

The
Electoral
Commission

The May 2016 Mayor of London and London Assembly elections

Report on the administration of the
Greater London Authority elections held
on 5 May 2016

September 2016

Translations and other formats

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

Contents

Foreword	1
Executive summary	4
1 Introduction	13
About our role and this report.....	13
About the elections.....	14
2 Were the GLA elections well-run? The voter experience	20
People’s experience of voting	24
Completing the ballot paper	25
Confidence that the elections were well-run.....	28
Electoral integrity.....	29
Voter registration campaigns	30
3 The administration of the polls	33
Timing of legislation for the polls.....	33
4 Standing for election and campaigning	45
Standing for election	45
5 Looking ahead	51
Appendix A	54

Foreword

On Thursday 5 May, 2.6 million valid votes were cast in the 2016 Mayor of London and London Assembly elections.

Overall, the elections were well run; voters reported that they were confident that the elections were well run and were satisfied with the process for registering to vote and the process of voting, regardless of how they cast their vote whether in person at a polling station or by post.

However, there were two serious exceptions to the otherwise smooth co-ordination of the polls which meant that some voters, candidates and campaigners did not receive the service they should be able to expect. We consider these issues in the report and make recommendations for future elections where appropriate to ensure they should not happen again.

In Barnet, an error with polling station registers led to a large number of eligible electors being turned away from polling stations. This was an unacceptable failure, which directly affected the ability of voters to be able to take part in the elections. The error that occurred in Barnet had its cause in simple human error but had enormous consequences for those affected, and it overshadowed the otherwise successful delivery of the poll elsewhere in London. It is unsurprising that we have concluded that the Returning Officer in Barnet (who has subsequently left his post) did not meet elements of our performance standards as a result of these events.

The second issue related to the e-counting system. This was the fifth election for the Mayor of London and the London Assembly where this has been used. We have previously outlined our concerns about the transparency of e-counting for candidates, agents and other observers at the count venues. These same concerns remain.

There was a lack of communication at the different stages of the count, which meant that the progress of the count collation process was not clear and transparent for candidates, agents and observers to fully understand the progress of the count. Accredited observers and Electoral Commission officials also experienced an initial lack of access to all areas of the count and count hub. Unexpected delays in the count due to a technical issue were not communicated effectively to those present at the count, including candidates, campaigners and the media, leaving long periods of time with no explanation of what was happening. All of these issues severely affected perceptions of transparency and had the potential to seriously undermine confidence in the system.

These were all avoidable issues which should be prevented at future counts. Our clear recommendation is that an official with previous electoral experience is available to advise the Greater London Returning Officer throughout the entire count process, and

a communication plan needs to be in place to ensure that all candidates are informed of issues such as this which affect the count.

We continue to recommend that the use of e-counting machines is reviewed, including assessing the effectiveness, value for money and risks associated with this approach. This is particularly important in the context of the next set of elections due to take place in 2020, when the elections are currently expected to be combined with a UK Parliamentary general election. This will entail a mix of hand counting and e-counting and will mean that particular consideration will need to be given to the logistics of the count.

The combination of the next set of elections in 2020 presents a significant future risk in other ways, too. Voters in London will be faced with four different ballot papers and three methods of voting. In addition, the two different polls will cover different voting areas. These will present additional challenges for electoral administrators and increase the potential for voters to find the voting process confusing.

Elsewhere in England, there are scheduled PCC elections and local government elections, which include local council elections, directly elected local authority mayoral elections and combined authority mayoral elections. In Wales, there are PCC elections scheduled.

There is a significant risk that this combination of polls will increase the potential for voters to find the process confusing, and will present additional challenges for campaigners and electoral administrators.

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

The Commission has also made wider recommendations which are relevant to the whole of the UK and the way in which elections are managed across the relevant legislatures. This includes calling on all Governments to ensure that legislation relevant to elections should be clear at least six months ahead of when it is expected to be implemented or complied with.

The Commission also recommends that the UK Government should develop an online system that would allow voters to check whether they are already registered before they submit a new application, reducing the current burden on both electoral administrators, who have to process large numbers of duplicate applications, and on voters, who currently have no means of checking online whether their details are up to date ahead of each poll. We hope that the UK Government will support this.

