

An Evaluation of Electoral Administration at the EU Referendum

Report prepared for the Electoral Commission¹

22 August 2016

by

Dr Alistair Clark,
Newcastle University
E: alistair.clark@ncl.ac.uk



Dr Toby S. James,
University of East Anglia
E: T.S.James@uea.ac.uk



¹ We are extremely grateful to Dr. Judy Murray of Newcastle University who also carried out a number of CO interviews for this research project and also observed a count on Referendum night.

Executive Summary

- The EU Referendum was held on 23rd June 2016. This research report evaluates the quality of electoral administration and management using a survey and qualitative interviews with the electoral officials involved in managing it.
- The overall picture is that given the high profile nature of the referendum, the Chief Counting Officer (CCO), the Electoral Commission and electoral officials across the UK managed the referendum very well:
 - The management structures, first used for a UK wide referendum in 2011, seemed to have been improved suggesting some learning from past experiences and 'bedding in' of new processes. However, there are still concerns amongst some Counting Officers that the directions were over-prescriptive.
 - The Count went overwhelmingly smoothly in large part because of planned rehearsals.
 - The guidance and resources produced by the CCO were highly valued by electoral officials.
 - There were very few suspected cases of electoral fraud, although pressures from campaigners that pens should be used caused some disruption in some polling stations.
- However, there were aspects of the underlying electoral machinery which caused problems that manifested themselves during the referendum period. Although these are beyond the direct remit of the CCO and the Electoral Commission, it could support reforms and promote debate around these issues given the Commission's statutory duty to keep under review the legal framework governing elections in the UK:
 - The legal structure for the referendum was clear. The statutory timetable for the referendum was tight, however; and the late legislation to extend the registration deadline because of the crash of the central government registration website placed a major burden on many electoral officials. A common theme throughout the research was concerns about workplace pressure, stress and staffing. This is especially the case when electoral events follow each other in quick succession.
 - Many members of the public reported confusion about the electoral registration process and a large number of duplicate applications which absorbed resources.
 - Alarming, concerns about levels of funding were raised with nearly half of local authorities claiming that they have insufficient funds to maintain the electoral register.
 - There are some challenging business processes involved in postal voting and overseas voting which also place a strain on local authorities. Some overseas citizens may not have not been able to cast their votes or have them counted because of the tight timescales involved with registration and posting ballot papers through the international mail system. There were also concerns that the proxy voting process was open to vulnerabilities.
 - There were relatively few problems or incidents on the day of the poll. There were virtually no problems with electoral fraud and very limited cases of voter intimidation, despite high profile concerns in advance of the referendum. There was, however, evidence of citizens not being able to vote and turned away because they were unregistered.
 - Electoral officials often reported a low level of understanding of the electoral procedures amongst some campaigners who were new to the electoral process.

- A system for reporting electoral fraud seems to have been established with electoral officials very clear how to report suspected cases and finding their SPoC accessible and responsive.
- Potential reforms are set out in the conclusions.

Introduction

1. On the 23rd June 2016 a referendum took place on whether the UK should remain or leave the European Union. This was a hugely significant electoral event that would have a major impact on British politics and public policy. It gathered coverage from the media across the world. The electoral machinery was therefore under intense public scrutiny.
2. The Electoral Commission has specific responsibilities and functions in relation to the delivery and regulation of referendums held under the Political Parties, Elections and Referendums Act 2000. The European Union Referendum Act, received Royal Assent on 17 December 2015, made additions and amendments to the framework set out in PPERA and thereby provided a framework for the Commission's role in the referendum.
3. Under this legislation the Chair of the Electoral Commission, or someone they appoint, must act as the Chief Counting Officer (CCO) for the referendum and is responsible for certifying the outcome of the referendum. The CCO was also responsible for appointing Regional Counting Officers (RCOs) for each electoral region. The 11 RCOs are responsible for 'co-ordinating the planning and administration across their electoral region and for managing the collation of the local to totals into a total for the electoral region, which will be fed into the UK wide result'.² 382 Counting Officers (COs) were responsible for the voting process in their local government or electoral area. In each case, the CO was the Returning Officer for the local authority. In Northern Ireland, the Chief Electoral Officer for Northern Ireland (CEONI) was the CO for the whole of Northern Ireland.³
4. The CCO had power to give directions to RCOs and COs under Schedule 3 of the European Union Referendum Act 2015. These directions could involve:
 - (a) directions about the discharge of their functions;
 - (b) directions requiring them to take specified steps in preparation for the referendum;
 - (c) directions requiring them to provide the Chief Counting Officer with information that they have or are entitled to have.⁴
5. Although the Electoral Commission had these powers, the referendum was otherwise run in accordance with the system of Britain's electoral laws set by Parliament and the electoral register used for Parliamentary elections, which is maintained by electoral registration officers in local authorities (or, in some cases in Scotland, in Valuation Joint boards (VJBs)).
6. The Electoral Commission therefore had a role both running the referendum, regulating campaign organisations, and also reporting on the quality of administration at the referendum. This project was therefore commissioned to provide an independent evaluation of the administration of the referendum and the role of Electoral Commission. An online survey and qualitative interviews were undertaken with electoral officials who ran the referendum.
7. The first section outlines the methodology. The following section reports the findings with respect to each different aspect of the referendum. The final section provides a summary and makes recommendations.

² http://www.electoralcommission.org.uk/_data/assets/pdf_file/0003/196248/EU-Ref-Part-A-Role-and-responsibilities.pdf, p. 8

³ https://www.electoralcommission.org.uk/_data/assets/pdf_file/0007/209419/Briefing-European-Union-Referendum-Management-2016-06-14.pdf Gibraltar was a separate electoral area for the purposes of the referendum and overseen by the South West RCO.

⁴ Para 7(5) Schedule 3 European Union Referendum Act 2015

Methodology

8. The survey was sent electronically to the 380 local authorities administering the referendum throughout Great Britain. It was also sent to the electoral authorities in Gibraltar and to the Electoral Office of Northern Ireland (EONI). Of these potential 382 local and electoral authorities, responses were received from 254 giving a 66% response rate for the counting officer survey. This is an excellent response rate for this type of survey, which considerably exceeded expectations. A little caution is required in interpreting this figure. Some local authorities had two separate members of staff complete the survey, and have therefore made duplicate submissions, while in five cases, the response was flagged as covering more than one local authority.⁵ The view of the researchers is that these duplicate/multiple responses largely cancel each other out and that, for the purposes of this report, the figures below can be taken as reliable. Responses were made by Counting Officers (82), Electoral Registration Officers (30), Electoral Service Managers (ESMs) (162) and Electoral Administrators (31). Nine hard copy responses were received and added to the dataset manually. These are included in the response rates above. All figures in tables are rounded and consequently may not sum to 100.
9. There was an extensive amount of qualitative replies provided in accompaniment to the quantitative replies in the survey which provide a rich source of information about the problems faced by COs. These mostly explained the nature of problems experienced.
10. 25 semi-structured interviews took place (1 CCO & DCCO, all 11 RCOs and the Chief Electoral Officer for Northern Ireland (CEONI), and a further 12 COs) mostly over the telephone.⁶ The aim of the interviews was to allow electoral officials to flag important challenges which were not anticipated by the survey.

