

Referendum on the voting system for
UK Parliamentary elections and
Northern Ireland Assembly and local
government elections – 5 May 2011

Verification and count

This document sets out the Chief Counting
Officer's instructions to the Chief Electoral
Officer for Northern Ireland

Translations and other formats

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1 Overview

Background

1.1 The Parliamentary Voting System and Constituencies Bill¹ makes provision for a referendum to be held on the voting system for UK Parliamentary elections. It is expected that this referendum will be held on 5 May 2011. There will also be Northern Ireland Assembly and local government elections on 5 May 2011.

1.2 The referendum will be held under the framework provided by the Political Parties, Elections and Referendums Act 2000 (PPERA), while the administrative arrangements are set out in the PVSC Act.

1.3 The Northern Ireland Assembly election to be held on 5 May 2011 will be run under the rules contained in the Northern Ireland Assembly Elections Order 2001 (as amended) and the local government elections will be run under the rules contained in the Local Elections (Northern Ireland) Order 1985 (as amended), each with modifications as set out in the Schedule 8 of the PVSC Act.

1.4 As Counting Officer you are responsible for the administration of the referendum. In addition, you are responsible for the election-related functions which are taken on by the Counting Officer where polls are combined. As Returning Officer you are responsible for the non-combined aspects of the election, which includes nominations and the counting of votes at the Northern Ireland Assembly and local government elections.

1.5 As the legislation provides that the Chief Electoral Officer will be the Counting Officer and the Returning Officer, you will be personally responsible for the effective running of the referendum and elections across Northern Ireland.

1.6 A referendum held under the Political Parties, Elections and Referendums Act 2000 (PPERA) has a different management and accountability structure compared to any election. It requires a Chief Counting Officer, who will be responsible for certifying the overall result, which at this referendum will be one UK-wide result aggregated from all of the totals produced by individual Counting Officers. The Chair of the Electoral Commission, Jenny Watson, will be the Chief Counting Officer at this referendum.

1.7 The Chief Counting Officer has the power to give general or specific directions to Counting Officers relating to the discharge of their functions, including directions requiring Counting Officers to take specified preparatory

¹ Hereinafter referred to as the PVSC Act. All references to the PVSC Act are references to the Parliamentary Voting System and Constituencies Bill as at 23 December 2010. These instructions and the directions contained within them are subject to the passage and commencement of the Bill.

steps or to provide any information that they have or are entitled to have.² Given the UK-wide nature of the referendum, the Chief Counting Officer intends to use this power to ensure that the referendum and combined polls are conducted to the same standards and principles in all voting areas, and to ensure that Counting Officers can deliver the main aims for the polls, which are as follows:

- that the polls are consistently administered
- that the process is transparent
- that the polls are professionally delivered
- that they produce accurate results in which all stakeholders are confident
- that all voters have a good experience, with any person who is entitled to vote being able to do so

Instructions

1.8 The Chief Counting Officer has issued a series of instruction documents to assist you, as Counting Officer, in the discharge of your functions and to ensure consistency of practice in delivering the referendum and combined polls. These instructions refer to your duties under the legislation and contain directions that are issued by the Chief Counting Officer under Paragraph 5(5) of Schedule 1 of the PVSC Act. As Counting Officer, if you are given a direction you must comply with it,³ unless you have been granted an exception.

1.9 As the Chief Counting Officer's power of direction applies to the functions of a Counting Officer, irrespective of whether they relate to the referendum or an election, the power of direction will therefore also apply to any election-related functions which are conferred on the Counting Officer. The Chief Counting Officer's power of direction does not apply to those election-related functions that are not taken on by the Counting Officer. As Returning Officer you should, however, interpret these directions, as well as the other instructions contained in this document, as guidance by the Commission in relation to non-combined functions.

1.10 The Chief Counting Officer's directions are set out at the start of each instruction module and also appear in boxes at the start of each chapter. You are being formally directed by the Chief Counting Officer to follow these directions. Also, wherever the instructions state that a task 'must' be completed, this constitutes a direction.

1.11 The instructions also include recommended practice ('shoulds') and background information, both of which are included to assist you in understanding and discharging your duties. The recommended practice, background information and legislative references are not issued as formal directions.

² Paragraph 5(5), Schedule 1, PVSC Act.

³ Paragraph 5(8), Schedule 1, PVSC Act.

1.12 Counting Officers are personally responsible for the conduct of the referendum in their area and for complying with all directions given by the Chief Counting Officer.⁴ For this reason, you will need to think carefully about how the Chief Counting Officer's directions will work in Northern Ireland.

1.13 If, as Counting Officer, you consider that you have a legitimate reason for not following these directions, you must apply directly to the Chief Counting Officer for an exception. You may only deviate from these directions if an exception has been granted. The exceptions process is not applicable should you decide in your role as Returning Officer to proceed in a manner that does not comply with any instruction set out in this document.

1.15 The instruction documents are supplemented by a set of resources, which can be accessed on the Commission's website at www.electoralcommission.org.uk/guidance/resources-for-electoral-administrators/referendums/combined-elections-and-referendums-in-northern-ireland. Where the Chief Counting Officer has directed the use of a particular resource by you as Counting Officer, this will be explicitly stated in the summary of directions at the start of the instruction module and in the directions box at the start of the relevant chapter.

⁴ Paragraph 5(2) and (8), Schedule 1, PVSC Act.

2 Directions

2.1 This module covers the specific tasks to be undertaken in relation to the verification and count in order to ensure that the processes are administered consistently and effectively, and produce accurate results which everyone can have confidence in.

2.2 You must follow the directions given below. These directions are supplemented by further recommendations provided in sections 3 to 6 of this document.

2.3 The Chief Counting Officer is responsible in law for certifying the overall referendum result, which will be one UK-wide result aggregated from all of the totals produced locally by individual Counting Officers. It is for this reason that the Chief Counting Officer is directing that the verification and referendum count processes are carried out to the same principles and standards across the whole of the UK. As Counting Officer, you are being directed to ensure that the verification and count processes you adopt are capable of enabling you to achieve these principles.

Preparing for the verification and count

Ensure that the verification and count processes are fully addressed in your project plan and risk register and that these documents are kept under review.