Technology can also help us achieve greater transparency in the area of candidate expenses. We recommend that Returning Officers should in the future be able to

publish candidate expense returns online. We support the recommendations of the Law Commissions' review of electoral law which proposes a method for implementing this change through legislation.

The Law Commissions' review has the potential to achieve the introduction of a simplified and updated set of laws which is badly needed. Administrators increasingly deliver well run elections despite the law, rather than because of it, given its complicated and fragmented nature. This review is therefore a unique opportunity and the Commission is committed to supporting this vital work. We continue to urge the UK and Scottish Governments to give the project the permission it needs to move to the next stage, the drafting of legislation, as soon as possible.

A handwritten signature in black ink that reads "Jenny Watson". The signature is written in a cursive style with a large, sweeping 'J' and 'W'.

Jenny Watson
Chair, Electoral Commission

Executive summary

About the elections

On 5 May 2016 elections were held in London to elect the Mayor of London, 14 Constituency members and 11 London-wide Members of the London Assembly. There were also Police and Crime Commissioner (PCC) elections held across 40 police force areas in England and Wales (but not in London or Greater Manchester) and also elections to local authorities across parts of England, and mayoral elections in Bristol.

This report looks specifically at the administration of the Greater London Authority (GLA) elections, which included the contests for the Mayor of London and London Assembly.

Registration and turnout

A total of 5.74 million people were registered to vote in the GLA elections on 5 May 2016.

Overall turnout at the elections, including votes rejected at the count, was 46.1% This was an increase of 7.3 percentage points from the 2012 elections, when turnout was 38.8%.¹

858,634 voters - 15% of the electorate - were issued with postal ballot papers for these elections. This is 0.9 percentage points higher than the 14.1% of the electorate issued with postal ballot papers in 2012. Turnout amongst postal voters was 68.4%, broadly similar to postal voter turnout in 2012, and equivalent to 22.1% of the total votes cast.

2.60 million valid votes were cast at the elections. 1.9% (49,871) of ballot papers were rejected at the count, which was similar to the percentage of ballot papers rejected in 2012.

A total of 22,728 returned postal ballot papers (3.7%) were rejected or not included in the count, a decrease on the 4.6% recorded in 2012.

The voter experience

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

Voters felt well informed about the GLA elections with 82% of those who took part in our research indicating that they knew 'a fair amount' or a 'great deal' about the

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

election, a 10 percentage point improvement on views expressed in 2012. Voters also found it easy to access information on casting their vote and information about candidates standing.

The administration of the poll

Overall, our view is that the GLA elections were well run. People were satisfied with the process of registering to vote and with the process of voting, regardless of how they cast their vote, whether in person at a polling station or by post.

However, serious problems in Barnet, where incomplete registers of electors were provided to polling stations, and issues at the results collation centre at City Hall, where software problems affected the collation of vote totals for the London Mayoral candidates, greatly overshadowed the good work undertaken in planning and delivering the poll.

Standing for election and campaigning

Our post-election survey of candidates suggests that the majority of candidates (66%) agree that the rules on spending and donations are clear.

However, access to information about London Mayoral candidates' and London Assembly candidates' spending and donations could be improved by making candidates' election returns available for viewing online.

Looking ahead

Any decision taken about the combination of polls in May 2020 must be informed by extensive consultation between relevant Government departments, elected bodies, political parties, administrators and voters to ensure that the interests of voters are put first. For the GLA elections, specific consideration must be given to the added complications introduced by the potential combination of electronic and manual counting.

Recommendations

Legislation

Recommendation 1: The role of Borough Returning Officer be recognised in the legal framework for future GLA elections

The roles of the Greater London Returning Officer (GLRO) and Constituency Returning Officer (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 and there have been occasions at previous elections where communications between CROs and BROs

have not been as straightforward as they should be, with some BROs calling for clarification of the roles. The Commission recommended (in response to the draft GLA elections rules in August 2007 and again following the 2008 and 2012 elections) that the role of BRO be recognised in the legal framework for the GLA elections in 2016. 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 2016 elections, the Commission again recommends that the role of BRO be recognised in the legal framework for future GLA elections.

