifying arrangements for the printing of ballot papers and postal voter stationery. The direction was withdrawn on the 27 May.

## Planning and coordination

6.32 Feedback from RROs suggests that the majority placed a high priority on ensuring that project plans for the election were in place for each local counting area across their electoral region. These plans aimed to identify and mitigate specific local risks to the successful conduct of the election. Those RROs who had undertaken the role at the 2004 elections said that they were able to draw upon their previous experience to improve the management of the elections this year.

6.33 Most RROs established working groups or cluster groups that consisted of electoral administrators from each local authority within the electoral region. These groups aimed to support a collaborative approach to election planning, to disseminate information from the RRO to colleagues in each local authority, and to ensure that any emerging issues were communicated back to the RRO. Due to the geographical size of the South East region, a county group cascade arrangement was used. Feedback from electoral administrators suggests that the opportunity to seek common approaches and share local practice through working groups was welcomed.

6.34 Some RROs worked jointly with the Commission to deliver planning sessions for electoral services managers across individual electoral regions during late 2008 and early 2009. These sessions addressed specific practical issues such as developing plans to support electoral integrity and the prevention of fraud, the management of postal vote processes, the training of polling station staff, the verification and counting of votes, and the declaration of results. They also supported the development of local project plans that were broadly consistent across the electoral region.

6.35 In Wales, the Wales Election Planning Group continued to provide an important forum for the collaborative approach to election planning that has been a feature of recent years. The Group included the RRO, representatives of electoral administrators, political parties, UK Government and Welsh Assembly Government officials, Welsh Local Government Association and the Electoral Commission, and was chaired by a senior Welsh Assembly Government official. For the 2009 European Parliamentary elections, where



planning was led by the RRO, its main benefit was as a forum for sharing information among key groups and bodies in Wales and for reviewing any emerging issues within the region.

6.36 In Northern Ireland, an election planning group was set up and chaired by the Chief Electoral Officer. It included representatives from the Northern Ireland, Information Service, the Police Service of Northern Ireland (PSNI) and the Electoral Commission. Because the Chief Electoral Officer had direct management control and responsibility for electoral administration across Northern Ireland, there was no need to establish a separate coordination group as had been the case in electoral regions in Great Britain.

### **The Interim Electoral Management Board for Scotland**

In August 2008 the Commission published the conclusions of our review of structures for electoral administration in Scotland. We recommended that an Electoral Management Board should be established in Scotland, to be convened by a senior serving Returning Officer with the necessary electoral administration experience and support to exercise leadership and authority.

An Interim Electoral Management Board for Scotland (IEMB) was established in November 2008 to support the RRO for Scotland in his management of the 2009 European Parliamentary elections. On this occasion the Convener was the same individual appointed as RRO for Scotland. This combined role provided a chance to demonstrate the benefits that a statutory elections Convener for Scottish Elections and electoral registration would bring once the IEMB is formalised by the necessary legislation.

Feedback from LROs and electoral administrators in Scotland suggests that IEMB was broadly welcomed and was seen to have benefited the coordination of the elections:

In Scotland we had the enormous benefit of the RRO also being the Chair of the Interim Elections Management Board (IEMB) which meant that already close working relationships were strengthened and through regular meetings / seminars and newsletter updates we were able to share information and best practice, thereby ensuring that on key matters it was possible to achieve consistency across 32 LROs.

**Head of Democratic Services, Scotland**

We believe that the IEMB should build on this positive feedback and its success in supporting the successful delivery of the 2009 elections in Scotland. It should aim to move beyond the election-focused approach that previous election steering groups have taken, and become a permanent mechanism for managing strategy and the delivery of elections and electoral registration in Scotland. We are concerned that more than two years have passed since the 2007 Scottish Parliamentary and local government elections and final decisions are still to be taken by the UK and Scottish Governments for the permanent structures to be put in place to ensure electoral administrative performance continues to improve in Scotland.

Some changes are required to support this new approach. The IEMB needs to ensure it is fully accountable to the Returning Officers and EROs across Scotland who form its membership, and it should review the working structures that were put in place for these elections. It should also move beyond being an 'interim' board and establish itself as the Electoral Management Board (EMB) for Scotland.

The IEMB has had a relatively low public profile to date, dealing primarily with those directly involved in elections. There is potential to raise its profile amongst other groups with an interest in the effective management of elections, including voters and political stakeholders, and more generally to make clear the role and responsibilities of the Board and its members.

We also recommended in 2008 that the Convener of the EMB should be given statutory powers to direct local officers and that the EMB be established on a statutory basis. Building on the positive experience of the Electoral Convener/RRO for Scotland at the 2009 European Parliamentary elections, the UK and Scottish Governments should move as quickly as practicable to establish the EMB and Elections Convener in statute to enable the successful delivery of future elections in Scotland. In stating this we recognise legislative change takes time but would urge that permanent arrangements be in place for the 2011 Scottish Parliamentary and 2012 local government elections.

## Performance of Regional Returning Officers: feedback from Local Returning Officers

6.37 Feedback suggests that relationships between RROs and the LROs in most regions were perceived as positive. Comments such as those below were typical:

Our experience of working with the Regional Returning Officer was positive. We attended national meetings, cluster group meetings hosted by the Regional Returning Officer and received regular newsletters and specific communications in relation to the election process. Individual contact was also made with the Regional Returning Officer's election team as necessary.

**Depute Local Returning Officer, Scotland**

I feel that the communication from the RRO was excellent, we were kept fully up-to-date with everything that was going on and he communicated all his directions [steer] well. I felt that the co-ordination of the results from our point of view went well, although I understand that some authorities had issues with this.

**Electoral Services Manager, South East**

6.38 Despite this broadly positive feedback, issues were raised by some LROs about their working relationship with RROs, which may point to some key learning points for future elections. These issues included the appropriateness and timeliness of the dissemination of information from the RRO, a lack of clear expectations on how the RRO wanted the election to be

run, unclear communication of procedures and progress at the count, and the need for better mechanisms for transmitting the results from LROs to the relevant RRO. The following comments reflect other views expressed to us:

The RRO held meetings approximately once a month. However, no real decisions seemed to be taken at these meetings and it was often two to three weeks before the minutes were available. Occasionally there was a lack of timely information and the procedures for notifying verification and count results differed several times before a final version was confirmed.

**Electoral services officer, North West**

Very little was subject to any kind of direction, with authorities free to run the election according to their own local circumstances

**Team leader, North East**

Overall I felt as if the RRO arrangements hindered rather than assisted in delivering the election.

**Electoral services, Yorkshire & the Humber**

## Planning and management in new unitary authorities in England

6.39 All of the nine new unitary authorities held European Parliamentary elections. Of these, four had held shadow elections for the English local government elections in 2008:<sup>22</sup> Cheshire East, Cheshire West and Chester, County Durham, and Northumberland. No further local elections were required in 2009 in these areas. Local elections to the new Cornwall unitary authority took place based on the draft recommendations of the Boundary Committee for England, and Wiltshire, Shropshire, Bedford and Central Bedfordshire all held elections to the new unitary authority. The Commission's English Offices and the relevant RRO teams provided support to these new electoral services teams in the run up to these elections.

6.40 There were some significant differences in the way the new unitary authorities in England managed the administration of these elections. While some of the new authorities successfully delivered elections as a coherent whole, others continued to operate under their old district structures, resulting in electors and candidates in one part of the county having a different experience to those in another. This may in part be explained by the differing arrangements for the new unitary authorities, including whether they had held shadow elections in 2008.