Ensure that your verification and counting arrangements can deliver the Chief Counting Officer's principles for an effective verification and count as set out in paragraph 3.6.

- If you do not propose to use the Chief Counting Officer's count model, make an application to the Chief Counting Officer to follow a different model. Demonstrate how your proposed approach will ensure that your verification and referendum count processes can meet all of the principles specified by the Chief Counting Officer.

Appoint and brief all verification and count staff.

- Appoint staff as soon as possible.
- All briefings must cover the procedures relevant to the role.

Prepare your venue layout plans as early as possible.

Ensure that all equipment is tested in advance of the verification and count and ensure that sufficient time is allocated for equipment set-up.

- Put in place contingency plans in case of an equipment or power malfunction.

Ensure that anyone who is entitled to attend has an unrestricted view of the proceedings, while also ensuring that they do not interfere with the work of your staff.

- Ensure that everything you do at the verification and count is carried out in clear view of all those entitled to attend.
- Those entitled to attend must be admitted whenever they arrive, and any person who wishes to leave and return later must not be prevented from doing so.
- Ensure that, as far as possible, each referendum agent is permitted to appoint sufficient numbers of counting agents to enable full and proper scrutiny of the verification and count processes.
- Do not limit the number of accredited observers without the approval of the Chief Counting Officer.
- If opening postal votes at the verification and count venue, ensure that this happens in full view of the agents and observers present.
- Include space and opportunity for the media to report on results.
- Take all necessary steps to ensure that anyone attending does not interfere with or compromise the secrecy of the vote.

Provide lists of those persons entitled to attend at the entrance to the verification and count, and instruct security staff/door attendants to check the passes of anyone seeking to attend.

- Excluding accredited observers and Commission representatives, issue tickets or entrance passes to everyone entitled to attend the count.
- Ensure that security staff are briefed that Commission representatives and accredited observers do not need to provide advance notification of where they intend to observe and are entitled to access the venue on production of their Commission-issued identification badge.
- For health, safety and security reasons, record the names of everyone who actually attends the verification and count.

Provide information to attendees on the processes you are going to follow.

Be able to communicate with the Chief Counting Officer.

- Ensure that both internal and external communication systems are working and tested.

Take all necessary steps to ensure the security of ballot boxes and relevant stationery at all times.

- Your method of storage must be such that you can be satisfied that you have taken all the necessary steps to ensure that these are kept securely at all times and cannot be interfered with.
- Brief agents about your arrangements, so that they can have confidence that nobody can interfere with the ballot papers and ballot boxes.

Receipt of polling station materials and sealed boxes of postal ballot papers

Make clear to the staff receiving the ballot boxes that the ballot boxes and ballot paper accounts must be checked off as they are received.

- Staff receiving materials from polling stations must use a checklist to ensure that all ballot boxes and ballot paper accounts are accurately accounted for.
- Instruct staff receiving ballot boxes to ensure that they are handed the ballot paper accounts along with the ballot boxes.

Ensure that the materials you are legally required to keep sealed are placed in a designated and secure area for the duration of the verification and count.

Postal ballot papers that have previously been opened must be brought to the verification and count venue in sealed ballot boxes, with an accompanying ballot paper account for each box.

- Staff receiving the postal ballot boxes must use a checklist to ensure that all postal ballot boxes and postal ballot paper accounts are accurately accounted for.

Verification

Follow the key verification stages set out by the Chief Counting Officer in paragraph 5.7.

Where separate ballot boxes have been used for each poll, ensure that you have in place a procedure to move transparently any ballot papers which have been placed in the 'wrong' ballot box by electors to the correct ballot box during verification.

If a ballot paper account does not reconcile, you must undertake the procedure outlined by the Chief Counting Officer in paragraph 5.8, and document the outcome on the verification statement.

Sign the verification statement to show that you agree with it.

The count

Ensure that your count processes are transparent and produce an accurate result:

- Follow the key stages of the count process as outlined by the Chief Counting Officer, starting from paragraph 6.3.
- Where the total number of votes cast for both outcomes plus the total number of rejected ballot papers does not match the total number of ballot papers given on the verification statement, follow the Chief Counting Officer's procedure in order to try to identify and rectify the discrepancy.

Where the figures do not agree after completing this procedure, consult the Chief Counting Officer.

If you are considering refusing a request for a recount, consult the Chief Counting Officer before doing so.

Where a recount is to take place, ensure that the referendum and counting agents and any observers in attendance are briefed on the processes you are going to follow:

- Carry out the recount in full view of those present.

3 Preparing for the verification and the count

Directions

Ensure that the verification and count processes are fully addressed in your project plan and risk register and that these documents are kept under review.

Ensure that your verification and counting arrangements can deliver the Chief Counting Officer's principles for an effective verification and count as set out in paragraph 3.6.

- If you do not propose to use the Chief Counting Officer's count model, make an application to the Chief Counting Officer to follow a different model. Demonstrate how your proposed approach will ensure that your verification and referendum count processes can meet all of the principles specified by the Chief Counting Officer.

Appoint and brief all verification and count staff.

- Appoint staff as soon as possible.
- All briefings must cover the procedures relevant to the role.

Prepare your venue layout plans as early as possible.

Ensure that all equipment is tested in advance of the verification and count and ensure that sufficient time is allocated for equipment set-up.

- Put in place contingency plans in case of an equipment or power malfunction.

Ensure that anyone who is entitled to attend has an unrestricted view of the proceedings, while also ensuring that they do not interfere with the work of your staff.

- Ensure that everything you do at the verification and count is carried out in clear view of all those entitled to attend.
- Those entitled to attend must be admitted whenever they arrive, and any person who wishes to leave and return later must not be prevented from doing so.
- Ensure that, as far as possible, each referendum agent is permitted to appoint sufficient numbers of counting agents to enable full and proper scrutiny of the verification and count processes.
- Do not limit the number of accredited observers without the approval of the Chief Counting Officer.

- If opening postal votes at the verification and count venue, ensure that this happens in full view of the agents and observers present.
- Include space and opportunity for the media to report on results.
- Take all necessary steps to ensure that anyone attending does not interfere with or compromise the secrecy of the vote.

