The Electoral Commission

The May 2016 Police and Crime Commissioner elections

Report on the administration of the 5 May 2016 Police and Crime Commissioner elections in England and Wales, including the local government elections held across parts of England

September 2016

Translations and other formats

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We are an independent body set up by the UK Parliament. We regulate party and election finance and set standards for well-run elections. We work to support a healthy democracy, where elections and referendums are based on our principles of trust, participation, and no undue influence.

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Foreword

This was the second time that voters across England and Wales had gone to the polls to vote for Police and Crime Commissioners at scheduled elections since the introduction of the role and the first set of polls in 2012. Whilst these polls were well run from a purely administrative perspective, it is still the case that people do not feel they know very much about them despite the fact that they elect individuals to important local roles.

In the Commission's report following the 2012 elections we strongly recommended that the Government should ensure that candidate information was made easily available for voters. We said that the Government should amend the legislation to ensure that electors are sent printed information about candidates standing for election as PCC in their force area at the next polls. We were disappointed when the Government did not follow this recommendation and candidate information was not delivered directly to voters ahead of the elections in May 2016. The findings of this report support the Commission's previous concerns about the lack of candidate information available to voters to enable them to make an informed decision of how to vote in the PCC elections. They also highlight that this had a significant impact on voter understanding of what are still relatively new elections.

The elections were combined with other elections in a large number of areas. In Wales, they were combined with the National Assembly for Wales elections and in England they were combined with local Government elections across 114 local authority areas.

Turnout at the May 2016 PCC elections was higher overall than in November 2012. Where the PCC elections were combined with other elections, turnout was on average higher than in areas where the PCC elections were held on their own. In Wales the PCC elections were combined across the entire police force area. This was only the case in England for three police forces, with four police forces having entirely standalone polls. This also means that for those police forces with a mix of combined elections and standalone polls, turnout across the police force area could vary considerably.

However welcome the increase in turnout, it did not translate into increased levels of awareness amongst voters of what the elections were about and who was standing for election. This is an important distinction, because although a higher turnout is positive, it is fundamental that voters understand for who, and what, they are voting.

In this report the Commission makes several recommendations which the UK Government should properly consider to improve the voter experience at future Police and Crime Commissioner elections.

Firstly, the Commission is once again calling on the Government to ensure that voters at the next PCC elections due to take place in 2020 can easily access information about the candidates standing. We reiterate our recommendation that the Government should consider sending a booklet to every household in order to achieve this alongside the provision of information on a central website, to increase the awareness

necessary for these elections.

We have previously made recommendations which would improve the instructions on the ballot paper to minimise voter confusion and to ensure that their ballot paper is counted. Our recommendations were not taken up by the Government for the 2016 elections, so we are once again asking the UK Government to consider this alongside all the other recommendations in this report and to make these changes in good time ahead of the next Police and Crime Commissioner elections.

Finally, in May 2020, voters in England and Wales will go to the polls in an unprecedented number of combined elections, adding to the already complex nature of many of the polls due to take place. Currently scheduled alongside the next set of Police and Crime Commissioner elections are elections to the UK Parliament, local council elections, directly elected local authority mayoral elections and combined authority mayoral elections. In London, there will be elections for the Mayor of London and members of the London Assembly. In addition, there may also be neighbourhood planning and council tax referendums in some areas.

The Commission views this combination as a significant future risk. The way in which the elections will be combined will mean that voters in some areas will be faced with a number of different ballot papers across a number of different voting systems. This will present a huge challenge to electoral administrators, candidates, campaigners and voters and advance planning by all those involved in the management and delivery of the polls will be crucial. It is difficult to see how this combination can avoid having an impact on the timing of the count for the UK Parliamentary General Election.

The UK Government should immediately begin the necessary analysis and consultation on the risks of holding these polls on the same day, including giving consideration to the potential for changing the date of elections currently scheduled to be held in May 2020, so that they do not coincide with the next scheduled UK Parliamentary general election which will be held on Thursday 7 May 2020.

The Commission will continue to work closely with everyone involved in elections in the UK to determine how we can best meet these and the other future challenges of elections. This includes our continued support of the Law Commission's review of electoral law which will help to simplify and improve electoral legislation and which we hope the UK and Scottish Governments will permit to progress to the next stage as soon as possible.

Jenny Watson
Chair, Electoral Commission

Executive summary

About the elections

On 5 May 2016 elections for Police and Crime Commissioner (PCCs) were held across 40 police force areas in England and Wales (but not in London, where the Mayor of London carries out the functions of a PCC, or in Greater Manchester where a directly-elected Mayor for the Greater Manchester is intended to assume the functions of a PCC after May 2017). There were also elections to local authorities across parts of England, and mayoral elections in Bristol, Liverpool and Salford.[1]

This report looks specifically at the administration of the PCC elections across England and Wales, including the combination of the polls for the PCC elections with the National Assembly for Wales (NAW) elections and English local government elections.

Registration and turnout

Almost 33.7 million people were registered to vote in the Police and Crime Commissioner elections on 5 May 2016: 31.4 million in England and 2.25 million in Wales. More than 5.5 million electors (representing 16.4% of the total electorate) were issued with postal votes for the PCC elections.

Overall turnout at the May 2016 PCC elections was 27.3%, ranging from 18% in Durham to 52% in Dyfed Powys. Turnout at the 2012 PCC elections was 15.1%.

By comparison, turnout at the May 2016 National Assembly for Wales elections was 45.6%[2], and turnout at the local government elections in England was 33.9%.

At the PCC elections, across England and Wales just over 61% of postal votes issued were returned compared with less than 21% of voters that cast their vote at a polling station. For the local government elections in England, more than two thirds of those voting by post (67.9%) returned their ballot compared with a turnout of 27.5% among those who voted in person.

The experience of voters

Our public opinion research suggests that most voters believed the elections were well-run, and they were satisfied with the process of registering to vote and voting. Nonetheless there is clear evidence to suggest that people did not feel informed about the PCC elections, with 72% reporting that they knew not very much or nothing at all about them.

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[1] There were also elections held to the Scottish Parliament, the National Assembly for Wales, the Northern Ireland Assembly, and the London Authority and Mayor of London. There were also UK parliamentary by elections in Ogmore (Wales) and Hillsborough and Brightside (England).
[2] Constituency turnout

The majority of respondents to our research said that they did not have enough information to understand the role of the PCC in order to make an informed decision about the elections. Almost twice as many people said that they found it difficult to access information on the PCC candidates compared with local election candidates (44% compared with 23%). In Wales, only 12% of people said it was difficult to access information about candidates at the NAW elections.

Candidates themselves were also overwhelmingly negative about the Government's arrangements for communicating the views of candidates to voters, with 96% of those who responded to our survey saying that they were dissatisfied with the arrangements.

These findings underline a key concern, which we first highlighted in our report on November 2012 PCC elections – that the information needs of voters at PCC elections have not been adequately met. We are concerned that the UK Government has not yet made improvements in this important area.

Evidence from our research suggests that sending a booklet including candidate addresses to all households in each PCC area (similar to the approach adopted for elections of the Mayor of London and directly elected mayor elections, and the UK Government's proposed approach to elections for mayors of Combined Authorities in 2017) would have a significant impact on people's levels of understanding about future PCC elections and the candidates standing for election. It would also ensure consistency across the different types of elections covering large electoral areas which currently use the supplementary vote electoral system.

Data from the May 2016 PCC elections shows that some voters continue to mark their ballot papers incorrectly, which means that their votes are not counted. This highlights the need for further improvements to be made to the design and wording of ballot papers for all elections which use the supplementary vote electoral system, and legislation should be amended to reflect the Commission's recommendations on ballot paper design which were submitted to the UK Government in 2015.

The administration of the poll

Overall the PCC elections were administered professionally and efficiently, although we have again highlighted the importance of ensuring that relevant legislation is in place in good time before the elections to allow for effective planning and the commitment of resources.

Duplicate electoral registration applications (from electors who were already correctly registered) continued to be a significant issue at these elections, which led to additional unnecessary pressure on electoral registration staff resources. This reinforces the need for an online registration status check to be made available for voters, as we recommended following the May 2015 UK Parliamentary general election.

The deposit and subscriber requirements for PCC candidates continue to represent a barrier for some potential candidates, particularly independent candidates. There is also a need to ensure that independent candidates have access to the electoral

register on a more consistent basis with candidates representing political parties, to enable them to plan and deliver their campaigns effectively.

Campaigning

Our post-election survey of candidates suggests that the majority of candidates agree that the rules on spending and donations are clear. However, access to information about candidate spending and donations could be improved by making candidates' election returns available for viewing online.

Looking ahead

The next scheduled PCC elections in May 2020 will be held on the same day as scheduled local government elections in England, which include local council elections and, in some areas, directly elected local authority mayoral elections and combined authority mayoral elections. In London, there will be elections for the Mayor of London and members of the London Assembly. In addition, the next UK Parliamentary general election is scheduled to be held on the same day, Thursday 7 May 2020.

In our view, this potential combination of polls presents significant risks which need to be mitigated in order to give voters, campaigners and Returning Officers confidence that the elections can be well-run

While it may be possible to manage some of these issues by early planning by Returning Officers, suppliers, campaigners and the Commission, the most effective way to mitigate these significant risks would be to change polling day for one or more of these elections, so that they do not coincide with the next scheduled UK Parliamentary general election which will be held on Thursday 7 May 2020.

Any change to the date of scheduled elections would be a significant proposal, and must be informed by appropriate consultation with political parties, the Electoral Commission, relevant Government departments, elected bodies, administrators and voters themselves to ensure that the interests of voters are put first.

Recommendations

Voter experience

Recommendation 1: Electors should have better access to information about candidates at future PCC elections

We remain concerned that the UK Government did not accept and implement our recommendation following the 2012 PCC elections to ensure that electors are sent printed information about candidates at future PCC elections. It is clear from our research that voters at the 2016 elections found it less easy to access information on PCC candidates than those standing in other polls.

We continue to recommend that electors should be sent printed information about candidates at future PCC elections. This should take the form of a booklet containing information provided by each candidate, sent by the relevant Police Area Returning Officer to every household in the police area.

The UK Government should ensure that any necessary amendments to the 2016 Order are made **no later than November 2019**, in line with the timescales set out in Recommendation 3 for improving planning and the management of legislation for the May 2020 PCC elections.

Recommendation 2: The design of ballot papers for elections using the supplementary vote system should be improved

We remain concerned that the UK Government did not accept and implement our recommendation to improve the design of ballot papers for elections using the supplementary vote system ahead of the May 2016 elections. In 2015, following user testing, we recommended to the UK Government that the supplementary vote ballot paper used at Police and Crime Commissioner and mayoral elections should be amended to:

- Ensure that the instructions draw voter's attention to key words to emphasise how voters should complete their ballot paper. This would include emboldening key words to make them more prominent on the ballot paper.
- Re- label Column 1 and Column 2 as Column A and Column B to avoid confusion.

We also recommend that additional information for voters about how to complete a supplementary vote ballot paper should be provided, including highlighting that the voting system is different from a first-past-the-post election. This should include information explaining that voters can select two candidates, a first and a second choice, and that they cannot vote for the same candidate twice. This information should be prominent on all voter materials to guide, support and reassure voters in completing their ballot paper.

In some areas in May 2020 the scheduled PCC elections will be combined with local authority mayoral elections, which also use the SV voting system. Combined Authority Mayoral elections may also be held in some areas in England in May 2020, and it is proposed that they will also use the SV voting system.

We continue to recommend that the prescribed design and wording of ballot papers for PCC elections, local mayoral elections and Combined Authority Mayoral elections should be amended to reflect our 2015 recommendations, to ensure that voters at the May 2020 elections receive well-designed ballot papers.

Administration of the poll

Recommendation 3: Legislation for elections should be clear in good time before it is required to be implemented or complied with

The Police and Crime Commissioner Elections Order 2016 was laid in Parliament on 17 December 2015, just under five months before polling day for the 2016 elections.

Governments with legislative competence over elections within the UK should manage the development and approval of legislation so that it is clear (either by Royal Assent to primary legislation, or by laying secondary legislation for approval by Parliament) at least six months before it is required to be implemented or complied with by campaigners or electoral administrators.

If a government has not been able to make legislation clear at least six months before the date of a scheduled poll, it should table a formal statement in the relevant legislature, explaining why it has not, and setting out its assessment of the likely impact of the late confirmation of legislation for campaigners, electoral administrators and electors.

Recommendation 4: Information and analysis of the costs of the 2012 and 2016 PCC elections should be made publicly available

Information about the costs of running elections will help governments and Returning Officers to secure the most efficient allocation of resources at future polls.

The UK Government should publish as soon as possible full cost details for the 2012 and 2016 PCC elections, and make any recommendations for improvements in the way the process is administered at future elections.

Recommendation 5: Electors should be able to check online whether they are correctly registered to vote

Providing a way for electors to check their registration status at the beginning of the online registration application process would reduce the action required by voters to keep their register entry up to date, and would also reduce the impact on EROs of processing duplicate applications.

The UK Government should develop an online service to allow people to check whether they are already correctly registered to vote before they complete a new application to register.

Any such service would need to carefully manage and protect voters' personal information.

Candidates and campaigners

Recommendation 6: The number of subscribers should be set as low as reasonably possible in order to promote candidate participation in elections

To be validly nominated, candidates for the PCC elections were required to secure the signatures and elector numbers of 100 electors (known as subscribers) who are included in an electoral register within the relevant police area. This number of subscribers is irrespective of police force area size, and significantly more than that required for candidates at UK Parliamentary elections or local government elections (both ten).

We reported that this had been an issue for some candidates, especially independent candidates, in the 2012 PCC elections and our evidence continues to suggest that the requirements to obtain subscriber signatures are a barrier to standing for election ad participation in elections.

The UK Government should set out its assessment of the impact of the requirement for such a large number of subscribers on participation by candidates at elections for PCCs. The UK Government should also explain why the proposed subscriber requirements are appropriate for these elections, and should also set out why it does not believe the number of subscribers required can be reduced.

Recommendation 7: Candidates should not be required to pay a deposit in order to be able to stand for election

Our evidence continues to suggest that deposits represent a significant financial hurdle for independent candidates and candidates from smaller parties and the ability to pay a deposit is not a relevant or appropriate criterion for determining access to the ballot paper.

We continue to recommend that there should be no deposit requirement for candidates or political parties at all UK elections, as we consider that the ability to pay a deposit is not a relevant or appropriate criterion for determining access to the ballot paper.

Recommendation 8: Independent candidates should be given more equal access to the electoral register for electoral purposes

We continue to recommend that the law is changed to allow all candidates to get earlier access to the register for electoral purposes. This would particularly enable independent candidates to campaign on a more equal basis with candidates from political parties.

Recommendation 9: Candidate spending returns should be published online

To improve transparency and accessibility of candidate spending returns, we have previously recommended that Returning Officers and Police Area Returning Officers should be required to publish spending returns online as well as through the existing methods of public inspection.

We recommend that spending returns of Police and Crime Commissioner candidates should be published online in future. We support recommendation 12-5 of the Law Commissions' review of Electoral Law which proposes a method for implementing this change through legislation.[3]

Recommendation 10: Legislation for the registration of party names and descriptions for use on ballot papers should be reformed

We continue to recommend that where a candidate represents a political party on a ballot paper, it should be clear to voters which party the candidate represents. The legal provisions for registration of party descriptions present risks of confusion for voters and restrict the participation of political parties.