Legislative framework

11. The European Union Referendum Act, received Royal Assent on 17 December 2015 and came into force on 1 February 2016.⁷ This Act, in combination with existing legislation, provided the regulatory framework for the referendum. On the 23 February 2016, the Government laid The European Union Referendum (Date of Referendum, etc.) Regulations 2016 before Parliament. This set the date of the referendum as 23 June 2016.⁸ As Table 1 illustrates, most respondents to the survey were generally satisfied that the legislative framework for the referendum was set out sufficiently long in advance and that it set out the duties of each electoral official clearly. The Commission published a timetable containing the statutory deadlines for the referendum.⁹ There were some concerns that the timetable was too tight, with 28 per cent of respondents agreeing or strongly agreeing that it was too tight.

⁵ Eight local authorities completed two questionnaires, while five responses were made which covered multiple councils involving eleven councils in total.

⁶ Two interviews were conducted face to face: a joint interview with the CCO and DCCO; and another with one RCO.

⁷ <http://www.electoralcommission.org.uk/find-information-by-subject/elections-and-referendums/past-elections-and-referendums/eu-referendum>

⁸ <http://researchbriefings.files.parliament.uk/documents/CBP-7486/CBP-7486.pdf>

⁹ http://www.electoralcommission.org.uk/_data/assets/file/0004/198229/EU-Referendum-timetable-23-June-Final.doc

12. The government introduced late legislation to extend the registration deadline from 7 June by 48 hours to midnight on the 9 June. This followed the high-profile crash of the voter registration website run by the Cabinet Office (www.gov.uk/register-to-vote).
13. The survey suggests that most respondents thought that the applications received were from individuals already registered at their address (duplicates). Data from the Electoral Management Software suggested that 427,045 applications were received between midnight on the 7 June and up to midnight on the 9 June. Of these applications approximately 46 per cent are thought to have been duplicate.¹⁰ 77 per cent of respondents agreed or strongly agreed that the extension of the registration deadline caused challenges disproportionate to the number of electors registered as a result.

Table 1: Legislative Framework (%)

	Strongly disagree	Disagree	Neither agree nor disagree	Agree	Strongly agree	N
The statutory timetable for the referendum was too tight	4	34	34	23	5	254
The overall timing of the referendum did not cause any significant difficulties	26	45	12	17	1	254
The legislative framework for the referendum was set in sufficient time ahead of the poll	4	24	19	52	2	254
The legislative framework clearly set out my responsibilities	-	3	14	77	6	252
The extension of the registration deadline caused challenges disproportionate to the number of electors registered as a result	3	8	12	36	41	253
The extension of the registration deadline had a significant impact on our ability to deliver the referendum	5	31	21	29	15	254

14. Qualitative evidence suggested that the extension of the electoral registration deadline had a major effect on electoral officials. Local authorities were unable to employ and train additional staff at such short notice so it simply meant that many people worked longer hours. This added to stress levels and some respondents reported significant degrees of exhaustion since the referendum had closely followed elections in May, and many staff had not taken holidays. To quote two separate respondents:

¹⁰ Correspondence with the Electoral Commission based on data provided by 344 local authorities.

'There was just no let up in the work load and it just got progressively more and more. It's no wonder so many people went off with stress related issues'.

'As ever we just got on and did it, however this placed additional stress on the key staff who were exhausted from implementing the second major electoral event in a six week period.'

15. The extension of the deadline also had a knock-on of squeezing the time available to prepare for polling day. This increased the chances of errors being made and in some cases led to compromises being made such as there being insufficient time to send polling cards to the late registrants:

'Not all late applicants received poll cards despite them being sent 1st class on Monday 20th June as it was simply too close to the date of the poll. We were unable to carry out all the checks we would normally carry out on polling station registers to ensure that they were both complete and accurate as we were unable to print them until the afternoon of Monday 20th June due to a software issue caused by the deadline extension and they had to be in the boxes ready for collection the following day. This added a significant risk to the process that could have been mitigated by not altering the determination deadline for the Referendum.'

'The extension of the registration deadline meant a delay in the printing of the registers for use in polling stations - meaning they were being printed on the day presiding officers were turning up to collect their ballot boxes and sundries - this increased the potential for mistakes and added to the stress of the team.'

'The extension in determination date by 48 hours caused software system errors, noticed when undertaking the rigorous checks on my polling station registers the Saturday before polling day. The registers had to be reprinted on the Monday out of hours once a 'fix' had been received, but this undermined confidence and was very stressful.'

16. Table 1 illustrates that 44 per cent of respondents agreed or strongly agreed that the extension affected their ability to deliver the referendum. At least half of teams coped with the deadline with few problems. Although the outcome of the referendum was clear cut, these compromises could have had a profound effect on the delivery of the referendum and potentially, therefore, the legitimacy of the outcome in a closer contest.

Registration

17. The electoral register used for the referendum was the Parliamentary electoral register, which is maintained by electoral registration officers in local authorities and Scottish valuation joint boards. This is produced in accordance with the law made in Parliament. The Electoral Commission therefore did not therefore have a direct jurisdiction over this area for the referendum. Respondents reported a number of challenges in compiling the electoral register for the referendum, however. These were challenges involved in the regular running of electoral registration, but which were acute in the run up to polling day for the referendum.
18. Respondents said that public confusion about their registration status and duplicate registrations were the most extensive challenges that they faced (Table 2). These problems were clearly linked. Many interviewees pointed to citizens thinking that they needed to re-register, unnecessarily re-registering and thereby adding to the workload of electoral officials.

19. A very common theme of the interviews was criticism about the public message about registration. Many officials suggested it could have been made clearer that re-registration was not necessary. One suggested that:

‘The Electoral Commission’s stance of not trying to over complicate the registration message to the public caused us considerable problems. The volume of duplicate registrations was extremely high and accounted for approximately 45% of the applications we had to process. These registrations not only took considerable time and resources to work through but also confused the public too.’