Provide lists of those persons entitled to attend at the entrance to the verification and count, and instruct security staff/door attendants to check the passes of anyone seeking to attend.

- Excluding accredited observers and Commission representatives, issue tickets or entrance passes to everyone entitled to attend the count.
- Ensure that security staff are briefed that Commission representatives and accredited observers do not need to provide advance notification of where they intend to observe and are entitled to access the venue on production of their Commission-issued identification badge.
- For health, safety and security reasons, record the names of everyone who actually attends the verification and count.

Provide information to attendees on the processes you are going to follow.

Be able to communicate with the Chief Counting Officer.

- Ensure that both internal and external communication systems are working and tested.

Take all necessary steps to ensure the security of ballot boxes and relevant stationery at all times.

- Your method of storage must be such that you can be satisfied that you have taken all the necessary steps to ensure that these are kept securely at all times and cannot be interfered with.
- Brief agents about your arrangements, so that they can have confidence that nobody can interfere with the ballot papers and ballot boxes.

3.1 As Counting Officer, you are required by law to make arrangements for counting the votes as soon as practicable. The Chief Counting Officer directs you to complete the verification of votes by 1pm on 6 May 2011 and to commence the counting of referendum votes at 4pm on 6 May 2011.

3.2 As Returning Officer, you are required by law to make arrangements for the counting of election votes as soon as practicable after the delivery of the ballot papers to you by the Counting Officer.

Implementing your project plan

3.3 It is important that you remain in control of the verification and count processes. To assist you in doing this, you must ensure that the verification and

count processes are fully addressed in the project plan and risk register that you have been directed to produce in Module 1 – Planning and organisation, and ensure that you keep these documents under review.



Further information on planning can be found in Module 1 – Planning and organisation.

Delivering the principles for an effective verification and count

3.4 You must ensure that your verification and count arrangements can deliver the principles outlined below. The materials and resources that support this module provide a model which, if adopted, will ensure that your verification and count processes meet these principles.

3.5 It is, however, recognised that there are a variety of methods for arranging verification and count processes, and that you may prefer to follow a different verification and count model. In order to do so, you must make an application to the Chief Counting Officer, and be able to demonstrate how your proposed approach will ensure that your verification and referendum count processes can meet all of the key principles specified by the Chief Counting Officer.

3.6 The key principles for an effective verification and count are that:

- All processes are transparent, with a clear and unambiguous audit trail.
- The verification produces an accurate result. This means that the number of ballot papers in each box either matches the number of ballot papers issued as stated on the ballot paper account or, if it does not:
 - a. the source of the variance has been identified and can be explained, and/or
 - b. the box has been recounted at least twice, until the same number of ballot papers is counted on two consecutive occasions.
- The count produces an accurate result, where:
 - a. the total number of yes, no and rejected votes matches the total number of ballot papers given on the verification statement for the referendum
 - b. the total number of first preference votes for each candidate and rejected ballot papers matches the total number of ballot papers given on the verification statement for each of the Northern Ireland Assembly and local government elections
- The verification and count are timely (i.e., for the referendum, the Chief Counting Officer is able to certify the result without undue delay).
- The secrecy of the vote is maintained at all times.
- The security of ballot papers and other stationery is maintained at all times

Staffing and training

3.7 The recruitment and training of staff is central to managing an effective verification and count. Staff must be appointed as soon as possible.

3.8 Your decision on when to commence verification may have staffing implications, and you will need to plan accordingly. If, for example, you commence the verification process immediately following the close of poll, you should wherever possible not use staff who have been on polling duty all day.

3.9 Typically, the following types of roles make up the overall staffing required at the verification and count:

- A senior officer responsible for the overall operation, assisting you with the organisation of the event and the co-ordination of the verification and count processes.
- A responsible officer to supervise a team dealing with the receipt of ballot boxes and paperwork at the verification and count venue, and the verification of the unused ballot papers and tendered ballot papers.
- An officer to oversee the secure transportation of the sealed boxes of postal ballot papers to the verification and count venue and to deal with the final opening of postal votes.
- A team of numerate staff to input figures, aggregate totals and ensure that all of the necessary forms and statements are completed accurately and formally signed off, providing an audit trail for the verification and count processes.
- A team of senior staff responsible for managing those staff sorting and counting the votes.
- Teams of staff dealing with the receipt of ballot boxes and paperwork, and the verification of unused and tendered ballot papers.
- Counting assistants to accurately sort and count the ballot papers.
- Porters, security staff and door attendants to deal with the security of the site and the management of the facilities within the site.

3.10 If you intend to use the Chief Counting Officer's verification and count model, role descriptions have been developed which can be used for those staff carrying out the functions set out above. If you do not intend to use the Chief Counting Officer's model, you may still wish to use and adapt these to fit your chosen model.

3.11 You must brief all count staff. The briefing of counting assistants, porters, security staff and door attendants can take place just prior to the commencement of the relevant proceedings. They should, however, be issued with guidance notes in advance. Again, you may wish to use the template role descriptions as a basis for developing these.

3.12 You should consider training supervisory staff a day or two in advance of the verification and count so that they are fully aware of their duties and what will be expected of them.

3.13 All briefings must, as a minimum, cover the procedures relevant to the role. They should also cover any policy regarding smoking, drinking and the use of mobile phones, as well as health and safety. In particular, staff should be briefed on the correct procedures for moving ballot boxes and carrying heavy sacks in order to reduce the risk of any injuries.

3.14 Prior to the start of the verification and count, you should undertake a walk-through of the procedures you are expecting everyone to follow – from the reception of ballot boxes up to the declaration of results, so that everyone is aware of what is expected of them at each stage, and how the different roles relate to each other.



Further information on identifying staffing requirements for the various electoral processes can be found in Module 1 – Planning and organisation.

Verification and count venue

3.15 As set out in Module 1 – Planning and organisation, you must have booked your verification and count venue by 11 February 2011, and have contingency arrangements in place to cover unexpected loss of your booked venue.



Information on identifying a suitable verification and count venue can be found in Module 1 – Planning and organisation.

Verification and count layout plans

3.16 You must prepare your venue layout plans at an early stage. A good layout will be informed by the verification and count model you decide to adopt, consideration of the workflows you intend to follow and the space you will have available.