The Governments of the UK should work with the Electoral Commission to reform the provisions on party descriptions.

Looking ahead to 2020

Recommendation 11: Analysis and consultation on the risks of holding polls on the same day

The next scheduled PCC elections in May 2020 will be held on the same day as scheduled local government elections in England, which include local council elections, directly elected local authority mayoral elections and combined authority mayoral elections. In London, there will be elections for the Mayor of London and members of the London Assembly. In addition, the next UK Parliamentary general election is scheduled to be held on the same day, Thursday 7 May 2020.

In our view, this potential combination of polls presents significant risks which need to be mitigated in order to give voters, campaigners and Returning Officers confidence that the elections can be well-run:

- **There will be multiple sets of elections in different parts of the UK, incorporating up to four ballot papers and three methods of voting:** UK Parliamentary elections use the 'first-past-the-post' system; elections for PCCs, directly elected local authority Mayors, Combined Authority Mayors and the Mayor of London us the supplementary vote system; elections for Constituency

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[3] Law Commissions' Review of Electoral Law, Recommendation 12-3, page 161
http://www.lawcom.gov.uk/wp-content/uploads/2016/02/electoral_law_interim_report.pdf

Members of the London Assembly use the 'first-past-the-post' system and elections for London-wide Members use the closed list system which is a form of proportional representation; local government elections use the 'first-past-the-post' system, in single- and multi-member wards. Clear and tailored information on how to complete their ballot papers will be essential to minimise confusion for voters.

- **Campaigners will be communicating with voters about a range of issues across multiple contests:** Given the political and media prominence of Parliamentary general elections, there is a significant risk that coverage of the May 2020 polls will be dominated by the UKPGE. It is likely to be harder for candidates and campaigners at the other polls to get their messages across to voters, and it may mean that voters feel they have less information that they require to be able to participate in those elections.

- **Regulated periods for campaigners will overlap:** Under the Political parties, Elections and Referendums Act 2000, a regulated period will apply to the spending of political parties and non-party campaigners for a year prior to the UK Parliamentary general election scheduled in 2020. This will mean that spending by these campaigners on other elections taking place during that time period will also be regulated and count towards the UKPGE spending limit. Careful consideration will therefore need to be given to the regulation of party, candidate and campaigner spending for the polls in 2020 to ensure that the relevant rules are understood and complied with.

- **The voting areas for the different sets of elections may not be consistent:** Constituency boundaries for the May 2020 UK Parliamentary elections are likely to change as a result of the current review being carried out by the UK's Boundary Commissions. The other elections scheduled to be held on in May 2020 have previously been administered on the basis of local government areas. While early planning can help to mitigate the risks for those administering the May 2020 elections, any significant differences to the boundaries of electoral areas will also present challenges – for example, in relation the administration of postal voting and the management and timing of the counts.

The UK Government should immediately begin the necessary analysis and consultation on the risks of holding these polls on the same day, including giving consideration to the potential for changing the date of elections currently scheduled to be held in May 2020, so that they do not coincide with the next scheduled UK Parliamentary general election which will be held on Thursday 7 May 2020. The Government should publish its assessment and any proposals for change by September 2017, to allow sufficient time to make any changes to legislation which might be required, and to allow Returning Officers, suppliers, campaigners and the Commission time to prepare.

Any change to the date of scheduled elections would be a significant proposal, and must be informed by appropriate consultation with political parties, the Electoral Commission, relevant Government departments, elected bodies, administrators and voters themselves to ensure that the interests of voters are put first.

1 Introduction

About our role and this report

Our role

1.1 The Electoral Commission is an independent body which reports directly to the UK Parliament. We regulate political party and election finance and set standards for well-run elections and referendums. We put voters first by working to support a healthy democracy, where elections and referendums are based on our principles of trust, participation, and no undue influence.

- **Trust**: people should be able to trust the way our elections and referendums and our political finance system work
- **Participation**: it should be straightforward for people to participate in our elections and referendums and our political finance system, whether voting or campaigning; and people should be confident that their vote counts
- **No undue influence**: there should be no undue influence in the way our elections and referendums and our political finance system work

1.2 We want people across the UK to be confident that electoral registration and electoral events are well-run, and that they will receive a consistently high quality service, wherever they live and whichever elections or referendums are being held.

1.3 It should be easy for people who want to stand for election to find out how to get involved, what the rules are, and what they have to do to comply with these rules. We provide comprehensive guidance for anyone who wants to stand as a candidate or be an agent which covers the whole process, including the main steps towards standing as a candidate, the campaign and election periods, the declaration of the result, and election spending. We also register parties and non-party campaigners and provide comprehensive guidance for political parties and non-party campaigners, including practical advice and assistance.

This report

1.4 This report provides our assessment of how well the second Police and Crime Commissioner (PCC) elections held on 5 May 2016 across England (excluding London and Greater Manchester[4]) and Wales were run, together with local government elections in parts of England. It also considers issues that arose as a result of the combination of the polls for the PCC elections with those for other elections which took place on the same day. We have published a separate report on the National Assembly for Wales (NAW) elections which also took place on 5 May 2016.

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[4] The directly-elected Mayor of London undertakes functions equivalent to those of PCCs. In Greater Manchester, there will be an election of a directly-elected Mayor on 4 May 2017 who will take over the responsibility for policing following the election. The current PCC for Greater Manchester is also the interim Mayor until the election and will continue to fulfil the functions of the PCC until this point.

1.5   Our analysis reflects the experience of voters, based on public opinion research and electoral data provided by Police Area Returning Officers (PAROs) and Local Returning Officers (LROs), as well as feedback and views about the administration of the election from candidates and agents, those responsible for delivering the poll, and other participants.

About the elections

1.6   On 5 May 2016, the following elections were also held alongside the PCC elections:

- Scottish Parliament
- National Assembly for Wales
- Northern Ireland Assembly
- London Assembly and Mayor of London
- Local government across parts of England and Mayoral elections (Bristol, Liverpool and Salford)
- UK parliamentary by elections in Ogmore (Wales) and Hillsborough and Brightside (England).

1.7   Our reports on the other elections taking place on the same day can be found on our website.[5]

1.8   In Wales, the PCC elections were combined with the National Assembly for Wales' elections, and a UK parliamentary by-election was also held on the same day in the Ogmore constituency. In 114 local authority areas in England, the PCC election was combined with a local government election. In Bristol and Liverpool the Police and Crime Commissioner elections were also combined with an election for the local mayor and in Sheffield in the Hillsborough and Brightside constituency, a UK parliamentary by-election. One hundred and sixty nine local authorities had PCC contests only.

1.9   More than two candidates stood in all police force areas which meant that all of the 40 PCC elections were held using the Supplementary Vote electoral system. Of these, four were concluded without having to proceed to a second round because the winning candidate received more than 50% of valid first preference votes cast.

Registration and turnout at the PCC and local government elections
1.10 A total of 33.7 million people were registered to vote in the PCC elections on 5 May 2016.[6] Nearly 9.2 million votes were included in the count, representing an overall turnout of 27.3%.[7] This was an increase of 12 percentage points on the previous PCC elections held in 2012. Chart 1 below shows the turnout for all polls held on 5 May 2016.

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[5] http://www.electoralcommission.org.uk/our-work/publications/election-and-referendum-reports
[6] To vote in a PCC election a person must be registered to vote and also be one of the following: a British, qualifying Commonwealth, Republic of Ireland or EU citizen living in the UK, or registered to vote as a Crown Servant or as a service voter.
[7] Turnout figure includes valid votes and those rejected at the count.

Figure 1.1: Turnout at the polls held on 5 May 2016

English local government	Greater London Authority	National Assembly for Wales	Northern Ireland Assembly	Police and Crime Commissioner	Scottish Parliament
34%	46%	46%	55%	27%	56%

Ballot box turnout - this includes votes rejected at the count but excludes postal votes rejected at the verification stage
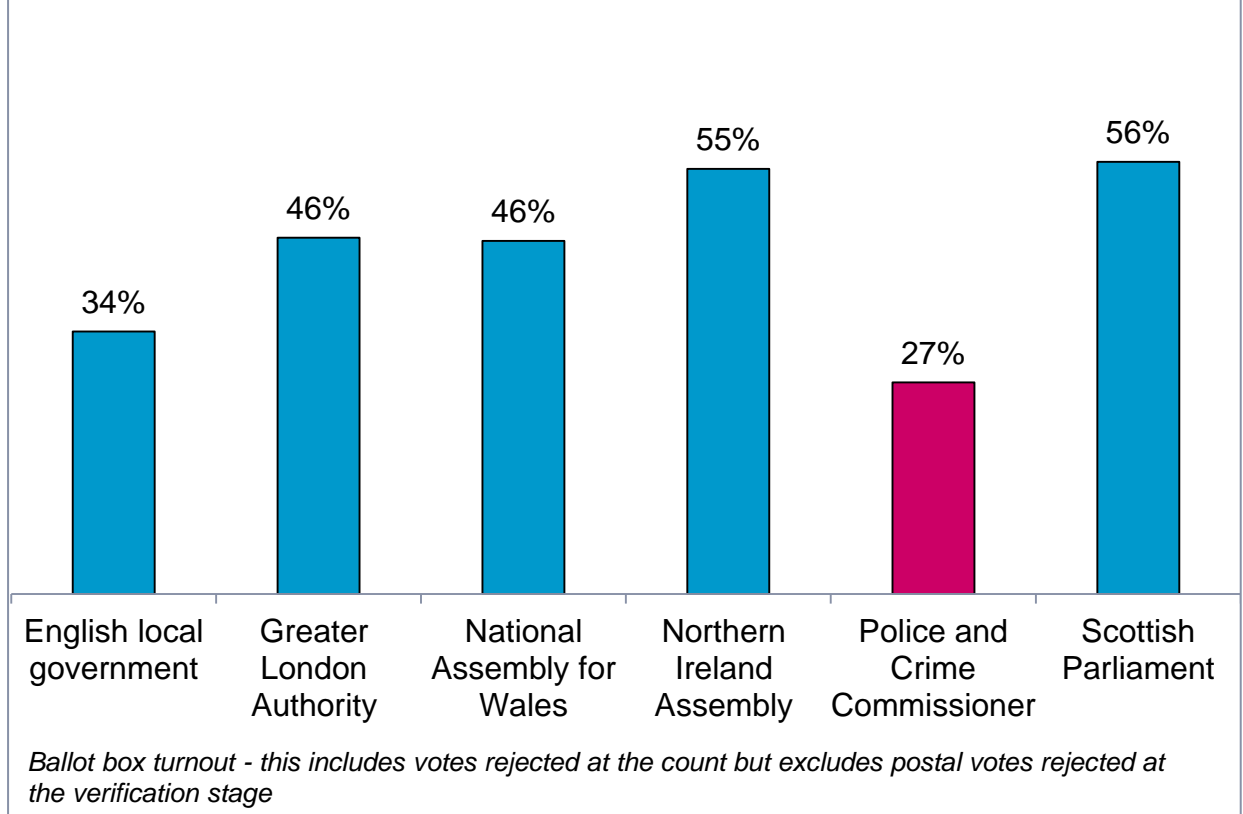
1.11 Across the police force areas turnout ranged from 18% in Durham to 52% in Dyfed Powys.

1.12 In Wales, each PCC election was combined with the NAW election across the whole police force area. However, in England there were three different scenarios for police forces:

- Twenty-nine police forces had **combined elections within some of the individual local authority areas** which make up the police force area
- Three police forces had **combined elections in all the individual local authority areas** which make up the police force area (Merseyside, West Midlands and West Yorkshire)
- Four police forces had **no combined elections** in a local authority, i.e. the PCC election was entirely standalone (Bedfordshire, Durham, Leicestershire, Nottinghamshire)

1.13 Average turnout for the PCC elections in local authority areas in England where local government elections were also held on the same day was 32.8%, compared with 20.2% in areas where there were only PCC elections. In Wales, where the PCC elections were held on the same day as the NAW elections, turnout was 45.2% (compared with 15% in 2012). Table 1 below compares turnout for the PCC elections in England where they were combined with the local government elections or held alone.

Table 1.1: Comparison between areas of England with combined local/PCC and standalone PCC elections 2016

	Average turnout %	Postal voter turnout %	In person turnout %
Combined	32.8	67.2	26.6
Standalone	20.2	54.7	14.0

1.14 None of the local authority areas where PCC turnout was below 20% had local elections on the same day and the 160 local authority areas with the lowest turnout were all holding standalone PCC elections. The highest PCC turnout in an individual local authority area which was not also holding a local election was 32% in West Dorset but this was very much an outlier.

1.15 However, it is worth noting that the 29 police force areas with a mix of combined and standalone polls at local authority level saw considerable variation in turnout across the police area. For example, in Gloucestershire turnout varied by 20 percentage points between Forest of Dean with no local elections (21%) and Stroud with local elections (41%).

1.16 Where elections are held on the same day and the polls are combined (which was the case for the 2016 PCC elections), voters should be issued with ballot papers for all the polls they are entitled to vote in. This means that all voters in these areas would have been given a PCC ballot paper to complete, regardless of whether or not they wanted to vote in the PCC elections. In some cases, however, we are aware that electors either refused to take a ballot paper for the PCC elections or handed it back to polling station staff unmarked.

1.17 More than 5.5 million electors were issued with a postal vote for the PCC elections – 16.4% of the eligible electorate.

1.18 Consistent with findings from previous PCC elections and other elections and referendums, turnout among postal voters at the PCC elections was significantly higher than among those who voted at polling stations: 61.6% of people who were sent a postal ballot pack returned a completed postal vote, compared with turnout of only 20.6% of those who were entitled to vote at a polling station.

1.19 For the PCC elections, approximately 27,500 electors appointed a proxy to vote on their behalf, representing 0.08% of the total electorate. Of these electors, 486 appointed emergency proxies i.e. after the deadline for appointing proxies (5pm on the sixth working day before polling day).

1.20 The eligible electorate[8] for the May 2016 local government elections in England was 15.7 million, and approximately 5.3 million local election votes were counted, making the overall turnout 33.9%.

1.21 More than 2.66 million electors (representing almost 17% of the eligible electorate) were issued with postal votes at the May 2016 local government elections. As with the PCC elections, turnout was higher among postal voters (67.9%) compared to in-person turnout (27.5%).

1.22 A total of 12,711 local government electors appointed proxies (representing 0.08% of the electorate), and 237 emergency proxies were appointed.

Roles and responsibilities for managing and delivering the PCC elections

1.23 Forty separate PCC elections were held on 5 May 2016, with each police area forming a single constituency and electing one PCC.

1.24 The 40 police areas in England and Wales vary considerably in size. The police area with the largest electorate was West Midlands (over 1.93 million electors) and the smallest was Cumbria (0.38 million electors). The size of the electorate alone however, does not provide a true picture of the scale of the police areas. For example, despite having one of the smallest number of registered electors, Dyfed Powys is also geographically the largest police area, spanning over 4,000 square miles, which brings with it particular challenges for candidates such as obtaining the number of subscribers required to stand as a PCC candidate and campaigning across the whole police area.

1.25 The Police Areas comprised different numbers of local authorities, ranging from two (in Durham and Wiltshire) to 16 in Thames Valley.