Table 2: Registration (%)

	No challenge whatsoever 0	1	2	3	4	Extensive Challenges 5	N
Election management software (EMS)	15	34	20	20	10	1	248
Levels of duplicate applications for registration	2	4	7	20	32	37	244
Proximity of May elections to the referendum	2	2	11	20	30	35	249
Confusion from the public about their registration status	2	-	7	16	32	44	248
Requirement to provide date of birth and National Insurance Number (exception/attestation process)	10	22	27	22	15	4	245
Insufficient staff	9	24	26	19	15	8	247
Insufficiently experienced staff	15	26	22	16	12	10	246

20. Serious challenges were expressed in terms of staffing in some areas. 8 per cent of local authorities faced extensive challenges with staffing levels and 10 per cent faced extensive problems with insufficiently experienced staff. Causes of staffing problems included the timing of the referendum since it came shortly after the May elections and coincided with Ramadan which will have affected some areas more than others. However, cutbacks were also cited. Although this was not a problem across the board it could leave authorities exposed:

‘The Election Manager left in January, recruitment was successful, but new ESM was unable to start until mid-April due to required resignation period. Senior ESA, who stepped up in the absence of the ESM, went off sick with stress induced illness in March and has been unable to return to work. Another team member also went off sick with stress related health problems in May and has still not returned to work. Although Admin assistance was made available, there were no AEA consultants available and therefore the

remaining staff have had to deal with an unprecedented volume of work, with fewer experienced staff.'

21. Some respondents suggested that they were still recovering from the introduction of individual electoral registration, which had meant a major change of business processes.
22. Problems with the Electoral Management Software included late software fixes and poor advice from the supplier.
23. There was also problems experienced with individuals missing from the electoral register who thought that they were registered (see 'polling day').
24. Higher volume registrations from overseas voters was flagged by COs as costing considerable staff time. The requirement to verify the 15 year residency address for overseas voters was very time consuming because the nature of voter registration records 15 years ago was primarily a manual process. Overseas registrations therefore took much more time than domestic registrations. This led to concerns being expressed about the proposal to extend overseas voter rights and what this would take administratively.

Management structure

25. The management structure at the referendum outlined in the introduction is still relatively new because the Electoral Commission was only established in 2000 and UK wide referendums remain relatively rare. The only prior UK wide referendum with the Electoral Commission in its current role was the 2011 AV referendum.

Table 3: Management structure (%)

	Strongly disagree	Disagree	Neither agree nor disagree	Agree	Strongly agree	N
The overall management structure for the referendum worked well	-	3	15	74	8	254
The overall management structure for the referendum worked better than it does for an election	3	27	60	9	1	254
The CCO's planning for the referendum was effective	1	5	20	66	9	254
The RCO's planning for the referendum was effective	-	2	12	67	19	251
Rehearsals of the result collation process were useful in helping iron out potential difficulties	2	10	8	63	18	253

26. The survey revealed high levels of overall satisfaction among COs with the management structure with 82 per cent agreeing or strongly agreeing that it 'worked well'. A vast majority also agreed or strongly agreed that the CCO's and their RCO's planning was effective.
27. Interviews with RCOs also suggested that they thought that the structures worked well and seemed to have been successfully adapted from the models used in 2011. They thought that the Chief Counting Officer had made many efforts to reach out and speak to COs and local and regional events and that 'it had been noticed' in the electoral community. RCOs

- described themselves as being well-supported and drew most of their support from their local teams. In some cases this was strengthened with new, short-term appointments.
28. The vast majority of COs responded in the survey (86%) that RCO's planning for the referendum had been effective. RCOs were widely described as supportive. As one put it: 'We were very impressed with the [RCO] team. The RCO was a great asset to the team and always there to offer advice and support, no matter how small the issue was.' The few concerns that were held related to whether the RCO was unnecessary since the CO already had sufficient expertise already or the RCO was slow with the collating of count information on the night.
 29. Although feedback about the formal management structures were generally positive, many officials during interviews RCOs and COs were keen to stress that informal networks and relationships were more important than the formal structures in providing support. COs also pointed to the importance of peers in other local authorities. 'Structures are fine, but relationships are everything,' said one.
 30. Legislation designates the Chair of the Electoral Commission as the Chief Counting Officer for referendums, or gives them the power to appoint someone. RCOs were asked whether this law was fit for purpose. Most agreed that it was, suggesting that the Chair of the Electoral Commission had the knowledge and overview to manage the process. The position was described as carrying the necessary 'kudos and integrity' needed. One respondent asked 'if not [the Commission Chair], then who?'
 31. There were some reservations that a conflict of interest may exist because the Commission was both the regulator and manager of the referendum process. It was also pointed out that few in the Electoral Commission have direct experience of 'working on the coalface of elections' and that this was vitally important. Greater use of regional representatives from the Commission 'who are closer to the coal face' was described as one way of remedying this.
 32. RCOs explained that the management structure allowed them to provide advice, support and a problem solving system to COs. In addition it provided them with a framework to identify 'at risk' COs (for example, because of staff changes) and take action to ensure compliance and consistency in the delivery of the referendum. Although informal regional support and advice networks often exist for elections, this was not universally in place.
 33. The management structure, although fit for purpose for referendums, was not thought to be an improvement on that used for elections by most counting officers, however. Only 10 per cent of COs thought that the structure used was better than that used for elections, but most at 60 per cent neither agreed nor disagreed. Respondents stressed the differences between the referendums and elections, most notably the complexity of the ballot structure in normal elections which means that there is greater local variation in the challenges faced in those contests.

The CCO's Use of Directions

34. A key component of the management structure was the CCO's ability to issue directions to RCOs and COs. The survey demonstrates that the directions were very widely thought to be clear, easy to understand and issued in sufficient time to allow preparation and made it easier to plan and run the referendum. Roughly half of respondents agreed or strongly agreed that the directions focused on the most important issues for ensuring public confidence in the result. 68 per cent indicated that it was either fairly or very easy to follow the directions.

35. The directions had the positive effects of bringing a consistent experience for the voter (72 per cent agreed or strongly agreed) making it easier for many electoral officials to plan and implement the referendum (57 per cent agreed or strongly agreed), and, to a lesser extent, prevented errors being made (37 per cent agreed or strongly agreed) (Table 4).

36. However, the negative effects included increased financial costs (43 per cent either agreed or strongly agreed), absorbing staff time (38 per cent either agreed or strongly agreed) and overriding local experience (24 per cent either agreed or strongly agreed) (Table 4). Qualitative interviews suggested that many COs felt that the Electoral Commission is over directive and that the directions given ‘are self-evident and just good practice’. As some put it:

‘The directions covered the key areas but did not allow for local knowledge, teams experience of running elections or give flexibility when local issues arose.’

‘Pressure for early despatch of postal votes meant extra staffing and issue sessions to be organised’

37. Rarely did the directions introduce new ways of working (10 per cent either agreed or strongly agreed) or negatively affect staff enjoyment of their roles (8 per cent either agreed or strongly agreed).

