



Greater London Authority elections 2012

Report on the administration of the elections held
on 3 May 2012

July 2012

Translations and other formats

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Contents

1	Summary	1
2	Trust	3
3	Participation: voters	10
4	Participation: campaigners	24
5	No undue influence	26
6	Verification and count	30
	Appendices	35
	Appendix A	35

1 Summary

About the report and 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. 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. We are responsible for publishing reports on the administration of elections and referendums.

1.2 This report focuses on the administration of the London Mayoral and London Assembly elections held on 3 May 2012. It reflects the experience of voters, based on public opinion research and electoral data provided by Returning Officers. It also reflects feedback and views about the administration of the election from candidates and agents, those responsible for delivering the poll and other participants.

Facts and figures

1.3 On 3 May 2012, elections were held for the Mayor of London and 25 London Assembly members.

1.4 The poll was combined with local by-elections to elect councillors in wards in 10 London boroughs.

1.5 The electorate at these elections was 5.8 million and the turnout, including votes rejected at the count, was 38.8%¹. This was a decrease of 6.5 percentage points from the 2008 elections, when turnout was 45.3%.

1.6 2.21 million valid votes were cast at the elections. 1.8% of ballot papers were rejected at the count, which was 0.1 percentage points higher than in 2008.

1.7 14.1% of the electorate was issued with postal ballot papers for these elections. This is 2.4 percentage points higher than in 2008. Turnout amongst postal voters was 68.8%.

1.8 4.6% of returned postal ballot papers were rejected and not included in the count, which was a decrease of 0.2 percentage points from those rejected in 2008.

¹ Turnout and rejected ballot paper figures are for mayoral first preference votes.

People's experience of voting

1.9 A key priority for us is that voters are able to vote easily and know that their vote will be counted in the way they intended.

1.10 Voters continue to have high levels of satisfaction with the voting process. Both polling station and postal voters remain positive about their experience. Voters also understood how to complete their ballot papers for the London elections.

1.11 Nearly all (95%) said that they found it easy to fill in the ballot, with three quarters (76%) finding it very easy and just 3% reporting difficulties.

1.12 Full details of our research findings are contained in this report.

Information for voters

1.13 We want to ensure that people are aware of the need to register to vote in order to take part in the elections. We undertook an advertising campaign for the Greater London Assembly (GLA) elections to promote voter registration. The activity focussed on raising public awareness of the need to register in order to vote, how to register to vote and the deadline for doing so.

1.14 Awareness of the elections was high in London, with nearly three-quarters (73%) of respondents in London saying they knew 'a great deal' or 'a fair amount' about the elections. Over-three quarters (76%) of people surveyed agreed that they had enough information to make an informed decision on how to vote in the London elections. Those who voted in London were more likely to say they had enough information about the elections to make an informed decision, than those who did not vote (86% compared with 63% respectively).

2 Trust

2.1 People should be able to trust the way our elections and our political finance system work. This chapter looks at whether people thought the elections were well-run and gives an overview of the performance of Constituency Returning Officers (CROs) across London.

About the elections

2.2 On 3 May 2012, elections were held for the Mayor of London and 25 London Assembly members.

2.3 Electors voted in three contests on polling day: to elect the Mayor of London, their constituency assembly member and London-wide members of the Assembly. Electors in 10 London boroughs also voted to elect councillors in local government ward by-elections.

2.4 The Mayor is elected using the supplementary vote (SV) system. Electors may give both a first and second preference vote. First preferences are counted, and if a candidate receives more than 50% of the votes cast they are elected. If no candidate has more than 50% of the vote, 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.

2.5 The Assembly elections are conducted using the additional member system, which includes constituency members being elected using the first-past-the-post system, and London-wide members being elected by a closed party list system that takes into account the total votes cast in the London-wide ballot together with the number of constituency London Assembly member seats that each political party has already won.

2.6 There are 14 GLA constituencies in London, each made up of two to four London boroughs. Votes were counted electronically across three count venues, as shown in Table 1 below:

Table 1: Count venues at the 2012 GLA elections

Venue	Constituencies
Alexandra Palace	Barnet & Camden Brent & Harrow Enfield & Haringey North East
ExCel	Bexley & Bromley

	City & East Greenwich & Lewisham Havering & Redbridge Lambeth & Southwark
Olympia	Croydon & Sutton Ealing & Hillingdon Merton & Wandsworth South West West Central

2.7 Results of the constituency assembly member contests were announced by CROs at their count venues. Results of mayoral and London-wide assembly contests were aggregated and announced by the Greater London Returning Officer (GLRO) at City Hall.

2.8 The poll was combined with local by-elections to elect councillors in wards in ten local authorities, as follows:

- Barnhill Ward, London Borough of Brent
- Bromley Town Ward, London Borough of Bromley
- Camden Town with Primrose Hill Ward, London Borough of Camden
- Hackney Central Ward, London Borough of Hackney
- Holloway Ward, London Borough of Islington
- Coombe Hill Ward, London Borough of Kingston upon Thames
- Wimbledon Park Ward, London Borough of Merton
- North Richmond Ward, London Borough of Richmond
- Weavers Ward, London Borough of Tower Hamlets
- Hyde Park Ward, London Borough of Westminster

Were the polls well run?

What voters thought

2.9 Eighty-two per cent of people surveyed in London were satisfied with the procedure for voting in elections and referendums in Great Britain generally. Over three-quarters (78%) were confident that the London elections were well-run and, of those voting, 89% were confident. Londoners were also more likely than those in English council election areas to be confident their polls were well-run (78% v 73%).

What candidates thought

2.10 Following the GLA elections, we wrote to all candidates and agents inviting them to provide feedback on the polls. Of those candidates and agents that responded, many indicated that they had concerns about the lack of consistency between London boroughs in both the nomination process and the verification and count process.

2.11 Some candidates and agents indicated that they thought the verification and count process took too long. There was very mixed feedback on electronic counting, with some being in favour and some not believing it added any value to the process.

Roles and responsibilities at the elections

2.12 The overall administration of the election was the responsibility of the Greater London Returning Officer (GLRO). The GLRO for the 2012 elections was an officer of the GLA. For the purpose of the conduct of the election the GLRO is independent of the GLA itself, and is accountable directly to the courts within the legislative framework.

2.13 The GLRO was supported by 14 CROs with specific responsibilities for the election of constituency members of the London Assembly. The GLRO has a power of direction over CROs, which was used to direct them in a number of areas during the election period. Feedback from CROs indicated that the GLRO's 'light touch' approach to issuing directions was well-received.

2.14 The roles of GLRO and CRO are defined in the statutory framework. Borough Returning Officers (BROs) in each London Borough and the City of London supported the GLRO and CROs in running certain functions of the elections, including the administration of polling stations within each local authority area, and the issue and receipt of postal votes. However, the role of BRO is not recognised in legislation. The Commission recommended (both in response to the draft GLA elections rules in August 2007 and again following the 2008 elections) that the role of BRO be recognised in the legal framework for the GLA elections in 2012. However, the government did not amend the rules to reflect this. Although this lack of recognition did not seem to cause significant problems at the 2012 elections, the GLRO indicated that communications between CROs and BROs was not always as good as it should have been, and feedback from ROs suggests that clarity of this role is an important issue. Therefore the Commission again recommends that the role of BRO be recognised in the legal framework for future GLA elections.

2.15 The GLRO employed a team, London Elects, to support him in carrying out his statutory functions in running the election. The team employed a training officer to develop, deliver, and review a training strategy for the elections. They adopted a cascade approach to training, whereby London Elects trained key staff in each local authority, who then trained election staff in their own authority. Good feedback was received from ROs on training sessions given by London Elects.

2.16 The GLRO chaired an elections steering group, including officers of the GLA and CROs, and which was also attended by representatives of the Cabinet Office and the Electoral Commission, to discuss project planning as a whole.