Police Area Returning Officers (PAROs) and Local Returning Officers (LROs)
1.26 The Cabinet Office designated, by Parliamentary Order, 40 Police Area Returning Officers (PAROs) whose role it was to co-ordinate the administration of the election across the police area as well as serving as the LRO for the election in their own local authority voting area.[9]

1.27 PAROs had responsibility for the overall conduct of the election of a PCC for their police area and were expected to provide leadership and promote good practice to LROs to ensure that the election was well-run and that voters received a high-quality service wherever they voted. PAROs were also personally responsible for the following specific aspects of the PCC election:

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[8] To vote in a local government election, a person must be registered to vote and also be one of the following: a British, qualifying Commonwealth, Republic of Ireland or EU citizen living in the UK or registered to vote as a Crown Servant or as a service voter.
[9] The Local government Returning Officer is the Local Returning Officer for the PCC election. At a PCC election, an LRO is responsible for the election in that voting area. The voting area is defined as the local authority area.

- Giving notice of the election
- The nomination procedures
- Encouraging participation
- Ensuring that the requirements as to the content of candidate election addresses, and the procedures for submitting those addresses, were complied with
- The calculation of votes given for each candidate
- The declaration of the result

1.28 PAROs had powers to issue directions to LROs for any voting area wholly or partly comprised within the police area on the discharge of their functions, and could use this power to ensure consistency across their police area as well as to intervene and improve performance. Responses to our survey of LROs were positive about their experience of working with their PARO, with feedback highlighting clear management structures and clear and easy communication with PAROs.

Support from the Cabinet Office

1.29 From August 2015 until after the elections, the Cabinet Office convened a steering group which met bi-monthly and included representatives from the Home Office, the Department for Communities and Local Government, the Electoral Commission, SOLACE[10] and the Association of Electoral Administrators, and representatives for each of the Regional PAROs. The group discussed issues across all aspects of running elections to assist planning, and acted as an expert body to which officials could ask questions and discuss the relative merits of different options. However the panel had no role in determining legislation or policy decisions.

1.30 The Cabinet Office ran two well-attended seminars for PAROs in November 2015 and February 2016. These seminars focused on the specific responsibilities of the PARO including the count and the power of direction.

Support for Police Area Returning Officers and Local Returning Officers

1.31 As for previous elections, the Electoral Commission provided comprehensive written guidance, tools and templates to support PAROs and LROs in planning for and delivering the polls on 5 May. The majority of our core guidance was published by the end of December 2015, with the last of the guidance and resources available by early March 2016.

1.32 While the publication of the guidance was prioritised to try to ensure that PAROs and LROs had what they needed when they needed it, we were not able to make all of our products available in full as early as we would typically aim to for May elections. The complex set of polls taking place across the UK in May 2016, and the complex and fragmented legislative framework created particular challenges for the development of guidance and resources, with over 600 unique products published to support the various elections taking place on 5 May. We recognise that some materials were available relatively late in the timetable, and will take this into account when planning activities for future electoral events.

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[10] The Society of Local Authority Chief Executives and Senior Managers

1.33 Electoral law has grown so complex and fragmented, and in many places out of date, that it can hamper the effective and efficient delivery of elections. We therefore welcome the Law Commission's recommendation that the current laws governing elections should be rationalised into a single, consistent legislative framework governing all elections. This would make a huge difference, freeing up resources that are currently spent coping with the complexity of the existing law, which could be redeployed to improve electoral processes for voters and candidates. It will also bring about significant savings throughout the system, from the process of making electoral law and policy in Government to the process of administering elections in local authorities and also for the candidates and parties taking part in elections.

1.34 The Law Commissions require the approval of the UK Government before they can move onto the next and final stage of the project, which will consist of drafting new electoral legislation. We continue to urge the UK Government to support the work of the Law Commissions to enable the project to move on to the next stage. This will allow the Law Commissions to start drafting new law in time for it to be implemented before the polls scheduled in May 2020.

Performance standards for Returning Officers

1.35 In addition to providing guidance and advice to ROs and their staff, we also set, monitor and report on performance standards for ROs.[11] Our performance standards framework is designed to support all ROs in delivering a consistent high-quality service for voters and those standing for election.

1.36 The performance framework reflects what we and the UK Electoral Coordination and Advisory Board (ECAB)[12] jointly agree that ROs need to do to prepare for and deliver well-run elections. The standards focus on the key outcomes from the perspective of voters and those who want to stand for election and in particular, whether ROs are taking the necessary steps to deliver the following:

- Voters are able to vote easily and know that their vote will be counted in the way they intended.
- It is easy for people who want to stand for election to find out how to get involved, what the rules are, and what they have to do to comply with these rules, and they can have confidence in the management of the process and the result.

1.37 The framework also includes a standard specifically covering the role of statutory office holders with a power of direction, including PAROs, which is applied with the relevant parts of performance standards 1 and 2.

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[11] More information about our performance standards framework for ROs is published on our website. The Electoral Commission, *Performance standards*, www.electoralcommission.org.uk/find-information-by-subject/performance-standards

[12] The ECAB (previously referred to as the Electoral Advisory Board) is an advisory group convened by the Electoral Commission and made up of senior Electoral Registration and Returning Officers, and also attended by representatives from the Society of Local Authority Chief Executives (SOLACE) and the Association of Electoral Administrators (AEA). The ECAB gives the Commission strategic advice about elections, referendums and electoral registration.

1.38 The standards cover the range of activities carried out by ROs in preparing for and delivering well-run elections including, for example, setting up and staffing polling stations, and delivering timely and accurate verification and count processes. The RO performance standards framework does not relate to the work of EROs, which is covered by a separate framework.

1.39 We monitored the performance of all PAROs at the May 2016 polls in carrying out their role in co-ordinating and managing the delivery of the polls. We also supported LROs in the delivery of the polls in their area, and where performance issues were raised, considered these in the context of the standards.

1.40 For further details of our assessment of the performance of PAROs and LROs at the May 2016 polls, see paragraphs 3.9 to 3.14 below.

Preventing and detecting electoral fraud

1.41 The evidence currently available to us does not support the conclusion that electoral fraud is widespread in the UK. There is, however, evidence to suggest that electoral fraud is more likely to be reported as having taken place on a significant scale in certain specific places in England. Those places are currently concentrated in a small number of local authority areas – although we should be very clear that in the majority of cases we do not believe fraud is likely to have been attempted in more than a handful of wards in any particular local authority area.

1.42 For both the local government and PCC elections we identified 17 local authority areas[13] where there was a higher risk of allegations of electoral fraud. For the Greater London Authority elections, which also took place in May 2016, Tower Hamlets was also identified as one of our high risk areas.

1.43 We based this assessment on previous history of fraud allegations, combined with a range of demographic factors that have been shown to increase the risk of electoral fraud allegations. We worked closely with the relevant EROs, LROs and PAROs, as well as the local police, in the lead up to the election period to ensure that:

- The risk of electoral fraud had been robustly assessed locally
- Appropriate preventative measures were in place in advance of the polls
- Local elections staff and the police were equipped to respond quickly to any allegations of criminal activity

1.44 We monitored these areas before and during the election period and we are confident that LROs and police forces in all 18 areas had appropriate plans in place to minimise the risk of electoral fraud and were able to respond effectively to any cases of alleged electoral fraud that reported.

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[13] Blackburn with Darwen, Burnley, Hyndburn and Pendle in the Lancashire Police force area; Oldham in the Greater Manchester Police force area; Bradford, Calderdale and Kirklees in the West Yorkshire police force area; Derby in the Derbyshire Police force area; Birmingham, Coventry and Walsall in the West Midlands Police force area, Peterborough in the Cambridgeshire police force area; Luton in the Bedfordshire police force area; Slough in the Thames Valley police force area; Woking in the Surrey police force area and Bristol in the Avon and Somerset police force area.

1.45 We held a number of events to help facilitate preparations for the May polls. In February 2016, and in conjunction with the National Police Chief's Council (NPCC), we organised a seminar in Birmingham for the Single Points of Contact (SPOC) officers for electoral fraud from police forces across the UK. We also held our regular twice-yearly roundtable conference on electoral integrity. The Electoral Integrity Roundtable provides an opportunity for electoral administrators, SPOCs, civil servants and political party representatives to discuss current issues and approaches to preventing and detecting electoral fraud.

1.46 In advance of the elections, we also continued our successful partnership with Crimestoppers, the national anonymous crime reporting charity, to support and promote the option for people to report evidence or concerns about electoral fraud without giving details which could identify them.[14]

Public awareness

1.47 The Electoral Commission ran a campaign to increase people's awareness of all elections taking place in England and Wales on 5 May 2016. Our objectives were to ensure people knew the PCC elections were taking place at the same time as other elections and to encourage people who weren't already registered to vote to do so by the 18 April deadline.

1.48 In Wales the National Assembly for Wales and PCC elections each used a different voting system. To help people understand how to cast their vote correctly in each of the elections we distributed a booklet to every household in Wales from 4 to 7 April.

The UK Government promoted information about the PCC elections, including information about the candidates standing, on a central website (www.choosemypcc.org.uk). Electors were not directly sent printed material about the PCC elections or the candidates, although they could request a printed copy to be sent to them. The web address of the central website was also required to be printed on poll cards sent to electors.

1.49 Further information about our campaign and the UK Government's campaign can be found in Chapter 3.

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[14] https://crimestoppers-uk.org/get-involved/our-campaigns/national-campaigns/electoral-fraud/

2 Were the PCC elections well-run? The experience of voters

2.1   This chapter sets out the key findings from electoral data and our public opinion research, which provide an important part of our assessment about whether the elections were well-run. It examines people's experience of registering to vote and participating at the polls, including why people did not vote in the PCC elections and whether people felt that they had received enough information about the elections and candidates to be able to make an informed choice. It also considers levels of rejected postal vote statements and ballot papers at the count.

2.2   Overall, the evidence from our public opinion research suggests that most voters were confident that the election was well-run and were satisfied with the process of registering to vote and the process of voting, regardless of whether they cast their vote in person at a polling station or by post.

2.3   Where data is available, we have sought to identify any significant differences in the views of people living in England and Wales, particularly in terms of combining the PCC elections with local government elections in England and the National Assembly elections in Wales.[15]

Experience of registering to vote

2.4   Most people were satisfied with the process for registering to vote: 88% of voters across England and Wales said that they were satisfied with the procedure for getting their name on the register, with 59% saying 'Very satisfied'.

2.5   The level of satisfaction was higher among those who voted than those who did not (91% compared with 84% respectively), and was also higher among groups generally associated with higher levels of turnout. For example, the proportion of people saying they were satisfied or very satisfied among those aged 55+ was higher (93%) than for those aged 35-54 (89%) and 18-34 (79%).

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[15] The sample size in areas where PCC and NAW/local elections were held alongside UK Parliamentary by-elections (Ogmore and Sheffield Brightside) is not large enough for us to analyse the results at this level.

Chart 2.1: How satisfied are you with process for registering to vote?
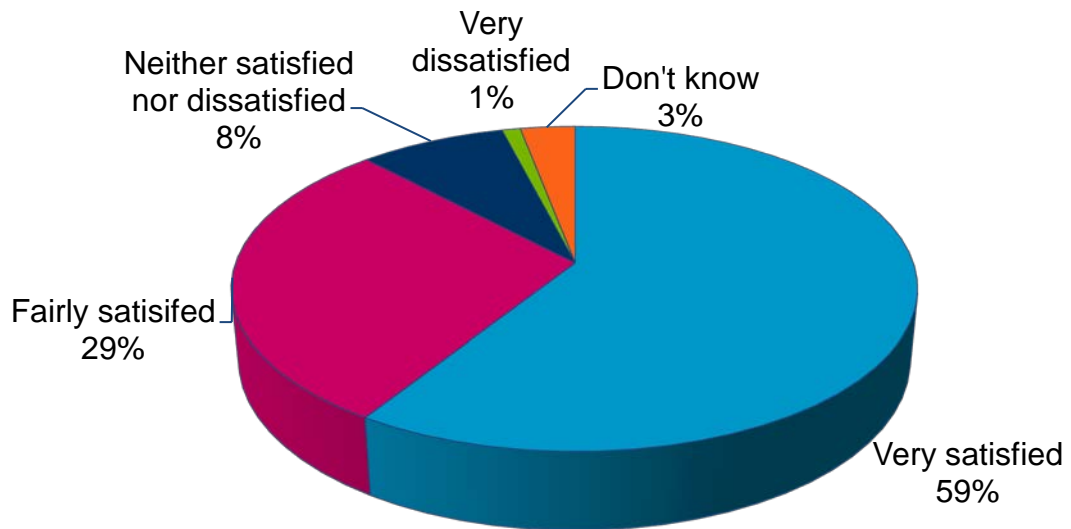
Neither satisfied nor dissatisfied 8%

Very dissatisfied 1%

Don't know 3%

Fairly satisifed 29%

Very satisfied 59%

May 2016 elections - Post-polls survey. Source: BMG/The Electoral Commission. Base: 1,907 (unweighted).
Q: How satisfied or dissatisfied are you with the procedure for getting your name on the electoral register?

Voting in the elections

2.6   We asked those who said that they had voted in the PCC elections why they had done so: people saying that voting was seen as a civic duty (72%) and people wanting to express their view (32%) continue to be the most frequent reasons given.

2.7   Consistent with the findings from previous surveys with people after elections, circumstantial reasons were the most common causes for not voting (given by 42% of respondents who said that they had not voted), including 'Lack of time/too busy' or 'I was away on the day'. Other frequent responses included a lack of information about the elections (22%) and general lack of interest in politics and the elections.

2.8   In areas where the PCC elections were held on the same days as other elections, respondents were also asked why they had voted in the NAW or English local elections but not in the PCC election. The most common reasons cited were a lack of information about the PCCs/didn't understand what they were voting on (36%) and disagreeing with the role of PCCs (25%).