6.41 The transition period for the new unitaries generated a number of unique circumstances that impacted on their ability to deliver the elections. Returning Officers must ensure that any such transition issues are resolved in time for the next elections. Additionally, the impact that local authority restructuring has on electoral services should be assessed and planned for in the context of election timetables.

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<sup>22</sup> 'Shadow election' is a term that denotes that councillors are elected to an interim structure prior to the new unitary authority commencing at a later date.

6.42 There were some common administrative problems encountered by all the new authorities including:

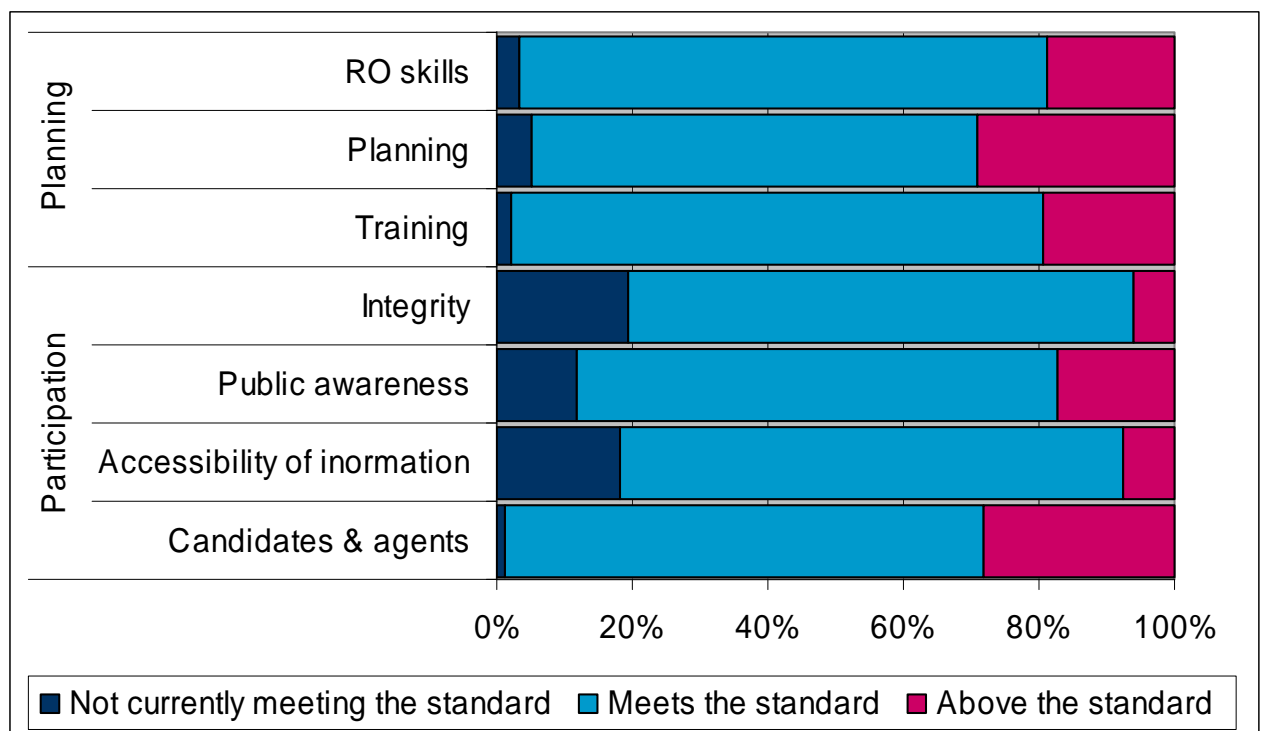
- inexperience with new financial and ordering systems
- the consequences of being in authorities with no previous experience of delivering elections
- the lack of chief officer support in many of the locations where staff were based, and
- ultimately, the scale of running elections involving hundreds of thousands of electors rather than the more familiar and manageable scale of smaller district and borough council elections

## Performance standards for Returning Officers

6.43 In March 2009 the Electoral Commission published a set of seven performance standards for Returning Officers in Great Britain. The Commission issued a Direction to all LROs at European Parliamentary elections and Deputy Returning Officers (DROs) at County Council elections in Great Britain to report against the performance standards.

6.44 We will be publishing a full analysis of the performance of Returning Officers against these standards in early November but have included some key findings from our analysis here.

**Chart 11: Performance of Returning Officers across Great Britain against the performance standards.**



6.45 Chart 11 shows the overall performance of Returning Officers across Great Britain. Our analysis of the performance standards returns has identified these important findings:

- Just under 90% of Returning Officers met all three of the standards in the planning and organisation subject area.
- Returning Officers are more likely than EROs to have written documentation and planning processes in place. Some Returning Officers are lacking formal documentation in relation to integrity and public awareness and are not providing a simple and user-friendly way for electors to access information.
- One-fifth of Returning Officers assessed themselves below the integrity standard primarily due to the lack of a written plan to tackle instances of electoral malpractice, although in all cases informal processes were in place.
- Just over three-quarters of Returning Officers met all standards in the participation subject area.
- There are still a significant number of officers who do not have plans in place for public awareness activities, an area that was also highlighted in the Electoral Registration Officer performance standards analysis.

## Planning and organisation

6.46 This subject area includes the first three performance standards, which cover the planning and organisation skills of the RO. Performance against each of these three standards was strong:

- Nearly all Returning Officers (just under 96%) said that they met or exceeded Performance Standard 1: Skills and knowledge of the Returning Officer, with a fifth of these saying they exceed the standard.
- Similarly, nearly all Returning Officers met or exceeded Performance Standard 2: Planning and Performance Standard 3: Training (95% and just under 98% respectively).
- Only one Returning Officer assessed themselves below all three of the standards in this area.

6.47 Nearly all Returning Officers met or exceeded Performance Standard 1: Skills and knowledge with a very small number (13) assessing themselves below the standard. As part of our verification strategy Commission representatives met with a quarter of the Returning Officers across Great Britain to ensure their assessment was accurate.

6.48 Ninety-five per cent of Returning Officers say that they met or exceeded Performance Standard 2: Planning, with just under a third of these saying that they are 'Above the standard', the highest proportion of all seven standards. This is in contrast to our findings on the performance standards for EROs where on the equivalent standard, although over three-quarters said that they met the standard, over a fifth across Great Britain said they were below. The main reason given was the lack of a documented plan.

6.49 A higher proportion of Returning Officers reported that they met or exceeded Performance Standard 3: Training, than the other two standards in this subject area. A small minority (eight) of Returning Officers across Great Britain said that they were 'Below the standard' and thereby provided only basic training for permanent members of staff simply to ensure awareness and understanding of legislative requirements.

## Integrity

6.50 The second subject area includes one standard that covers the processes used by Returning Officers to ensure integrity in the election.

- Although a large percentage of Returning Officers meet Performance Standard 4: Maintaining integrity of an election, just under a fifth of Returning Officers said that they did not meet this standard, the highest proportion of all the seven standards.

6.51 In common with the findings following the analysis of the EROs assessments after the 2008 annual canvass of electors,<sup>23</sup> there was a significant proportion of EROs who failed to meet the standard relating to maintaining the integrity of registration and absent vote applications. The vast majority of those Returning Officers who assessed themselves below this standard said that this was principally due to the lack of a written plan.

6.52 Nearly all Returning Officers meet the remainder of the criteria to achieve the standard, having contact with their police service Single Point of Contact (SPOC), and ensuring that work with political parties and independent candidates is carried out. However, they fail to meet the standard because of the absence of a documented written plan outlining what steps are to be taken to deal with concerns about electoral malpractice.