Table 4: Working with the CCO (%)

	Strongly disagree	Disagree	Neither agree nor disagree	Agree	Strongly agree	N
The CCO’s directions were clear and easy to understand	-	2	7	74	17	254
The CCO’s directions were issued in sufficient time to allow me to prepare effectively for the referendum	-	4	9	71	17	253
The directions from the CCO made it easier to plan and run the referendum	1	7	35	49	8	253
The directions from the CCO helped to ensure a consistent experience for voters across local authorities	-	2	25	62	10	253
The directions from the CCO helped to prevent errors being made	2.0	18	44	33	4	254
The directions focused on the issues most important for achieving public confidence in the result	-	7	44	44	5	252
The directions from the CCO involved more financial costs	2	15	40	35	8	253
The directions from the CCO absorbed staff time	2	24	35	33	5	252
The directions from the CCO overrode local experience and needs	4	33	39	20	4	253
I had sufficient opportunity to input during the development of the directions.	4	22	40	32	2	254
The directions from the CCO introduced new ways of working or ideas we haven’t thought of before	14	45	31	9	1	251
The directions from the CCO made me enjoy my job less	15	35	42	6	2	253

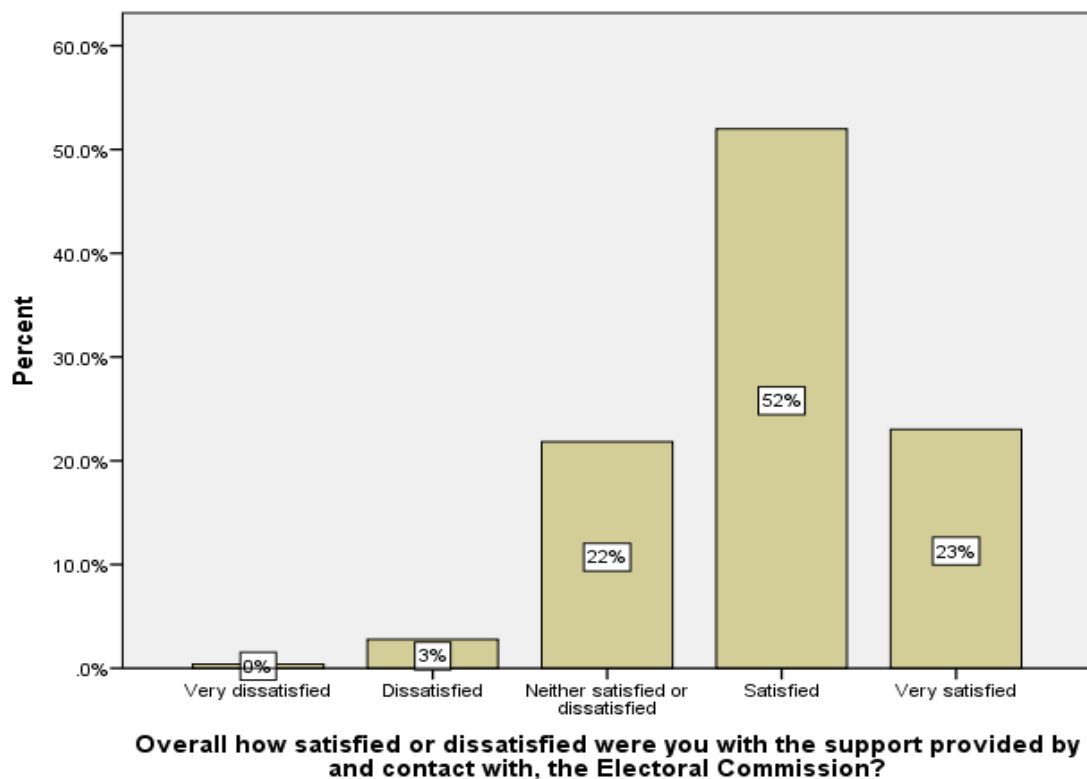
38. There was some criticism about the need to provide information about turnout levels at polling stations. The requirement to send out postal votes early was also criticised (see 'absent voting').
39. RCOs overwhelmingly felt that they had the opportunity to provide input into the directions. RCOs suggested that there was broad agreement on them. There was less consensus on the need for an overnight count and whether there were sufficient checks for data entry errors in the count collation process. COs felt less involved in devising the standards.
40. Directions are therefore not accepted uncritically and don't add value in every circumstance. They clearly have many positive effects, however. Many qualitative replies suggested that the CCO got the balance better than in 2011 and that the practice of having directions is now more embedded.¹¹ As one put it:

'We strongly disagreed with the onerous directions imposed by the CCO on the last referendum. The directions used this time were proportional, well written and the CCO should be commended.'

Guidance and resources

41. The CCO and the Electoral Commission produced resources and guidance to help COs promote voter engagement, and plan the poll and count (as with other electoral events). The Commission also provides support by answering calls from electoral officials.
42. The most important finding is that overall levels of satisfaction with the support from the CCO and the Electoral Commission were high (figure 1).

Figure 1: Satisfaction with Electoral Commission Support (%)



¹¹ On the experience of 2011, see: Toby S. James (2016) 'The Effects of Centralising Electoral Management Board Design', *Policy Studies*, published online 26th July 2016.

43. Respondents were clear that the CCO and Electoral Commission provided resources that were widely used and very useful (Table 5 and 6). The Electoral Commission provides clear economies of scale in the production of resources of this kind which benefits electoral officials at the local level.
44. The most common criticism of the Electoral Commission from COs was that some of the materials would have been more useful if they had been produced earlier:

‘Timely guidance needs to be available (not ‘under construction’ at a time when administrators are needing to make decisions)’

‘Timing needs to be much better. There was too much too late. Much of the prep had been done throughout the Scottish Parliamentary Election and had all to be re-reviewed once the Electoral Commission’s Referendum guidance had been issued. This caused delay and duplication of effort.’

Table 5: Guidance & resources (%)

	Not aware of	Did not use	Not useful at all 1	2	3	4	V. useful 5	N
Counting Officer Expenses Guidance	1	4	1	4	23	41	27	253
Template Project Plan	-	13	4	12	28	26	17	254
Template Risk Register	-	9	4	10	29	32	16	254
FAQs for front-line staff	2	12	3	8	25	36	14	252
Polling station handbook	-	-	-	-	8	33	58	252
Polling station quick guide	-	2	1	2	9	31	55	253
Polling station staff training	-	11	3	13	26	27	20	250
Verification and count toolkit	-	19	4	11	20	29	17	253
Doubtful ballot paper guidance	-	1	1	2	8	39	49	252
Timetable for the EU referendum	-	2	1	2	12	35	48	252
Guidance for Counting Officers	-	1	1	2	16	40	41	253
Direct advice or guidance from the Electoral Commission (by phone or email)	2	17	5	8	18	28	21	253

Table 6: Guidance & Resources 2 (%)

	Not aware of	Did not use	1	2	3	4	5	N
EU Referendum partner guide	9	35	2	11	24	16	4	248
Posters	1	33	3	12	26	19	6	251
Infographics	7	37	3	9	22	16	6	249
Email signature	10	52	3	7	13	12	3	248
Website button	7	48	2	8	14	17	4	243
Facebook cover image	7	47	4	7	19	12	5	247
Twitter header image	5	42	4	7	21	17	5	248
Template press releases	1	18	2	11	28	28	12	251
Template social media posts	2	15	3	10	26	30	15	251

45. Some COs said that it would have been useful if the Electoral Commission had had an out-of-hours contact telephone number on the day of the poll and night of the count. That such a number existed suggests that more work may be needed to publicise such support mechanisms during future elections and referendums. A few COs pointed to slow replies from the Commission or that it's staff lacked the experience of 'the day-to-day admin of electoral registration.'
46. Yet, there were also many qualitative comments in praise of the Commission, suggesting that it had found an established role in the electoral community:

'For a first time electoral administrator, I found the resources thorough, logical and very useful. The way they are laid out on the website is also helpful.'