Recommendation 2: Providing an online registration status check

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

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

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

Recommendation 3: Ensuring legislation is clear in good time before elections

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

All governments should normally be able to plan to ensure that legislation for elections is clear at least six months before it is required to be implemented or complied with. If a government has not been able to ensure that legislation is clear by this point, it should table a formal statement in the relevant legislature explaining why it has not, and setting out its assessment of the likely impact of the late confirmation of legislation for voters, campaigners and electoral administrators.

Communication

Recommendation 4: Improved communication with those attending the count centres through announcements and better use of progress screens

Our observation at the count centres was that there was little or no use of announcements to explain to attendees what was happening. Outside of the formal announcements made at the beginning and end of the process, there was also limited interaction between CROs and their staff with those observing. The screens used to show progress scrolled too quickly between the different contests and it would have been better to have separate screens for each contest.

The GLRO should ensure that there are co-ordinated communication arrangements at the count venues to supplement the individual constituency count arrangements. Use of display screens should be reviewed, particularly scrolling speeds, to ensure that data is communicated in a way that allows candidates, agents and observers to fully understand the progress of the count.

Recommendation 5: More timely and regular communication with those attending the count collation hub

Due to a problem with the software used for e-counting, a discrepancy was discovered between the figures allocated to Mayoral candidates and the total number of ballot papers counted (and rejected) in each of the 14 constituencies. This error was first observed at approximately 4.30pm although there was no communication from the GLRO to advise the candidates, agents, observers and media that there was a problem, or of the effect the problem might have on any expected result declaration time, until 9.45pm.

The GLRO should ensure that communication with candidates, agents and observers about the progress of the count collation process is clear and transparent, and provides proper and regular assurance at all times throughout the proceedings.

Access for accredited observers

Recommendation 6: Ensure access to all areas of the count collation hub for Electoral Commission representatives and improved access for accredited observers

Electoral Commission representatives at the count collation hub were initially denied access to areas where key decisions were being made following the discovery of a discrepancy between the figures allocated to Mayoral candidates and the total number of ballot papers counted (and rejected) in each of the 14 constituencies.

While we had some oversight of the count collation hub where data from the count venues was being received, we were initially prevented from gaining access to the area where the GLRO and his team of advisors were situated. Although access was

later granted – and the Commission representatives subsequently played a key role in supporting the GLRO through to the declaration of the result – there was a risk to the transparency of the election process.

The GLRO must ensure that the Electoral Commission representatives are never denied access to any part of the count or any part of the electoral process, including access to the GLRO and his advisors. Consideration should also be given to providing candidates, agents and accredited observers better access to observe proceedings at the count collation hub.

Advisor with recent elections experience on GLRO's team

Recommendation 7: The GLRO should make arrangements to have an advisor with recent elections experience on his team

The GLA core management team, including the GLRO, suffered by not having an experienced senior elections practitioner as part of the team at the count hub. This became especially apparent when the problem with the e-counting software arose. While there was expert legal advice available, the focus of deliberations and decision making of the core team was led almost exclusively by legal considerations to the exclusion of proper count management practice, and in particular to the communication of information to candidates and agents.

The GLRO should ensure that he has, as a member of his core team, someone at a senior level who has recent and practical experience of delivering election counts and who can provide balanced practical advice and an overview of the management of the count process and the expectations of candidates, agents and observers.

E-counting

Recommendation 8: Further consideration should be given to the effectiveness, value for money and risks of using e-counting systems

This is the fifth set of Mayor of London and London Assembly elections that have used an e-counting system. In our report on the 2012 elections, we recommended that the cost benefit analysis that was carried out prior to letting the contract for e-counting in 2012 should be updated and published which was done. We again recommend that this analysis which should include a robust and detailed consideration of counting by hand is updated and published for comment by summer 2017. Given that elections currently scheduled for 2020 would entail a mixture of manual and electronic counting the Commission would welcome the opportunity to contribute to the analysis.