## Participation

6.53 The third subject area includes three standards that cover the processes used by Returning Officers to encourage participation in the registration process. There were some variations in performance against the three standards:

- The vast majority of Returning Officers are meeting or exceeding the participation standards. The vast majority of Returning Officers (just under 90%) met or exceeded Performance Standard 5: Planning and delivering public awareness activity.
- Just over four-fifths of Returning Officers met or exceeded Performance Standard 6: Accessibility of information to electors. However a significant number did not meet this standard, the second highest proportion across all seven standards.

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<sup>23</sup> Performance standards for Electoral Registration Officers in Great Britain available at [www.electoralcommission.org.uk/\\_\\_data/assets/pdf\\_file/0018/74034/ERO-REPORT-FINAL1.pdf](http://www.electoralcommission.org.uk/__data/assets/pdf_file/0018/74034/ERO-REPORT-FINAL1.pdf)

- Nearly all officers met or exceeded Performance Standard 7: Communication of information to candidates and agents.

6.54 Just under 90% of Returning Officers across Great Britain said that they either meet or exceeded this standard. This was in direct contrast to the equivalent standard for registration where two-thirds of Electoral Registration Officers assessed themselves 'Below the standard'. The main reason being the lack of a documented plan for public awareness activities. A similar reason was cited by the small number of Returning Officers who said they were 'Below the standard'.

6.55 Over four-fifths of Returning Officers in Great Britain say that they either met or exceeded Performance Standard 6: Accessibility. However, due to the high proportion of officers assessing themselves 'Below the standard', it is the worst performing standard within this subject area. From the verification exercise and narrative text accompanying the assessments, most Returning Officers have in fact done some research into the demographic of the local area or identified the target audience by means of equality impact assessments or work undertaken by the local authority, but felt that this was not sufficient to meet the standards as specified in our guidance.

6.56 Nearly all officers met or exceeded Performance Standard 7: Candidates and agents. The high profile and public nature of elections means that it is important to have a good relationship with both candidates and agents. Of those that assessed themselves 'Above the standard', the feedback we received showed that the majority of them also sought feedback from candidates and agents after the elections seeking their views on the information supplied to them and also providing them with copies of the Commission's guidance.

## Conclusions

6.57 The level of regional coordination in place for European Parliamentary elections is not replicated for UK Parliamentary general elections. The Commission will lobby Government on the introduction of regional level coordination in the form of Electoral Management Boards across England and Wales.

6.58 The Scottish experience during the 2009 elections has demonstrated the benefits of formalising the IEMB. Combining the roles of the Chair of the IEMB with that of the RRO showed the potential for creating a statutory Convenor for Scottish elections.

6.59 We have been encouraged both by the overall level of performance of Returning Officers against the standards. However, following our analysis of the performance standards of EROs earlier this year, there is still a reluctance to keep written documented plans for election processes, although to a far lesser extent than was found for EROs.

6.60 Performance reporting has highlighted areas where improvements are needed and we will issue specific guidance to Returning Officers on what they

need to do in order to meet the standards, starting with the UK Parliamentary general election.

6.61 We have already started this work by publishing draft templates for Returning Officers to use to enable them to meet the minimum requirements of the standards. We look forward to working with Returning Officers to support continued improvements in performance, and will use the findings of our analysis to identify opportunities to provide further support and assistance.



## 7 Administrative lessons from the June 2009 elections

7.1 Administrative issues are critical to elections. It is difficult to overstate the impact that administrative or technical problems can have on the wider conduct of the election. Contractual and planning issues, if not resolved or well managed can have a significant impact on the successful delivery of key milestones in the electoral timetable and at worst can lead to poor design and production of ballot papers, people not receiving ballot papers in time and a denial of a right to vote.

### Compiling the electoral register

#### Latest date to register to vote

7.2 For the June 2009 elections, the deadline for applications to be registered was Tuesday 19 May, just over two weeks before polling day. These elections were the first in Northern Ireland at which people could apply to be registered so close to polling day – previously the deadline was up to six weeks before polling day. Although the rules in Northern Ireland broadly mirrored the registration process that operated in Great Britain, electors in some instances were required to provide additional documentary evidence to prove their date of birth, nationality and address.

7.3 Feedback from Local Returning Officers (LROs) and electoral administrators suggests that processing large numbers of registration applications received up to the deadline could be resource intensive. This was especially evident in areas where proactive efforts were made to encourage registration in the months and weeks before the election, but was less problematic in areas where registration was encouraged over the whole year:

Everything comes to a head at once, putting great pressure on a very limited resource.

**Local Returning Officer, North West**

No real problems, just time pressures. Because we encourage registration over the whole year we do not get a late influx of great numbers.

**Elections Manager, South East**

#### **Implementing late registration provisions in Northern Ireland**

In the lead up to the June 2009 elections, we heard some concerns about the possible impact of the evidence requirements on the ability of people to successfully register to vote.

In fact, more than 5,600 people successfully applied to be added to the electoral register in Northern Ireland during the 'late registration' period, and feedback from political parties, the Chief Electoral Officer (CEO) and other

elections staff has confirmed that concerns about the process were not realised.

The reasons for this appear to include:

- The CEO was given enhanced access to the Department of Work and Pensions (DWP) database for Northern Ireland, which meant that Electoral Office for Northern Ireland (EONI) staff could use the DWP information to verify personal information of applicants without, in many cases, the need to seek additional evidence for continuous registration or additional supporting material for late registration.
- Political parties delivered fewer registration forms at the last minute than anticipated.
- The Commission's public awareness campaign did not actively promote late registration because of the requirements for additional documentation.
- There was relatively low turnout, compared with other elections in Northern Ireland.

## Promotion of electoral registration by Electoral Registration Officers

7.4 The Electoral Administration Act 2006 placed a duty on Electoral Registration Officers (EROs) across Great Britain to proactively take steps to encourage people to register to vote.

7.5 In the months leading up to the election a number of EROs undertook additional activities to promote electoral registration for the June 2009 elections. Activities included personal canvassing, running road shows, placing articles in local newspapers, and ensuring relevant information was posted on the council's website. Some local authorities also sought organised events to target specific groups. For example, the Carmarthenshire Youth Council organised a visit to the European Parliament so that youth council members could learn more about the institution.

7.6 In some areas of the UK, EROs said they relied wholly upon the Commission's registration campaign to encourage people to register to vote. Not only was it perceived to be well designed and effective in encouraging people to register to vote, it also meant that local authorities did not need to devote extra resources to this area. In other areas, Electoral Commission material was used to complement other activities. Commission materials included a local authority toolkit to produce press releases for local media and Commission props, such as a giant inflatable 'X' and a European floor map for local press opportunities.

7.7 There also appeared to be a greater effort by EROs this year to remove people who should no longer be on the electoral register by undertaking a cleansing exercise early in 2009. This included going through the review process to remove people who were registered at properties where council tax

records showed that no one lived there, and writing to all registered electors to confirm registration details.

7.8 Prior to the election, the Commission ran an extensive media campaign in Northern Ireland, which included television, radio, online and outdoor advertising from 9–30 March. From 5–19 May a second phase of the public awareness campaign included press advertising on late registration. Public relations activity was also used to remind voters that they could register to vote up until 19 May. The CEO also undertook some additional media work to promote registration.

## The role of the Electoral Commission in promoting electoral registration

7.9 The Commission's public information campaign encouraged people to register to vote and provided information people needed to be able to take part in the elections. One campaign was run across Great Britain, with a separate campaign run in Northern Ireland to communicate the different registration requirements and voting arrangements there. Both campaigns involved advertising and media relations activity.

7.10 A series of television, radio, press and online adverts were used to communicate the date of the election and that, in order to be able to take part, individuals were required to be on the electoral register by 19 May. After the registration deadline had passed, a second phase of activity communicated key information on the elections, including the polling station opening hours, instructions for completing ballot papers, and in Northern Ireland, information about identification required at polling stations.