2.17 Both the GLRO and the Commission produced guidance documents for CROs. The Commission's guidance supported CROs in the principles and

practices of running the elections and in meeting the Commission's performance standards. It did not advise on the detail of certain aspects of running a GLA election, such as nominations and the e-counting process, as the GLRO provided specific guidance to CROs on these processes. Feedback from ROs indicated that there needed to be more synchronisation between the materials produced by the GLRO and the Commission. This is something that will need to be addressed and we will ensure that we liaise with the GLRO earlier in the planning process for future elections, to agree who will produce guidance and achieve this synchronisation.

2.18 Guidance for candidates and agents was produced jointly between the GLRO and the Electoral Commission.

2.19 The GLRO procured certain items centrally, such as ballot boxes, ballot papers and polling station notices. These were distributed to the 33 BROs in April 2012, prior to polling day. A number of BROs reported that the provision of these materials by London Elects should have been done earlier and this therefore impacted on their own planning.

2.20 As discussed in paragraph 2.21 below, we monitor the performance of CROs through our performance monitoring framework. However, our direction to report against performance standards did not apply to the GLRO at these elections. We intend to set performance standards for the GLRO at future GLA elections and for those with a power of direction at other relevant elections, such as the Police and Crime Commissioner elections in November 2012 and the European Parliamentary elections in 2014.

Performance of Constituency Returning Officers

2.21 We use a performance standards framework to highlight where elections are well-run and to challenge CROs where the service received by electors is below standard². We publish online guidance to CROs to support them in the principles and practices of running the elections, along with templates and resources, which also assist them in meeting the performance standards. We also provide specific guidance and advice on request.

2.22 Underlying our performance standards framework and published guidance is a commitment to ensuring that elections and referendums are conducted with the interests of voters in mind, in line with our key objectives, of participation, trust, and no undue influence.

² The Electoral Administration Act 2006 gave the Commission powers to determine and publish standards of performance for ROs, direct them to provide the Commission with reports regarding their performance, and publish its assessment of the level of performance by relevant officers against the published standards.

2.23 Our standards focus on outcomes and we believe that the completion of some key processes (with measurable outputs) is predictive of well-conducted elections. Rather than ask ROs to report on their performance after the poll, we now assess performance in the run-up to polling day. This enables us to monitor performance throughout the process of planning for and delivering the election, and, in the case of GLA elections, to communicate any issues to the GLRO in order that he could recommend or direct improvements as he saw fit prior to polling day. We also separately monitor the performance of Electoral Registration Officers (EROs) in Great Britain³.

2.24 The Commission directed CROs to report on their performance against a set of standards, which monitor performance in a number of key areas:

- Planning and organisation
- Administering the poll
- Absent voting
- Verifying and counting the votes
- After the declaration of results

2.25 This report contains a summary of CROs' performance against our recently revised standards (for the reasons set out in paragraph 2.14, the Commission's direction to report applied only to CROs, who were responsible for ensuring that the criteria of the standards were being met in all boroughs in their constituency). In addition to this summary, information about the performance of individual CROs is available on our website⁴, in a chart-based format that enables comparison with other CROs.

2.26 This was the first set of GLA elections for which the Commission had set performance standards.

2.27 All CROs were required to submit monitoring returns at pre-determined points, demonstrating their performance against the standards. We also assessed supporting data and evidence from a sample of 15% of CROs. We could not directly request information or evidence from BROs. CROs' responses were expected to take account of all constituent boroughs' performance.

2.28 Throughout the election period the Commission communicated any arising issues from its performance monitoring to the GLRO through a regular highlight report, to enable him to direct or recommend any improvement as he saw fit. The GLRO indicated that he found these reports very useful, as they brought to attention areas of specific concern that he could then follow up directly with

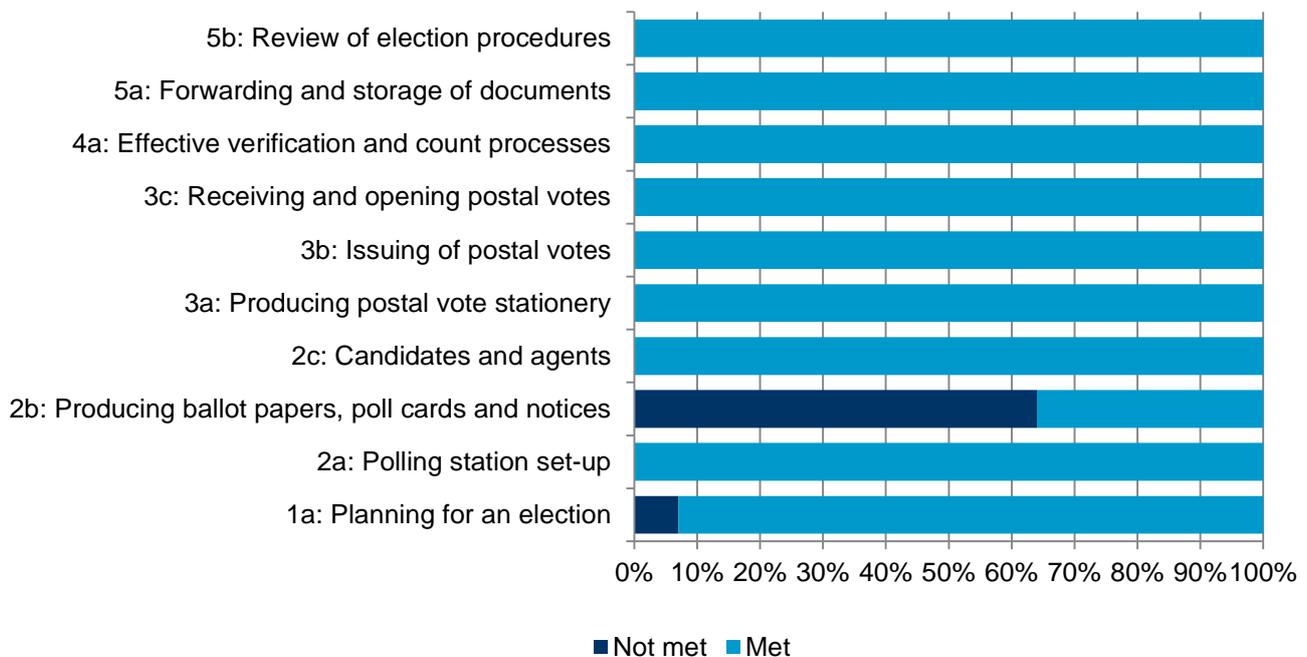
³ Our latest (4th) annual assessment of ERO performance can be found on our website: <http://www.electoralcommission.org.uk/performance-standards>

⁴ This information can be found on our website at www.electoralcommission.org.uk/performance-standards/results_and_analysis/assessment

CROs. The Commission’s role in London differed to our role in areas of England and Wales where local elections were being held. In these areas, the Commission followed up arising issues directly with the local ROs to recommend improvements prior to polling day.

2.29 The chart below shows the proportion of CROs who met (or did not meet) our standards for administering the GLA elections. Our revised performance framework gives CROs the opportunity to show where they have performed beyond the requirements of our standards, and to demonstrate creativity and innovation. We are currently assessing the evidence supplied by those CROs who have reported performing beyond the standards and have submitted examples to support this. We will publish the results of these assessments in September 2012, in line with our summary report on the May 2012 elections. We will also consider all examples of good practice and will use these to keep our guidance and the standards themselves under review.

Chart 1: Performance of CROs in London 2012



2.30 CROs performed strongly in the area of planning and organisation, with all but one CRO indicating they had met our criteria. This was followed up immediately with the GLRO, who informed us that a review of project plans and risk registers was under way and that he would follow up this issue with the CRO concerned.

2.31 Nine CROs did not meet the standard for producing ballot papers, poll cards and notices, as they despatched their poll cards later than the date required by the standards. The reason for this was an inconsistency between the date set by the Commission and the date directed by the GLRO, who allowed an extra three working days to despatch poll cards. Seven of the nine

CROs who did not meet the Commission's standard did, in fact, comply with the GLRO's direction. This is discussed in more detail in paragraph 3.34.