The GLA's Election Review Panel is conducting a review of all aspects of the Mayor of London and London Assembly elections and for the e-counting part of this review we recommend that consideration is given to the risks arising from the technical and specialist nature of e-counting systems by asking the following questions:

- How much of the technical detail of the e-counting system does the GLRO personally need to understand?

- Who else in the GLRO's direct team is responsible for understanding and managing the operation of the e-counting system?
- How much control did the GLRO actually have over the e-counting system?
- How comfortable would the GLRO be with a similar degree of understanding and control for future elections?
- What was the overall risk assessment made by the GLRO about using the e-counting system? Was this risk anticipated, were the controls appropriate and applied effectively?
- Has this changed the GLRO's overall risk assessment about the use of e-counting in future elections?

Candidates

Recommendation 9: To remove all requirements in electoral law for candidates to pay a deposit before their names are allowed to be included on the ballot paper

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

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

Recommendation 10: Access to the electoral register for Independent Candidates

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

Campaigning

Recommendation 11: Publication of candidate spending returns

To improve transparency and accessibility of candidate spending returns, we have previously recommended that Returning Officers should be required to publish spending returns online as well as through the existing methods of public inspection. We recommend that spending returns of London Mayoral candidates and London Assembly candidates should be published online in future. We support

recommendation 12-5 of the Law Commissions' review of Electoral Law which proposes a method for implementing this change through legislation.²

Recommendation 12: Registration of party names and descriptions for use on ballot papers

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

Recommendation 13: Improve transparency of non-party campaign spending at London Mayoral and London Assembly contests

We recommend that the UK Government improve the rules on non-party campaign spending at London Mayoral and London Assembly contests before the next elections expected in 2020, including introducing greater transparency about who is campaigning and how much they are spending.

Combination of polls in 2020

Recommendation 14: Analysis and consultation on the risks of holding polls on the same day

The next Mayor of London and London Assembly elections are scheduled to take place on the same day as the next scheduled UK Parliamentary General Election. Elsewhere in England, there are scheduled PCC elections and local government elections, which include local council elections, directly elected local authority mayoral elections and combined authority mayoral elections. In Wales, there are PCC elections scheduled.

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

- **There will be two sets of elections, incorporating three methods of voting and four ballot papers:** the UK Parliamentary contest uses the 'first-past-the-post' system; the Mayor of London contest uses the supplementary vote system; the Constituency London Assembly Member contest uses the 'first-past-the-post' system; and the London-wide Assembly Member contest uses the closed list system which is a form of proportional representation. Clear and tailored information for voters on how to cast their vote will be essential to minimise

² Law Commissions' Review of Electoral Law, Recommendation 12-3, page 161
http://www.lawcom.gov.uk/wp-content/uploads/2016/02/electoral_law_interim_report.pdf

confusion - for example, if the Mayoral and London Assembly ballot papers are counted electronically voters would be advised not to fold the ballot papers, while for the UKPGE the papers should be folded.

- **The voting areas for the two sets of elections are different:** In London, the Parliamentary elections are currently based on 73 Westminster constituencies (with draft proposals to reduce this number to 68 in 2018) which in some cases are and will be non-coterminous with the 33 London Boroughs. The Mayor of London and London Assembly elections are organised across 14 GLA constituencies (which themselves are combinations of London Boroughs). These differences may cause voter confusion and will also present challenges for political parties campaigning in both sets of elections and for those administering them.
- **The timing of the counts and the counting system used in each election will need to be considered alongside expected levels of voter turnout:** If e-counting is used in 2020 for the Mayor of London and London Assembly elections with a manual count for the UK Parliamentary election, consideration will need to be given to logistics of each count and the timing, particularly in the event of high turnout. Although counting can commence for the UK Parliamentary election before verification for all elections is completed, the verification of the ballot papers for all four contests will need to be completed before the UK Parliamentary election result can be declared. It is difficult to envisage how a combination of voting enabling manual and electronic counting for the respective polls could be delivered to allow an e-counting process which incorporates verification and counting simultaneously and enable the UK Parliamentary votes to be verified and counted manually on the night of the poll. It is a requirement at a UK Parliamentary general election for the Returning Officer to take reasonable steps to begin counting the votes within four hours of the close of poll.