7.11 The campaign directed people to the Commission's voter information website, [www.aboutmyvote.co.uk](http://www.aboutmyvote.co.uk), a freephone telephone helpline and a text response service. The Commission's media relations team mirrored this timetable of activity to increase awareness of the need to register by 19 May, with two 'Register to Vote Weeks' as focal points for media relations activity (one for Northern Ireland, and one for Great Britain). The second phase of media relations work focused primarily on audiences in Scotland to ensure that they knew that they were required to use an 'X' on their ballot papers.

7.12 Although this was a mass media campaign to reach all eligible electors, media selection was weighted towards groups less likely to be registered, including young people and some minority ethnic communities. There was also advertising and media relations activity directed at service personnel, British citizens living overseas and citizens of other European Union countries living in the UK.

7.13 To support electoral administrators in their efforts to encourage registration before the elections, we provided a range of resources and guidance through our Do Politics Centre ([www.dopolitics.org.uk](http://www.dopolitics.org.uk)). Resources included press release templates, posters and registration leaflets. Over 60 pieces of media coverage in England, and over 35 in Scotland, resulted from the template news releases.

7.14 The campaign achieved a much higher rate of response than past Commission campaigns. Between the launch of the campaign and the registration deadline, there were over 11,300 calls to our elections hotline and over 354,000 visits to [www.aboutmyvote.co.uk](http://www.aboutmyvote.co.uk). Almost 150,000 registration forms were accessed through our website or ordered through our helpline or text response service. The Commission's 'Register to Vote Week' media relations activity also secured over 730 pieces of editorial coverage in local and national papers across the UK, and through local radio interviews. There was also television coverage in Scotland and Wales. There were over 270 media stories published between 3 and 16 May that mentioned the Commission's website.

7.15 The campaign results were analysed by the Central Office of Information and benchmarked against other recent public sector campaigns. The campaign achieved a cost per active response of £15, compared to an average of £102 for the campaigns in the analysis. It is not possible from this methodology to know precisely what role the additional media relations activity played in these results, and we will be looking at ways to identify this for future campaigns.

## Managing external suppliers and contractors

7.16 Returning Officers and electoral administrators were heavily reliant on the performance of external suppliers and contractors to support the effective delivery of the June 2009 elections. The majority of Returning Officers chose to outsource the production of key election materials, including poll cards ballot papers, and postal ballot packs. Some Returning Officers were badly let down by their suppliers, leading to a number of high-profile errors affecting significant numbers of electors. It is important that the Regional Returning Officer (RRO) or LRO remains in control of the process and that the company contracted to do the work does not make any decisions without their full understanding and authorisation. It is the responsibility of the LRO to ensure that any outsourced work complies with the rules and regulations, and that they have put in place necessary measures to ensure this.

### **Production errors by suppliers**

- poll cards being issued with incorrect polling station information or in accurate maps
- ballot papers that had been cut to exclude candidate names
- incorrect emblems printed on ballot papers
- ballot papers (for a particular election) not being included in postal ballot packs
- late delivery of postal ballot packs to Royal Mail by printers, leading to delays to voters receiving them
- postal voting statement that included instructions for voters showing an image of the ballot paper with an example vote next to a party actually standing in the election
- folded ballot papers

7.17 Some electoral administrators raised concerns about the printing and production of lengthy ballot papers, particularly in those areas where there were a large number of parties or individual candidates standing in the European Parliamentary elections. A number reported that they had difficulty in identifying a supplier who could produce the ballot papers, or were forced to make alternative arrangements with other printers late in the timetable because their original supplier was unable to meet their requirements. In many cases ballot paper proofs were received for checking and sign-off by Returning Officers at a very late stage, and it was also reported that final printing costs were often more expensive than had been originally budgeted.

7.18 Feedback from Returning Officers and electoral administrators reiterated concerns about the capacity and capability of printing contractors to deal with the increasing complexity and volumes of election stationery, particularly ballot papers and postal voting packs. Many expressed concerns about the capacity of printing suppliers in the event that a UK Parliamentary general election being called at short notice, particularly if it is to be held on the same day as other scheduled elections. Feedback from some contractors has echoed these concerns. Some LROs chose to manage the collation and issue of postal ballot packs in-house through their own staff, rather than relying solely on external suppliers, and reported that it was a cost-effective and reliable alternative.

#### **Successfully managing external suppliers**

Drawing upon his own previous experiences, one electoral administrator in the South West region emphasised the importance of personally checking the work of external contractors and suppliers.

On attending the printing site and checking a sample of postal voting packs, he found that the ballot papers for an electoral division had been cut to remove the names of several candidates. Had the check not taken place these would have been issued. As the error had been spotted in time, the printer was able to reprint and re-issue the papers – after a further check by the administrator – within 48 hours. The electoral administrator made this observation:

I can't emphasise enough how important it is to be on site to check that printing and insertion of postal vote packs has been carried out properly. If I hadn't been there and discovered the error, I'm certain I'd have been facing an election petition and probably have been out of a job!

**Electoral Administrator, South West**

7.19 On polling day itself it became clear that there were problems in some English regions with the production of ballot papers for the European Parliamentary election that had been provided to polling stations. The papers handed to voters in some areas were folded in a way that could have obscured the last line of the ballot paper, which included the candidates for one political party. We heard feedback on polling day from the party affected, which indicated that some of their supporters had expressed concerns at not

having been able to find their preferred party on the ballot paper. Having established the nature of the problem, the Commission issued urgent advice to Returning Officers across the UK to contact polling station Presiding Officers and instruct them to take steps to ensure ballot papers were not folded when issued to voters. Given the wide range of factors that could have influenced voters' decisions to vote at these elections, it would be extremely difficult to draw any definitive conclusions about the relative impact of issues relating to the ballot paper in these particular areas. No electoral petition was issued to challenge the result of the elections on these grounds.

## Managing postal voting

7.20 Since 2008, Returning Officers in Great Britain have been required to check the date of birth and signature provided on individual postal voting statements and verify them against records of identifiers provided when electors originally applied to vote by post. Together with the growing numbers of people choosing to vote by post in Great Britain since 2000, the logistical challenge of issuing and processing returned postal ballot packs has increased significantly in scale and complexity.

7.21 The June 2009 elections were the third set of elections in England and Wales where Returning Officers have been required to check and verify personal identifying information ('personal identifiers'). In Scotland, however, this was the first election that the requirement had been applied at an election across Scotland as a whole, since the new requirements were not applied to the 2007 Scottish Parliamentary and local government elections.<sup>24</sup>

7.22 Since 2002, all electors in Northern Ireland have been required to provide their date of birth, signature and National Insurance number when applying to be registered. People applying for a postal or proxy vote in Northern Ireland must give a valid reason (including inability to attend the polling place due to illness, physical incapacity, absence on the day of poll due to work commitments, holiday arrangements or having moved outside the locality of the designated polling place) for their application, and must also provide their date of birth and signature. The date of birth and signature provided on individual declarations of identity completed by electors are also checked before postal votes are included in the count.

## Deadline for the receipt of postal vote applications

7.23 The deadline in Great Britain for making changes to existing postal vote arrangements or submitting a new application was 5pm on Tuesday 19 May, allowing people to change the way they receive their ballot paper relatively close to polling day. Returning Officers and electoral administrators, however, have often expressed concern that the period of time available after the deadline for applications increases the level of pressure on their teams to issue postal ballot packs in good time for people to receive them and return their completed ballot papers to be counted.