Campaign spending and donations

2.32 There are rules on candidates' campaign spending at GLA elections and on the donations they receive to fund their campaigns. The Commission carried out a programme of campaign monitoring for the elections. The purpose of this work was to raise candidates' and agents' awareness of the rules, to identify emerging issues and opportunities for the Commission to offer advice and guidance to those it regulates, and to obtain information about campaigning to inform our review of candidates' spending returns. In the run-up to the elections we published a briefing note on our work:

http://www.electoralcommission.org.uk/_data/assets/pdf_file/0019/109522/20120404-GLA-campaign-monitoring-briefing-note.pdf

2.33 As a result of this work we contacted one candidate and one campaigning organisation during the campaign to ensure they were aware of particular aspects of the rules.

2.34 To date we have not identified any breaches of the rules on candidates' spending and donations at these elections, and have received no allegations of breaches. GLA constituency candidates were due to provide their spending return to the relevant CRO by 8 June, and London Mayoral and Assembly Member candidates must provide their returns to the GLRO by 13 July.

2.35 We will publish key information from these returns on our website later this year, along with analysis of any regulatory issues emerging from the returns. If we carry out any enforcement work in connection with potential breaches of the rules at these elections, we will publish information about these in due course in accordance with our disclosure policy.

2.36 Our post-poll public opinion survey also included questions relating to the rules on the money that political parties and others use when campaigning.⁵ The responses were obtained before the deadline for candidates at the elections to submit their spending returns. In comparison to the results from the 2011 post-poll survey, some of the findings indicate an increased concern about the fairness of the current rules. We will take the results into account in our on-going policy work and in our discussions with Government on the regulatory regime.

2.37

⁵ These results can be found on the 'Publications and Research' section of our website.

3 Participation: voters

3.1 Participation in elections should be straightforward, and people should be confident that their vote counts. People had a generally positive view of the process of voting in polls held on 3 May.

3.2 This chapter looks at participation at the Greater London Authority (GLA) elections on 3 May. It focuses on people's experience of registering to vote and casting their vote (whether by post, at a polling station or by proxy) and whether they felt that they received enough information to be able to make an informed choice. It also looks at voters' confidence and satisfaction with the way the elections were run.

Our public information campaign

Voter registration

3.3 We want to ensure that people are aware of the need to register to vote in order to take part in the elections. We undertook an advertising campaign for the GLA elections to promote voter registration. The activity focussed on raising public awareness of the need to register in order to vote, how to register to vote and the deadline for doing so.

3.4 This was part of a larger national campaign which ran across all areas of Great Britain where elections were being held. Advertising was also used for the local elections in Scotland and Wales. All activity carried the message, "It's your vote, don't lose it".⁶

3.5 The national voter registration campaign was launched over a number of weeks, with online advertising beginning on 19 March 2012, radio and press advertising starting on 26 March 2012 and TV activity on 1 April 2012. The campaign ended on 17 April 2012.

3.6 As with previous campaigns, all advertising directed people to the Commission's www.aboutmyvote.co.uk website, where they could download registration forms and find out further information. There was also a telephone helpline set up for the campaign period which people could call for more information or to request a registration form.

⁶ The Commission also ran a separate voter information campaign in Scotland to help explain the Single Transferable Vote (STV) system used for the Scottish local elections. This was designed to help mitigate issues experienced in the 2007 Scottish local elections around lack of understanding of how to complete STV ballot papers.

3.7 During the public information campaign period, the aboutmyvote.co.uk homepage received 732,000 visits with 146,000 downloaded voter registration forms across Great Britain. The helpline received just over 12,500 calls during the campaign period.

3.8 Our tracking results were positive. Sixty-five per cent of people in England claim to have seen the at least one element of the campaign, with particularly high awareness among the 18-24 year old group (75%). Eighty-six per cent of people claimed that the adverts made it quite clear that you have to register to be able to vote and 74% said it was clear where to go for further information.

3.9 During the campaign it became apparent that there was an error with some of the address data for Electoral Registration Officers. Some of the return addresses on registration forms downloaded from www.aboutmyvote.co.uk were also incorrect. We identified 464 people (across England, including London; and Scotland) who had returned their form to an incorrect address. The whole of London had elections on 3 May, but a proportion of those in other areas did not have scheduled elections taking place on 3 May. There is also evidence to suggest that some of those electors that requested registration forms from the helpline were already registered. In addition, some of the local authorities have redirects in place from their old addresses.

3.10 The Commission contacted all of the people who were affected to inform them of the error ahead of the registration deadline. We have since undertaken a full review of how the error occurred, and have now put actions in place to ensure that a similar error does not occur in the future.

Voter information

3.11 The Greater London Returning Officer (GLRO) was responsible for providing information to voters on how to vote and information about candidates. The London Elects team ran a separate voter information campaign following our registration activity throughout the election period.

3.12 Under the GLA election rules, the GLRO is required to send an election address booklet to every elector. Mayoral candidates may submit an address (mini manifesto) for inclusion in the booklet. All candidates who choose to do so must contribute to the cost of production. In the 2012 elections, all candidates chose to submit an address for inclusion and each candidate had to contribute £10,000. The booklet also included information about the elections and listed candidates in the constituency and London-wide Assembly Member contests. The GLRO arranged for the booklet to be delivered to all electors in London in a pre-addressed envelope. We are not aware of any problems with the production or distribution of booklets.

Awareness of the elections

3.13 Awareness was high in London on 3 May, with nearly three-quarters (73%) of respondents in London saying they knew 'a great deal' (16%), or 'a fair amount' (57%) about the elections. Six per cent said they knew 'nothing at all', and 21% said 'not very much'. This compares with around one half of those in election areas in England (51%), Wales (55%) and Scotland (56%) who said they knew a great deal or a fair amount on what their respective council elections were about. Only around one third (34%) of those with mayoral referendums said they knew a great deal or fair amount about them.

3.14 Over three-quarters (76%) of people surveyed agreed that they had enough information to make an informed decision on how to vote in the London elections. In contrast, 63% said the same about the local council elections and 42% about the mayoral referendums.

3.15 Those who actually voted in London were more likely to say they had enough information about the elections to make an informed decision, than those who did not vote (86% compared with 63% respectively).

Party election broadcasts

3.16 While the BBC and Ofcom are required to consult the Commission on the allocation criteria for party election broadcasts, decisions about the number of broadcasts that should be allocated are down to the broadcasters themselves.

3.17 Party election broadcasts for the 2012 GLA elections were carried on BBC One in London, ITV London and BBC London radio for the British National Party, Conservative Party, Green Party, Labour Party, Liberal Democrats and UK Independence Party. There were seven candidates for the London mayoral election and six of these stood on behalf of a political party that received a broadcast. The independent candidate in the London mayoral election (Siobhan Benita) did not receive a broadcast.

3.18 The BBC's eligibility criteria for party election broadcasts - which are set for each specific election - included a requirement that for individual candidates to receive a broadcast they needed to be able to demonstrate substantial current electoral support in London. Under the Ofcom rules, in relation to the London Authority elections, 'major' political parties are offered a broadcast. In addition, under the Ofcom rules, other candidates can qualify for party election broadcasts subject to various criteria, including evidence of past and/or current electoral support. Siobhan Benita submitted a complaint to the BBC Trust in relation to her not being allocated a party election broadcast by the BBC. This complaint was not upheld.

3.19 Alternative criteria to those in the existing rules, that would oblige the allocation of broadcasts to more independent candidates than the current criteria, would be likely to involve a greater level of judgement by the

broadcasters than at present about the credibility or potential support of particular candidates. Conversely, automatically awarding broadcasts to all independent candidates might encourage candidates to stand who are not genuinely contesting the election (e.g. to generate interest in a commercial product). However, the criteria used at these elections were relatively inflexible and did not, for example, allow broadcasters to reflect the specific circumstances of an election by awarding a broadcast to the only independent candidate standing. We will therefore be discussing with the BBC and Ofcom, before they draw up allocation criteria ahead of the 2016 GLA elections, whether there is any scope within the current law for introducing more flexibility in the criteria for the allocation of party election broadcasts. If, following this, we believe a change in the law is required we will raise this issue with the Government.