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

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

1 Introduction

About our role and this report

Our role

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

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

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

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

This report

1.4 This report provides our assessment of how well the Mayor of London and London Assembly elections held on 5 May 2016 were run. It also looks at any issues that may have arisen at the polls and associated count as well as presenting wider views of the Commission on some aspects of this particular election.

1.5 Our analysis reflects the experience of voters, based on public opinion research and electoral data provided by the Greater London Returning Officer (GLRO), Constituency Returning Officers (CROs) and Borough Returning Officers (BROs) as well as feedback and views about the administration of the election from candidates and agents, those responsible for delivering the poll, and other participants.

About the elections

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

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

1.7 Our reports on the other elections taking place on the same day can be found on our website.³

1.8 The elections that took place in London were for the Mayor of London and 25 Assembly Members.

1.9 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 11 London boroughs also voted to elect councillors in local government ward by-elections.

1.10 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 total number of valid votes cast they are elected. If no candidate has more than 50% of the total number of valid votes cast, all candidates apart from those in first and second place are eliminated. The ballot papers 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.

1.11 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.

1.12 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 1.1 below.

³ <http://www.electoralcommission.org.uk/our-work/publications/election-and-referendum-reports>

1.13 Results of the constituency assembly member contests were announced by CROs at their count venues. Totals for mayoral and London-wide assembly contests were aggregated and the results announced by the GLRO at City Hall.

Table 1.1: Count venues at the 2016 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

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

- Underhill Ward, London Borough of Barnet
- Kilburn Ward, London Borough of Brent
- West Thornton Ward, London Borough of Croydon
- Glyndon Ward, Royal Borough of Greenwich
- Stoke Newington Ward and Hackney Downs Ward, London Borough of Hackney
- Heaton Ward, London Borough of Havering
- Figge’s Marsh Ward, London Borough of Merton
- Abingdon Ward, Royal Borough of Kensington and Chelsea
- Roding Ward, London Borough of Redbridge
- College Ward and Newington Ward, London Borough of Southwark
- Church Street Ward, City of Westminster