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<sup>24</sup> The checking of absent vote identifiers had taken place at the Glenrothes by-election in November 2008 and at local government by-election since 4 June 2009.

7.24 In accordance with the Commission's code of conduct for political parties, candidates and canvassers on the handling of postal vote applications and postal ballot papers, political parties can help to relieve pressure on administrators by delivering postal vote applications as soon as they are signed by the electors.<sup>25</sup> We are aware of cases where some political parties, candidates and canvassers at this election didn't follow the code of conduct and collected a whole batch of postal vote application forms and submitted them very close to the deadline of 5pm on 19 May, which increased pressure on electoral administrators to process the forms in time to issue a postal vote.

One party brought in 200 postal voting forms on the last day for registration, even though the forms had all been signed on the 8th and 9th of May. If they do this at the parliamentary election we could have a major problem.

**Electoral administrator, South East**

7.25 In some authorities, by contrast, the political parties liaised with the local authority in advance of the elections about the best approach and agreed to send out application forms to people months before the elections to allow the authority time to process the applications they received.

### Checking and verifying personal identifiers

7.26 In 2007, the Commission evaluated the experience of the first elections at which personal identifiers were required to be checked on postal voting statements. Our report highlighted some of the issues faced by Returning Officers and electoral administrators, including significant technological problems caused by the incompatibility of software used by Returning Officers to scan and automatically check personal identifiers against their records, and identified actions which should be taken to address those problems. Since then, Returning Officers, EROs and electoral administrators across England and Wales have largely resolved those problems, working with their software suppliers to ensure the process now operates more effectively than when it was first introduced.

7.27 The verification process also appears to have operated effectively across Scotland, despite this being the first Scotland-wide elections where the requirement to check personal identifiers has applied. Returning Officers and electoral administrators in Scotland drew on their own observations of how the process worked at the May 2008 local government elections in England and Wales, as well as attending a Commission pre-election seminar that focused on lessons learned from England and Wales. The majority of Returning Officers in Scotland reported that they had also undertaken testing of their personal identifier checking systems and software in advance of the elections.

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<sup>25</sup> 'If you are given a completed application form, you should forward it directly and without delay to the local Electoral Registration Officer,' Electoral Commission, Appendix D – Code of Conduct for political parties, candidates and canvassers on the handling of postal vote applications and postal ballot papers, *Guidance on standing for election to the European Parliament: European Parliamentary elections in Great Britain* (Electoral Commission, 2009).

7.28 When this requirement was first introduced in 2007, the UK Government responded to concerns from Returning Officers and electoral administrators about their capacity to check and verify every returned postal voting statement. Legislation required that at each opening session of returned postal ballot packs, a minimum of 20% of the postal voting statements must be checked and verified. Although Returning Officers could choose to check and verify a higher proportion of postal voting statements, they were not required to do so.

7.29 In our 2007 evaluation report we recommended that checking of all returned postal voting statements should be required after the 2008 local elections in England and Wales, and we reiterated our recommendation in our reports on those elections. The UK Government, however, responded that while it accepts the principle that all returned postal votes should be checked, it will only legislate when it is clear that all authorities are capable of implementing such a requirement:

A key factor in determining when it will be appropriate to move to 100% checking is when there is deemed to be sufficient capacity within postal voting software systems to support 100% checking. We will work with the Electoral Commission, electoral administrators and software suppliers in order to establish when it will be appropriate to do so.

**Ministry of Justice, December 2007<sup>26</sup>**

7.30 The legislation for these elections also required only a minimum of 20% of returned postal voting statements to be checked and verified, although the UK Government provided funding to enable LROs to check and verify 100% of returned postal voting statements.

7.31 The vast majority of Returning Officers across Great Britain checked personal identifiers on all returned postal voting statements, including in Scotland where these were the first large-scale elections where checking was required, and we are not aware of any instance where less than the required 20% were checked. In the small number of cases where fewer than 100% of personal identifiers were checked, reasons given by Returning Officers and electoral administrators included practical limitations on the time available and lack of staff resources to check any more than the minimum of 20% required by law, as well as some software problems. One Returning Officer from Wales, for example, reported that the proportion of postal voting statements checked at their last opening session was reduced to 20% because of problems with scanning and network access to the original data for checking.

7.32 Roughly 85% of Returning Officers reported using fully automated scanning systems to check and verify personal identifiers, 13% used a combination of automated systems and manual checking, and the remainder checked their postal vote statements manually. In all instances where either signatures or dates of birth were flagged as not matching, the details were

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<sup>26</sup> The Government's response to the Electoral Commission's recommendations in its evaluation report *The introduction of absent voting identifiers in England and Wales* (December 2007).



checked personally by Returning Officers or their deputies, either on screen or using the original application.

7.33 Prior to the elections the Chief Electoral Officer for Northern Ireland announced that he was introducing a range of measures aimed at detecting anyone who fraudulently attempted to obtain a postal or proxy vote. The measures included a more rigorous system for checking applications and the use of an expert document examiner.

#### **Checking and verifying personal identifiers across local authority boundaries – learning from the Welsh experience**

This was the third year in succession that elections were held across Wales, and it was the second time that they were administered on the basis of Parliamentary constituencies rather than local authorities (as was the case in England and Scotland).<sup>27</sup> Roughly half of the constituencies in Wales span more than one local authority.

This has meant that Returning Officers and electoral administrators in Wales have gained valuable experience in resolving the difficulties that could be caused by working across different local authorities, and we heard few problems from Returning Officers in Wales at these elections.

Each local authority ERO was responsible for processing applications for postal votes and maintaining lists of postal voters, including their dates of birth and signatures for security purposes. The issuing of postal votes is the responsibility of the LRO as specified in Regulation 28 of the European Parliamentary election 2009. The checking of postal vote statements was the responsibility of the Returning Officers at the parliamentary constituency level.

Returning Officers who were responsible for the conduct of elections in constituencies that crossed local authority boundaries were required to verify signatures and dates of birth on postal voting statements that had been returned by electors from their own area as well as those from one or more other local authority areas. Where different electoral management software systems were in use by EROs, technical and non-technical solutions were required make sure Returning Officers could still check and verify personal identifiers:

- Some Returning Officers received the data they required from the relevant ERO to be able to electronically check and verify postal voting statements from different local authority areas in the same way as they did for statements from their own area. There were a small number of complaints about late resolution of cross-border compatibility problems, including late software patches and changes made by suppliers, but no significant difficulties were reported.

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<sup>27</sup> The 2007 National Assembly for Wales elections were conducted on the basis of the parliamentary constituencies which will come into effect at the next UK Parliamentary general election.

- Other Returning Officers formally delegated the issue of postal votes and the checking and verification of personal identifiers to the Returning Officer in the local authority where the postal votes applications are kept. Verified postal ballot papers were then delivered to the Returning Officer at the Parliamentary constituency level for inclusion in the count. Feedback from Returning Officers and electoral administrators was positive and this solution was considered to have worked well.
- In a small number of cases, for example where this cross-boundary issue affected relatively small numbers of electors, paper records of personal identifiers were made available for Returning Officers to check and verify, rather seeking an electronic solution.

The next UK Parliamentary general election, which must be held by June 2010, will be the first at which Returning Officers and electoral administrators across Great Britain will need to manage the process of checking and verifying postal voting statements across local authority boundaries. Up to 32.3% per cent of constituencies across Great Britain cross the boundaries of one or more local authorities.