3.20 The BBC is required to consult the Commission on their broadcasting guidelines during the election period. The BBC produces specific guidance for each set of elections, and for the GLA elections included current electoral support as one of the factors that should be taken into account when deciding the level of coverage. Ofcom is also required to consult the Commission in relation to changes to the rules in the Ofcom Broadcasting Code ('the Code') concerning broadcast items featuring candidates in their electoral areas or constituencies. The Code stipulates that coverage of particular candidates in such items should include consideration of levels of current support.

3.21 Ms Benita complained separately to Ofcom and the BBC Trust, after she was not invited to participate in certain televised debates, claiming that the broadcasters were in breach of their obligation of impartiality in excluding her. Both complaints were not upheld. We do not consider it our role to comment on specific decisions about broadcast coverage, and have therefore not taken a view on these complaints.

3.22 The Police and Crime Commissioner elections in November in England (outside London) and Wales are new elections, so there will be no previous contests on which to assess levels of support and there may also be significant numbers of independent candidates. This will present new challenges when making decisions about coverage which we understand the broadcasters are aware of, and we will consider when reviewing the relevant broadcasting guidelines.

Registering to vote

Who could vote?

3.23 Any person resident in a London local authority area and who met the age and nationality criteria was able to register to vote. A total of 5.8 million people were registered to vote on 3 May.

3.24 The deadline to register to vote was Wednesday 18 April – 11 working days before the election. According to data from electoral registration officers (EROs), 53,000 people took advantage of the 11-day deadline by registering after the formal election period began (an average of 1,619 per borough).

3.25 From data provided, polling station staff noted a total of 1,043 people who tried to vote on polling day but who were not on the electoral register⁷.

People's experience of registering to vote

3.26 People in London were satisfied with the procedure for getting their name on the electoral register. Eighty-two per cent of respondents said they were very or fairly satisfied (52% very satisfied and 30% fairly satisfied). This figure was consistent across all polls in Great Britain. Only 3% said that they were dissatisfied with registering to vote.

Voting in the polls

Turnout

3.27 The turnout at these elections was 38.8%. This was a decrease of 6.5 percentage points from the 2008 elections, when turnout was 45.3%.

Why people did and did not vote

3.28 Our public opinion research explored the reasons why people did and did not vote in the elections that took place on 3 May 2012.

3.29 The most common reason given for voting was people having a sense of civic duty to vote, and feeling that it is important to do so. Sixty-two per cent of London election voters gave a 'civic' reason. Other common reasons for voting were based on expressing a view (38%), and helping to create change (16%).

3.30 The most common reasons given for not voting related to circumstances (59%), with about half of those specifying that they were too busy to vote. This reflected very similar reasons given in previous post-election research.

⁷ These figures are approximate as not all EROs kept full records.

People's experience of casting their vote

3.31 Our performance standards for administering the polls require polling stations to be set up effectively, and voters to be provided with all the materials they need to be able to cast their vote. With these standards we aim to ensure that voters share a consistent experience, and receive the same high quality service irrespective of where they are registered to vote.

3.32 We provide templates for election stationery to ensure CROs provide all materials in accessible formats that are easy for voters to use and understand. We were pleased to see that CROs were either using the Commission's template for their poll cards, or designing their own in line with the criteria set out in our performance standards. We also issue guidance on the allocation of electors and staff to polling stations.

3.33 Poll cards contain important information about when and where an election is taking place, and how to vote. If despatched early enough, poll cards also ensure people still have time to register to vote or apply for a postal or proxy vote. Our performance standards required poll cards to be despatched by no later than 29 working days before polling day (Wednesday 21 March 2012).

3.34 The date set for the despatch of poll cards in the GLRO's directions, however, was 26 working days before polling day (Monday 26 March 2012) – three working days and five calendar days later than the date required by our performance standards. The GLRO has indicated that the date set in his directions took account of relevant variables, including consultation with CROs and a recommendation from the London branch of the Association of Electoral Administrators that many administrators wanted to use the weekend of 24 and 25 March to deal with the despatch.

3.35 Nine of the 14 CROs did not despatch poll cards in time to meet our performance standard, although they did comply with the GLRO's direction. Two CROs did not meet either the GLRO's direction or our performance standard. Of the two CROs who did not comply with either our performance standard or the GLRO's direction, this was due to some of the borough ROs for the constituent boroughs despatching poll cards too late. In one constituency we are aware that this was caused by printing problems in one borough. In the other constituency, rather than sending a poll card by the directed date, a borough RO sent a letter to every household to ensure that people still had time to register to vote or apply for a postal or proxy vote, and this was followed by sending a poll card three working days before polling day.

3.36 Electors across London experienced inconsistent levels of service in the timing of the provision of poll card information. This meant that some people had almost a week less than others to update their registration information or to apply for an absent vote.

3.37 We are disappointed that, as a result of the difference between the GLRO's direction and our performance standards, London electors experienced such different levels of service. We do not consider that the reasons advanced by some London administrators, and accepted by the GLRO, for choosing a later date, were sufficient to outweigh the objective of giving voters as much time as possible to update their registration or absent vote information. For future elections, the Commission and the GLRO will need to work more closely to ensure that timetables are aligned, that directions and performance standards do not contain inconsistencies, and that all requirements are well communicated and understood. This liaison should begin at an early stage in the planning process.

3.38 The inconsistent approach to communication between the CROs and BROs could also in future be avoided if the role of BRO was formally recognised in the statutory election framework, and they are subject to the power of direction of either, or both, of the GLRO or their CRO.

The experience of people who voted in polling stations

3.39 Nearly 1.7 million people chose to cast their vote in their local polling station on 3 May.

3.40 Nearly all (96%) of polling station voters were satisfied with the process of voting at their polling station, with 75% very satisfied and only 2% dissatisfied. This was the same in 2008, when 96% of polling station voters were satisfied.

3.41 Our public opinion research showed that around three quarters (74%) of Londoners believed that voting at a polling station is convenient.

3.42 Nearly all (98%) said that it was easy for them to get inside their polling station to vote on May 3 (91% said it was 'very easy').

3.43 Polling station voters were asked about the atmosphere inside their polling station. Ninety-seven per cent agreed that the polling station 'was well ordered'. Just 4% agreed when asked if their polling station was 'chaotic'.

3.44 Ninety-eight per cent of voters said their polling station 'was safe'. Ninety-seven per cent agreed that 'it was well run by staff' although 5% thought the polling station was intimidating.

3.45 Nearly three quarters (73%) of London polling station voters felt that the help and support available from polling station staff was useful. A slightly larger proportion (76%) said that the written instructions (posters or guidance) on display in the polling place were useful, and were more likely to think so than those in local election areas in England (62%), Wales (62%) and Scotland (67%). However, Londoners were less likely to say that they didn't need or use these materials (21%) than those in England (33%), Wales (32%) and Scotland (28%). This may be because the London instructions were more accessible or better presented, or could relate to the fact that Londoners had multiple ballots and

two voting systems to consider. Only small proportions (3-5%) across these areas said the instructions weren't useful.

The experience of people who voted by post

3.46 14.1% of the total electorate in London voted by post at the elections. The highest percentage of postal votes was 29.4% of electors in the City of London, and the lowest was 9.1% in Ealing.

3.47 We want to ensure through our performance standards that the absent voting process is conducted in a professional, transparent and secure manner, so that all absent voters share a consistent experience and receive the same high-quality service irrespective of where they are registered. All CROs were found to have arrangements in place for proof checking postal vote stationery, and maintaining a clear audit trail of postal ballot packs. The performance standards required CROs to prioritise the despatch of postal ballot packs overseas. All CROs met this standard, with 12 sending them out on the same day as other postal ballot packs and two despatching them earlier.

3.48 Overall, those people who voted by post on 3 May were positive about their experience. Nearly all (98%) of those who voted by post said that they were satisfied with the process.

3.49 Over half (53%) of London respondents thought that voting by post on 3 May was convenient. Those who did actually cast their vote by post were more likely to rate it as convenient, with 99% rating it as such in contrast to 37% of polling place voters.

3.50 Ninety-four per cent said that it was easy to understand what had to be done in order to return their postal vote. Most postal voters (96%) also found the written instructions on how to return their ballot useful.