3.17 The Chief Counting Officer has produced a template layout plan designed for use as part of the Chief Counting Officer's verification and count model.

3.18 In considering how to organise the verification and count, the following factors should also be taken into account:

- The number of tables required – there should be a sufficient number to accommodate the number of counting assistants you have appointed.

- The layout of the tables – they should allow easy viewing by all of those entitled to be present. You must ensure that everything you do at the verification and count is carried out in clear view of all those entitled to attend.
- Circulation areas and the amount of space available around the tables –this space should be maximised, and any obstructions such as stored furniture should be removed.
- Seating – sufficient seating should be provided for those entitled to attend proceedings.
- Access – the room must be laid out in a way that ensures that all of the proceedings are accessible to anyone entitled to attend, including disabled people.
- Media requirements – consider providing a separate area for the media as they are likely to require space for their specialist equipment, which may be bulky.
- Health and safety – you have a responsibility for the health and safety of all persons present and this responsibility should be kept in mind when deciding on the layout of the venue. For example, any cabling from equipment or media cameras should not present a trip hazard to anyone at the proceedings; and free access to emergency exits should not be obstructed in any way. Maximum venue capacity should not be exceeded, and there must be appropriate security to ensure that only those eligible to attend actually do so.

3.19 Areas should be designated for different functions and then appropriately furnished and equipped. You may wish to consider designating the following areas:

Outside the venue

3.20 Car parking and vehicle access – The organisation of vehicle access around the verification and count venue should be considered carefully. It is advisable to designate different parking areas for candidates, agents and observers, and for staff. It can also be helpful to have a designated entrance and exit to the car park, which may help to avoid congestion, such as when ballot boxes are arriving from the polling stations.

3.21 It may be useful to have staff supervising the car park at this time. Any staff working in the car parking area should be equipped with appropriate safety wear such as high-visibility jackets, and should be trained to deal with a large volume of traffic including, for example, counting agents arriving at the proceedings and polling station staff arriving with ballot boxes.

Inside the venue

3.22 Receiving area – This area is where ballot boxes, ballot paper accounts and other polling station stationery and equipment will arrive for checking in and sorting. Ideally, this area should have an entrance separate from that used by other staff, candidates, agents and observers, with direct access from the car

park or loading area. Staff should be positioned here to receive the materials and should be equipped with a checklist to mark off the ballot boxes as they arrive.

3.23 Verification, reconciliation and results tables – This is where the verification staff will verify the contents of the ballot boxes and reconcile the total number of votes. If laptops are to be used, cabling arrangements should be taken into account and contingency arrangements should be considered in the event of equipment failure.

3.24 Counting Officer's/Returning Officer's table – This is where law textbooks, the Chief Counting Officer's instructions and Electoral Commission guidance, procedure notes, spare staff instructions, staff lists, stationery and other guidance materials should be available for reference.

3.25 Count tables – These should provide proper separation for the staff and counting agents. Where space permits, chairs could be provided close to these tables for counting agents and observers.

3.26 Tables for counted ballot papers – Once ballot papers have been sorted and counted they should be placed in bundles and put on a separate table, so that all of the votes for each outcome are kept together, with card dividers used to show an agreed number, such as 100.

3.27 Area for candidates, agents, observers and guests – It may be beneficial to have a separate area set aside for candidates, agents, observers and guests. If space permits, a television set could be provided in an adjacent room.

3.28 Area for refreshments – Consider providing an area where counting assistants and other staff can get drinks and snacks. It is important to have adequate refreshments available to help to maintain staff energy and concentration levels throughout the process. You should not allow counting assistants to eat or drink at the counting tables in order to avoid the possibility of any spillages. You should consider whether to provide refreshments for candidates, agents, observers and other attendees, and whether or not to charge for them.

3.29 Media area – The requirements for the media area will depend upon the types of media represented and their respective needs. For example, if television cameras are present, any lighting should not cause undue heat or glare which might impair the efficiency of the count, and cameras must not be allowed to film close-ups of the ballot papers. In addition, it is important that there are no trailing cables for count attendees to trip over, and that any equipment installed is safely positioned.

Equipment and set-up

3.30 You must ensure that all equipment is tested in advance of the verification and count, including:

- public announcement systems
- telephone lines
- IT equipment
- power points

3.31 Contingency plans must be in place in case of an equipment or power malfunction.

3.32 You must ensure that sufficient time is allocated for setting up. You should prepare a checklist of all materials, including stationery and equipment, that will be needed at the verification and count venue. A sample checklist has been developed by the Commission.

Managing attendance at the verification and count

3.33 The following people are entitled by law to attend the verification of votes:

- you, as Counting Officer and Returning Officer, and your staff
- the Chief Counting Officer
- candidates at the Northern Ireland Assembly and local government elections (and one other person chosen by each of them)
- election agents
- referendum agents
- counting agents
- Commission representatives
- accredited observers
- any other person permitted by you, as Counting Officer, to attend

3.34 The following people are entitled by law to attend the referendum count:

- you, as Counting Officer, and your staff
- the Chief Counting Officer
- referendum agents
- counting agents
- Commission representatives
- accredited observers
- any other person permitted by you, as Counting Officer, to attend

3.35 You have a legal duty to give counting agents reasonable facilities for overseeing the verification and counting of the votes, and to provide them with relevant information. You must also ensure that anyone else who is entitled to attend has an unrestricted view of the proceedings, while also ensuring that they will not be able to interfere with the work of your staff. You must take all necessary steps to ensure that anyone attending does not interfere with or

compromise the secrecy of the vote. You are legally required to provide all attendees with a copy of the relevant secrecy requirements.

3.36 There is no requirement for those eligible to attend to arrive by a certain time, and so those entitled to attend must be admitted whenever they arrive. Also, any attendee who wishes to leave and return later must not be prevented from doing so.

3.37 The legislation provides that you can, at your discretion, permit other people to attend the proceedings if:

- you are satisfied that it will not impede the efficient counting of votes, and
- you have consulted the referendum agents (if any) and/or election agents or thought it impracticable to do so.

Controlling admission

3.38 Excluding accredited observers and Commission representatives, tickets or entrance passes must be issued to everyone entitled to attend the count. You should give consideration to issuing different-coloured tickets or passes to identify the different categories of attendees.