'I always find the EC guidance and resources excellent and they form part of my planning. The wait for some resources, such as the polling station staff training PowerPoint, was a little frustrating. However, I appreciate the commission was operating under the same time constraints as local authorities. Any queries I had directly were in the most part answered promptly.'

'I think the Commission provide a vital role in ensuring that elections are run well and professionally. Their importance is increased when local government cuts are having an impact upon the ability to run elections well. Access to high quality guidance and materials/resources provided by the Commission is now an integral and important part of the whole process; it is a partnership between the Commission and local government which works very well.'

Funding

47. The system for distributing funding for the running of the referendum was generally thought to be efficient with less than 10 per cent expressing concerns (Table 7).

Table 7: Funding (%)

	Strongly disagree	Disagree	Neither agree or disagree	Agree	Strongly agree	N
There is an efficient process for distributing referendum funds to administrators	-	9	27	61	3	253
Sufficient funds were provided through the fees and charges process to run the referendum	4	15	38	40	3	252
There is sufficient funding available to support the work required to compile the electoral register	15	32	29	23	1	243

48. Some concerns were raised that registration costs could not be claimed given that 'so much of our time was taken processing registrations' and that the 'administration of postal and proxy voting applications is not something for which a claim can be made, because it is classed as a "registration expense."'
49. The sufficiency of levels of funding across local authorities is much more mixed, however. It is alarming that 43 per cent disagreed or strongly disagreed that they had funding available

to support the work required to compile the electoral register.¹² As one CO described in the survey: 'there is not enough money provided to support the work on the electoral register'. Interviews with RCOs also suggested that while many areas were sufficiently funded others faced serious problems. As one put it:

'We had some serious concerns about whether all COs in the [region] had enough resources. In some councils it felt like a shoe string operation.'

50. Cuts within local authority budgets appear to be one cause of the problem. As one respondent put it: 'Local Authority budgets are severely squeezed and while historically authorities have "subsidized" elections, this is becoming more difficult or impossible.' However, another is the introduction of individual electoral registration, which was commonly described as more expensive to implement. One CO described how the 'funding massively underestimates the scale of the task at in hand in IER.' Cuts in Cabinet Office funding were also cited.
51. There were also some concerns about a lack of transparency and understanding of how and what the calculations for distributing funding were. Several COs said they do not know why they get what they get.¹³ One CO said their allocation was £12,000 less than the previous electoral event and he did not know why. He thought this was based on historical precedent but factors like increases in postal costs and rental fees for polling stations are not taken into consideration. Many COs expressed concerns about the funds available to pay poll staff.

Experience with agents and campaigners

52. Roughly half of COs reported no problems with agents and campaigners in the survey (Table 8).
53. One problem experienced with the appointment process was late, incomplete or incorrect applications from local agents. Some agents were described as having little knowledge of the process.
54. A common problem was that agents and campaigners were often inexperienced in their role since they were not necessarily part of a political party campaigning at elections. To quote COs:

¹² On the importance of funding for maintaining and improving election quality and particularly the effectiveness of funding for electoral registration activities, see: Clark, A. (2014) 'Investing in Electoral Management' in P. Norris, R. Frank & F. Martinez I Coma (eds.) *Advancing Electoral Integrity*, New York: Oxford University Press, pp165-188 and also Clark, A. (2016) 'Identifying the Determinants of Electoral Integrity and Administration in Advanced Democracies: The Case of Britain', *European Political Science Review*, dx.doi.org/10.1017/S1755773916000060. On rising costs in British electoral administration and reduced funding, also see: James, T.S. (2014) 'Electoral Management in Britain' in P. Norris, R. Frank & F. Martinez I Coma (eds.) *Advancing Electoral Integrity*, New York: Oxford University Press, pp 135-164 and James, T.S. (2014) 'The Spill-over and Displacement Effects of Implementing Election Administration Reforms: Introducing Individual Electoral Registration in Britain', *Parliamentary Affairs*, 67 (2): 281-305.

¹³ The allowance given to Counting Officers for expenses incurred in the administration of the referendum, known as the Maximum Recoverable Amount, was set out in the relevant charges order (The Referendum on the UK's membership of the European Union (Counting Officers' and Regional Counting Officers' Charges Regulations 2016) for the poll. This amount is set by Government following consultation with Counting Officers which includes them providing a detailed estimate of the likely costs of the poll. This is in line with all other electoral events.

‘Most of the Campaigners were 'new' to this and weren't fully understanding of what was required of them and needed explaining.’

‘The appointed agents, particularly at a local level (when not from a usually engaged political party) showed a lack of understanding of basic electoral processes.’

55. Some problems with agents and campaigners were experienced on polling day (see: ‘polling day’) and there was occasionally some uncertainty at counts as to who the agents were (see ‘count’).

Table 8: Agents (%)

	No problems 0	1	2	3	4	Extensive problems 5	N
Appointment of agents	47	16	12	19	5	-	252
Access to the electoral register	55	20	8	12	5	-	250

Absent voting

56. There were significant problems faced with the volume of applications for postal and proxy votes with over half of respondents suggesting they had extensive challenges in this area (ranking this as either 4 or 5 in Table 9). One local authority spoke of an ‘over 30% increase in postal [vote applications] between May and June... [and an] ...over 150% increase in proxies’. This quote was typical:

‘The sheer volume and timing of postal and proxy vote applications was a big challenge for the electoral services team (time consuming to process) especially in the week before the poll.’