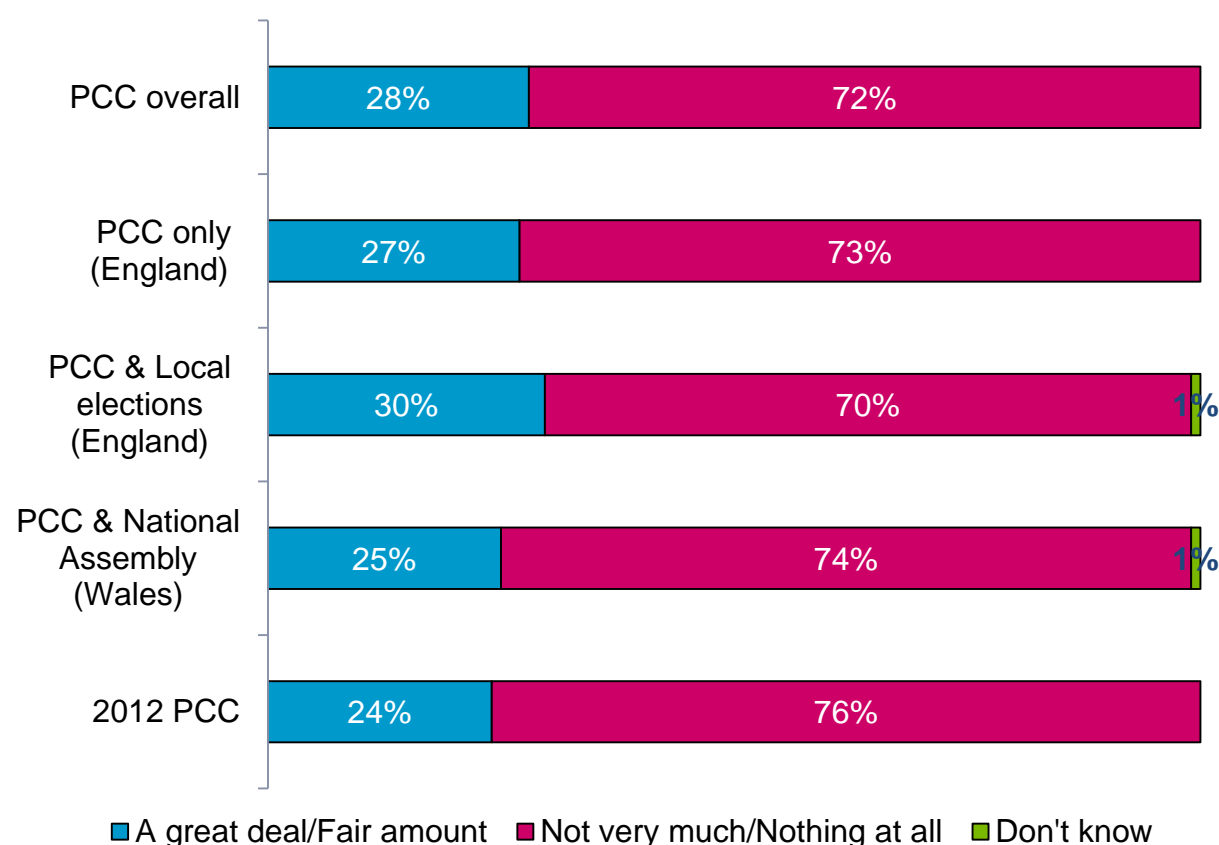# Knowledge and awareness about the elections

Did people feel informed about the elections?

2.9   Our public opinion research asked people how much they felt they knew about the elections on 5 May 2016.

2.10 Across all areas holding PCC elections in England and Wales, fewer than three in ten respondents said they knew either a great deal (5%) or a fair amount (23%) about the PCC elections, and 72% said they did not know very much (44%) or nothing at all (28%).

2.11 Chart 2.2 below compares self-reported knowledge of the PCC elections in areas with PCC-elections only with that in areas with combined elections (as well as the 2012 PCC elections). It shows that awareness did not vary significantly across the areas where different polls took place, but overall awareness was higher in 2016 than in 2012. People who cast a vote were, unsurprisingly, more likely than non-voters to report they knew a great deal or a fair amount about the elections (38% vs. 18%).

Chart 2.2: How much did you know about the PCC elections?

Category	A great deal/Fair amount	Not very much/Nothing at all	Don't know
PCC overall	28%	72%	
PCC only (England)	27%	73%	
PCC & Local elections (England)	30%	70%	1%
PCC & National Assembly (Wales)	25%	74%	1%
2012 PCC	24%	76%	

■ A great deal/Fair amount   ■ Not very much/Nothing at all   ■ Don't know

May 2016 elections - Post-polls survey. Source: BMG/The Electoral Commission.
Base: 1,907 (unweighted) PCC overall.
Q: How much, if anything, did you feel you knew about the PCC elections on Thursday 5 May?

2.12 We also asked respondents about media coverage of the PCC elections: only 19% agreed that 'there was a lot of media coverage on the PCC elections', while 65% disagreed; 59% of respondents agreed that 'the PCC elections were overshadowed by coverage of the EU referendum' (24% disagreed).

2.13 Knowledge of local elections was higher. In areas where local elections were combined with PCC elections, 58% percent of respondents said they knew about the local elections in their area (10% a great deal and 47% a fair amount), with 42% saying they knew not very much (31%) or nothing at all (11%) about them. In areas where only local elections were held (Greater Manchester), 64% of respondents said they knew about the local elections (including 12% who said they knew 'a great deal'), and 36% said 'not very much/nothing at all'.

Information on how to vote

2.14 Our public opinion survey asked people if they had enough information about different aspects of the elections and if it was easy or difficult to access the necessary information.

2.15 Just under half of all respondents (49%) agreed they 'had enough information on how to cast their vote' for the PCC election, with 20% agreeing strongly. Just over a third (37%) of respondents disagreed, with 20% disagreeing strongly. Voters were significantly more likely than non-voters to say they had enough information (57% of respondents, compared with 40% respectively).

2.16 Three in four respondents (75%) said they had enough information on how to cast their vote for the local elections, and again voters were more likely to agree than non-voters (84% of respondents, compared with 61%).

2.17 We also asked people how easy they had found it to access information on how to cast their vote at the May polls: 58% per cent of respondents said that information on how to cast their vote at the PCC elections was very (23%) or fairly easy (35%) to access. However, 21% said it was fairly (13%) or very difficult (7%).

2.18 In contrast, 80% of respondents said that it was easy to access information on how to vote in their local elections in England (9% said it was difficult), while 81% said it was easy for the NAW elections (7% said it was difficult).

Information on what the elections were about

2.19 The majority of respondents to our survey (53%) agreed that they 'didn't know enough on what the PCC election was about' with those who did not vote more likely to agree than those who voted (61% of respondents, compared with 45%).

2.20 People in Wales were significantly less likely to say they lacked information on what the NAW election was about, with only 33% agreeing they did not know enough. For the local government elections in England, the proportion of respondents who said that they didn't know enough about the elections was 46%.

Information about the role of PCCs and the candidates standing

2.21 The findings below should be seen in the context of different types of information available to voters about the candidates standing in the NAW and the PCC elections. As explained later on in this chapter there were no free mailings available for

candidates standing in the PCC elections, while candidates at the NAW elections were entitled to send printed campaign material free of charge for postage and the Commission also sent an information booklet to electors in Wales.
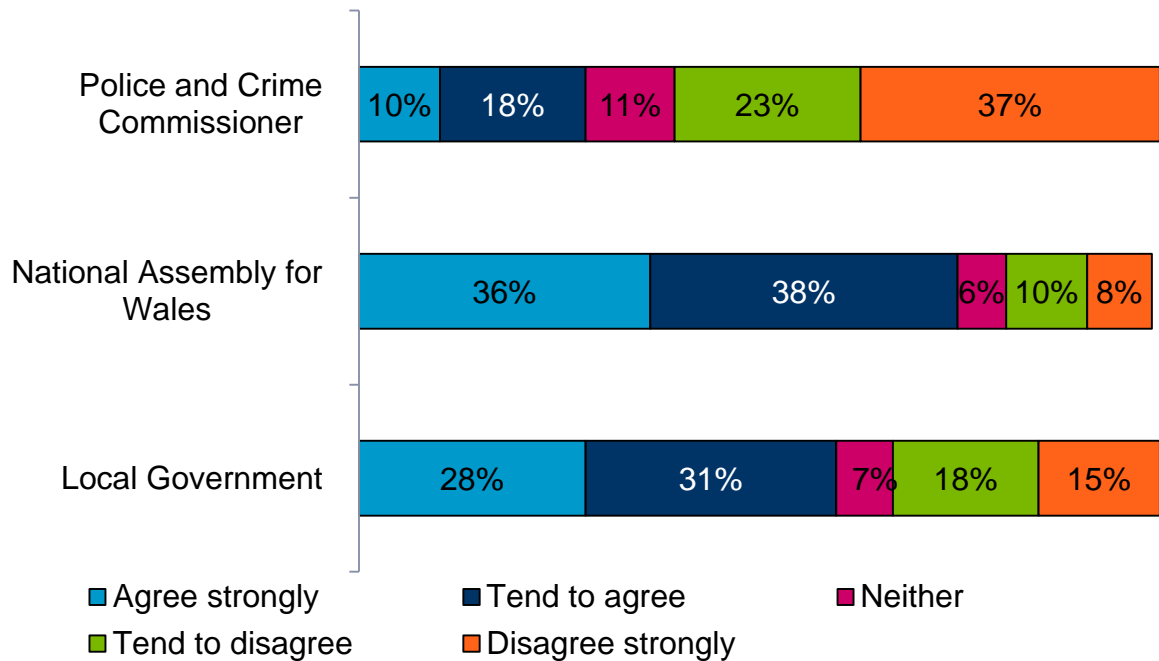
2.22 Respondents were asked whether they had enough information to understand the role of the PCC – over half disagreed with this statement (53%), including just under a third (30%) who strongly disagreed. Even among voters, less than half (44%) felt they had enough information to understand the PCC's role.

2.23 Our public opinion survey also asked how easy respondents thought it was to access information about the candidates standing at both the PCC and local government elections in England. One third (33%) said that it was easy to access information on the candidates standing in the PCC elections (9% said it was very easy and 24% said it was fairly easy). Nearly twice as many (61%) said they found it easy to access information on candidates standing in the local elections; 21% very easy and 40% fairly easy.

2.24 In contrast, just under half of respondents (44%) said that it was difficult to access information on the PCC candidates, compared with only 23% who found it difficult to access to information on the candidates standing in the local elections. In Wales, our survey found that 75% of respondents said that it was easy to access information about the candidates standing in the NAW elections, and only 12% said it was difficult.

2.25 Our public opinion survey also explored whether voters felt that they had sufficient information about candidates to be able to make an informed decision about the elections. As illustrated in Chart 2.3 below, respondents were significantly less likely to agree they had enough information about the PCC candidates (28%) than about candidates standing the in local government elections (59% agree) and the National Assembly for Wales election (75%).

Chart 2.3: Do you agree you had enough information on candidates to make an informed decision?

	Agree strongly	Tend to agree	Neither	Tend to disagree	Disagree strongly
Police and Crime Commissioner	10%	18%	11%	23%	37%
National Assembly for Wales	36%	38%	6%	10%	8%
Local Government	28%	31%	7%	18%	15%

■ Agree strongly ■ Tend to agree ■ Neither
■ Tend to disagree ■ Disagree strongly

May 2016 elections - Post-polls survey. Source: BMG/The Electoral Commission.
Base: 1,907 (unweighted) PCC overall.
Q: To what extent do you agree or disagree with the following statement - I had enough information on candidates to be able to make an informed decision

2.26 In contrast to the PCC elections, a booklet including candidate addresses were sent to all households across London for the Mayor of London election. Nearly 8 out of ten respondents to our public opinion survey in London (79%) said that it was easy to access information about the candidates standing (compared with only 33% at the PCC elections) and 76% agreed that they had enough information about the candidates to make an informed decision on how to vote (28% at the PCC elections).

2.27 These findings suggest that a candidate information booklet could have a significant impact on helping voters to access information about the candidates standing, and ensuring that they have enough information to make an informed decision.

2.28 Voters were asked, when it comes to receiving information about candidates and parties in elections, what form of communication they would prefer to receive. Almost three-quarters (70%) said that they would prefer to receive printed leaflets or booklets through the door. There were no significant differences between respondents in PCC only areas and those where the PCC elections were combined with the NAW and the local government elections.

2.29 Responses to our candidate survey also showed that candidates themselves were not positive about the communication of information with voters. As shown in the chart below only three per cent of respondents to our survey of candidates were

satisfied with the Government's arrangements for communicating the views of candidates to voters; 96% were dissatisfied. Only seven per cent agreed that they felt able to effectively get their views across to voters during the campaign, with 86% disagreeing.

Chart 2.4: Candidate satisfaction with Government's communication arrangements

Agree — 2%
Tend to agree — 1%
Neither agree nor disagree — 1%
Tend to disagree — 8%
Disagree — 88%
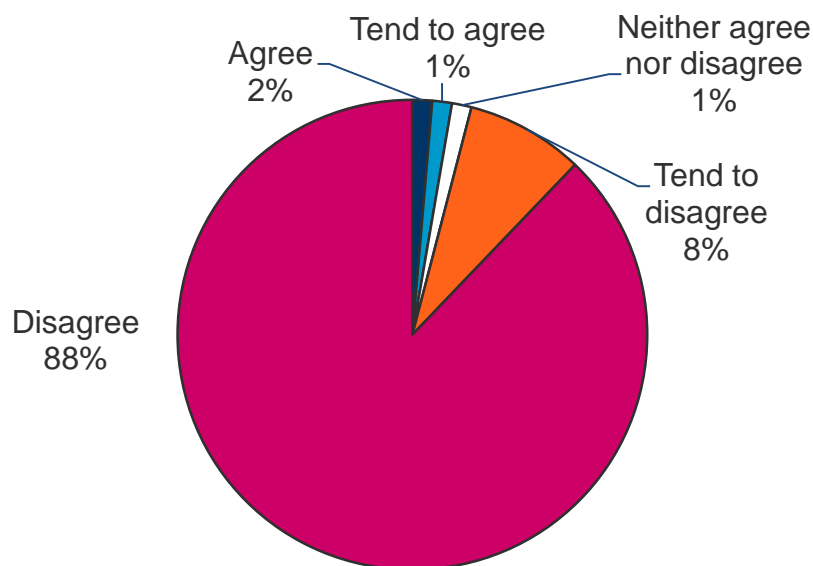
May 2016 Candidate Survey. Source: Electoral Commission
Base: All respondents (74) Police & Crime Commissioner elections
Q. I was satisfied with the Government's arrangements for communicating the views of candidates to voters

2.30 We remain concerned that the information needs of voters at these elections have not been adequately considered by policymakers when deciding whether or how to support the provision of candidate information directly to electors. In particular, we are concerned that the UK Government decided not to send a candidate information booklet to electors ahead of the 2016 PCC elections and that information about the candidates standing for PCC was again only placed on www.choosemypcc.org.uk.

2.31 While the internet has an important role in providing information to voters about any set of elections, a website alone cannot be relied upon to provide all voters with the information they need about candidates. We recognise that this is likely to change in future, however, and should therefore be kept under review. Details about the Government's website and downloads can be found in paragraphs 2.85 to 2.87 below.

2.32 Decisions about future elections should be supported by more thorough analysis by the UK Government of what kind of information people need to participate and make an informed choice, and how they should be able to access that information.

2.33 For local mayoral elections and the election of the London Mayor (who also carries out the role of PCC for the Metropolitan Police) a candidate booklet containing information about the candidates is issued by the relevant Returning Officer to electors. There is also a provision in the draft Combined Authority Mayoral Elections Order to

have candidates' election addresses included in a booklet to be sent to all eligible electors. Requiring a candidate information booklet to be sent to electors for the PCC elections would therefore ensure consistency across these similar types of polls.

2.34 We continue to urge the UK Government to commit to the provision of candidate information booklets ahead of the PCC election in 2020.

> **Recommendation 1: Electors should have better access to information about candidates at future PCC elections**
>
> We remain concerned that the UK Government did not accept and implement our recommendation following the 2012 PCC elections to ensure that electors are sent printed information about candidates at future PCC elections. It is clear from our research that voters at the 2016 elections found it less easy to access information on PCC candidates than those standing in other polls.
>
> **We continue to recommend that electors should be sent printed information about candidates at future PCC elections. This should take the form of a booklet containing information provided by each candidate, sent by the relevant Police Area Returning Officer to every household in the police area.**
>
> The UK Government should ensure that any necessary amendments to the 2016 Order are made **no later than November 2019**, in line with the timescales set out in Recommendation 3 for improving planning and the management of legislation for the May 2020 PCC elections.