Invalid postal votes

3.51 Postal votes must be rejected by ROs if a voter's personal details supplied and returned with their postal vote cannot be successfully matched with those previously provided by the voter, and held on the EROs' records. There is a legal requirement to match these personal identifiers, designed to prevent voting fraud. Checking 100% of returned postal ballot packs, or very close to that, has now become the standard practice of ROs across Great Britain, and indeed 100% must be checked by ROs if they are to meet our performance standard. All 14 CROs confirmed that identifiers were checked on 100% of returned postal voting statements in their constituency.

3.52 In total 4.6% of returned postal ballot packs were rejected and not included in the count, which was a decrease of 0.2% from those rejected in 2008. ROs were asked to record data about their reasons for rejecting postal ballot packs, categorised under seven headings. These can be seen in Table 2 below.

Table 2: Reasons for postal ballot pack rejection

Rejected for	Proportion of total rejected (%)
Want of signature	5
Want of date of birth	5
Want of both	10
Mismatched signature	30
Mismatched date of birth	21
Both mismatched	8
Missing postal voting statement or ballot paper	22

3.53 Approximately 22% of rejected postal ballot packs contained either no postal voting statement or no ballot paper.

3.54 A further 58% of rejected postal ballot packs included postal voting statements which had not been correctly completed, because one or both personal identifiers did not match the records held by the ERO.

3.55 As with previous years, ROs recorded their concerns about postal voters being disenfranchised due to ‘innocent’ mistakes made on their postal vote statements: people giving the date that the postal vote was completed rather than their date of birth; change of name, such as on marriage; and changes in the quality of signatures over time since the original application was made.

3.56 Approximately 20% of rejected postal ballot packs included postal voting statements on which either or both of the elector’s date of birth and signature were missing.

3.57 While it is clearly important that measures are in place that are effective in detecting and preventing fraud, these measures should not inadvertently disenfranchise voters who simply make mistakes on their postal voting statements. Allowing ROs to request a refreshed identifying signature, and also to provide electors with feedback if their identifier has been rejected, would help address this problem.

3.58 We first raised this issue with the UK Government in 2007, and so welcome the inclusion of a clause in the Electoral Registration and Administration Bill currently before Parliament that will allow EROs to request a refresh, and for

electors to be notified that their postal vote statement was rejected, and to be implemented through regulations. We see no reason why the new system should not apply to the first set of elections after Royal Assent, which should be those held in May 2013. This would give absent voters the opportunity to update their identifiers in good time ahead of the next European Parliament election in 2014, and the UK Parliamentary General Election in 2015.

Postal vote campaigns by political parties

3.59 It is important that candidates and parties can, if they wish, invite electors to apply for a postal vote as part of their activity to encourage participation. However, any political party or campaign group considering encouraging electors to apply for a postal vote should ensure that application forms are designed and processed in a way that minimises the scope for delays to their submission to EROs. If forms are not forwarded to EROs in time to be processed, electors – including the party’s own supporters – may not be able to cast their vote.

3.60 A number of London electoral administrators have highlighted concerns about postal vote application forms that had been produced by the Conservative Party in the run-up to the election. Certain aspects of the layout and design of these bespoke forms meant that they could not be recognised by electoral management software when scanned, and administrators had to manually enter postal voters’ details into their systems.

3.61 These problems could be avoided if campaigners, candidates and parties liaise directly with electoral software companies and consult them on the design of their forms. Although parties often share their bespoke forms with the Commission prior to production, we do not approve the design of such forms, but simply confirm whether or not they meet the legal requirements. In future, when contacted on draft forms, we will remind parties that it would be beneficial for them to liaise directly with software companies.

3.62 Concerns were also expressed about the handling of postal vote applications by parties. One ERO reported receiving applications delivered in a batch from the Conservative Party that had been dated long before they were delivered, suggesting that the applications had not been forwarded to the ERO without delay (as agreed by the main political parties represented in the UK Parliament in the 2012 *Code of conduct for political parties, candidates, canvassers and campaigners on the handling of postal vote applications and postal ballot papers in England and Wales*). Party officers responded to the concerns raised by EROs by suggesting that a combination of factors may have been responsible for any delays, including electors not necessarily posting their forms immediately after completion, the Royal Mail not always delivering promptly to the party offices and possible delays with couriers delivering forms to EROs.

3.63 We will continue to make clear to the party that we expect them in future to take more effective steps to ensure compliance with the Code of Conduct. We will also reinforce this message with all other political parties.

Voting by proxy

3.64 If an elector had a valid reason why they were unable to vote in person, such as illness, physical incapacity, work commitments, or being overseas, they could appoint a proxy to vote on their behalf, either in a polling station or by post. The deadline for applying for a proxy vote was 5pm on Wednesday 25 April.

3.65 Approximately 7,000 people appointed a proxy which, as a proportion of the whole electorate, was 0.12%.

3.66 Of that total, 34 were proxies appointed as the result of medical emergencies. After the deadline for applying for a proxy vote, anyone who was suddenly taken ill and was unable to vote could appoint an emergency proxy, up to 5 pm on polling day itself.

3.67 The Government has announced plans to extend the emergency proxy voting provisions to those unexpectedly called away on business or military service. Though we support this proposal, we have recommended that it be further extended to apply to those who have other reasons for not being able to attend the polling station at short notice, such as caring responsibilities or a recent bereavement.

3.68 Completing the ballot paperOur public opinion research asked if voters found it easy or difficult to fill in the ballot papers when voting on 3 May. Nearly all (95%) said that they found it easy to fill in the ballot, with three quarters (76%) finding it very easy and 3% reporting difficulties.

3.69 Among the respondents who reported difficulties filling in their ballot papers, reasons given related to the text being too small, not having clear instructions or the layout being confusing.

3.70 One in five (19%) voters said they were confused by the use of two electoral systems (Supplementary Vote and Additional Member) to elect the London Mayor and the London Assembly.

Rejected ballot papers

3.71 For the London Mayor, voters completed a supplementary vote (SV) ballot paper which asks people to mark their first and second choice preference. An example of what the ballot paper for the mayoral election looked like is shown in Figure 1 below.

Figure 1: Example mayoral election ballot paper



3.72 40,210 first choice votes on mayoral ballot papers were rejected at the count. This represented 1.8% of all votes cast. The proportion of ballot papers rejected at the count ranged from 0.7% in the City of London to 2.9% in Tower Hamlets.

3.73 The reasons for rejection are shown in Table 3 below, along with a comparison with reasons in 2008. Both the number and proportion of ballot papers rejected at the count were similar to those recorded in 2008.

Table 3: Reasons for rejection of Mayoral ballot papers

Mayoral first preference rejected ballots	2012 Total	2012 Percentage	2008 Total	2008 Percentage
Unmarked	12,705	31.6%	13,034	31.8%
Uncertain	5,494	13.7%	1,485	3.6%
Voting for too many	21,833	54.3%	26,097	63.6%
Writing identifying voter	153	0.4%	351	0.9%
Want of official mark	25	0.1%	65	0.2%
Total	40,210		41,032	
As a % of all ballots	1.8%		1.7%	

3.74 Over half (54.3%) of these rejections were due to people voting for too many candidates as their first choice, which was 9.3% less than in 2008. Around a third (31.6%) were rejected for not containing a first preference vote, which was a similar proportion to 2008 (31.8%). 13.7% were rejected because the first choice vote was uncertain. This was 10.1% more than in 2008.

3.75 A much higher proportion of votes were rejected in the counting of second preference votes. The reasons for rejection are detailed in Table 4 below.

Table 4: Reasons for rejection of Mayoral ballot papers at second preference stage

Mayoral second preference	Total	Percentage
Unmarked	435,606	97.8%
Uncertain	4,134	0.9%
Voting for too many	5,726	1.3%
Total	445,466	
As a % of all ballots	20.2%	
Total number of ballots on which first and second preference were cast for the same candidate	213,471	

3.76 Electors are not required to indicate a second preference vote and the 97.8% that were rejected as unmarked is consistent with this.