Table 9: Absent voting (%)

	Not applicable	No challenges whatsoever 0	1	2	3	4	Extensive Challenges 5	N
Postal vote dispatch timings (domestic)	-	28	23	14	18	12	6	252
Postal vote dispatch timings (overseas)	-	28	22	12	17	13	8	251
Issuing postal vote rejection notices for May	1	26	25	14	18	12	4	250
Printing	-	41	29	11	12	6	2	252
Volume of applications for postal/proxy votes	1	7	8	10	21	21	32	249
Postal vote fraud	15	69	13	3	1	-	-	253
Other (please specify)	44	19	2	3	3	16	11	88

57. The dispatch timings were also flagged as a problem in the survey (Table 9) and the qualitative comments. Many respondents understood the case for sending postal votes out

earlier however some reported that it led to more cancellations and a cross over with postal voting rejection notices. For example, one CO suggested that:

Issuing postal votes before the deadline for amendment has passed causes significant logistical and administration difficulties. E.g. where an elector re-registers after the original PV was issued

58. COs commonly reported a public misunderstanding of the process. There was confusion over whether the extension to the registration deadline applied to postal votes, whether postal votes could be submitted at polling stations, the use of proxies and a variety of other issues.
59. Problems with overseas postal votes were reported too. There were concerns that the application date for overseas registration was too late for postal votes to be issued. As one CO put it:

‘Postal vote applications were received from Overseas Voters after the 23 May dispatch date to overseas addresses, resulting in their overseas packs not being dispatched until 10 June. Applicants [were] not happy when their postal pack was being sent to Australia as they did not have enough time to return their postal vote before 23 June’

In one illustrative example an electoral official received a complaint from a citizen in Canada who received their postal ballot on 23 June.

60. Further contributory problems with overseas postal votes included anecdotal evidence that the international mail license was not being recognised by some post office staff in countries including Spain and Belgium. Voters were reportedly advised that the licence was not valid and they would have to pay the return postage before the item was accepted. It was also reported that the size of the return envelope most COs use (C5 or C5+) was sometimes not being considered an acceptable size in Germany. If completed packs were simply placed in post boxes some were removed from the mailing system and not returned. One RCO suggested that the system of overseas voting was ‘broken’ and needed to be replaced by another system e.g. internet voting to ensure confidence that votes could be cast and returned. The absence of common postal practices and standards across the EU, let alone the rest of the world, therefore poses a real challenge for the delivery of overseas ballots.
61. There was virtually no evidence of postal vote fraud. As one respondent put it:

[We] are one of the 17 high risk areas for integrity. This referendum did not have any issues with integrity.’

The extent to which problems were reported, it seems as if error may have been the cause. In one case a referendum agent reported a number of routine signature mismatches to the Police as fraudulent – but the electoral official suspected that this was just due to a misunderstanding of the adjudication process.

62. Concerns were raised about the proxy voting system with many officials reporting a rise in the numbers. As one put it:

‘Emergency proxies are now becoming the norm and are open to abuse. I am sure whilst some are quite genuine, most are just people who suddenly realise that they have missed the deadline and see this as the only way they can now get around it. It should not be so widely advertised on the Commissions website as an alternative. People just download a form and email it in and we have to take it at face value, it’s too easy for them!’

Some COs encountered would-be voters who could not attend the polls because of the need to attend funerals, which the proxy voting procedure did not cover.

Polling day

63. Interviews with RCOs and COs suggested that polling day broadly went smoothly across the UK. The survey (Table 10) also illustrates that in most areas electoral officials experienced relatively few problems. RCOs described those that were faced as ‘nothing unusual.’ This suggests that the planning for the referendum by the CCO, RCO and COs was of high quality. Those problems that were experienced were largely not the result of any action or inaction by the CCO but come from underlying issues with the electoral machinery.

Table 10: Polling day problems (%)

	No problems at all 0	1	2	3	4	Extensive problems 5	N
1. Polling station staff recruitment	8	13	24	25	26	4	254
2. People asking to vote, who were not on the electoral register	3	32	30	23	11	2	254
3. Suspected cases of impersonation	76	18	2	3	1	-	253
4. Suspected cases of electoral fraud	88	11	-	1	-	-	254
5. People taking photos of ballots/polling Stations	68	24	4	3	-	-	253
6. Campaign groups behaving in an inappropriate or intimidating manner at polling stations	63	20	8	5	3	1	253
7. Voters not understanding how to vote	53	26	12	6	2	2	254
8. Polling stations not opening on time	96	3	-	-	-	-	253
9. Queues during the day at polling Stations	52	25	16	6	1	-	254
10. Queues at the close of poll	87	9	3	1	-	-	252
11. Other	81	3	3	5	6	2	87

64. The most widely cited challenge cited by COs (in the survey and interviews) was the recruitment of staff, with only 8 per cent of COs reporting no problems at all. The timing of the referendum in June (which is a common holiday period) and close proximity to the May elections (which had meant that staff had not taken holidays earlier) were factors. One respondent suggested that ‘staff fatigue was high’. The coinciding of the referendum with Ramadan, which will likely have been more important in areas with high Muslim populations, and the directions from the CCO to have a minimal number of staff in each polling station were also cited as contributing towards this.¹⁴

¹⁴ Research has established a link between concurrent electoral events being held at the same time and lower levels of election quality. The link between the closeness of the May elections and the EU Referendum, and the

65. There was evidence of individuals turning up at polling stations but not being on the register. Only 3 per cent of respondents reported no problems. A similar problem was reported at the 2015 general election, suggesting that this is not an uncommon problem in UK elections.¹⁵ Qualitative interview with RCOs suggested that the numbers were relatively low. However, comments from COs suggested that the numbers could be high in places, and there was evidence that some of these were citizens that had been removed from the electoral register in December 2015 as a result of the introduction of individual electoral register in December 2015. According to one official:

‘The majority of people who were unable to vote were those that were UNCONFIRMED electors at the Parliamentary election last year and had managed to vote then so could not understand why not now.’

There was evidence of low understanding of the electoral registration process amongst citizens with some thinking that they were registered because they paid Council Tax. As one official suggested:

We had a number of people who were not registered and who thought that paying Council Tax meant that they were registered... considering the amount of voters, it was unnerving to see how many people did not know the process.

66. There was some evidence of inappropriate behaviour or intimidation at polling stations by campaigners in the survey, with a third of respondents suggesting that there was a challenge of some degree (Table 10). Qualitative comments described how this could include displaying campaign posters, or handing out leaflets close to polling stations. It is important to note that this is often a matter of differences in perception, with what campaigners may see as legitimate campaign efforts seen differently by voters. Yet, in some instances cars were parked outside polling stations containing the campaign material. One CO said that they had ‘several instances of tellers having to be moved on due to their intimidation of the electorate.’ In another counting area:

We had one incident where a supporter of the exit campaign parked a car and the individual used a speaker to hail abuse at voters entering one polling station at [Location given]. Due to the attitude of the individual campaigning for exit Polling staff were advised to ring the Police but the incident passed before the Police arrived and it was not repeated.

Some COs reported, however, that the actions were often “new” [campaigners] and were not familiar with the 'do's and don'ts'.