People's experience of voting

2.35 Voters were very positive about their experience of voting, whether in person at a polling station or by post in the elections held on 5 May 2016:

- Nearly all (96%) of those respondents who voted in person at a polling station reported that they were very or fairly satisfied with the voting process, with 74% being 'very satisfied'.
- The majority of polling station voters (72%) found the support provided by polling station staff useful, and a further 26% said that they did not use it or need it. Polling station voters in Wales were the most positive about the support available to them with 84% saying that they found it useful, while only 13% said that they did not use it or need it.
- Just over three quarters of respondents (77%) found the written instructions on how to vote (i.e. posters in the polling booth or guidance on the ballot paper) useful. Only 2% said they were not useful, and 21% did not use them or need them.
- Nearly all (99%) of those respondents who voted by post, reported that they were satisfied with voting in this way, with 82% saying that they were very satisfied.
- 95% of respondents who voted by post said it was easy to complete and return the postal ballot, with just 3% saying it was difficult. The same proportion of respondents (95%) found the written instructions on how to vote and return the ballot useful, and 3% said they were not useful.

Rejected postal votes

2.36 When a postal ballot pack has been returned by a voter to the Returning Officer, the signature and date of birth (personal identifiers) provided on the postal vote statement must be verified (i.e. matched) against those previously provided by the elector. Where either or both the signature and date of birth are missing or do not match, the Returning Officer must reject the postal vote, and the ballot paper will not be included in the count. This is a vital stage in the postal vote administration process, and this security check ensures that the ballot paper has been returned by the registered elector rather than someone else.

2.37 Data provided by LROs shows that more than 150,000 of returned postal ballot papers (representing 4.4% of the total returned) were not able to be included in the count after the required checks on voters' personal identifiers had been carried out: 136,000 in England and nearly 15,000 in Wales. Rejection rates for returned postal ballot packs were higher in Wales (5%) than in England (4.4%). As shown in the table below, in England the rate of rejection was slightly lower in 2016 than at the previous PCC elections in 2012, while in Wales it was significantly higher. In both countries, however, the rejection rate for completed postal ballot packs exceeded the level at the 2015 UK Parliamentary general election.

2.38 In Wales the rate of rejection of postal votes for the PCC elections was higher (5%) than for the NAW elections (3.5%). In just under half the cases of rejected postal votes for the PCC elections (45%) the reason was that no ballot paper had been included in the returned postal ballot pack, while only 19% of rejected postal votes for the NAW elections were for this reason.

Table 2.1: Invalid postal vote returns at the 2016 PCC elections and comparisons

	Invalid as % of all returned 2012 PCC elections	Invalid as % of all returned 2015 UKPG elections	Invalid as % of all returned 2016 PCC elections
England and Wales	4.7	3.3	**4.4**
England	4.8	3.3	**4.4**
Wales	3.8	3.1	**5.0**

2.39 The percentage of postal votes rejected at the local government elections in England was 3.4%, slightly lower than the proportion rejected at the combined local and general elections in 2015 (3.8%).

2.40 As shown in the table below, the most common reasons why returned postal votes were not included in the count were because voters did not return either the postal ballot paper or the postal voting statement, or because either or both the signature or date of birth provided by the voter did not match the records held by the ERO.

Table 2.2: Reasons for rejection of postal votes at verification by % of total rejected at 2016 PCC and local government elections (rounded)

	England and Wales – PCC %	England PCC %	Wales PCC %	Local Government %
PV statement rejected (No signature)	6	6	5	10
PV statement rejected (No DoB)	6	5	6	6
PV statement rejected (Both)	10	10	5	10
Proportion rejected (all incomplete information)	**22**	**22**	**16**	**26**
PV statement mismatched signature	19	20	7	22
PV statement mismatched DoB	19	19	14	19
PV statement mismatched both	8	8	3	9
Proportion rejected (all mismatching)	**45**	**48**	**24**	**50**
Proportion rejected (ballot paper or statement missing)	**33**	**30**	**59**	**24**

2.41 EROs in England, Scotland and Wales have, since 2014, been required to inform electors where the signature and/or date of birth they supplied on the postal voting statement failed to match those held on record or had simply been left blank. The requirement to send a rejection notice does not apply if an ERO has any concerns that a postal vote may have been completed fraudulently, or where the person is no longer shown in the EROs records as an absent voter.

2.42 These provisions are designed to help ensure that those people can participate effectively in future elections and not have their postal vote rejected at successive polls because of signature degradation or because they are making inadvertent errors.

2.43 EROs must contact affected postal voters within three months after the elections and where a postal vote has been rejected because the signature on the postal voting statement could not be verified against the signature on the postal vote application, EROs have a power to collect a fresh copy of the voter's signature to ensure that their records are accurate; they do not, however, have an equivalent power to collect the elector's date of birth.

2.44 While there was a slight reduction in the proportion of postal ballot packs which were rejected at the May 2016 PCC elections compared with the 2012 elections, the rejection rate was higher than at the UK Parliamentary general election in 2015. Although the requirement for EROs to contact electors whose postal vote identifiers did not match is likely to have helped reduce the overall rejection rate slightly, it does not take account of people who simply did not return a ballot paper or a postal voting statement to the RO.
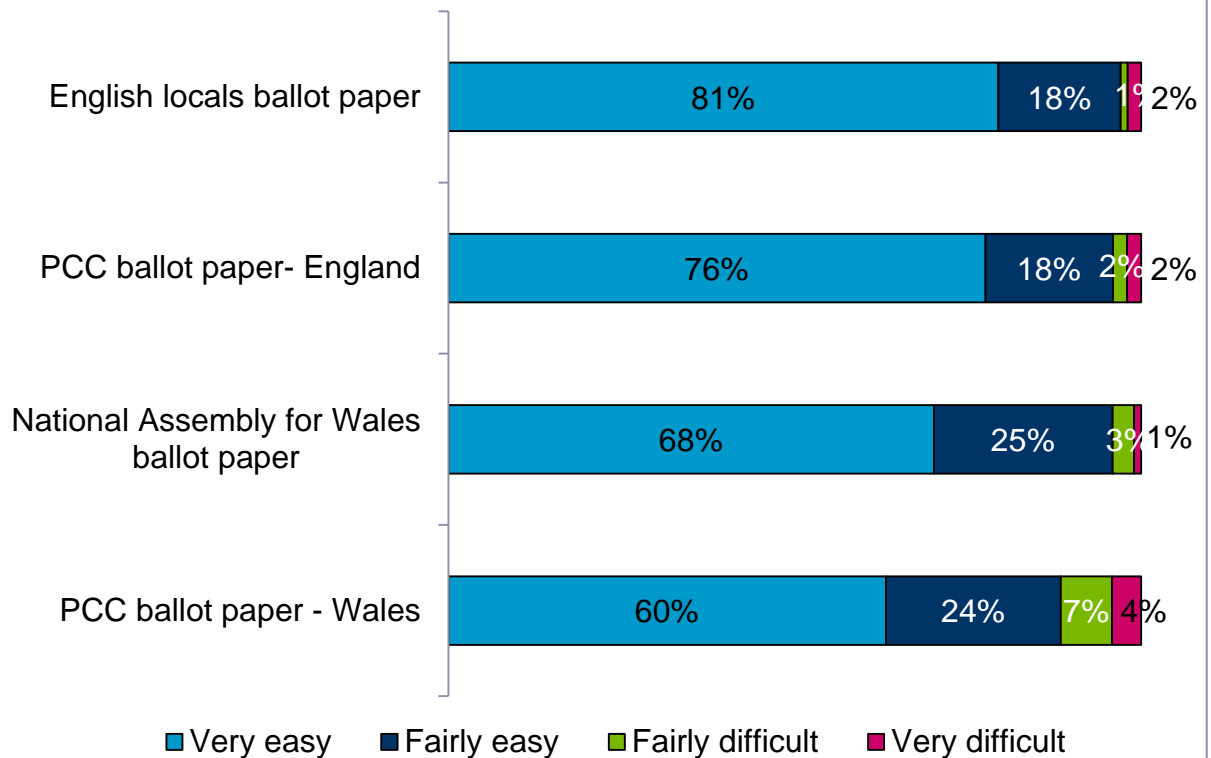
Completing the ballot papers

2.45 Our public opinion survey asked voters how easy they thought it was to fill in their ballot papers. As shown in Chart 6 below, almost all (95%) voters in PCC elections in England said it was easy to complete their PCC ballot paper. Similarly, 99% of voters in the local elections found it easy to fill in their ballot paper; with 8 in 10 (81%) saying it was very easy.

2.46 In Wales, where the PCC elections were combined with the NAW elections, voters had three ballot papers to complete[16] (one for the PCC, one for the regional Assembly Members and one for the Assembly Members). Voters in Wales were less likely to say they found it easy to complete their ballot papers: 84% said it was easy to complete their PCC ballot paper, while 93% said that they found it easy to complete their NAW ballot paper.

2.47 Our survey also asked voters in Wales how confusing they found it voting in two different elections using two different voting systems. Although the majority of voters said that they did not find it confusing (77%), one in five (20%) respondents said that they did find it confusing.

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[16] The PCC elections used the supplementary vote system. The additional member system (AMS) is used to elect Assembly members. Forty Assembly Members are elected from single member constituencies, using the first past the post system. Twenty Assembly Members are elected at regional level using the closed party list system and independent candidates may also stand for election.

Chart 2.5: How easy or difficult did you find it to fill in the ballot paper for the ___ elections?

	Very easy	Fairly easy	Fairly difficult	Very difficult
English locals ballot paper	81%	18%	1%	2%
PCC ballot paper- England	76%	18%	2%	2%
National Assembly for Wales ballot paper	68%	25%	3%	1%
PCC ballot paper - Wales	60%	24%	7%	4%

■ Very easy ■ Fairly easy ■ Fairly difficult ■ Very difficult

May 2016 elections - Post-polls survey. Source: BMG/The Electoral Commission.
Base: Voters in each election area (unweighted). English locals (571), PCCs England (630) Wales NAW (552) Wales PCC (514)
Q: How easy or difficult did you find it to fill in the ballot paper for the __ elections?

Rejected ballot papers

2.48 Before the votes on ballot papers can be counted, they must be checked and sorted to remove ballot papers which the Returning Officer judges are void. For the PCC elections, a ballot paper would be void and rejected by the Returning Officer, and therefore not included in the first preference count, if:

- It did not bear the official mark
- More than one first preference vote was given
- Anything was written or marked on the ballot paper by which the voter could be identified
- It was unmarked
- The Returning Officer could not be certain about which candidate the first preference vote was for

2.49 Where three or more candidates stood for election and no candidate received more than half of all first preference votes, voters' second preferences would also be counted. At this stage, a ballot paper would be rejected if more than one second

preference vote was marked on it, or if no second preference vote was marked, or if the Returning Officer could not be certain about which candidate the second preference vote was for.

2.50 For the PCC elections, the number of ballot papers rejected at the first count was a small fraction of the total cast (3.4%), but as in 2012 (2.8%) very high compared with all other recent nationwide electoral events.[17] The highest proportions of rejected ballot papers were in the four police authorities in Wales (more than 5% in each case) and the lowest in Nottinghamshire (1.6%).

2.51 The reasons and categories for rejected ballots at the first count are shown in the table below. Just over four in ten rejected ballot papers did not include any first preference vote; in contrast, a further three in ten ballot papers were rejected because voters marked more than one first preference vote on their ballot paper.

Table 2.3: Reasons for rejection of PCC ballot papers at the first preference stage (England and Wales)

PCC first preference rejected ballots	Percentage
Unmarked	41.2
Uncertain	25.2
Voting for too many	29.1
Writing identifying voter	0.8
Want of official mark	0.7

2.52 We received feedback from LROs who had observed that some voters appeared to have deliberately spoiled their ballot papers, although it is not possible to quantify the total number of ballots papers that were deliberately spoilt within the categories currently used for recording reasons for rejection. We will explore with the UK Government and ROs whether and how this information could be recorded at future polls. Other voters are likely to have unintentionally spoiled their ballot papers, potentially due to a lack of understanding of the SV voting process.

2.53 The reasons why voters chose to spoil their ballot paper were explored in our public opinion research. Of those respondents who said that they spoiled their ballot paper, or said that they voted in one election but not the other in combined election areas, there were two main reasons for doing so:

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[17] The previous highest rejection rate was 1.0% at the coincident local elections and referendum on the voting system for UK Parliamentary elections in May 2011; the lowest was 0.3% at the 2005, 2010 and 2015 general elections.

- Just under a third said that they **did not have sufficient information** about the PCC election (36%)
- A quarter said that they **disagree with the election of PCCs** (25%)

2.54 By comparison, only 0.62% of votes were rejected at the local government elections.[18] As shown in Table 5 below, the most common reason for rejection was because no vote had been marked on the ballot paper or the Returning Officer could not be certain about which candidate or candidates the votes were for, shown below as 'unmarked or void for uncertainty'.

Table 2.4: Reasons for rejection of local government ballot papers at the first preference stage

Rejected ballots	Percentage
Unmarked or void for uncertainty	63.8
Voting for too many	32.4
Writing identifying voter	1.7
Want of official mark	2.2

Second preference votes at the PCC elections

2.55 In elections held using the supplementary vote (SV) electoral system, first preference votes are counted first. If a candidate receives more than 50% of the valid votes cast they are elected. If no candidate has more than 50% of the valid votes cast, all candidates apart from those in first and second place are eliminated. The votes showing a first preference for the eliminated candidates are checked for their second preference. Any second preference votes for the two remaining candidates are then added to their first preference votes and the candidate with the most votes wins.

2.56 In four police areas (Durham, Merseyside, Northumbria and South Yorkshire) candidates received more than 50% of valid first preference votes and were therefore declared elected without requiring second preference votes to be counted.

2.57 The table below shows the reason why ballot papers were rejected in the remaining 36 police areas where voters' second preference votes were counted. The average proportion of second preference votes rejected was 23% for police areas in England, and 28% for areas in Wales.

2.58 As shown in Table 6 below, the main reason why ballot papers were rejected at the second preference count was because voters had not marked a second preference vote.

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[18] This is in line with previous local government elections.

Table 2.5: Reasons for rejection of PCC ballot papers at the second preference stage

PCC second preference rejected ballots	Percentage
Unmarked	84.7
Uncertain	10.3
Voting for too many	4.5
Writing identifying voter	0.5
Want of official mark	0.01

2.59 It is not possible to determine whether this data indicates that voters did not want to use their second preference vote for another candidate, were not confident in using a second preference vote, or they did not realise they were able to exercise a second preference vote.

Supplementary vote ballot papers

2.60 In our report on the previous PCC elections in 2012 we recommended that the UK Government should *"review options for the design and wording of ballot papers for future elections using the supplementary vote electoral system, in order to reduce the risk of ballot papers not being counted because they have been incorrectly completed".*

2.61 We made a commitment that if this was not undertaken by the Government we would undertake our own review with voters on ballot paper design for elections using the SV system, in order to reduce the risk of ballot papers not being counted because they have been incorrectly completed.

2.62 In March 2015 we commissioned GfK NOP to undertake qualitative research with members of the public to explore how easy or difficult participants found the instructions on the SV ballot paper for PCC, GLA and mayoral elections to understand the reasons for this.

2.63 Based on the findings from the research we suggested improvements to the instructions on an SV ballot paper to make it easier for voters to understand how to mark their ballot paper in the way they intend to. We also identified a number of information needs that would help voters feel informed about SV, and reassured that they could complete their ballot paper correctly. Our assessment can be found here, and the accompanying research report here.

