**From:** FOI
**To:** [redacted]
**Subject:** FOI 160/18 - Guidance in democratic process new - response
**Date:** 15 November 2018 08:49:22

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Dear [redacted]

**Our Ref: FOI 160/18**

Thank you for your email to the Electoral Commission dated **10 October 2018.**

The Commission aims to respond to requests for information promptly and regrets that on this occasion we have not done so.

Your request is in bold below followed by our response to each point

**Many thanks for your reply so far, I am however not entirely satisfied with your reply so would like to change the wording to the following questions.**

**5.b given that the Electoral Commission identified a significant increase in spoilt ballots in the first PCC Elections, attributed them to people intentionally spoiling their ballot and suggest the need for further research. Please identify any material or communications that the Electoral Commission has in relation to requesting further research be carried out and material that identifies that this research is to be delayed, postponed or not conducted.**

In March 2015, we commissioned GfK NOP to look at how the instructions on the ballot paper affects voters' ability to mark the ballot in accordance with their intention and how these instructions and other materials can be improved. You can find their report is here.

Following this, we published a summary and recommendation paper. This set out our recommended changes to supplementary ballot papers (PCC and London Mayor) for the UK Government to consider. You can find our report here.

**6. Is the Electoral Commission aware of any legislation or due process that would prevent the use of agents or candidates using their right to object to the classification of a rejection as a means to anecdotally identify intentionally spoilt ballots.**

It is not clear what you mean by "the use of agents or candidates using their right to object to the classification of a rejection as a means to anecdotally identify intentionally spoilt ballots."

Anyone attending the count has a duty to maintain the secrecy of the count. In particular, anyone attending must not:
• ascertain or attempt to ascertain number or other unique identifying mark on the back of any ballot paper
• communicate any information obtained at the count as to the candidate for whom any vote is given on any particular ballot paper

Details on the requirement for secrecy as laid out in the Representation of the People Act 1983 are available in the following document:
http://www.electoralcommission.org.uk/__data/assets/word_doc/0010/141895/Secrecy-

requirements-verification-and-count-S66.doc

**7a. Can the electoral commission identify how if at all it reviews or audits risk (in terms of HSAW Act) for General Elections.**

The Commission has no role in reviewing or auditing risks relating to the Health and Safety at Work etc. Act 1974 at UK Parliamentary general elections. It is a matter for Returning Officers to manage such risks relating to their employees.

**7b. Can the electoral commission identify how, or does the electoral commission advise, on how stress is managed for poll station staff.**

This is not specifically addressed in our guidance, however, in engaging local authorities we may offer practical advice and support, if the Returning Officer has identified stress, or other occupational hazards, as being a particular challenge.

**7c. Can the electoral commission identify how, or does the electoral commission advise, on how poll station staff have to be honest.**

The commission does not directly employ polling station staff. Rather, it supports Returning Officers or the Electoral Office for Northern Ireland in ensuring well run elections. This support is around compliance with Electoral Law, but also extends to practical support and guidance. Our Polling Station handbook, for example, stipulates that Presiding Officers and Poll Clerks must act “impartially” and “professionally” at all times.

**7d. Can the electoral commission identify how, or does the electoral commission advise, on how poll station staff should respond to any electorate requesting advice on how to abstain or intentionally spoil their ballot.**

Our Polling Station Handbook does not specifically address this as an issue. It does however, as mentioned, encourage that polling station staff act impartially and professionally. This limits staff to the extent that the ballot paper is to be used as intended.

**7e. Can the electoral commission identify, or does the electoral commission advise, any contingency plans should large numbers of poll station staff be forced to give misleading advice in relation to the question how can I abstain or intentionally spoil my ballot.**

We do not consider this a live risk and therefore have no contingency plans for the eventuality.

I trust that this information satisfies your request. The Commission strives to be an open, transparent authority, but in some circumstances we cannot responsibly release requested information, and we ask for your understanding in this regard.

If you are not satisfied with this response, please note that the Commission operates a review procedure, details of which can be found on the Commission website at: http://www.electoralcommission.org.uk/about-us/freedom-of-information-requests/how-do-I-make-an-foi-request

Please also note that if you have exhausted all internal Commission review procedures and you are still not satisfied you have the right to appeal to the Information Commissioner. Details of this procedure can be found on the ICO website: https://ico.org.uk/

Yours sincerely,

[redacted]
Access to Information Officer (FOI and DPA)

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