67. When the affiliation of the agents involved in problems was cited by COs, they were all identified as leave campaigners.

likely knock on effects on electoral administrators was noted prior to the referendum. See: Clark, A. (2016) ‘Identifying the Determinants of Electoral Integrity and Administration in Advanced Democracies: The Case of Britain’, *European Political Science Review*, dx.doi.org/10.1017/S1755773916000060 and Clark, A. (2016) Electoral Administration & the EU Referendum, Political Studies Association Blog, 10 June, <https://www.psa.ac.uk/insight-plus/blog/electoral-administration-and-eu-referendum>

¹⁵ Alistair Clark and Toby S. James (forthcoming) ‘Poll Workers, Surveys and Bureaucratic Accountability’, in P. Norris & A. Nai (eds.) (2016) *Election Watchdogs: Transparency, Accountability and Integrity* Oxford University Press.

68. There were very few suspected cases of electoral fraud and few suspicions of personation (Table 10). Qualitative findings suggested that where concerns were held they were about individual voters rather than widespread cases.
69. The few suspected cases of fraud are in stark contrast to the concerns about electoral fraud raised by campaigners. The hashtag #pengate was widely circulated on social media encouraging voters to take pens to the polling station rather than pencils because their votes could be rubbed out and changed by electoral officials. Responses to the survey suggested that this caused some problems on polling day. Some authorities suggested that this created number of considerable queries in the polling station and telephone calls. Some voters ‘insist[ed] that the Council would rub out their marks on the ballot paper when we emptied the ballot boxes at the count’. Pens were thrown at polling staff in one instance.
70. Flash flooding created some problems on the day of the poll. In a very limited number of cases it affected polling by, for example, causing traffic problems which delayed staff from reaching and opening the polling station, or, causing a polling station to be relocated during the course of the day. Problems seem to have been dealt with quickly and there was no evidence of any significant impact on access to the polling station.
71. There was some evidence of queues during the day, but very little at the close of the poll. Qualitative comments suggested that the queues were ‘not unmanageable’.
72. Electoral Management Software problems also occurred in an isolated number of cases.

Verification and count

73. On the night of the referendum, the counts went overwhelmingly smoothly. 93 per cent agreed or strongly agreed that the ‘count collation process worked well’.
74. The count rehearsals were also seen as being especially effective at ironing out potential problems. Although initial problems were identified with the software and many respondents suggested that an additional rehearsal should have been held to reassure that the systems had been rectified. Some respondents were unhappy that the rehearsal was held late at night since it ‘additional burden on my [staff] at a time when she was already worn out and had already worked a long day’.

Table 11: Count night problems (%)

	N/A	No challenges whatsoever 0	1	2	3	4	Extensive Challenges 5	N
The venues used for the count	1	75	13	5	4	2	1	254
Count staff recruitment	-	35	24	20	14	6	2	254
Resources for the count	-	64	19	9	5	2	-	252
Campaigners behaving in an inappropriate or intimidating manner at the count	3	75	15	3	2	1	1	253
The timing of the count process	-	65	15	10	5	4	1	254

The verification process	-	78	17	4	1	-	-	254
The counting method	-	83	12	4	1	-	-	254
Contacting the RCO	2	81	12	4	-	1	-	253
Contacting the CCO/DCCO	53	41	4	2	-	-	-	250
Other	67	32	-	2	-	-	-	63

75. The implementation of the mini count system was a challenge for some COs¹⁶. One CO noted that being directed to implement a new counting structure in such a high profile electoral event was risky. Others said that they operated the counting system they were familiar with so there was less training involved and lower risk of error.
76. Some RCOs and COs had to deal with Counting agents who were inexperienced and unfamiliar with the counting process because they had not been involved in elections before. This led to some uncertainty as to who to approach on the night.
77. Counting staff recruitment was an issue in some areas because of the lateness of the count, and other factors such as the date of the referendum.
78. Other challenges on the night included dealing with floods which delayed the declaration in a very small number of areas. In one Welsh counting area there was a problem with an incorrect translation of the result announcement into Welsh which caused a delay.

Electoral integrity

79. Police Single Points of Contact (SPoCs) were less important than might have been the case on the day of the referendum because of the low level of problems.
80. COs were generally very clear how to report suspicions of electoral fraud and found their SPoC accessible and responsive. As one CO put it: 'Police officers were in attendance at all polling places around the borough from 7am-10:30pm. Excellent partnership working with our local Police force.'
81. There were some exceptions, however. By way of illustrative examples, some COs suggested:

'The SPOC was on sick leave and his replacement was not confirmed so it was not until lunch time that I was able to make contact.

'One incident where we were unable to contact SPOC and an incident was reported via 101.'

Table 12: Electoral Integrity Reporting (%)

	Strongly disagree	Disagree	Neither agree nor disagree	Agree	Strongly agree	N
It was clear to me how I should report suspicions of electoral fraud	-	2	7	60	31	253

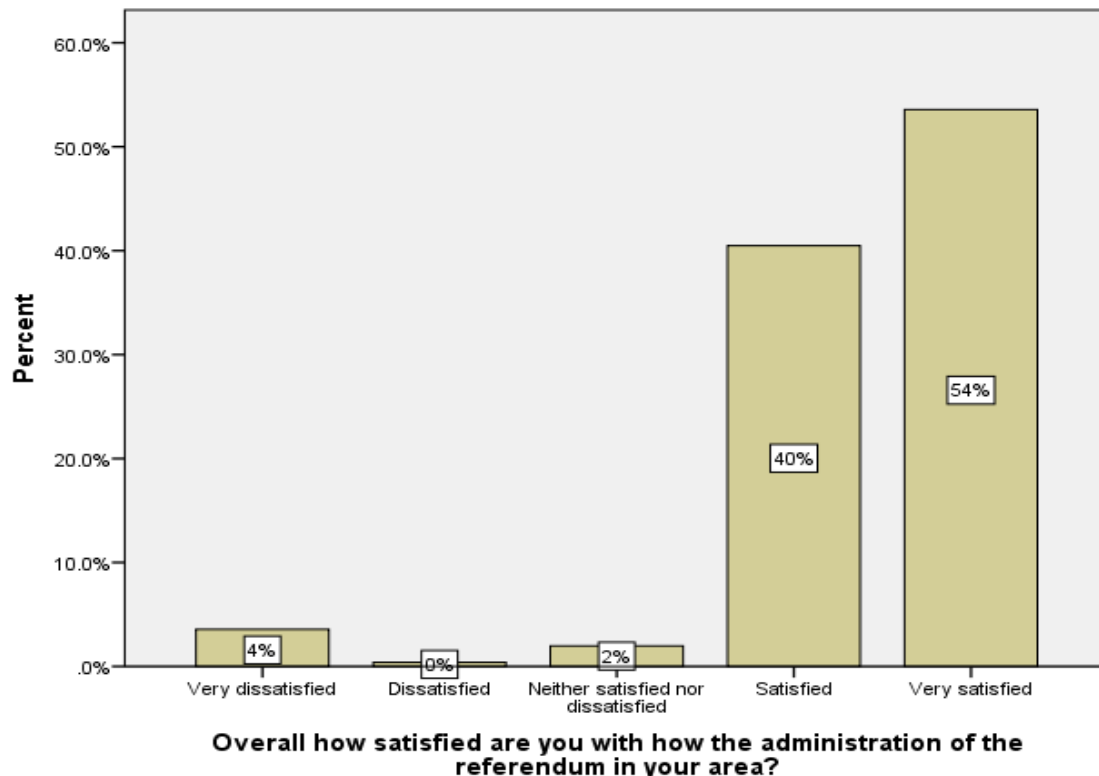
¹⁶ The direction about method of verification and count was that "COs ensure verification and counting arrangements are structured in such a way as to break down the verification and count into a number of self-contained 'areas' smaller than the voting area, with the totals for each of these 'areas' aggregated into a single total for the voting area." These 'smaller areas' were not defined by the CCO and left to the discretion of the COs.