2.64 We were disappointed that these recommendations for amendments to the PCC ballot paper were not taken on board by the UK Government.

2.65 We also made these recommendations to London Elects who amended the Mayor of London ballot paper in line with most of our recommendations. However, they

were not able to accept the inclusion of 'You should **not** vote for the same candidate twice' as it was not compatible with the electronic counting software.

2.66 While we are pleased that the UK Government intends to prescribe that the ballot paper to be used for the Combined Authority Mayor (CAM) elections in 2017 is based on the London Mayor ballot paper, this does not include of the instruction 'You should **not** vote for the same candidate twice'.

2.67 In some areas in May 2020 the PCC elections will be combined with the CAM elections, in addition, some local authorities will also be administering a local mayoral election. For all of these electoral events, SV ballot papers should have the same design in order to ensure consistency for voters.

2.68 To ensure that voters receive a consistent and clearly designed ballot paper for all supplementary vote elections we recommend that the SV ballot paper for the 2020 PCC elections, CAM elections, Mayor of London and local mayoral elections are all amended to reflect the improvements which we recommended in our SV ballot paper report.

Recommendation 2: The design of ballot papers for elections using the supplementary vote system should be improved

We remain concerned that the UK Government did not accept and implement our recommendation to improve the design of ballot papers for elections using the supplementary vote system ahead of the May 2016 elections. In 2015, following user testing, we recommended to the UK Government that the supplementary vote ballot paper used at Police and Crime Commissioner and mayoral elections should be amended to:

- Ensure that the instructions draw voter's attention to key words to emphasise how voters should complete their ballot paper. This would include emboldening key words to made them more prominent on the ballot paper.
- Re- label Column 1 and Column 2 as Column A and Column B to avoid confusion.

We also recommend that additional information for voters about how to complete a supplementary vote ballot paper should be provided, including highlighting that the voting system is different from a first-past-the-post election. This should include information explaining that voters can select two candidates, a first and a second choice, and that they cannot vote for the same candidate twice. This information should be prominent on all voter materials to guide, support and reassure voters in completing their ballot paper.

In some areas in May 2020 the scheduled PCC elections will be combined with local authority mayoral elections, which also use the SV voting system. Combined Authority Mayoral elections may also be held in some areas in England in May 2020, and it is proposed that they will also use the SV voting system.

We continue to recommend that the prescribed design and wording of ballot papers for PCC elections, local mayoral elections and Combined Authority

Mayoral elections should be amended to reflect our 2015 recommendations, to ensure that voters at the May 2020 elections receive well-designed ballot papers.

Confidence that the elections were well-run

2.69 Our research found that more than three quarters of people (77%) were confident that the PCC elections were well-run. Confidence was significantly higher among those who cast their vote than those who did not (89% compared with 64% respectively). Confidence was also higher in areas where the PCC elections were combined with other elections: 81% where the PCC elections were combined with local elections in England, and 83% where they were combined with NAW elections. In areas where only the PCC elections were held, a slightly lower proportion of people (72%) said that they were confident the elections were well-run.

2.70 A lack of information was cited as the main reason why people were not confident that the election was well run: 57% of respondents mentioned a lack of information about the election; 28% mentioned a lack of information about candidates; 13% mentioned that they did not know anything about it because of a focus on the referendum; and 10% said that the information was confusing and they did not know what the election was for.

Electoral integrity

2.71 Evidence from cases of alleged electoral fraud reported to police forces shows that there were a very small number of allegations of electoral fraud[19] relating to the PCC elections.

Concern that fraud took place at the May 2016 elections

2.72 Nearly four in ten respondents (39%) to our public opinion research thought that hardly any (25%) or no (15%) electoral fraud took place at the May 2016 PCC elections. Similarly 38% believed that 'hardly any' took place at the local elections.

2.73 However, almost one-third (31%) of people said that they thought electoral fraud took place at the PCC election, with 25% saying they thought it happened 'a little' and 6% saying 'a lot', similarly 29% believed 'a little' and 5% believed 'a lot' took place at the local elections. Those respondents who said that they thought electoral fraud had taken place at the May 2016 polls were asked which out of a list of options best described why they thought this. The main reasons why people thought that fraud had taken place frequently related to:

- Identity fraud is on the increase (53%)
- People registering others at the same address (48%)
- Don't need to provide identification to vote (45%)

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[19] Throughout this report, the term 'electoral fraud' refers to breaches of the Representation of the People Act (RPA) 1983.

- A general impression that fraud is a problem (46%)
- Postal voting is not secure (45%)
- Seen stories in the media about electoral fraud (36%)
- People registering multiple times (36%)

2.74 Almost four in five (79%) thought that voting in general was safe, with those who voted (82%) slightly more likely to think that it was safe than those who did not vote (77%). Voting at polling stations was perceived as more likely to be safe than postal voting (88% compared with 56% respectively), although 85% of people who voted by post thought that postal voting was safe. These figures are in line with results from post-election surveys at previous polls.

2.75 Candidates and agents were also asked how much, if any, electoral fraud they thought took place on 5 May. Fourteen percent of candidates said that they thought a little (13%) or a lot (1%) had taken place, while 24% thought that there was none at all and 31% said that they did not know. This is similar to responses following the 2012 PCC elections.

Allegations of electoral fraud

2.76 The Electoral Commission has worked with the National Police Chiefs' Council since 2008 to collect and publish data on allegations of electoral fraud each year. Between 1 January and 31 July 2016, 153 cases of alleged electoral fraud have been reported to police forces across the UK. Seventeen of these cases related to the PCC elections and 74 related to the English local government elections.

2.77 Table 2.6 below shows a breakdown of the types of alleged cases reported at these elections.

Table 2.6: Allegations of electoral fraud reported to the police in relation to the May 2016 PCC and local government elections

Category of offence	Police and Crime Commissioner elections	English local government elections
Registration	2	8
Nomination	0	5
Campaigning	9	38
Voting	5	22
Administration	1	1

2.78 We expect to publish full data for cases of alleged electoral fraud reported during 2016 across the UK, including outcomes where available, by March 2017.

Voter registration campaigns

Our public awareness campaign

2.79 We ran a campaign to increase people's awareness of all elections taking place in England and Wales on 5 May. This included advertising as well as partnership work aimed at under-registered groups and public relations (PR) activity. We advertised on TV, radio and online.

2.80 Our objectives were to ensure people knew the PCC elections were taking place at the same as other elections and to encourage people who weren't already registered to vote to do so by the 18 April deadline.

2.81 We aimed to reach all eligible voters with a particular focus on recent home movers, renters, students, young people and some black and minority ethnic (BME) communities, as through our research we identified these groups as people who are least likely to be registered to vote.

2.82 We ran online advertising including website banners and Google search ads from 8 February and social media ads from 4 April. Our TV and radio (in Wales only) advertising started on 14 March. Where possible these ads featured messaging about the PCC elections.

2.83 In Wales the National Assembly for Wales and PCC elections each used a different voting system. To help people understand how to cast their vote correctly in each of the elections we distributed a booklet to every household in Wales from 4 to 7 April. The booklet contained information on registering to vote; how to complete the different ballot papers; how to vote (in person, by post or by proxy); and where to get more information, including directing people to the UK Government's choosemypcc.org.uk website for more information about the PCC elections.

2.84 EROs also have a duty to promote participation in the electoral process in their area. Maximising the number of voters registered relies on an effective local public engagement strategy with robust processes behind it. We made available to electoral administrators a suite of resources which they could use to promote voter registration ahead of the elections, including: posters; website banners; template content for websites, emails and social media channels; and template press releases, articles and blog posts.

The UK Government's role in providing candidate information

2.85 Although we have previously recommended that voters should be sent information about candidates standing for election as PCC in their force area, the UK Government instead decided to host candidate information on a central website (choosemypcc.org.uk) with printed copies available on request via an automated order phone line. The site was based on the approach which had been adopted by the Home Office for the 2012 PCC elections.

2.86 The choosemypcc.org.uk website received 888,906 visits from 7 March – 5 May and on polling day there were 60,000 more visits compared to 2012. More than 70,000 people ordered printed candidate information via choosemypcc.org.uk between 15 April and 5 May and around 39,000 hardcopy booklets were requested. The Cabinet

Office has reported that the timescales for producing alternative format booklets were initially miscalculated by the supplier, leading to minor delays.

2.87 We referenced the choosemypcc.org.uk website and phone number in the booklet we distributed to every household in Wales. Our call centre protocol ensured that every caller was given the option of finding out information about candidates if they wished by being transferred to the Cabinet Office line at the end of every call.

Campaign results

2.88 We set targets for both the number of applications to register submitted online during the campaign and the number of additions to the register made during this period (not all applications result in additions to the register as some are duplicates and others may not be verifiable). Our targets and results are set out in Table 8 below.

Table 2.7: Targets and results for our May 2016 campaign

	Online applications		Additions to the register	
	Target	Actual	Target	Actual
England (ex. London)	877,000	827,472	585,000	513,721
Wales	65,000	49,340	43,500	46,779
Great Britain	**1,275,000**	**1,214,844**	**900,000**	**794,882**

2.89 We fell short of our applications targets in both England and Wales.

2.90 We also set a target for campaign recognition. Our target was for 75% of people to recognise one or more element of the campaign. We exceeded this target in both England[20] and Wales where the campaign recognition level was 77% and 83% respectively.

2.91 For more information on our public awareness campaigns view our evaluation report.

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[20] This is includes London as separate data is not available.

3   The administration of the poll

3.1   The May 2016 PCC elections were administered professionally and effectively, and people were confident that they were well-run. However, some administrative problems arose during the election period which meant that some voters, candidates and campaigners did not receive the level of service they should have been able to expect. We consider these issues below and make recommendations for the administration of future PCC elections where appropriate.

Timing of legislation for the polls

3.2   The Commission has consistently recommended since 2007 that legislation for elections should be clear (whether by Royal Assent to an Act or by the introduction of secondary legislation for approval by Parliament) at least six months before it is required to be implemented or complied with. The Police and Crime Commissioner Elections Order 2016 (the 'PCC Elections Order') was laid in Parliament on 17 December 2015, just under five months before polling day for the 2016 elections.

3.3   The PCC elections Order made provision for NAW elections to be combined with PCC elections and reflected recent changes to electoral law, notably those in the Electoral Registration and Administration Act 2013.

3.4   The Commission was consulted on the draft PCC Elections Order in September 2015. We welcomed the UK Government's amendments which:

- Applied the conduct provisions in the Electoral Registration and Administration Act 2013
- Made provision for the PCC elections in Wales to be combined with the NAW elections held on the same day, and mirrored the combination provisions in the NAW Conduct Order
- Provided that where the PCC elections were combined with the NAW elections the voting areas for the purposes of the PCC election in Wales are the NAW constituencies instead of the local authority areas
- Ensured that both polls were administered using the same voting areas and that the PCC LRO for a voting area was also the constituency RO for the NAW constituency

3.5   The Police and Crime Commissioner Elections (Local Returning Officers' and Police Area Returning Officers' Charges) Order 2016 which sets out maximum recoverable amounts available to LROs and PAROs for recovering costs for their expenses and the fees for their services, did not require Parliamentary approval. Nevertheless, it was only made on 12 April 2016 and came into force the following day, three weeks before polling day.

3.6   By the time the fees and charges legislation and guidance had been published, LROs and PAROs had already made significant plans and committed resources, including the recruitment of staff, booking polling stations and count venues, and putting in place all of the associated detailed arrangements, without the availability of

explanations or guidance on permitted expenditure. The lateness of the fees and charges legislation was raised as a significant issue by respondents to our survey of Returning Officers and electoral administrators. One administrator observed that:

> *Anything which has to be paid in advance, i.e. deposits for mobile stations, venues, payment for sundries etc. is met by the local authority long before any advance is received.*

3.7   Better management of the development of the legislation for Returning Officers' fees and charges legislation would mean that the recoverable amounts could have been confirmed much further in advance of polling day and could have supported improved planning by ROs. We continue to recommend that the UK Government implement the principle of agreeing funding legislation for polls at least six months before polling day.

Recommendation 3: Legislation for elections should be clear in good time before it is required to be implemented or complied with

The Police and Crime Commissioner Elections Order 2016 was laid in Parliament on 17 December 2015, just under five months before polling day for the 2016 elections.

Governments with legislative competence over elections within the UK should manage the development and approval of legislation so that it is clear (either by Royal Assent to primary legislation, or by laying secondary legislation for approval by Parliament) at least six months before it is required to be implemented or complied with by campaigners or electoral administrators.

If a government has not been able to make legislation clear at least six months before the date of a scheduled poll, it should table a formal statement in the relevant legislature, explaining why it has not, and setting out its assessment of the likely impact of the late confirmation of legislation for campaigners, electoral administrators and electors.

3.8   In our December 2012 report on the costs of the 2011 referendum on the voting system for UK Parliamentary elections,[21] we recommended that the UK Government should publish full cost details for all future polls which it is responsible for funding directly, including the first PCC elections which had been held in November 2012. Although the Government has made available some information about the total settled expenditure per force region for the 2012 elections, it has not yet published the detailed information and analysis which would enable governments and Returning Officers to secure the most efficient allocation of resources at future polls.

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[21] Electoral Commission (2012) *Costs of the May 2011 referendum on the UK Parliamentary voting system*

> **Recommendation 4: Information and analysis of the costs of the 2012 and 2016 PCC elections should be made publicly available**
>
> Information about the costs of running elections will help governments and Returning Officers to secure the most efficient allocation of resources at future polls.
>
> **The UK Government should publish as soon as possible full cost details for the 2012 and 2016 PCC elections, and make any recommendations for improvements in the way the process is administered at future elections.**

Performance of Returning Officers

3.9 We set, monitor and report on performance standards for ROs in England, Scotland and Wales. Our approach to assessing the performance of those ROs included:

- Considering the details of the issue
- Considering whether the RO had the necessary processes in place to be able to deliver well-run elections
- Considering whether the issue was due to the processes followed by the RO, or was an unforeseeable matter that was out of the control of the RO and could not reasonably have been anticipated
- Considering what remedial action was taken by the RO and the timeliness of this action
- Considering the impact of the issue on voters and those standing for election

3.10 Where we identified or were made aware of problems with the administration of the PCC elections in England and Wales or the local elections in England, we first worked closely with affected ROs to resolve the issue with the minimum impact on voters and those standing for election. Subsequent to our provision of advice and guidance to support ROs in managing issues encountered, we contacted ROs to confirm our understanding of the issue and any mitigating action taken. We also invited ROs to provide us with any relevant additional information as well as their assessment of the impact that the issue had upon voters and those standing for election.

3.11 Through an assessment process incorporating a review by a panel made up of representatives from ECAB, at present we have assessed one RO as not meeting elements of the performance standards for the PCC elections. Information about the issues involved and our assessment is set out below.

Wokingham
3.12 In Wokingham, a number of returned PCC postal ballot papers had been torn along the fold line by voters between the Postal Vote Statement and the ballot paper, instead of the along the perforated line. This tear caused the removal of the official mark and meant that the Returning Officer could not include the affected ballot papers in the count. This error occurred due to the design of the postal ballot packs.