Returning Officers and electoral administrators will need to give early consideration of the significant logistical issues involved in managing this process, well in advance of the election. Key learning points from the experience in Wales are:

- To test compatibility of software across local authority boundaries well in advance of the election, to enable any technical problems to be resolved.
- To open returned postal votes as early as the election timetable allows, again to allow as much time as possible to resolve any technical problems that may arise.
- Ensure early and effective planning and ensure that there are written protocols with well-documented procedures to be followed.
- While there was time this year between the close of poll on Thursday 4 June and the count on Sunday 7 June to enable verified postal votes to be delivered to other count venues, there may be less time available to implement such a solution at a UK Parliamentary general election.

## Polling day

7.34 Overall, voting in polling stations on polling day appears to have proceeded without any widespread problems. There were, however, a number of problems that arose during polling day, which are likely to have had a significant impact on voters in those areas affected.

7.35 The large size of ballot papers for the European Parliamentary elections caused a number of practical problems for polling station staff and electors on polling day in some electoral regions of the UK. Feedback from electoral administrators and the Commission's own observations in polling stations

suggests that some polling booths were not big enough to accommodate such a large ballot paper.

7.36 In some polling stations, the ballot boxes were either too small to accommodate the ballot papers, which were significantly larger than in other elections, or the authority had not correctly anticipated how many boxes would be needed. The large size of papers meant that they took up more room in the boxes and, in some instances, polling station staff used a compacter to push the ballot papers down.

7.37 Some Returning Officers reacted to these problems by sending out extra ballot boxes to their polling stations to ensure that enough were available for voters to place their vote.

We had to issue a number of extra ballot boxes late afternoon for the European votes with our turnout being 41%

**Electoral administrator, South East**

The main problem was that the European ballot paper was so large that the ballot boxes filled up before we had anticipated they would. We sent reserve boxes out to approximately half our polling stations

**Electoral administrator, South East**

7.38 However, we are also aware of reports that, in a handful of isolated instances, some Returning Officers and Presiding Officers attempted to identify alternative solutions, which could have had significant implications for confidence in the integrity of the election. One Presiding Officer in a polling station in the South East electoral region decided to use an unsealed container to store ballot papers that had been completed by voters after the ballot boxes provided by the Returning Officer became full before the end of polling day. We understand that this was a temporary measure, which was rectified as soon as additional ballot boxes were delivered.

7.39 The Commission considers that the anticipation of likely demand and provision of an adequate number of ballot boxes to be a basic and fundamental aspect of effective electoral services and recommends that more consideration must be given to the number of ballot boxes that are required in each polling station. All ballot boxes should be sealed at the beginning of the day and remain sealed until the verification and count.

7.40 In a separate incident, an LRO in the South East electoral region issued instructions to Presiding Officers in advance of polling day detailing the steps to be taken if ballot boxes became too full to receive more ballot papers. These included opening sealed ballot boxes, removing completed ballot papers to be placed in separate sealed containers, and re-sealing ballot boxes to accommodate more ballot papers from voters. In the context of an otherwise well-run election, we have discussed this approach with the LRO and we are satisfied that plans have been put in place to ensure an appropriate response to such issues in future.

7.41 We are aware via feedback from electoral administrators and voters themselves, however, that a small number of Presiding Officers mistakenly wrote elector numbers (the numbers from the electoral register that are used to identify electors and which are written on the corresponding number list by Presiding Officers) on ballot papers before they were issued to voters. Unfortunately, where this occurred, the ballot papers would not have been included in the count, because they included information by which the voter could have been identified.

7.42 The Commission's guidance to Presiding Officers explicitly highlighted the importance of not writing the elector number on ballot papers. We will continue to work with electoral administrators to reinforce this message.

7.43 Since 2007, Presiding Officers have been required to follow a revised procedure on issuing ballot papers, which requires them to record each voter's elector number on a separate document (known as the Corresponding Number List) against the serial number of the ballot paper issued to that voter. Previously, the elector number was recorded on the numbered counterfoil or stub of the booklet from which the each ballot paper was taken. Although feedback from Returning Officers and electoral administrators suggests that the majority of polling station staff understand and are used to using Corresponding Number Lists, it is clear that there is some confusion among a minority of staff.

#### **Information on the number of ballot papers issued throughout polling day in Northern Ireland**

This year the Chief Electoral Officer (CEO) for Northern Ireland ran a scheme at the elections whereby details of the number of ballot papers issued for each ballot box was displayed in the polling station at set times throughout polling day – 12pm, 5pm and 9pm. Feedback from observers suggested that the pilot was generally successful, although there was inconsistency as to where this information was displayed.

On some occasions, it was posted behind the desk where poll staff were sitting, making it difficult to view. At other polling stations it was given greater prominence, and at one polling station in Antrim the Presiding Officer posted the information on the front door of the polling place.

The CEO has said that he is considering revising the scheme at future elections to include information about the number of electors per ballot box. This would allow candidates and agents to calculate the percentage turnout.

## **Verification and the count – European Parliamentary elections**

7.44 Verification and count procedures took place at local centres across the UK. They were attended by political parties, candidates, agents, observers and the media. Each electoral region had its own regional count centre where the RRO carried out the allocation of seats and declared the overall result.

## Verification of ballot papers

7.45 The verification of lengthy ballot papers took longer than anticipated in some electoral regions as the large ballot papers were thought to be difficult to handle. Where the ballot papers had been folded a number of times so that they could fit into the ballot box, unfolding them added extra time to the verification. For example, in one London authority verification did not finish until 4am the morning after polling day, despite the process having started at approximately 10.15pm on polling day when the first ballot box was returned to the count centre.

7.46 The verification was also delayed in some areas due to the large number of postal votes that had been handed in by voters in polling stations on polling day. Practice varied as to whether these were collected and delivered to the LRO progressively during the course of polling day, or delivered in one batch with the ballot box after the close of poll to the venue where the ballot papers were being verified. Postal votes had to be opened and postal vote identifiers checks completed before the postal votes could be included in the verification.

## Counting and sorting the votes

7.47 Across Great Britain European counts took place on Sunday 7 June with the exception of Comhairle nan Eilean Siar (Western Isles Council) and in Northern Ireland. The LRO for Comhairle nan Eilean Siar, after discussions with the RRO, decided to count the votes on the Friday rather than the Monday morning as had happened at previous European Parliamentary elections and the result was declared on Monday morning. Northern Ireland chose to count on a Monday, in part to reduce the cost of staffing, and also so that religious practices could be observed on Sunday.

7.48 Timings of the count varied across different electoral regions with some deciding to start as early as 3pm while others did not start until as late as 7.30pm.<sup>28</sup> Counting began at 9.30am on Monday 8 June in Northern Ireland.

7.49 Although different processes for sorting the ballot papers to be counted were observed across the UK, general practice was to count votes for each political party or candidate into bundles. The size of the bundles varied between authorities, but were often 20, 25, 50 or 100, depending on local preference. Each bundle was clipped together with a label on the front indicating which political party or candidate the votes were for. These bundles were often stacked on stacking tables in larger bundles of 500, 1,000 or 2,000.

7.50 While it was apparent that some Returning Officers took the decision to sort the ballot papers in stages, for example, top half votes and bottom half votes, before sorting them into piles according to votes cast, others decided to sort the papers into those parties expected to receive the larger share of the vote and then sub-sort the rest. In parts of the UK the number of parties and

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<sup>28</sup> Observation by Commission representatives and Association of Electoral Administrators post-election survey of electoral administrators.

independents contesting the election meant that ballot papers often had to be sorted several times with staff picking out certain parties on each round of sorting.

The only issue encountered related to the increase in the number of smaller parties and the number of votes they polled. This occasioned a minor delay in concluding the count

**Depute Local Returning Officer, Scotland**

7.51 The Commission is aware that some local authority count staff when sorting and collating the ballot papers had to lay them across chairs or on the floor due to a lack of space. Where this occurred, party agents expressed concern about the clarity of the process especially between the pre-sort (on the floor) and the actual sort.