3.39 You must provide lists of those persons entitled to attend at the entrance to the verification and count, and instruct security staff/door attendants to check the passes of anyone seeking to attend. However, you must also ensure that security staff are briefed that Commission representatives and accredited observers do not need to provide advance notification of where they intend to observe and therefore may not appear on their list, but are nevertheless entitled to access the count venue on production of their observer or Commission representative identification badge.

3.40 You must, for health, safety and security reasons, record the names of everyone who actually attends the verification and count.

Counting agents

3.41 The law requires that referendum agents and candidates must notify you by 26 April 2011 of the appointment of counting agents in order for the appointment to be in force for the verification and count processes. You have a legal duty to give the counting agents who have been appointed notice in writing of the time and place at which the verification and count will begin.



Further information on the appointment of agents can be found in Module 2 – Administering the polls. The Chief Counting Officer has also developed a form that can be used by referendum agents for notification of the appointment of counting agents.

Accredited observers

3.42 Accredited observers do not need to give you advance notification of where they intend to observe, but are required to carry with them a photographic observer card issued by the Commission. A quick guide to observer badges is provided on the Commission's website.

3.43 If you are in doubt about the status of a particular individual seeking to gain access to the verification and count processes, you can check the registers of observers on the Commission's website.

3.44 Legislation allows you to limit the number of observers who may be present at any one time during the count. However, you must not do this without the approval of the Chief Counting Officer, and you should use caution in making such a request. Electoral observation is a legitimate and valuable part of the electoral process, and care should be taken not to hinder or obstruct the conduct of any observations. You are not entitled to bar all observers from a count, only to limit the number of observers present at any one time, and this discretion should be exercised reasonably.

3.45 The Commission's Code of practice for observers applies to the referendum and the elections, and you have a legal duty to have regard to it when managing the attendance of observers.

Commission representatives

3.46 Commission representatives are also entitled to attend your verification and count and to observe your working practices. They can ask questions of your staff and of agents, but will not do so if this would obstruct or disturb the conduct of proceedings. You are not allowed to limit the number of Commission representatives at the verification and count.

The media

3.47 You must include space and opportunity for the media to report on results. You have discretion to decide which representatives of the media you allow to attend. As with all attendees, you must ensure that media representatives do not interfere with the process or compromise the secrecy of the vote.

3.48 You should consider doing the following in preparation for representatives of the media attending your verification and count:

- Contact principal broadcast organisations in advance.
- Outline the press facilities available.
- Provide an opportunity for media representatives to inspect the verification and count venues to see what space and facilities are available, and give them the opportunity to raise any issues or requirements with you.

- Make arrangements for indicating certification of the referendum total and indicating completion of the election counts, and discuss local declaration procedures for each.
- Arrange for sound systems to be used for the announcements and for live feeds.
- Make accreditation arrangements for journalists, technicians and photographers attending.
- Designate an area of the count venue for media use.
- Provide media passes.
- Ensure that there is a nominated media spokesperson in place for the count, and that everyone is aware who this is and that all media questions should be directed to that person.
- Make sure that the media are aware of any restricted areas and procedures – for example, ensure that camera operators are aware that they must not overview sensitive information (such as close-ups of ballot papers) or obstruct count staff.

3.49 It is advisable to ensure that you are supported at the count by public relations staff who can deal with any media enquiries. You should brief them ahead of the verification and count and make sure that they know who to approach if they are asked any technical electoral questions.

3.50 In addition to making practical arrangements for their attendance, any early contact with the media should also include an explanation of the processes to be followed and the expected finish and declaration times.

3.51 In particular, you should outline how the referendum differs from the elections, including by explaining the process for the transmission, certification and declaration of the referendum total.

3.52 If media representatives are accredited by the Commission as observers and are attending in such a capacity, they have the same rights and obligations as any other accredited observer. Like any other observers, they are required by law to have regard to the Commission's Code of practice for observers and must abide by any decision that you make on the use of cameras and other recording equipment.

Communicating during the verification and count

3.53 You must provide information to attendees on the processes you are going to follow. You should consider the following when determining how you are going to provide information to anyone attending the verification and count:

- Placing information posters and boards throughout the verification and count venue, which show the key members of staff and provide an overview of the procedures to be followed in order to help attendees identify what is

happening and where. You may wish to provide pictures of yourself and your key staff to help attendees identify you at the count.

- Providing a layout plan of the venue, indicating the key areas of interest for candidates, agents and observers.
- Appointing a member of staff to respond to queries and to act as liaison between candidates, agents, observers and key staff.
- Using a public address system to make announcements about what is happening when and where throughout the verification and count processes.
- Providing a hand-out listing all ballot box numbers and the names of the polling stations they relate to.

3.54 You should distribute an information pack to everyone attending the count. A checklist setting out what these information packs should include has been developed by the Commission.

3.55 If candidates, agents or observers are dissatisfied in any way with the manner in which the proceedings are being carried out, the opportunity should always be available for them to make direct representations to you at the earliest opportunity so that any concerns may be considered, explanations and reassurances given, and any corrective action taken if necessary.

3.56 Before the verification and count begin, you must address candidates, agents and all others in attendance to explain the different processes that you are going to follow. A template script which should form the basis for this has been developed by the Commission. This will allow those present to properly scrutinise all of the processes and will help to build confidence in the administration of the verification and count. Providing information on the process can also help to lower the number of queries raised by candidates and agents, thus reducing the pressure on staff.

3.57 You should also advise on any policy regarding smoking, drinking or using mobile phones, any health and safety issues such as evacuation procedures and fire drills, and any other relevant information.

3.58 Further announcements should be made throughout the verification and count, setting out what parts of the process are being carried out where and when: for example, to let everyone know when verification has been completed, what the turnout figures are and when the adjudication of doubtful ballot papers is to be carried out.

3.59 As Counting Officer, you must be able to communicate with the Chief Counting Officer throughout the verification and referendum count processes, and must have arrangements in place to enable that communication to take place. In particular, you must ensure that both internal and external communication systems (i.e., telephones (landlines and mobiles), faxes and internet connections) are working and tested.