3.13 We concluded that the RO did not meet elements of performance standard 1 because, despite having encountered a similar issue in May 2015, sufficient measures had not been put in place to prevent a similar issue re-occurring. The design of the

postal ballot paper resulted in a number of voters losing the opportunity for their vote to be counted in their local PCC election.

3.14 We welcome the measures that the RO in Wokingham has put in place to prevent a recurrence of this issue for future polls, and will continue to support them to ensure the provision of a consistently high quality standard of service for voters and those standing for election.

Online registration applications

3.15 The availability of online registration applications across Great Britain – which was introduced at the same time as the transition to IER began – has already demonstrated clear benefits, with 78% of all registration applications since June 2014 being submitted online.[22] Evidence suggests that the service has been particularly popular among some of those groups who are typically under-registered, such as overseas voters and young people.

3.16 Respondents to our survey of electoral administrators did however, cite some concerns about whether the increased convenience and accessibility of online registration may have had the unintended effect of increasing the number of applications from people who were already registered to vote, and which therefore required some unnecessary work by elections teams at a critical period in the election timetable.

3.17 We received feedback from ROs, and from electors themselves, that it would be more helpful if it were possible for people to use the online registration system to check whether they were already correctly registered to vote before submitting a new application. Similar facilities are already offered to voters in other comparable democracies, including Australia and New Zealand.

3.18 Our evidence also suggests that the impact of the referendum on the UK's membership of the EU had an increase on the number of duplicate applications because people wanted to make sure that they had registered for the referendum and thought that they had to re-register to vote in it. One electoral administrator commented in our feedback survey that:

> *"A Facebook rumour that people must register again for the EU Ref generated a lot of duplicate applications and additional emails/phone calls."*

3.19 This created a much higher volume of electoral registration applications at that stage, many of which were for people who were already registered to vote.

3.20 We will continue to work with the UK Government to make sure that the information provided on the online registration service website is as clear and accurate as possible, taking into account feedback from Returning Officers at this year's polls, in order to reduce the number of applications made by people who are already correctly registered to vote. We also continue to recommend that The UK Government should

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[22] As at end June 2016.

develop an online service to allow people to check whether they are already correctly registered to vote before they submit a new application to register.

> **Recommendation 5: Electors should be able to check online whether they are correctly registered to vote**
>
> Providing a way for electors to check their registration status at the beginning of the online registration application process would reduce the action required by voters to keep their register entry up to date, and would also reduce the impact on EROs of processing duplicate applications.
>
> **The UK Government should develop an online service to allow people to check whether they are already correctly registered to vote before they complete a new application to register.**
>
> Any such service would need to carefully manage and protect voters' personal information.

Combining the PCC elections with other elections

3.21 The combination of the poll for the PCC elections on 5 May 2016 with the poll for NAW elections, and in parts of England with local government elections, meant an intense period of planning and preparation for all those responsible for the administration of the elections to ensure that the right level of coordination and consistency was achieved.

3.22 In Wales, there were two different electoral systems in use, incorporating two methods of voting, with three ballot papers. Although the PCC elections were run on NAW constituency boundaries, a number of Assembly constituencies cross local authority boundaries and not all police areas are coterminous with the Assembly regions, which added a layer of complexity to the administration of the elections.[23]

3.23 In England, where the poll at the PCC election was combined with the poll at a local government election, this involved two different electoral systems and at least two separate ballot papers.

3.24 Although combining the poll for different elections held on the same day increases the risks in administering the poll, it improves the experience for voters who do not need to attend separate polling stations or, where the issue of postal votes is also combined, complete separate postal ballot packs. Combining the poll for the PCC elections with the local government elections in England did not present any significant issues, largely as a result of effective planning and communication. However, in Wales the lateness of the combination Order made the scheduling and completing tasks difficult and placed additional pressure on the printing and production of postal ballot packs.

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[23] Further information can be found in our report on the NAW elections, available on our website at http://www.electoralcommission.org.uk/our-work/publications/election-and-referendum-reports

3.25 A UK Parliamentary by-election also took place in the Ogmore parliamentary constituency in Wales and Hillsborough and Brightside (England) on 5 May. While this placed additional pressure on the administration of the elections in these areas, effective planning and communication meant that all polls in these constituencies were well-run with no issues reported.

4 Standing for election and campaigning

4.1   In this chapter we consider the experiences of those who stood as a candidate and were involved in campaigning at the Police and Crime Commissioner elections.

Standing for election

4.2   A total of 188 candidates contested the 2016 PCC elections either representing one of the 10 political parties or as one of the 25 candidates who stood as an independent.

4.3   We carried out a survey of candidates who stood for election as PCCs at the May 2016 elections. Three quarters of respondents to our candidates survey (75%) agreed that it was easy to find out what they needed to do to become a PCC candidate, while 16% disagreed. Nearly nine in ten (88%) said they understood the rules for becoming a PCC candidate and how to follow them, while 5% disagreed.

4.4   Our survey indicated that around a quarter of candidates felt that the timetable for submitting election addresses was too tight, 52% disagreed.

4.5   More than nine in ten respondents either agreed (64%) or tended to agree (27%) that candidates received sufficient information from Returning Officers on the nomination process with only 2% disagreeing or tending to disagree.

4.6   To be validly nominated, candidates for the PCC elections were required to secure the signatures and elector numbers of 100 electors (known as subscribers) who are included in an electoral register within the relevant police area. This number of subscribers is irrespective of police force area size, and significantly more than that required for candidates at UK Parliamentary elections or local government elections (both ten).

4.7   Following the 2012 PCC elections we reported that it had been difficult for some candidates to collect the necessary subscriber signatures, and for Returning Officers to administer the nomination process. Our evidence suggests that candidates and Returning Officers experienced similar problems at the 2016 elections.

4.8   While forty-five per cent of all candidates surveyed said that they found it easy to get the signatures required to secure nomination, nearly as many (41%) disagreed.

4.9   Independent candidates were more likely to say that they did not find it easy to get the necessary number of signatures from subscribers (73%), with none agreeing that it was easy and only 18% tending to agree. In contrast, half of candidates who were standing on behalf of a registered political party said that they found it easy to get the necessary number of signatures from subscribers (22% agreed it was easy and 27% tended to agree), while nearly one third said that they did not find it easy (15% disagreed and 19% tended to disagree).

4.10 One Returning Officer who responded to our RO feedback survey said that it was time-consuming to input the details of subscribers onto the computer, especially where they were across different registers, which need to be exchanged across authorities (in the case of one respondent, 8 different authorities) and checked.

4.11 In addition to obtaining signatures from 100 eligible electors, potential candidates were required to raise a deposit of £5,000 in order to be validly nominated. This could be made either in cash or by means of a bankers draft or by the electronic transfer of funds or by credit or debit card. The level of deposit required for candidates at PCC elections is the same as that required for parties and candidates at European Parliamentary elections, and ten times that required for candidates at UK Parliamentary elections.

4.12 Consistent with our findings following the 2012 PCC elections, our survey of candidates found that raising the deposit to secure nomination was not easy for all candidates. While 42% of respondents to our candidates survey agreed that it was easy, half (50%) said that they did not find it easy to raise the required deposit. In 2012, nearly four in ten (39%) respondents said that it was difficult to raise the deposit required to secure a nomination.

4.13 Independent candidates were more likely to say that they did not find it easy to raise the deposit, with 55% disagreeing and 18% tending to disagree that it was easy. Only 9% of independent candidates agreed that it was easy and 9% tended to agree[24]. For candidates who were standing on behalf of a registered political party, 34% agreed that it was easy to raise the deposit and 12% tended to agree, while 15% disagreed and 29% tended to disagree.

4.14 We concluded in our 2015 standing for election report[25] that the UK and Scottish Governments should review the requirements for the number of subscribers' signatures to ensure that they are proportionate to the type of election (for example reflecting the size of the electorate and the nature of the post being contested) and that any differences in the rules between elections reflect conscious policy choices by the relevant legislature. In light of the evidence from the 2016 PCC elections we remain concerned that requirements to obtain subscriber signatures are a barrier to standing for election and recommend they should be set as low as reasonably possible in order to promote participation in elections. We have also previously recommended that independent candidates should have access to the electoral register at an earlier stage in the electoral timetable, so that independent candidates are able campaign on a more equal basis with candidates standing on behalf of registered political parties.

4.15 The evidence from the 2016 PCC elections also suggests that the current deposit requirements continue to represent a significant financial hurdle for independent candidates and candidates from smaller parties. We remain concerned that the ability to pay a deposit is not a relevant or appropriate criterion for determining access to the

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[24] Note small base size – of those that returned the survey, 11 were independent. As a result these figures should be taken as indicative.
[25] Electoral Commission (2015) *Standing for election in the United Kingdom: Report and recommendations*; see also Electoral Commission (2003) *Standing for Election*, pp.15-24.

ballot paper, and there is no evidence that the current requirements are sufficient to deter a well-off 'non-serious' candidate.

4.16 We therefore continue to support our preferred option for change in respect of deposits set out in our 2003 and 2015 reports, to remove all requirements in electoral law for candidates to pay a deposit before their names are allowed to be included on a ballot paper.

Recommendation 6: The number of subscribers should be set as low as reasonably possible in order to promote candidate participation in elections

To be validly nominated, candidates for the PCC elections were **required to secure the signatures and elector numbers of 100 electors (known as subscribers) who are included in an electoral register within the relevant police area. This number of subscribers is irrespective of police force area size, and significantly more than that required for candidates at UK Parliamentary elections or local government elections (both ten).**

We reported that this had been an issue for some candidates**, especially independent candidates, in the 2012 PCC elections and our evidence continues to suggest that the requirements to obtain subscriber signatures are a barrier to standing for election ad participation in elections.**

The UK Government should set out its assessment of the impact of the requirement for such a large number of subscribers on participation by candidates at elections for PCCs. The UK Government should also explain why the proposed subscriber requirements are appropriate for these elections, and should also set out why it does not believe the number of subscribers required can be reduced.

Recommendation 7: Candidates should not be required to pay a deposit in order to be able to stand for election

Our evidence continues to suggest that deposits represent a significant financial hurdle for independent candidates and candidates from smaller parties and the ability to pay a deposit is not a relevant or appropriate criterion for determining access to the ballot paper.

We continue to recommend that there should be no deposit requirement for candidates or political parties at all UK elections, as we consider that the ability to pay a deposit is not a relevant or appropriate criterion for determining access to the ballot paper.

Recommendation 8: Independent candidates should be given more equal access to the electoral register for electoral purposes

We continue to recommend that the law is changed to allow all candidates to get earlier access to the register for electoral purposes. This would particularly

enable independent candidates to campaign on a more equal basis with candidates from political parties.

Regulation of spending and donations

4.17 There are rules on candidates' campaign spending for Police and Crime Commissioner elections, and on the donations they receive to fund their campaigns. The Commission has a statutory remit to take all reasonable steps to ensure compliance with these rules. Enforcement of the rules is a matter for the police.

4.18 The regulated period for the 2016 PCC elections in England and Wales began on the day after someone officially became a candidate and ended on polling day, 5 May 2016. The earliest date that people could officially become a candidate was the last date for publication of the notice of election, which was Wednesday 30 March 2016.

4.19 Generally, there is no regulated period for political parties campaigning at PCC elections. However, as the PCC elections were combined with the National Assembly for Wales elections in 2016, any spending the parties incurred to promote the PCC candidates, had to also fall within their spending limit for the National Assembly for Wales elections. In England, party spending on the PCC elections that promoted the candidate during the candidate regulated period, and was authorised by the candidate's agent, had to be reported in the candidate's spending return.

4.20 The Commission produced guidance for candidates, and political parties, and offered an advice service to answer questions that campaigners had about the rules. This supported the Commission's aim of ensuring compliance with the rules through providing support and guidance. Following the elections, we conducted a survey of PCC candidates and agents. Just under half of all candidates (45%) agreed that the Commission was a useful source of advice and guidance during the campaign, with a fifth (27%) neutral on this matter.[26] We also asked candidates about their understanding of the rules. Of candidates who had previous experience of standing for election, 71% agreed the rules on spending and donations were clear, 62% of those without prior experience found this to be the case[27].

4.21 The Commission also carried out a programme of campaign monitoring for these elections. Our monitoring used various sources, including press, broadcast and online media, to observe and record information about election campaigns. The purpose of this work was to promote compliance with the law by raising campaigners' awareness of the rules and our role in applying them; to identify emerging issues so we could offer advice and guidance to those we regulate and to obtain information on activity that we may refer to when looking at the financial disclosures submitted by campaigners. In the

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[26] May 2016 Candidate Survey, conducted by the Electoral Commission
[27] Note small base size – of those that returned the survey, 19 said that they had not contested an election before. As a result these figures should be taken as indicative.

run-up to the elections, we published a briefing note which contained our monitoring plans for the all the elections taking place across the UK in May 2016.[28]

4.22 As with our monitoring of other elections, we may cross-reference the information collected with details of spending or donations reported on candidates' statutory returns. Candidates were required to provide their spending returns to the relevant PARO within 70 days of the election result (this deadline fell on varying dates between 14 and 18 July for different areas, depending on when the count was concluded and the result declared). Candidates' spending returns are made available for public inspection at the offices of the relevant PARO.

4.23 In our public opinion survey after the elections, we asked to what extent people agree or disagree that 'if a political party or another campaigner is caught breaking the rules, the authorities will take appropriate action'; 63% agreed appropriate action would be taken with 22% disagreeing.

4.24 Although the Commission has a statutory remit to take all reasonable steps to ensure compliance with these rules, enforcement of the rules is a matter for the police. This can cause confusion among voters about who is responsible for breaches of the rules. We have previously recommended extending our investigative and sanctioning powers to apply to offences relating to candidate spending and donations. We continue to recommend that this change would help ensure compliance with the rules and strengthen the voters' trust in the regulatory system.[29]

Improving access to information about candidate spending and donations

4.25 Currently PAROs and other election returning officers only make candidate returns available for public inspection in paper form, where anyone interested in inspecting a return can make an appointment to view it. With the growing use of the internet, we have previously recommended that candidates' election returns should also be made available for viewing online, and that the legislation should explicitly provide for this.[30]

4.26 Making this change would improve transparency locally and nationally by making information about spending and donations for election candidates more widely accessible. It would be particularly beneficial for Police and Crime Commissioner elections because the electoral areas are geographically much larger than other UK

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[28] Electoral Commission campaign monitoring briefing note, May 2016 elections http://www.electoralcommission.org.uk/__data/assets/pdf_file/0011/194960/May-2016-Elections-Briefing-Note.pdf
[29] Electoral Commission, Regulatory Review of Party and Election Finance 2013, Recommendation 43 http://www.electoralcommission.org.uk/__data/assets/pdf_file/0008/157499/PEF-Regulatory-Review-2013.pdf, and Electoral Commission, UK Parliamentary General Election 2015 campaign spending report http://www.electoralcommission.org.uk/__data/assets/pdf_file/0006/197907/UKPGE-Spending-Report-2015.pdf, Recommendation 1
[30] Electoral Commission, Regulatory Review of Party and Election Finance 2013, Recommendation 34

elections, and currently voters will typically have further to travel to visit one office to physically inspect a spending return.