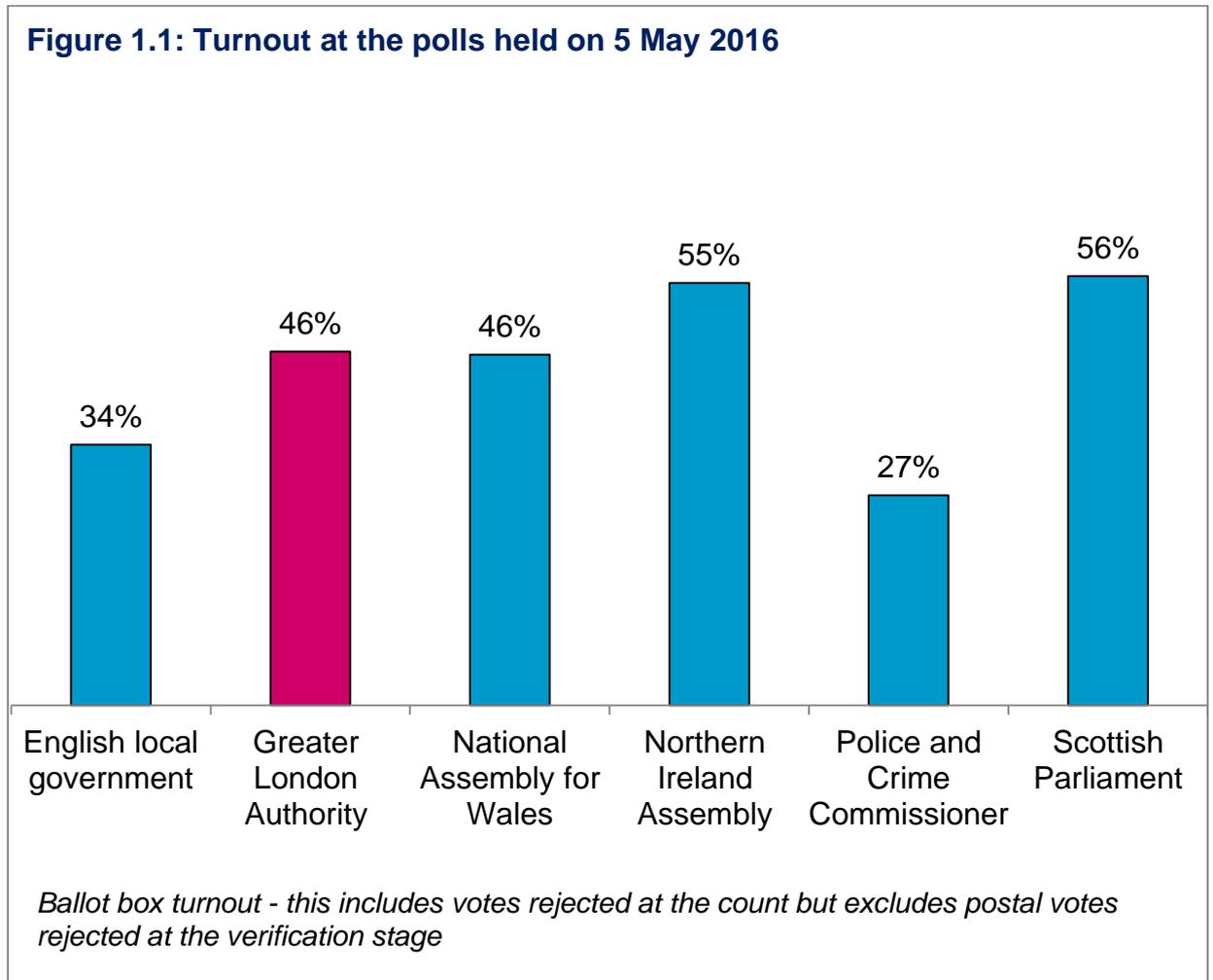
Registration and turnout

1.15 A total of 5.74 million people were registered to vote in the GLA elections on 5 May 2016. Some 2.60 million electors voted on each of the 3 ballot papers equating to approximately 7.8 million ballot papers included in the count. This represented an overall turnout of 46.1%.⁴

1.16 Figure 1.1 below shows turnout at all the different polls held on 5 May. Turnout at the GLA election compared favourably to other elections taking place on the same

⁴ Turnout, valid votes cast and rejected ballot paper figures are for mayoral first preference votes.

day with turnout the same as for the National Assembly for Wales and higher than English local government and Police and Crime Commissioner elections.



1.17 Consistent with previous elections, turnout among postal voters at the GLA elections was higher than among those who voted at polling stations: 68.4% of people who were sent a postal ballot pack voted, compared with 42.2% of those who were entitled to vote at a polling station.

1.18 For the GLA elections, approximately 9,100 electors appointed a proxy to vote on their behalf, representing 0.16% of the total electorate. In the final days before the close of polls, a further 550 electors appointed emergency proxies.

Roles and responsibilities for managing and delivering the GLA elections

Greater London Returning Officer (GLRO), Constituency Returning Officers (CROs) and Borough Returning Officers (BROs)

1.19 The overall administration of the election was the responsibility of the GLRO. The GLRO for the 2016 elections was the Head of Paid Service 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.

1.20 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 four areas during the election period relating to provision of planning documentation, inclusion of additional information on poll cards, a requirement for CROs to notify the GLRO of any requests for a recount, and a requirement to open ballot boxes for the start of the count at specified time. The directions were supported by a Memorandum of Understanding, promoting cooperation between the GLRO, CROs and BROs.

Recommendation 1: The role of Borough Returning Officer be recognised in the legal framework for future GLA elections

The roles of the Greater London Returning Officer (GLRO) and Constituency Returning Officer (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 and there have been occasions at previous elections where communications between CROs and BROs have not been as straightforward as they should be, with some BROs calling for clarification of the roles. The Commission recommended (in response to the draft GLA elections rules in August 2007 and again following the 2008 and 2012 elections) that the role of BRO be recognised in the legal framework for the GLA elections in 2016. 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 2016 elections, the Commission again recommends that the role of BRO be recognised in the legal framework for future GLA elections.