Ensuring the security of ballot boxes

3.60 You must take all necessary steps to ensure the security of ballot boxes and relevant stationery from close of poll through to the declaration of the results, particularly where there is a break in proceedings. Where the whole or any part of the period between 7pm and 9am on the next day is excluded you have a legal duty to place the documents under seal and to take proper precautions for the security of the documents. You should liaise with the police on this.

3.61 Whichever method of storage you choose, it must be such that you can be satisfied that you have taken all necessary steps to ensure that ballot boxes and other items are kept securely at all times and cannot be interfered with. You must also brief candidates and agents about your arrangements, so that they can have confidence that nobody can interfere with the ballot papers and ballot boxes.

4 Receipt of polling station materials and sealed boxes of postal ballot papers

Directions

Make clear to the staff receiving the ballot boxes that the ballot boxes and ballot paper accounts must be checked off as they are received.

- Staff receiving materials from polling stations must use a checklist to ensure that all ballot boxes and ballot paper accounts are accurately accounted for.
- Instruct staff receiving ballot boxes to ensure that they are handed the ballot paper accounts along with the ballot boxes.

Ensure that the materials you are legally required to keep sealed are placed in a designated and secure area for the duration of the verification and count.

Postal ballot papers that have previously been opened must be brought to the verification and count venue in sealed ballot boxes, with an accompanying ballot paper account for each box.

- Staff receiving the postal ballot boxes must use a checklist to ensure that all postal ballot boxes and postal ballot paper accounts are accurately accounted for.

4.1 The correct and orderly receipt of ballot boxes and materials from polling stations is a key component of an accurate verification process. Your team of staff receiving materials from polling stations must use a checklist to ensure that all ballot boxes and ballot paper accounts are accurately accounted for. All of the materials received back from polling stations can be released by receiving staff to the relevant teams, which allows the process of the verification of the unused ballot papers to commence.

4.2 You must instruct staff receiving ballot boxes to ensure that they are handed the ballot paper accounts along with the ballot boxes.

4.3 Where Presiding Officers are required to transport the ballot boxes to the count venue, it should be made clear to the staff receiving the ballot boxes that no Presiding Officer should be allowed to leave until their ballot box(es) and all of the documents and packets have been received and checked off by the designated staff member and, if possible, a cursory check of the ballot paper accounts has been made.

4.4 Following receipt, the ballot paper accounts can be taken to the staff dealing with the management of the ballot box verification process.

4.5 The sacks containing the documents that need to be stored, such as sealed corresponding number lists, should be separated from those containing the items that will be reused, such as general stationery items. The packets and parcels from polling stations should be organised in such a way as to enable easy location of any packet.

4.6 It is a legal requirement to verify the unused ballot papers, the spoilt ballot papers and the tendered votes list. Therefore, all packets of spoilt and unused ballot papers must be opened and counted and then resealed, with the numbers counted supplied to those staff members responsible for the verification process. You are prohibited from opening the sealed packets of tendered ballot papers, but you must, by law, open and then reseal the packet containing the tendered votes list.

4.7 By law, you are not permitted to open the sealed packets containing the corresponding number lists and certificates of employment, the marked copies of the register and the lists of proxies. You must ensure that the materials that you are legally required to keep sealed are placed in a designated and secure area for the duration of the verification and count.

Receipt of sealed boxes of postal ballot papers

4.8 Postal ballot papers previously received and opened will have been processed and must be brought to the verification and count venue in sealed ballot boxes, with an accompanying ballot paper account for each postal ballot box. Staff receiving the postal ballot boxes must use a checklist to ensure that all postal ballot boxes and postal ballot paper accounts are accurately accounted for.

4.9 All packets and ballot boxes containing postal ballot papers must, by law, be subject to verification in the same way as any ballot box from a polling station. As these will often be some of the first boxes being verified, they present an opportunity to create confidence in the process and in the count as a whole.

5 Verification

Directions

Follow the key verification stages set out by the Chief Counting Officer in paragraph 5.7.

Where separate ballot boxes have been used for each poll, ensure that you have in place a procedure to move transparently any ballot papers which have been placed in the 'wrong' ballot box by electors to the correct ballot box during verification.

If a ballot paper account does not reconcile, you must undertake the procedure outlined by the Chief Counting Officer in paragraph 5.8, and document the outcome on the verification statement.

Sign the verification statement to show that you agree with it.

5.1 Verification has two main purposes - to ensure and demonstrate that all ballot papers issued at polling stations and postal returned postal ballot papers have been brought to the count, and to provide the figure with which the count outcome must reconcile. You should keep both purposes in mind when conducting the verification process.

5.2 The training of Presiding Officers in the completion of ballot paper accounts, coupled with ballot paper accounts produced in a clear, easy-to-complete format, should help to provide a firm foundation for the verification process.

 Information on the training of polling station staff, including a sample ballot paper account exercise, is provided in Module 2 – Administering the polls.

5.3 The verification of the used and unused ballot papers is a legal requirement, and is essential for the declaration of accurate results. This includes the verification of the number of spoilt ballot papers returned from polling stations.

5.4 You have a legal duty to keep the ballot papers face up at all times during the verification and count process. This is to ensure that no elector may be identified from the number or other unique identifying mark on the reverse of the ballot paper.

5.5 You have a legal duty to verify each ballot paper account and to draw up a separate statement as to the result of the verification in relation to each poll. By law, the verification of all polls must be completed before you can declare the referendum total or any election results.

5.6 Where separate ballot boxes have been used for each poll, the different ballot boxes should be verified either simultaneously at adjacent tables or one after the other at the same table. You must ensure that you have in place a procedure to move transparently any ballot papers which have been placed in the 'wrong' ballot box by electors to the correct ballot box during verification.