The Police Single Point of Contact (SPoC) was accessible when needed	3	4	21	45	28	253
The Police Single Point of Contact (SPoC) was responsive when needed	2	4	30	37	27	253

Conclusions and Recommendations

- 82. The EU Referendum on 23rd June 2016 was generally well managed by the CCO and electoral officials with few problems or incidents on the day of the poll and during the counting process. There were very few problems with electoral fraud and voter intimidation, despite high profile concerns in advance of the referendum and on the day of the poll which were widely spread across social media.¹⁷
- 83. With regard to intimidation, concerns clearly exist, even if levels are low. The experience of the referendum may point to difficulties ahead with the large influx of new and inexperienced members and campaigners in a number of political parties. Even if non-statutory, The Electoral Commission’s Code of Conduct for Campaigners should continue to be circulated to referendum and election campaigners, candidates and their agents prior to elections. A copy should ,continue to be provided to all polling stations to help deal with campaigners who may be perceived to overstep what is desirable.
- 84. Figure 2 illustrates the overall level of satisfaction about the quality of electoral administration amongst COs.

Figure 2: Satisfaction with Local Electoral Administration (%)



¹⁷ See for a summary: Clark, A. (2016) Electoral Administration & the EU Referendum, Political Studies Association Blog, 10 June, <https://www.psa.ac.uk/insight-plus/blog/electoral-administration-and-eu-referendum>

85. A better balance seems to have been found with the use of directions at referendums. The management structures seemed to work better than in the AV referendum suggesting some learning from past practices and 'bedding in' of new processes.
86. There are underlying problems with electoral registration. There was widespread public confusion about the electoral registration process and a large number of duplicate applications which absorbed resources. A system to allow citizens to check their registration status online would reduce duplicate registration applications and allow public engagement to increase new registrations. A change to election-day registration, or a closer registration deadline to the day of the poll, would not be possible without significant investment in resources and staffing or overall review of business processes. This report has identified further evidence that some citizens are turned away from polling stations thinking that they are registered but having found that they are not. There is a strong case for using other public records to automate parts of the electoral registration process. It is very concerning that there is evidence of real electors being removed from the December 2015 electoral register for being unconfirmed under the transition to individual electoral registration and being unable to vote at the referendum.
87. A common theme throughout the survey was concerns about workplace pressure, stress and staffing. This is especially the case when electoral events follow each other in quick succession making taking holidays difficult. There was evidence of problems with recruitment in polling stations, the count but also the core parts of electoral teams. This should be monitored on a regular basis through workforce surveys.¹⁸ A wider debate on the merits and demerits of holding electoral events concurrently or in close proximity, as is often now the practice, and their effect on the quality of elections needs to take place between all relevant stakeholders and electors.¹⁹
88. Alarming, concerns about levels of funding were raised with nearly half of local authorities claiming that they have insufficient funds to maintain the electoral register. A general debate about funding registration and electoral services is overdue given the financial pressures most local authorities are under.
89. Absent voting has become increasingly popular in Britain and was so again in the referendum. Multi-channel elections are an important part of the electoral machinery. There are, however, some challenging business processes involved in postal voting and overseas voting which also place a strain on local authorities and may have left some citizens unable to vote or their vote not being included in the count. There may be a case for considering alternative voting and registration methods for overseas citizens, such as online voting, especially given the governments concern to extend the franchise for overseas voters boost overseas registrations.
90. This is the most detailed post-electoral event survey of its type in the UK. The survey could be used as a template for future electoral events to enable systematic comparison and identify trends over time. This would allow the effects of reforms to be analysed.

¹⁸ Also see evidence of a high proportion of staff stating that they had considered quitting their post in the last 12 months, reported in: James, T.S. & Bite the Ballot (2016) *Getting the missing millions back on the electoral register*, All Party Parliamentary Group on Voter Registration: London.

¹⁹ Clark, A. (2016) 'Identifying the Determinants of Electoral Integrity and Administration in Advanced Democracies: The Case of Britain', *European Political Science Review*, dx.doi.org/10.1017/S1755773916000060

References

- Clark, A. (2014) 'Investing in Electoral Management' in P. Norris, R. Frank & F. Martinez I Coma (eds.) *Advancing Electoral Integrity*, New York: Oxford University Press, pp165-188.
- Clark, A. (2016) 'Identifying the Determinants of Electoral Integrity and Administration in Advanced Democracies: The Case of Britain', *European Political Science Review*, dx.doi.org/10.1017/S1755773916000060
- Clark, A. (2016) 'Electoral Administration & the EU Referendum', Political Studies Association Blog, 10 June, <https://www.psa.ac.uk/insight-plus/blog/electoral-administration-and-eu-referendum>
- Clark, A. and James, T.S. (forthcoming) 'Poll Worker Surveys and Bureaucratic Accountability', in P. Norris & A. Nai (eds.) (2016) *Election Watchdogs: Transparency, Accountability and Integrity* Oxford University Press.
- James, T.S. (2014) 'Electoral Management in Britain' in P. Norris, R. Frank & F. Martinez I Coma (eds.) *Advancing Electoral Integrity*, New York: Oxford University Press, pp 135-164
- James, T.S. (2014) 'The Spill-over and Displacement Effects of Implementing Election Administration Reforms: Introducing Individual Electoral Registration in Britain', *Parliamentary Affairs*, 67 (2): 281-305.
- James, T. S. (2016) 'The Effects of Centralising Electoral Management Board Design', *Policy Studies*, published online 26th July 2016.
- James, T.S., Bite the Ballot & ClearView Research (2016) *Getting the missing millions back on the electoral register: A vision for voter registration reform in the UK*, All Party Parliamentary Group on Voter Registration: London.