3.77 However, 213,471 ballot papers contained first and second preference votes for the same candidate. The election rules state that only the first choice vote can be allowed in these cases.

3.78 The fact that over half (54.3%) of rejected first-choice votes were due to people voting for too many candidates as their first choice, and the large number of papers containing a first and second preference for the same candidate, indicate that there may be confusion about the supplementary vote system used to elect the mayor of London.

3.79 The very high proportion of second preference votes being rejected as unmarked probably indicates that many people were not willing to use this vote for any candidate. However, it may also show that some voters were not confident in using a second preference vote, or they did not realise they had a second preference vote.

3.80 The Police and Crime Commission (PCC) elections due to be held in November 2012 will also use the SV system and in 2011 we recommended to the Home Office that they should test the design of the ballot paper to be used at those elections, in order to guard against the issues that have arisen in the past with voters being confused about how to complete their ballot papers in contests using SV.

3.81 The Home Office undertook research with the public to test their proposed ballot paper design. The research identified some problems with the design, which was revised with the aim of addressing these issues.

3.82 To date, London is the only part of the UK where SV elections have taken place on a relatively large scale. The November 2012 PCC elections will be the first held across the whole of England and Wales using SV, and will be an opportunity for us to collect a large set of data about rejected or incorrectly-completed ballot papers. In reporting on those elections, we will consider whether there is any evidence of voter confusion about how to complete SV ballot papers, and whether we need to make recommendations about the design of the ballot paper that would be applicable to all SV elections, including the London mayoral elections.

4 Participation: campaigners

4.1 Feedback from candidates showed that the majority found the process for standing for election very straightforward, but acknowledged the help and support received by their agents and parties. Those who found the process more difficult were independent candidates, candidates from smaller parties, those without previous experience of standing and those without party support.

4.2 Through our performance standards in this area we want to be satisfied that candidates and agents are provided with clear and timely information to enable them to engage effectively in the election process. We were encouraged that all CROs reported to us that they were meeting our standards for communicating information to candidates and agents in advance of polling day.

4.3 A number of Returning Officers (ROs) in London reported issues caused by tellers and candidates around polling stations, including intrusive or aggressive behaviour towards voters. They feel that more clarity is needed as to what tellers and activists can and cannot do around polling places. The Commission will look to strengthen its guidance in this area with the aim of making clearer to all involved in the process, including political parties, what is, and is not, acceptable.

Access to electoral registers for independent candidates

4.4 A number of Electoral Registration Officers reported that they had requests from potential independent candidates in the mayoral elections for a copy of the register before the election period had begun. It is not always possible for EROs to determine whether these requests are from people who genuinely intend to stand at the election, as they may have had no previous contact with them, unlike candidates in local elections. There were reports of an inconsistent approach to this issue by EROs across London, with some possibly providing potential independent candidates with copies before they officially became candidates.

4.5 Neither the Greater London Returning Officer (GLRO) nor the Electoral Commission has a power of direction over EROs in this situation and, in any event, legally, EROs must refuse these requests, as people are not entitled to a copy of the register until they officially become a candidate. However, we believe that those seeking nomination as independent candidates should be able to access – for the purpose of completing nomination papers – the full electoral register on the same terms as candidates standing for election on behalf of a registered political party.

4.6 We recommended following the 2008 elections that the UK Government should review the provisions relating to the supply of electoral registers to candidates in order to ensure equality of treatment for independent candidates. The Government has not responded to or accepted this recommendation, and

we therefore propose to consider the supply of electoral register information to potential independent candidates in a wider review of the policy and legislative framework for standing for election, which we will commence later this year.

The rules on candidate spending and donations

4.7 Candidates' spending and donations at these elections were controlled from 20 March onwards. The Commission published guidance for candidates and agents in December 2011, including an 'expert paper' on how to allocate campaign spending between the London Mayoral and GLA elections, and participated in briefings for candidates and agents at City Hall in January and April 2012.

4.8 In the period from October 2011 to the end of March 2012 we responded to over 450 queries about the rules on party registration and campaigning at elections, including the London Mayoral and GLA elections. We registered 16 new parties and 28 changes to party details between January and March 2012.

4.9 After the poll there was some comment about the United Kingdom Independence Party's decision to use the registered description 'Fresh Choice for London' rather than the party name on the ballot papers for these elections. The ballot papers also included the UKIP emblem which incorporates the party's name, meaning that the UKIP candidate could be readily identified. The choice of whether to use a registered description instead of a party name is for the party contesting the election to make. In this case UKIP chose to use a registered description rather than the party name.

4.10 Our view is that the combination of the party name, description and emblem used on the ballot paper should enable voters to understand clearly which party, if any, each candidate represents. We have previously noted in our *'Making Your Mark'* report in 2009 that the law may need to be revisited to ensure party descriptions are prefixed with the party name on the ballot paper. We are currently looking at the scope to improve the rules on party descriptions as part of a wider review of the party and election finance framework.

5 No undue influence

5.1 There should be no undue influence in the way our elections, referendums and political finance system works. The Commission's performance standards required Constituency Returning Officers (CROs) to confirm that their election plans detail the processes they have in place to identify any patterns of activity that might indicate potential integrity issues, and what steps are to be taken to deal with any problems that might arise. All CROs confirmed to us that their election plans contained such details.

Understanding of electoral fraud

5.2 Our public opinion research explored people's perception of electoral fraud in general, as well as whether people were concerned that it had taken place on 3 May.

5.3 Forty-five per cent of the public we asked said that they knew a lot or a little about fraud relating to elections and voting. More people (53%) said they knew hardly anything or nothing at all about it.

5.4 Of the 10% of people who said they knew 'a lot' about fraud, those who voted (13%) were more likely than non-voters (5%) to report this.

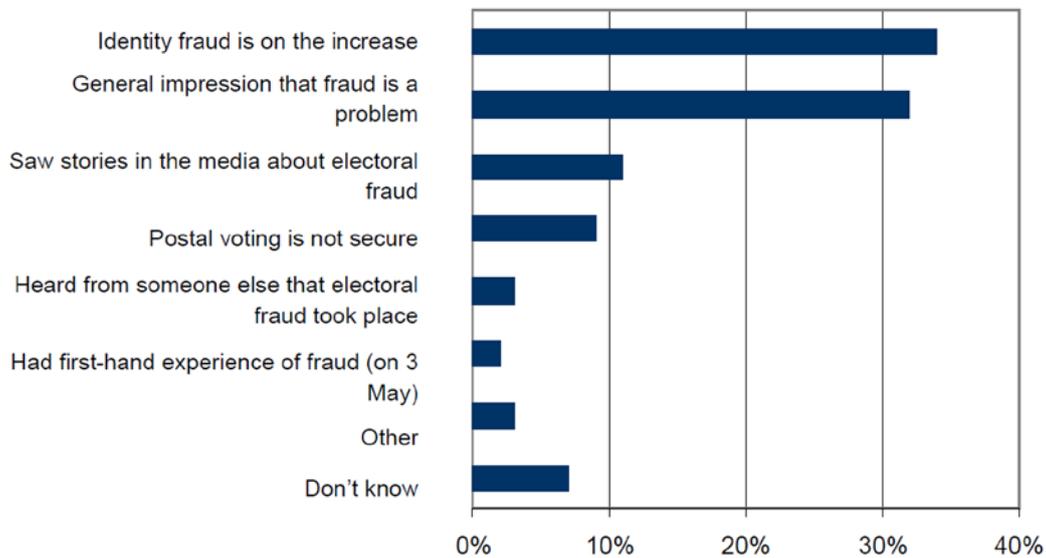
5.5 Seventy-eight per cent of people said they thought voting in general was safe from fraud and abuse. Seven per cent said voting is very or fairly unsafe. There is little difference between these London-specific results and those for Great Britain as a whole.

5.6 Eighty-six per cent of Londoners think that voting in person is safe, with 4% thinking it unsafe. Fewer (51%) respondents think that voting by post is safe, and 30% think it is unsafe.