5.7 You must follow the Chief Counting Officer's key verification stages to ensure accuracy and a clear audit trail. The key stages are as follows:

- a. Staff must open the packets of unused ballot papers and ascertain the number of ballot papers that were not issued by noting the number of books and number of ballot papers remaining in any part book of ballot papers inside the packet.
- b. Supervisors must open the ballot boxes in the presence of any counting agents and observers that are present. When a box has had a seal attached by an agent at the close of the poll, particular care should be taken to show to any agents and observers present that this seal is still intact prior to it being broken. The ballot papers should be carefully tipped onto the table, ensuring that none have fallen onto the floor and that the box is totally empty. The empty box must be shown to the agents and observers so that they can be satisfied that it is indeed empty. The counting assistants must unfold the ballot papers and count them into bundles. Accuracy at this stage is vital, so bundles must be passed to another assistant for rechecking. Any tendered ballot papers that have been mistakenly placed in the ballot box during the day must be removed and handed to the supervisor.
- c. The totals given on the ballot paper account are to be compared against the number of ballot papers counted and recorded as being present inside the ballot box. You are also, by law, required to compare unused and spoilt ballot papers, as well as the tendered votes list, against the figures on each ballot paper account. The total number of ballot papers in the ballot box should agree with the total on the ballot paper account, and reconcile with the total number of unused ballot papers.

5.8 If a ballot paper account does not reconcile, you must undertake the following procedure and document the outcome on the verification statement:

- a. Make a full check of the arithmetic on the ballot paper account. You must also check the other packets of returned materials and any polling station logbook to try to identify any reason for missing or additional ballot papers. You should consider contacting the Presiding Officer to ask them to try to explain any discrepancies.
- b. Check the record of issued ballot boxes to see if more than one ballot box was issued to the polling station and ensure that all boxes allocated to the station are opened and accounted for.

- c. Check whether the ballot box has come from a multiple polling station location and, if it has, complete the verification of the ballot paper account(s) for the other polling station(s) within that location to see if there is a compensating error. Where separate ballot boxes have been used for each poll, check the ballot boxes for each poll for all polling stations within the same polling place. The verification of these ballot paper accounts may indicate a compensating error due to electors placing their ballot paper in the 'wrong' box or in a box from the wrong polling station.
- d. If the ballot box is from a single polling station and separate ballot boxes have been used for each contest, check the ballot box(es) for the other contests for a compensating error.
- e. If the ballot box is from a single polling station and only one ballot box has been used, or if the ballot box is from a multiple polling station location but there is no compensating error in the figures from the other polling station(s) in that polling place, recount the ballot papers in the box at least twice or until the same figure is achieved on two consecutive occasions.
- f. If, after following the procedures outlined above any discrepancy still remains, you must use the figure of the number of ballot papers counted and recounted by the count staff as the verified figure and make an appropriate note on the ballot paper account.
- g. The verified total and the variance between that and the number on the ballot paper account must be added to the statement as to the result of the verification, if possible with an explanation of why that variance has occurred, and should be discussed with any agents and observers present.

5.9 A verification statement must, by law, be produced for each contest. You must ensure that the completed statement containing the result of the verification is signed by you. This is a record of the number of ballot papers expected and the number of ballot papers counted, along with an explanation for any variances. Any agent may make a copy of the statement for the event for which they have been appointed, and indeed you should make available copies of the statements for the relevant agents present once verification has been completed.

5.10 You are required by law to inform the Chief Counting Officer of the contents of the verification statement once the statement is drawn up. Further instructions on submitting verification figures to the Chief Counting Officer will be provided separately.

5.11 Verification can only be completed once all postal ballot papers have been opened and processed, and have been through the verification process.

5.12 You must take all necessary steps to ensure the security of the ballot papers and the relevant stationery during any break in the verification and count proceedings.

Separation and delivery of ballot papers

5.13 As Counting Officer, you are required by law to deliver or cause to be delivered to the Returning Officer the ballot papers for the Northern Ireland Assembly and local government elections. In your capacity as Counting Officer, it is your responsibility to keep the ballot papers secure and to count the votes on them. As well as the ballot papers, the law requires that you also receive the following in your role as as Returning Officer for the elections:

- the ballot paper accounts and the statement as to the result of the verification of the ballot paper accounts
- the packets of unused and spoilt ballot papers
- the packets of tendered ballot papers
- the packets of certificates as to employment on duty on the day of the poll

6 The referendum count

Directions

Ensure that your count processes are transparent and produce an accurate result:

- Follow the key stages of the count process as outlined by the Chief Counting Officer, starting from paragraph 6.3.
- Where the total number of votes cast for both outcomes plus the total number of rejected ballot papers does not match the total number of ballot papers given on the verification statement, follow the Chief Counting Officer's procedure in order to try to identify and rectify the discrepancy. Where the figures do not agree after completing this procedure, consult the Chief Counting Officer.

If you are considering refusing a request for a recount, consult the Chief Counting Officer before doing so.

6.1 You must ensure that your count processes are transparent and produce accurate results. The following paragraphs set out how this can be achieved.

6.2 Before commencing the count, you must make an announcement explaining the processes you are going to follow, and explain how agents can observe and participate in the adjudication of doubtful ballot papers.

Counting the votes

6.3 The key stages of the count process which you must follow are:

- the sorting of ballot papers
- the adjudication of doubtful ballot papers
- the reconciliation of votes

6.4 Before you can commence the sorting stage for each poll, you have a legal duty to mix the ballot papers for that poll so that every lot issued to a count team contains ballot papers from more than one ballot box or postal vote receptacle.

Sorting

6.5 At the referendum, counting assistants must sort the ballot papers according to whether they are marked for 'yes' or 'no'.

6.6 Ballot papers must, by law, be kept face upwards throughout the process in order to prevent the number and other unique identifying mark on the back of the

ballot paper being seen. The ballot papers must be visible at all times to any agents and observers present. Any doubtful ballot papers must be placed aside for adjudication.

6.7 The number of votes given for each answer must then be counted and placed into bundles of a predetermined number. A slip bearing either 'yes' or 'no' together with the number in the bundle should be attached to the front. It may be helpful to colour-code the slips. The bundles must then be recounted by another counting assistant in order to ensure the accuracy of the bundle.

6.8 Before removing any bundles from the counting staff, supervisors should flick through the bundles in order to ensure that all of the votes in the bundle are marked in the same way.

6.9 It is unlikely that the number of votes in the final bundle will equal the predetermined bundle number, and so a note should be made of the number of votes in those incomplete bundles and attached to the front of the bundle.