The main issue we found was with the size of the ballot papers as they were difficult to count (they kept getting folded up and miscounted) and then to sort on the tables.

**Electoral Services Manager, South East**

## Transparency of the Count

7.52 The Commission's observation of counts across the UK found that provision of information in the count centre, across the country was patchy, with some Returning Officers making better use of announcements than others to keep everyone informed about the process and progress.

7.53 Some authorities produced information on the count venue, including details of the layout of the venue and who was allowed into each area to observe the process, for those attending their count. These were either sent out in advance or handed to people on their arrival. Briefing notes were also produced by some authorities for their staff, which included an overview of the count process, their role, a floor plan and a mini count sheet so that they could familiarise themselves with the process beforehand.

7.54 Audio and visual equipment was utilised by some authorities to ensure that staff and those observing the count were kept informed at different stages of the count, such as screens showing details of political parties and candidates standing at the elections and later on in the evening a breakdown of the election results as they came in from each local authority area. Some authorities also chose to make announcements for each adjudication of doubtful ballot papers over their PA system.

7.55 These methods of communication plus count supervisors explaining to agents and observers what was happening at each stage of the process gave Commission representatives and agents observing the count an overall feeling that the process was clear and transparent.

7.56 Where ongoing communication by the Returning Officer about what was happening at different stages of the verification and count process was limited the count was felt to be less transparent by Commission representatives,

especially in count centres where candidates, agents and observers were standing some distance away from where the verification and count were taking place, making it difficult for them to observe. Signage in these areas was also observed to be limited.

7.57 Commission representatives also commented that in some count centres it was difficult for observers, candidates and agents to see the ballot papers as they were being counted because of the size of the large piles of already counted votes. This was a particular problem in count centres where double width tables had been used as the observers, candidates and agents were stood further away and were less able to see the mark on the ballot paper.<sup>29</sup>

## Declaration of results

7.58 While, RROs across the UK had aimed for the counts in their region to be completed to enable them to declare the results soon after 9pm, almost without exception the amount of time allowed for the count was underestimated, and the counts were not completed in time for them to declare at this time.

7.59 Sunderland declared first in the North East of England region. They had members of their own staff allocated at each count to feed back on progress to the centre and to double-confirm results, which facilitated the process.

7.60 Several electoral regions of the UK experienced software failure, which delayed the declaration of results. This affected the South West, South East, London and the Midlands. Where RROs had created backup processes these were put into place, such as the use of fax machines, telephone communications and email, which had been tested in advance for the receipt of provisional and final results from LROs.

7.61 In the Eastern region they chose to use a method of email and telephone to communicate local results. This was backed up by manual calculation and seemed to work well. In Scotland a spreadsheet was developed by the RRO and issued to all LROs to be used to collate the results. This worked very well and enabled results to be collated quickly and published on the Edinburgh website. The Scottish RRO also allocated the LROs one of four 15 minute timeslots in which to send through their local result. This was to reduce the likelihood of the RRO being inundated with results shortly after 9pm and causing LROs and their staff to wait around unnecessarily. However, on the night many authorities missed their time slots because the large ballot papers took longer to count than had previously been anticipated.

7.62 Whatever system is used, however, the RRO has personal responsibility for the regional result and must therefore be involved in the acceptance of the results from each LRO in the region. Each result takes time, the LRO should be satisfied that the number of votes is accurate before providing a provisional result. A recount can be carried out at the local counting area level if the LRO considers the request for a recount to be reasonable. However, recounts at

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<sup>29</sup> Observers in St Ives, Huntingdonshire.

regional level are not permitted. Once a provisional result had been provided to the RRO by the LRO, LROs had to wait for the RRO to accept their result this meant in some cases that LROs were unable to declare results and release their count staff while awaiting the go ahead to do so. Where a delay occurred, it also caused frustration to party workers awaiting the declaration of local results.

7.63 While some authorities strived to match the number of votes counted with their verified figure, some authorities were submitting results significantly different from the verified figure. RROs across the UK had set limits on the amount of variance that they were willing to accept and if these were exceeded they requested that the LRO recounted the votes.

## Verification of ballot papers and the count in combined areas

7.64 In areas with combined elections all the ballot boxes had to be opened and verified for both elections before either count could commence. This was to ensure that if a voter had put their ballot paper in the wrong ballot box (e.g. the European Parliamentary ballot paper into the local government ballot box) it would be counted for the correct election. The verification of ballot papers and/or the count were either held on Thursday after close of poll or on the following day.

7.65 In both the South East and the South West the RRO had provided template verification instructions for single and combined elections. This provided a model for verifying the ballot papers and then batching them in bundles of 1,000 ready for the European Parliamentary count. This was used widely and provided a good deal of consistency across the region.

7.66 Feedback from electoral administrators and observations by Commission representatives in the South West region suggests that the verification of ballot papers in areas with combined elections was made more complicated as the local government ballot papers were often found to be folded inside the larger European Parliamentary ballot paper.

7.67 In Wiltshire, verification of the European Parliamentary and local government ballot papers took place on the Friday morning at four separate locations across the county, with the local government ballot papers counted immediately afterwards at those locations. This enabled the counts for wards of the new unitary authority to take place at a more local level rather than centrally at what might have been a considerable distance from the relevant local ward. Following verification of the European Parliamentary ballot papers they were transported to a central location for a single count on the Sunday afternoon in order to comply with the requirement for counts to take place in respect of each local authority in England.

7.68 In Cornwall, verification of the European Parliamentary and local government ballot papers also took place on the Friday morning at six different locations, based largely upon areas of the predecessor district



councils. As in Wiltshire, the local government ballot papers were counted on Friday afternoon on the same localised basis rather than centrally where access for candidates and agents may have been hampered by distance. The European Parliamentary ballot papers were taken, after verification, to a central location for collation and counting on the Sunday afternoon.

7.69 Although local government elections had been held to the new unitary authority in 2008, the 2009 European Parliamentary elections were the first time that Northumberland held a centralised verification and count. Due to its size, the decision was made to verify and count the ballot papers on Friday to avoid logistical problems transporting all the ballot boxes from different local areas to the central verification and count centre. The verification and count centre was attended by all the electoral services team.

7.70 This was the first year that Shropshire had held combined elections. It was also the first time that the authority had held a centralised verification and count. The count venue was the Shropshire Sports Village, which meant that ballot boxes had to be transported some distance from the outlying areas causing some delay. Turnout in the elections was also higher than had been anticipated and this also caused a delay in the process. It soon became clear that verification could not be completed in a timely manner and so the decision was taken to adjourn the verification at 2.30am on the Friday morning and to resume at 8.30am. The European Parliamentary votes were verified first to the evident disappointment of the candidates and agents in the county elections. As this process took longer than expected the counting of the county votes did not start until 3.30pm on the Friday afternoon. In the light of this experience and the feedback from participants in the process the Returning Officer is reviewing whether to have a centralised count for future elections

7.71 In Northamptonshire the County Returning Officer held a centralised count for the county elections. This was an innovation as traditionally the county votes had been counted at district level. The venue for the count was the Kettering Conference Centre and in advance of the day a lot of detailed planning had been undertaken by the county electoral administrators group in partnership with county officials. Each of the district councils verified their European and local ballot papers either on Thursday evening or Friday morning. Once verification had been completed the county ballot papers were transported to the central count venue. The count commenced at 3.30pm on Friday afternoon and was completed by 7.30pm, only half an hour later than had been forecast. Feedback from the participants in the process was positive.