5.7 Just 4% of people reported that they thought 'a lot' of fraud or abuse took place at the London elections on 3 May. Thirty per cent thought it happened 'a little' and the same proportion (30%) 'hardly at all'. Eight per cent said that fraud didn't happen at all on 3 May and around a quarter (27%) said they didn't know.

5.8 The people that said fraud or abuse happened 'a lot' or 'a little' were then given a list of options and asked which best describes why they think fraud took place on 3rd May. Chart X below shows the breakdown of responses.

Chart 2: Reasons people thought fraud happened ‘a lot’ or ‘a little’



May 2012 Post-polling day survey

Source: ICM

Base (unweighted / weighted): All respondents in London that said fraud happened a lot / a little on May 3 (339 / 327)

Q. Which one of the following best describes why you think electoral fraud or abuse took place on 3rd May?

5.9 All respondents were given a list of options and asked how effective each would be in preventing electoral fraud. Nine in ten (90%) said a requirement to show some form of identification at their polling station would be very or quite effective at preventing fraud. Seventy-four per cent thought that ‘people being required to sign in order to check their identity before being given their ballot paper in the polling station’ would be effective. Just under half (48%) thought that stopping postal voting on demand would be an effective measure.

5.10 We invited feedback from candidates and agents following the elections on 3 May. Of those that responded, all stated that they see electoral fraud as an issue, although some think the problem is limited to only certain communities and it is unfortunate that a few cases affect the confidence in the whole system, which is otherwise safe.

5.11 All candidate and agent respondents agreed that there should be requirements for checking ID when registering to vote or voting.

5.12 The statutory framework for elections sets out clear responsibilities for ROs, EROs and the police in relation to running and policing elections and electoral registration, and investigating potential offences. The Electoral Commission’s role is to ensure that those responsibilities are clear and to advise on how they should be discharged. We also check that the right steps are being taken locally to respond to concerns when they are raised.

Allegations of electoral malpractice

5.13 There were a number of media reports of alleged electoral malpractice at the 3 May polls, reported in the media, that related to the integrity of the registration system and, later in the election timetable, to allegations of intimidation of voters. These reports largely focussed on the London Borough of Tower Hamlets, in the City & East GLA constituency, where a local government by-election had been held on 19 April and another was combined with the GLA elections on 3 May.

5.14 The Commission and London Elects met the ERO at Tower Hamlets on 6 March 2012 to review the borough's approach to registration. We were satisfied that Tower Hamlets had robust procedures in place, including reviewing registrations at a large number of properties before the deadline to register to vote for the GLA elections. We highlighted a small number of areas, however, where the ERO should review the procedures used in Tower Hamlets, including the way in which names were removed from the register and improving awareness of the ability for existing electors to object to entries on the register.

5.15 There were also concerns about the potential for intimidation outside polling stations by candidates and party campaigners, following a local government by-election in the Spitalfields & Banglatown ward of Tower Hamlets on 19 April. The RO ensured that plans for increased security and police presence were in place at polling places across the borough on 3 May. The Commission also put in place and implemented a plan to observe polling stations in the borough throughout polling day.

5.16 The Electoral Commission received two sets of specific allegations of electoral fraud in Tower Hamlets during the two weeks prior to polling day, which we referred immediately to the Metropolitan Police for investigation. We are keeping track of how these allegations are being dealt with, as well as others made direct to Tower Hamlets or to the police.

5.17 Almost all of these cases are still under investigation by the police. We work with the Association of Chief Police Officers (ACPO) and the Police National Information and Coordination Centre (PNICC) to ensure a consistent and complete record of allegations of malpractice throughout the year. Each police force sends PNICC a monthly return detailing any allegations of malpractice. We will continue to track these allegations, and will report on the outcome of these in our annual report on allegations of electoral malpractice in 2012, which will be published in early 2013.

5.18 Due to the high level of interest in Tower Hamlets we will not wait until we publish all data relating to allegations of electoral malpractice across the UK to provide an update on this borough. Once the police have concluded their investigations we will publish information about the outcome of these cases.

5.19 Concerns about electoral fraud have the potential to undermine public confidence in elections, and as we move beyond the May 2012 polls and

towards the Police and Crime Commissioner elections in England and Wales in November 2012, we intend to focus our resources for the immediate future in terms of 'anti-fraud' activity. We have also identified areas which may be at greater risk of electoral malpractice, and will work with the relevant EROs and ROs, as well as the local police, to ensure appropriate preventative measures are in place in advance of the elections, and that they are equipped to deal with any allegations of criminal activity. We will target our observational activity accordingly.

5.20 We will continue to work with parties and candidates, the police and prosecutors to ensure that they understand their responsibilities in preventing, responding to, and dealing with, concerns about electoral fraud.

5.21 While we are pleased that the Government is bringing forward legislation to introduce Individual Electoral Registration (IER), which will make the process of registering to vote more secure, we are disappointed that they have not taken forward our recommendation to review the need for ID in polling stations. We now propose to take forward a review of the process of absent voting and voting in polling stations in the light of the introduction of IER, focusing on any changes that may be needed to ensure confidence in the integrity of the system. We intend to publish this review in time for legislation to be brought forward during the life of this Parliament.

6 Verification and count

Electronic counting at the Greater London Authority elections

6.1 The rules for conducting Greater London Authority (GLA) elections allow for the votes to be counted either electronically or manually. Following the GLA elections in 2008, the Commission recommended that the Greater London Returning Officer (GLRO) carry out a detailed analysis of the costs and benefits of both electronic and manual options for counting ballot papers at the 2012 GLA elections. On 9 June 2009, the GLRO published the results of his analysis of the manual and e-count options. As a result of this analysis, the GLRO decided to use an e-counting system to verify and count the votes at the 2012 elections. Following an open procurement, the GLRO selected the contractor, IntElect, as the provider of the e-counting system for use at the GLA elections in May 2012 with the option of extending the contract to future GLA elections.

6.2 All Constituency Returning Officers (CROs) confirmed that their plans identified staffing requirements and recruitment arrangements, and dealt with the training needs of all permanent and temporary staff at the elections. In 2008 scanner operators were recruited by the e-counting provider; in some cases at short notice and with little experience of the e-count process before count day itself. We recommended that all staff at an electronic count be provided by the CRO and trained either centrally by London Elects in conjunction with the electronic counting provider or by the CRO. We were pleased that the GLRO took the decision to make CROs responsible for recruiting scanning staff at the 2012 elections, and that these staff were centrally trained by London Elects and IntElect. Feedback from CROs indicated that this had clear benefits in the verification and count process as scanning staff were directly accountable to them.

6.3 The GLRO commissioned Actica Consulting to undertake a detailed independent assessment of the e-counting system. The brief of their assessment was “to thoroughly examine all aspects of the electronic vote counting systems, processes and procedures to assess the extent to which they are integrated, accurate, secure and in accordance with best practice”. Actica carried out assessments of the system throughout the election process and will publish a detailed report of their findings. London Elects will also be reporting on the elections themselves, as will a committee of the London Assembly, the Association of Electoral Administrators (AEA) and the Open Rights Group.

6.4 The e-counting process itself did not seem to have an impact on voters’ participation. Londoners were asked in our public opinion research if using electronic machines to count votes makes the count more or less accurate.

Forty-four per cent of respondents said it makes it more accurate, one in ten said less accurate and around a third (34%) said it makes no difference. They were also asked whether using electronic machines to count the votes cast in all elections would give them more or less confidence in the voting process. Over a quarter (28%) said more confidence, 13% less so and over half (56%) said it would make no difference.

6.5 We wanted to be sure there were mechanisms in place to ensure that ballot papers and boxes were secure throughout the process. All CROs confirmed through our performance monitoring process that arrangements were in place to ensure the security of ballot papers during production and storage, that they had arrangements in place for the secure storage of postal ballots at all times and for transporting them securely to the opening and count venues. They also stated that arrangements were in place for the storage and disposal of election documents and confirmed that they would maintain a clear audit trail to cover the packaging and forwarding of these documents.

Venues and timing of the count

6.6 The verification and count processes for the GLA elections took place on Friday 4 May, the day following polling day across three venues: Alexandra Palace, Excel and Olympia. The verification and count process began at 08.00am, and the result of the election of the Mayor of London was declared at 11.50pm.