Doubtful ballot papers

6.10 You must adjudicate doubtful ballot papers regularly as the count proceeds: do not leave the adjudication of doubtful ballot papers until the end of the count. You must have regard to the Commission's booklet on doubtful ballot papers throughout the adjudication process. Examples of allowed and rejected ballot papers are also set out on a placemat, which you should have on display at the count for agents and observers to refer to.

6.11 When adjudicating doubtful ballot papers, you must:

- Take time to ensure that a considered decision is given in every case.
- Always be clear and consistent.
- Attempt to discern the intention of the voter.
- Attempt to allow, not reject.

6.12 The legislation provides that you must reject a referendum ballot paper:

- that does not bear the official mark (not the unique identifying mark)
- on which a vote is given for both answers to the referendum question
- on which anything is written or marked by which the voter can be identified (except the printed ballot paper number or other unique identifying mark)
- that is unmarked or void for uncertainty

6.13 However, the legislation states that unless the way the ballot paper is marked identifies the voter, a ballot paper on which the vote is marked in the following ways must not be rejected if the voter's intention is clear:

- elsewhere than in the proper place
- otherwise than by means of a cross, or
- by more than one mark

6.14 In addition, ballot papers displaying any of the following may require further consideration:

- any ballot paper with anything unusual about it (for example, any ballot paper that appears to have been altered, either with a clearly different writing instrument or with correction fluid)
- any ballot paper torn or mutilated in any way

6.15 Legislation makes separate provision for dealing with the election ballot papers.⁵

6.16 Ballot papers that appear to be altered, either with a clearly different writing instrument or with correction fluid, should be treated as 'doubtful' and put forward for adjudication, where you must decide on their validity in the presence of agents and observers. Those that are subsequently declared as valid must, by law, be counted and included in the total number of votes cast for the relevant answer to the referendum question.

6.17 Your decision on any question arising in respect of a ballot paper is final. You have a legal duty to draw up a statement showing the number of ballot papers rejected and for what reason. You must therefore have a system in place throughout the adjudication process for sorting the rejected ballot papers into the headings listed above.

6.18 The legislation requires that each rejected ballot paper must have the word 'rejected' marked on it, and the words 'rejection objected to' must be added if a counting agent objects to your decision. Although observers must be able to observe this process, unlike agents, they do not have the legal right to object to the rejection of a ballot paper.

6.19 The rejection statement should be placed in the package for rejected ballot papers. As Counting Officer at the referendum, you have a legal duty to inform the Chief Counting Officer of the contents of the statement. Further instructions on submitting the statement to the Chief Counting Officer will be provided separately.

Reconciliation

6.20 Once all of the ballot papers have been sorted and any doubtful ballots adjudicated, the key task of reconciliation can begin.

6.21 All of the bundles and part bundles for each outcome must be counted. The total for both outcomes must then be added to the total number of rejected ballot papers, and this total figure should match exactly the figure giving the total

⁵ Insert legislative reference.

number of ballot papers obtained at the end of the verification process. If the two figures agree, you must proceed to the process of consulting the Chief Counting Officer on the provisional referendum total.

6.22 You must be satisfied that the total reflects the ballots received and so if the figures do not reconcile, the following procedure must be undertaken in order to try to identify and rectify the discrepancy:

- Check the storage area and check to ensure that all ballot boxes have been opened and are empty.
- Check all floors and surfaces for ballot papers that may have been dropped in the count venue.
- Re-check the verification figures and reconciliation for calculation mistakes.
- Ensure that all rejected ballot papers have been accounted for.
- Check that all bundles and part bundles have been counted.
- Consider recounting the ballot papers in the bundles.

6.23 You may also carry out any other checks you deem necessary.

6.24 If, following this, the figures for the referendum still do not reconcile and the discrepancy cannot be identified and rectified, you must contact the Chief Counting Officer in order to agree how to proceed.

Provisional total

6.25 The provisional referendum total must be shared with the Chief Counting Officer and the agents. The details of how this will work in practice will be communicated separately.

Recounts

6.26 After you have shared the provisional total with the referendum and counting agents, a referendum agent or a designated counting agent who is present at the completion of the counting may request a recount. You must consider that request, but you may refuse it if you consider their request unreasonable.

6.27 The Chief Counting Officer should be informed of all requests for recounts. If you are considering refusing a request for a recount, you must consult the Chief Counting Officer before doing so.

6.28 Where a recount has been agreed to, the referendum and counting agents and any observers in attendance must be briefed on the processes you are going to follow. The recount must be carried out in full view of those present. The Chief Counting Officer and the agents must be consulted on the revised provisional total in the same way as they were consulted on the provisional total at the conclusion of the first count.

6.29 It is possible to have more than one recount. However, once the Chief Counting Officer has issued a direction for you to certify your total, there is no provision in law for any further recounts to be held. This is the case even in the event of a procedural error being identified after the direction to certify has been issued.

Communicating the referendum total to the Chief Counting Officer

6.30 The legislation requires you to draw up a statement showing the total number of ballot papers counted and the total number of votes cast in favour of each answer to the referendum question. Once the statement is drawn up you have a legal duty to inform the Chief Counting Officer of the contents of the statement.

6.31 The Chief Counting Officer has the power in law to direct you to conduct a recount (or a further recount) if there is reason to doubt the accuracy of the counting of the votes in your area.

6.32 When the Chief Counting Officer is satisfied with your figures, she will direct you to certify the Northern Ireland total, stating the total number of ballot papers counted by you and the total number of votes cast for each answer to the referendum question. By law, you are not allowed to certify or declare your local total until you are directed to do so.

6.33 After making the certification you are required by law to immediately notify the Chief Counting Officer of the matters certified. You are also required, as soon as practicable, to give the Chief Counting Officer notice of the number of rejected ballot papers under each heading shown in the statement of rejected ballot papers.

6.34 Once you receive authorisation from the Chief Counting Officer, you then have a legal duty to announce the Northern Ireland total and to give public notice in writing of the certificate. You must include details of the number of votes cast for each answer to the referendum question and the number of rejected ballot papers under the four different categories. The Chief Counting Officer has developed some sample wording that you should use for your announcement.

6.35 The Chief Counting Officer will provide separate instructions on the detail of the process for the transmission, certification and declaration of referendum totals.