### Accredited observers

7.72 The Commission is responsible both for accrediting observers and for producing guidance for relevant electoral officers and observers. Individuals and groups with members over the age of 16 can be accredited as electoral observers. Accreditation for individuals runs for a maximum of one year, up to 31 December of the year of the application, while organisations may be accredited for up to three years.

7.73 As part of their application to become an accredited observer they must agree to abide by a Code of Conduct, which includes an agreement that when observing they will not interfere with any of the proceedings and respect the secrecy of the ballot. Once accredited they are able to attend any postal vote issue and opening, polling station or count venue in England, Wales, Northern Ireland and Scotland (except for Scottish local government elections, which are a devolved matter) without the need for advanced notification.

7.74 In time for the elections in June, the Commission accredited a total of 135 observers across the UK, including observers from various international organisations. It was the first time in Northern Ireland that the Commission accredited observers for a scheduled election and in total, the Commission accredited 36 observers: 26 from organisations and 10 individuals.

## Conclusions

7.75 The key administrative lesson from the June 2009 elections was the management of external contractors and service providers by Returning Officers. Problems with some external contractors were exacerbated by weak management of the contractors by the Returning Officers. Returning Officers need to address in advance of the next UK Parliamentary general election a range of contract management issues, including planning sufficient time and resources to oversee contractors. Additional checks and controls need to be introduced, and staff with skills in quality assurance should be utilised.

7.76 The Commission is disappointed that some party workers didn't follow the agreed Code of Conduct with regards to the collection of postal vote applications. We call on parties to do this in future and we will follow up with political parties where this did not happen this year.

7.77 The Commission expects that all Returning Officers will ensure thorough checks of any IT software used and electronic verification mechanisms several days before the next election. They should also have manual contingency strategies in place to mitigate against system failure.

7.78 The UK Government should amend the Representation of the People Regulations to require Returning Officers to check and verify the personal identifiers on 100% of returned postal voting statements before postal ballot papers are included in the count at future elections in Great Britain.

7.79 Commission campaigns to encourage registration were an efficient and effective means of engagement. Nationwide campaigns are often supplemented at a local level with parallel activities, which the Commission will continue to support and encourage.

## Appendix A – Regional Returning Officers

7.80 The following were appointed as Regional Returning Officers on 16 July 2008.

Region	Local authority	Name
Northern Ireland	Chief Electoral Officer	Douglas Bain
Eastern	Huntingdonshire District Council	David Monks
East Midlands	Leicester City Council	Charles Poole
London	Lewisham Borough Council	Barry Quirk
North East	Sunderland City Council	Dave Smith
North West	Manchester City Council	Sir Howard Bernstein
Scotland	City of Edinburgh Council	Tom Aitchison
South East	Southampton City Council	Mark Heath
South West	Borough of Poole Council	Paul Morris
Wales	Pembrokeshire County Council	Bryn Parry-Jones
West Midlands	Birmingham City Council	Stephen Hughes
Yorkshire & the Humber	Leeds City Council	Paul Rogerson

## Appendix B – Research methodology

### **Electoral data**

Professors Rallings and Thrasher at the University of Plymouth collected data on our behalf relating to electorates, turnout, postal and proxy ballots and rejected ballots. Data was collected from Regional Returning Officers, Returning Officers and the Electoral Office for Northern Ireland.

### **Post election survey**

ICM interviewed a quota sample of 2,533 voters and non-voters across the UK by telephone on 5–23 June 2009. The sample breakdown is as follows: England 1,030, Wales 502, Scotland 500, and Northern Ireland 501. The data has been weighted to the profile of all adults. Findings are statistically significant at the 95% confidence level or above. A technical report is available upon request.

### **Returning Officers' feedback**

The Commission issued an optional qualitative feedback form to Returning Officers, Electoral Registration Officers and other electoral administrators to comment on their experience of administering the 4 June elections. Analysis is based on approximately 150 returns.

### **European Parliamentary election agents' feedback**

The Commission circulated an optional qualitative feedback form to a selection of election agents and regional sub-agents for the European Parliamentary elections, based on contact details supplied by Regional Returning Officers. Analysis is based on 16 returns.

### **Survey of local election candidates**

Professors Rallings and Thrasher at the University of Plymouth issued a postal survey on Friday, 5 June to 3,534 randomly selected candidates from a total of 8,962 candidates standing for election to either a county or unitary authority at the 2009 local elections. Analysis is based on the 1,105 responses received by the end of July. The responses were deemed sufficiently representative in terms of sex, party affiliation, council type and success of candidates responding and so data was not weighted.

## How to contact us

### Head Office

**The Electoral Commission**  
Trevelyan House  
Great Peter Street  
London SW1P 2HW  
Tel: 020 7271 0500  
Fax: 020 7271 0505  
Textphone: 18001 020 7271 0500  
info@electoralcommission.org.uk  
www.electoralcommission.org.uk

### Devolved offices

**The Electoral Commission**  
Scotland Office  
38 Thistle Street  
Edinburgh EH2 1EN  
Tel: 0131 225 0200  
Fax: 0131 225 0205  
Textphone: 18001 0131 225 0200  
infoscotland@electoralcommission.org.uk

**The Electoral Commission**  
Wales Office  
Caradog House  
1–6 Saint Andrews Place  
Cardiff CF10 3BE  
Tel: 029 2034 6800  
Fax: 029 2034 6805  
Textphone: 18001 029 2034 6800  
infowales@electoralcommission.org.uk

**The Electoral Commission**  
Northern Ireland Office  
Seatem House  
28–32 Alfred Street  
Belfast BT2 8EN  
Tel: 028 9089 4020  
Fax: 028 9089 4026  
Textphone: 18001 028 9089 4020  
infonorthernireland@electoralcommission.org.uk

### English offices

**The Electoral Commission**  
Eastern and South East Office  
Trevelyan House  
30 Great Peter Street  
London SW1P 2HW  
Tel: 020 7271 0600  
Fax: 020 7271 0505  
Textphone: 18001 020 7271 0600  
south@electoralcommission.org.uk

**The Electoral Commission**  
North of England Office  
York Science Park  
IT Centre  
Innovation Way  
Heslington  
York YO10 5DG  
Tel: 01904 567990  
Fax: 01904 567719  
Textphone: 18001 01904 567990  
north@electoralcommission.org.uk

**The Electoral Commission**  
Midlands Office, No 2 The Oaks  
Westwood Way, Westwood Business Park  
Coventry CV4 8JB  
Tel: 02476 820086  
Fax: 02476 820001  
Textphone: 18001 02476 820086  
midlands@electoralcommission.org.uk

**The Electoral Commission**  
London Office  
Trevelyan House  
Great Peter Street  
London SW1P 2HW  
Tel: 020 7271 0689  
Fax: 020 7271 0505  
Textphone: 18001 020 7271 0689  
london@electoralcommission.org.uk

**The Electoral Commission**  
South West Office  
Regus  
1 Emperor Way  
Exeter Business Park  
Exeter EX1 3QS  
Tel: 01392 314617  
Fax: 01392 314001  
Textphone: 18001 01392 314617  
southwest@electoralcommission.org.uk

## The Electoral Commission

Trevelyan House  
Great Peter Street  
London SW1P 2HW

Tel 020 7271 0500

Fax 020 7271 0505

[info@electoralcommission.org.uk](mailto:info@electoralcommission.org.uk)

[www.electoralcommission.org.uk](http://www.electoralcommission.org.uk)

To contact our offices in Scotland, Wales,  
Northern Ireland and the English regions,  
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We are an independent body set up by  
the UK Parliament. Our aim is integrity and  
public confidence in the democratic process.  
We regulate party and election finance and  
set standards for well-run elections.

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