> **Recommendation 9: Candidate spending returns should be published online**
>
> To improve transparency and accessibility of candidate spending returns, we have previously recommended that Returning Officers and Police Area Returning Officers should be required to publish spending returns online as well as through the existing methods of public inspection.
>
> **We recommend that spending returns of Police and Crime Commissioner candidates should be published online in future. We support recommendation 12-5 of the Law Commissions' review of Electoral Law which proposes a method for implementing this change through legislation.[31]**

Party names and descriptions

4.27 We maintain and publish the registers of political parties in Great Britain and Northern Ireland. A political party has to be registered with us in order to field candidates at an election. A party can register up to three emblems and up to 12 descriptions that can be used by party candidates on the ballot paper.

4.28 All PCC election candidates standing on behalf of a political party, are able to include one registered party emblem, and either the registered party name, or a registered party description on the ballot paper. The candidates must get written permission from the party, and submit this to the Returning Officer. When using a registered description on the ballot paper in place of the registered name of the political party, the party's identity may not be clear to all voters, as not all party descriptions include the name of the political party.

4.29 We have previously recommended that where a candidate represents a political party on an election ballot paper, it should be clear to voters which party the candidate represents. We continue to be concerned that the legal provisions for registration of party descriptions present risks of confusion for voters and restrict the participation of political parties.[32]

4.30 The legislation on registration of party names, descriptions and emblems is set out in Part 2 of the Political Parties, Elections and Referendums Act. In contrast, the use of these party identity marks on ballot papers is determined by the detailed election rules set out in secondary legislation for each election (with the exception of the rules for UK Parliamentary elections, which are set out in Schedule 1 to the

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[31] Law Commissions' Review of Electoral Law, Recommendation 12-3, page 161 http://www.lawcom.gov.uk/wp-content/uploads/2016/02/electoral_law_interim_report.pdf
[32] Electoral Commission (2015) *The May 2015 UK elections: Report on the administration of the 7 May 2015 elections, including the UK Parliamentary general election*, recommendation 10http://www.electoralcommission.org.uk/__data/assets/pdf_file/0006/190959/UKPGE-report-May-2015-1.pdf

Representation of the People Act 1983). We believe that the legislation in this area needs to be reformed in a joined-up way.

Recommendation 10: Legislation for the registration of party names and descriptions for use on ballot papers should be reformed

We continue to recommend that where a candidate represents a political party on a ballot paper, it should be clear to voters which party the candidate represents. The legal provisions for registration of party descriptions present risks of confusion for voters and restrict the participation of political parties.

The Governments of the UK should work with the Electoral Commission to reform the provisions on party descriptions.

Restrictions on publicity by local and central government in the pre-election period

4.31 Separate to the candidate spending rules at elections, it is traditional for central and local government to observe restrictions on publishing politically sensitive information in the run up to elections. The term 'purdah' is sometimes used to describe the period of time when these specific restrictions apply to the activity of public servants immediately before elections. Bodies including the Department for Communities and Local Government, the Welsh Government and the Local Government Association have issued guidance on the restrictions.[33]

4.32 Ahead of the PCC elections, an issue arose about information that is sent annually to residents about how their council tax pays for local services. These mailings are typically sent by local authorities in March or April to coincide with the start of the financial year and issuing of new council tax bills. The upcoming elections highlighted a question about whether it would be appropriate for the annual mailing to be sent during the election period and to include information provided by the local PCC. Typically, the information explains how the local police precept[34] has been spent and describes achievements of the Office of the PCC.

4.33 There was concern that such material could be perceived as promoting the candidature of an incumbent PCC seeking re-election. This was the first time that local authorities had to consider this question prior to PCC elections. The 2016 elections were only the second set of these elections to be held after they were introduced in 2012. We advised that local authorities should avoid sending out material that could appear to promote the candidacy of PCC seeking re-election.

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[33] Code of Recommended Practice on Local Authority Publicity, Department for Communities and Local Government, March 2011 https://www.gov.uk/government/publications/recommended-code-of-practice-for-local-authority-publicity
Purdah: A short guide to publicity during the pre-election and pre-referendum period, Local Government Association, April 2016 http://www.local.gov.uk/documents/10180/6869714/L15-91+Unpacking+Purdah_04.pdf/c80978b9-dc0b-4eee-9f81-49bd47afeb2d
[34] Police and Crime Commissioners are responsible for setting the local police 'precept' – the amount people pay through their council tax for policing. Policing is also partly funded by central government.

4.34 We wrote to all candidates seeking re-election in England and Wales about the matter. We advised that any material distributed by a local authority (such as leaflets included with council tax bills) that has the effect of promoting someone's candidacy and is distributed during the regulated period could, depending on the circumstances, constitute notional spending on the candidate's behalf. If the commercial value of the material is more than £50, this notional spending would also constitute a donation. Local authorities are not permissible donors for candidates at elections, so this kind of donation would not be permitted under the candidate regulatory controls set out in legislation.

4.35 Although it will only occur when PCC elections are held every 4 years, it appears that there is a tension between the annual information that is sent to council residents and the controls on promotional spending about candidates. It may be helpful, for example, to review the timing of distribution of local authority letters so that they are sent outside the pre-election period whilst still marking the start of the financial year and council tax billing period. We will consider whether we can include additional advice in Electoral Commission guidance for future elections. We will work with the relevant bodies including the Association of Police and Crime Commissioners, the Department for Communities and Local Government and the Home Office also include advice in their statutory guidance.

Websites of Offices of Police and Crime Commissioners

4.36 There was an additional issue about promotional information on the websites of Offices of Police and Crime Commissioners. Again, this was the first time that questions could arise about the websites of incumbent PCCs seeking re-election, since the first elections were held in 2012. We advised that where material is on an official PCC website and is promoting or listing the achievements of a PCC during their term of office, that material will not generally be regulated unless it is re-published or promoted during the period when the candidate spending and rules apply. This rule does not apply to websites set up specifically for campaigning during the regulated period.

4.37 We emphasised that it was the responsibility of the Office of the Police and Crime Commissioner determine whether it was appropriate for website pages to be displayed during the pre-election period. We also referred candidates to the 'Purdah' guidance published by the Association of Police and Crime Commissioners.

5 Looking ahead to 2020

5.1   This report has shown that the PCC elections and local government elections were well-run, with very few administrative problems which affected voters. It has also identified a number of issues and future recommendations that we believe must be addressed in advance of the next PCC elections. These include:

- Amending the design and wording on SV ballot papers to facilitate ease of completion by voters
- Improving levels of information for voters about PCC candidates in the form of a booklet delivered to all households
- Improving the accessibility of the nomination process by reducing the number of subscribers
- Abolishing the deposit requirements and ensuring equal access to the electoral register for independent candidates

5.2   We want the UK Government to address these issues as a priority, so that voters, candidates and electoral administrators are able to participate in, and deliver, well-run elections in 2020.

5.3   Beyond these necessary changes, the complex combination of polls that will arise under current electoral cycles in 2020 also presents a different set of challenges for all those involved. Under current scheduled timings, the following polls are scheduled to take place 7 May 2020:

- UK Parliamentary general election (UKPGE)
- Elections for the Mayor of London and members of the London Assembly
- Police and Crime Commissioner elections in England and Wales (although not in London or Greater Manchester)
- Combined Authority Mayoral elections in some parts of England (including Greater Manchester)
- Local government elections, including directly elected Mayors, in parts of England

5.4   In addition, there could also be local neighbourhood planning and council tax referendums in some areas of England.

Issues for the May 2020 elections

5.5   The number of different polls scheduled to take place in May 2020, using a range of different electoral systems and ballot papers, presents an unprecedented group of risks that must be considered and addressed well in advance to ensure that they are well run and produce results that are accepted. These risks are outlined below.

Voters

5.6   The Commission is clear that voters should be able to participate in elections easily, make informed decisions about how to cast their vote and have confidence in the administration and the outcome of the polls. The following issues present a risk to

these principles for well-run elections, which could lead to voter confusion, and will therefore need to be effectively managed:

- The use of different voting systems in the elections (First Past the Post for both single member constituencies and multi member wards; Supplementary Vote; Additional Member System).
- Multiple ballot papers which could result in the potential for a higher number of rejected ballot papers.
- Overlapping election campaigns resulting in mixed messages for voters.
- Differing levels of communication by candidates, risking less-informed decisions made by voters for some elections compared to others.
- Cross-boundary issues and the printing and distribution of multiple sets of ballot papers

Administration and delivery of the polls

5.7   One of the Commission's key objectives is to ensure that elections are well-run and produce results which are accepted. The unique convergence of the polls in 2020 presents a significant numbers of administrative risks to the delivery of each of these polls that will need to be carefully and proactively managed. These include:

- **Legislation:** Previous polls have demonstrated the importance of legislation being in place well in advance of polling day to ensure effective resourcing and planning of the polls and to ensure that the Commission's guidance is developed and distributed in good time. We have consistently recommended that all legislation relevant to the polls needs to be in place at least six months before it is required to be implemented or complied with. The UK Government must therefore ensure that it plans effectively to deliver all relevant legislation to support the May 2020 polls.
- **Planning and resources:** The added complexity of the 2020 polls will require more detailed and significant levels of planning by electoral administrators working with their suppliers. An early decision is needed on the combination of polls in 2020 to give administrators the maximum amount of time to plan and resource the polls.
- **Delivering the polls:** Currently there are different election timetables and nomination requirements in place for the scheduled polls in May 2020. Attention will need to be given to ensuring consistent delivery of the elections in the light of these differences. Administrators will face significant challenges – for example, in relation the administration of postal voting and the management and timing of the counts.

Candidates, parties and campaigners

5.8   Under the Political parties, Elections and Referendums Act 2000, a regulated period will apply to the spending of political parties and non-party campaigners for a year prior to the UK Parliamentary general election scheduled in 2020. This will mean that spending by these campaigners on other elections taking place during that time period will also be regulated and count towards the UKPGE spending limit.

5.9   Consideration will therefore need to be given to the regulation of party, candidate and campaigner spending for the polls in 2020 to ensure that the relevant rules are understood and complied with. Under our statutory remit to take all reasonable steps to

ensure compliance with these rules, we will be planning ahead for these polls and will highlight any issues that we identify during that planning.

Campaigning and voter awareness about the different elections

5.10 Given the political and media prominence of Parliamentary general elections, there is a significant risk that coverage of the May 2020 polls will be dominated by the UKPGE. It is likely to be harder for candidates and campaigners at the other polls to get their messages across to voters, and it may mean that voters feel they have less information that they require to be able to participate in those elections.

Recommendation 11: Analysis and consultation on the risks of holding polls on the same day

The next scheduled PCC elections in May 2020 will be held on the same day as scheduled local government elections in England, which include local council elections, directly elected local authority mayoral elections and combined authority mayoral elections. In London, there will be elections for the Mayor of London and members of the London Assembly. In addition, the next UK Parliamentary general election is scheduled to be held on the same day, Thursday 7 May 2020.

In our view, this potential combination of polls presents significant risks which need to be mitigated in order to give voters, campaigners and Returning Officers confidence that the elections can be well-run:

- **There will be multiple sets of elections in different parts of the UK, incorporating up to four ballot papers and three methods of voting:** UK Parliamentary elections use the 'first-past-the-post' system; elections for PCCs, directly elected local authority Mayors, Combined Authority Mayors and the Mayor of London us the supplementary vote system; elections for Constituency Members of the London Assembly use the 'first-past-the-post' system and elections for London-wide Members use the closed list system which is a form of proportional representation; local government elections use the 'first-past-the-post' system, in single- and multi-member wards. Clear and tailored information on how to complete their ballot papers will be essential to minimise confusion for voters.

- **Campaigners will be communicating with voters about a range of issues across multiple contests:** Given the political and media prominence of Parliamentary general elections, there is a significant risk that coverage of the May 2020 polls will be dominated by the UKPGE. It is likely to be harder for candidates and campaigners at the other polls to get their messages across to voters, and it may mean that voters feel they have less information that they require to be able to participate in those elections.

- **Regulated periods for campaigners will overlap:** Under the Political parties, Elections and Referendums Act 2000, a regulated period will apply to the spending of political parties and non-party campaigners for a year prior to the UK Parliamentary general election scheduled in 2020. This will mean that spending by these campaigners on other elections taking place during that time period will also be regulated and count towards the UKPGE spending limit. Careful consideration will therefore need to be given to the regulation of party, candidate

and campaigner spending for the polls in 2020 to ensure that the relevant rules are understood and complied with.

- **The voting areas for the different sets of elections may not be consistent:** Constituency boundaries for the May 2020 UK Parliamentary elections are likely to change as a result of the current review being carried out by the UK's Boundary Commissions. The other elections scheduled to be held on in May 2020 have previously been administered on the basis of local government areas. While early planning can help to mitigate the risks for those administering the May 2020 elections, any significant differences to the boundaries of electoral areas will also present challenges – for example, in relation the administration of postal voting and the management and timing of the counts.

The UK Government should immediately begin the necessary analysis and consultation on the risks of holding these polls on the same day, including giving consideration to the potential for changing the date of elections currently scheduled to be held in May 2020, so that they do not coincide with the next scheduled UK Parliamentary general election which will be held on Thursday 7 May 2020. The Government should publish its assessment and any proposals for change by September 2017, to allow sufficient time to make any changes to legislation which might be required, and to allow Returning Officers, suppliers, campaigners and the Commission time to prepare.

Any change to the date of scheduled elections would be a significant proposal, and must be informed by appropriate consultation with political parties, the Electoral Commission, relevant Government departments, elected bodies, administrators and voters themselves to ensure that the interests of voters are put first.

Appendix A: Research methodology

Public opinion survey

Between 6 and 28 May 2016, BMG Research interviewed a sample of 1907 adults aged 18+ across Wales (606) and England (1,206 interviews), excluding the areas in the North West where PCC elections were not held. Interviews were conducted by telephone: 80% landline and 20% mobile. Data are weighted to match the profile of Wales and the relevant areas in England. Where data is combined the areas have been weighted proportionally.

Where results do not sum to 100, this is due to multiple responses, computer rounding or the exclusion of don't knows/not stated.

Comparisons made between these polls and previous post-elections surveys are indicative and should be treated with some caution. More information can be found on our website.

Electoral data

Professors Colin Rallings and Michael Thrasher at the Elections Centre, Plymouth University, collected and collated data from Police Area Returning Officers (PAROs) and Returning Officers (ROs) in England and Wales.

This comprised form K and an Additional Data form, which included data relating to electoral registration, turnout, absent voting and rejected ballots.

Police Area Returning Officer and Local Returning Officer feedback

The Commission issued a feedback form to electoral administrators – Police Area Returning Officers, Local Returning Officers, Electoral Registration Officers and other elections staff - to comment on their experience of administering the 5 May polls. The survey was conducted on Survey Monkey and was open between 6 May and 10 June 2016. A total of 65 responses were received.

Survey of Candidates

In the week after polling day, the Commission issued a postal survey to every candidate using the addresses published on the statements of persons nominated. We issued a total of 188 postal surveys to PCC candidates across England and Wales and received 74 responses (a 39% response rate) on which candidate data is based.

Eighty-one per cent of respondents said they were candidates and 19% said they acted as both. The respondents came from across the political spectrum (with 84% standing on behalf of a political party and 16% being independent candidates); the majority (81%) had stood for election or held office before.

The people who returned surveys of this sort are self-selecting, and the characteristics of our sample differ to an extent from those of all candidates. Our sample does cover a broad range of characteristics; however, the findings should not be taken to be representative of the views of all candidates in the same way that public opinion data seeks to be representative of the wider population.