6.7 Counts for the 10 local by-elections were carried out by hand in separate rooms within these venues so staff working at the count venues needed to be briefed to ensure that those entitled to attend the by-election verification and count proceedings could do so. The GLRO achieved this by issuing different coloured wristbands to observers depending on the level of access they were entitled to at various proceedings.

6.8 No major problems were reported with the venues at either Olympia or Excel. However, there were significant issues at Alexandra Palace on the day of the verification and count.

6.9 On the morning of 4 May, a test of the sprinkler system at Alexandra Palace disabled the venue's power supply. The test happened in spite of earlier agreement between the GLRO and the venue management that there would be no test of the system on that day. The power loss caused the e-count system software to reset – a process that took over two hours to complete. Any agreement between the GLRO and the venue would clearly need to have regard to health and safety requirements, but there was a failure in communication in this case; resulting in a significant delay to the start (and therefore the end) of the verification and count processes for constituencies counting at this venue. There was a further system failure affecting one constituency during the day, causing a delay of around two hours. The CRO reported that there was very little information on the day about what had caused this problem and the IT support staff did not seem to understand the issue. These failures highlight the

vulnerabilities in conducting an electronic count in a venue with an interruptible power supply. It also shows the importance of clear communications between venue management, IT systems staff and the staff of the CROs. Unless the GLRO addresses these serious issues prior to conducting an electronic count at future GLA elections, we recommend that a different venue should be used.

6.10 In 2008, problems were caused in the scanning process by returned postal ballot papers having been folded multiple times by electors. When unfolded, these papers were difficult to scan, causing machines to jam. To try to eliminate this problem in 2012, London Elects decided to use pre-folded postal ballot papers that had a single perforated line along the fold. This perforation led to confusion amongst electors, as a number of BROs reported receiving ballot papers back that had been torn along the perforated fold line. Observers also reported postal ballot papers being torn by the scanners as they were fed through. This could have been avoided had ballot papers not been perforated.

6.11 A large number of postal ballot papers in the Brent & Harrow constituency had been accidentally cut during the envelope opening process and were unable to be scanned and counted electronically. They therefore had to be manually entered into the system, causing a significant delay in the result being announced.

Transparency of the e-counting process

6.12 There were mixed reports from observers at all count venues about the organisation of the verification and count processes being undertaken. However, all reported that there was a lack of clear communication about what was happening during the count, and that it was unclear to observers, candidates and agents what was happening throughout the day. Simple announcements and notices in venues would have been beneficial.

6.13 Count progress information was shown on display screens but it was not always clear to attendees what information was being shown. Screens displayed scrolling cumulative results and general progress of the count, but observers did not feel it gave the same transparency as being able to see actual ballot papers being counted and sorted (as would be the case in a manual count). Information on screens was scrolling too quickly for observers to be able to take it in.

6.14 In response to concerns about transparency in 2008, the GLRO decided that, in 2012, CROs would manually adjudicate a sample of ballot papers to ensure consistency with the verification totals given by the e-counting system. The GLRO asked each CRO to manually adjudicate one polling station ballot box and one postal vote ballot box. Observers reported that they were unaware of this process taking place, as there were no announcements made. One observer reported that “we overheard an agent complaining that he had been unaware that the manual verification of a box had taken place as there had been no announcements or any indication of where this might be happening”.

6.15 Those attending the verification and count should be provided with the necessary information on the processes that must be followed to ensure accurate results and clear audit trails. All 14 CROs confirmed that this would be arranged by the GLRO, who produced a count day programme for attendees at each of the three venues and City Hall. The programme provided safety and security information and explanations of what attendees could expect to see at the e-count. The aim of our performance standards in this area is to ensure confidence and transparency at the verification and count and overall, therefore, feedback from attendees at these events shows that this aim was not fully met. The GLRO should take steps to ensure that the issues set out in this report are addressed, so that this aim can be met at future elections. As noted in paragraph 2.20, we will monitor the performance of the GLRO through our performance standards framework at future GLA elections.

Adjudication of doubtful ballot papers

6.16 When ballot papers were scanned, the software either identified them as 'good' papers, or put them into a queue to be adjudicated as 'doubtful'. Doubtful ballot papers were those papers on which the scanners could not determine the voter's intention, or where there were marks on the paper that were not expected to be there.

6.17 Observers reported that the software appeared to be very sensitive – throwing up lots of seemingly good ballot papers for adjudication. This added time to the adjudication process, especially when many of the 'doubtful' papers contained a valid mark that only slightly overlapped the edge of the box.

6.18 There were two stages to the adjudication process. The first stage was carried out by count staff who viewed images of doubtful ballot papers on a monitor. They either allowed the ballot papers as good, or sent them for second stage adjudication, which was carried out by the CRO or a deputy. The adjudication process itself was clear with each monitor having a corresponding outward facing screen for candidates, agents and observers to view. However, observers felt it was unclear as to which stage adjudication was being carried out at any time.

6.19 Anybody present at the count could see ballot papers being adjudicated, but there was very little opportunity to see any papers that the software judged as 'good', owing to the speed they were scanned at, and the positioning of the scanners.

6.20 A significant concern highlighted throughout the count process was evidence of inconsistency in how CROs adjudicated doubtful ballot papers across London in the mayoral contest. Observers noted differences in the reasons given by CROs for rejecting papers where voters had given both a first and second preference to the same candidate, and where voters had marked a second preference vote only. In the latter case, at least one CRO allowed a number of these as first choice votes - contrary to guidance (and a direction to follow that guidance) issued by the GLRO, which was based on the Electoral

Commission's guidance for mayoral elections in England. In the Commission's view the decision to accept such papers as first choice votes is contrary to the law. Although we are only aware that this was the case for a small number of ballot papers in one constituency, the GLRO should ensure that all CROs follow the guidance correctly and comply with the law when adjudicating doubtful ballot papers at future elections.

Verification and counting at future GLA elections

6.21 A number of candidates, agents and other observers have highlighted concerns about the length of time taken to complete the count for the 2012 GLA elections, including the newly elected Mayor in his acceptance speech. We have also heard concerns about inconsistencies in the adjudication process between CROs.

6.22 To ensure continued confidence in the counting process used for future GLA elections, we recommend that the GLRO should thoroughly review the evidence provided in this report and by the other reviews which we understand are currently underway. Taking into account evidence from the 2012 elections, the cost benefit analysis carried out prior to letting the contract for electronic counting in 2012 should be updated and published.

6.23 Given the significant logistical implications of verification and count arrangements at GLA elections, the GLRO should ensure that such a review has been completed and published in good time to allow important contract and planning decisions about future counting arrangements to be made before the 2016 elections. As a first step we suggest that updated cost benefit analysis for future count options should be published for comment by summer 2013.

Appendix A: Research methodology

Public opinion

ICM interviewed a representative sample of 1,000 voters and non-voters in London by telephone on 4–22 May 2012. Across Great Britain as a whole, 4,104 voters and non-voters were interviewed in the same period. The sample breakdown for other areas is as follows: England (excluding London) 1,354, Scotland 1,000 and Wales 750.

The profile of the contacted sample was designed to match that of the eligible population by key demographics such as sex, age and work status. In line with previous research, roughly equal numbers of voters and non-voters participated in the survey. Findings are statistically significant at the 95% confidence level or above.

Comparisons made between these polls and those held in previous years are indicative and should be treated with some caution.

Electoral data

Professors Colin Rallings and Michael Thrasher at the Elections Centre, University of Plymouth collected and collated data from London Elects and from Borough and Constituency Returning Officers on the Commission's behalf. This included data relating to electoral registration, turnout, absent voting and rejected ballots. We received data from all Returning Officers.

Other sources of feedback

The Commission also issued optional feedback forms to Constituency and Borough Returning Officers, and Electoral Registration Officers. We also wrote to all the mayoral candidates and agents, to all constituency candidates and to all the agents for London-wide party lists. The feedback referred to in this report comes from these sources, as well as from issues and enquiries raised directly with the Commission during the election period.

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