1.21 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.

Support for GLRO and CROs and our performance standards framework

1.22 Further to feedback from ROs after the 2012 GLA elections that that there needed to be more synchronisation between the materials produced by the GLRO and the Commission, the GLRO and the Commission jointly produced guidance documents for CROs to use in 2016. This 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 the e-counting processes, as the GLRO provided specific guidance to CROs on these processes. Although directly attributable feedback from CROs and BROs in London was limited, indications were that the guidance was useful.

1.23 The GLRO procured certain items centrally, such as ballot boxes, ballot papers and polling station notices. One BRO reported that delivery of some of the supporting

materials was much later than scheduled, which had a consequential impact on preparing materials for polling day.

1.24 We set, monitor and report on performance standards for ROs across Great Britain.⁵ Our performance standards framework is designed to support ROs in delivering a consistent high-quality service for voters and those standing for election.

1.25 The performance framework reflects what we and the Elections Coordination Advisory Board (ECAB)⁶ agree that ROs need to do to prepare for and deliver well-run elections. The standards focus on the key outcomes from the perspective of voters and those who want to stand for election and in particular, whether ROs are taking the necessary steps to deliver the following objectives:

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

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

1.27 In 2012, we monitored the performance of individual CROs through our performance monitoring framework but not the GLRO for whom we had not set performance standards. In 2016 we took a different approach and focussed our monitoring on those Returning Officers who had responsibility for co-ordinating and managing the delivery of the polls across a wider area, such as the GLRO. We also supported CROs in their delivery of the polls in their local area, and where performance issues were raised, considered these in the context of the standards.

1.28 For further details of our assessment of the performance of the GLRO, CROs and BROs see paragraphs 3.43–3.49.

Electoral integrity

1.29 Prior to the elections, we had identified 18 local authority areas⁷, and particular wards in these areas, across England where there was a higher risk of allegations of electoral fraud. We based this assessment on previous history of fraud allegations,

⁵ More information about our performance standards framework for ROs is published on our website. <http://www.electoralcommission.org.uk/find-information-by-subject/performance-standards/performance-in-running-elections-and-referendums>

⁶ The ECAB is an advisory group convened by the Electoral Commission and made up of senior Electoral Registration and Returning Officers, and also attended by representatives from the Society of Local Authority Chief Executives (SOLACE) and the Association of Electoral Administrators (AEA). The ECAB gives the Commission strategic advice about elections, referendums and electoral registration.

⁷ Birmingham, Blackburn with Darwen, Bradford, Bristol, Burnley, Calderdale, Coventry, Derby, Hyndburn, Kirklees, Luton, Oldham, Pendle, Peterborough, Slough, Tower Hamlets, Walsall, and Woking

combined with a range of demographic factors that have been shown to increase the risk of electoral fraud allegations. In London, there was one borough, Tower Hamlets, where there was a higher risk of allegations of electoral fraud. We worked closely with Tower Hamlets' ERO and BRO, the CRO for City & East, the GLRO, as well as the Metropolitan police, in the lead up to the election period to ensure that:

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

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

1.31 In advance of the elections, we also worked in partnership with Crimestoppers, the national anonymous crime reporting charity, to support and promote the option for people to report evidence or concerns about electoral fraud without giving details which could identify them.

Public awareness

1.32 The Electoral Commission ran a campaign to increase people's awareness of all elections taking place in England on 5 May, which included advertising as well as partnership and public relations (PR) activities and in some instances also featured messaging about the Mayor of London and London Assembly elections.

1.33 London Elects delivered a multi-channel marketing campaign which included radio, local press, Facebook, search and website banner advertising. The campaign also featured on Transport for London advertising spaces including Docklands Light Railway, tube and buses.

1.34 London Elects also delivered a booklet with information about candidates standing for the elections to every household in London and produced a series of statutory and non-statutory printed materials to London boroughs including voter information and polling station materials.

1.35 Further information about our campaign and London Elect's campaign can be found in Chapter 3.

2 Were the GLA elections well-run? The voter experience

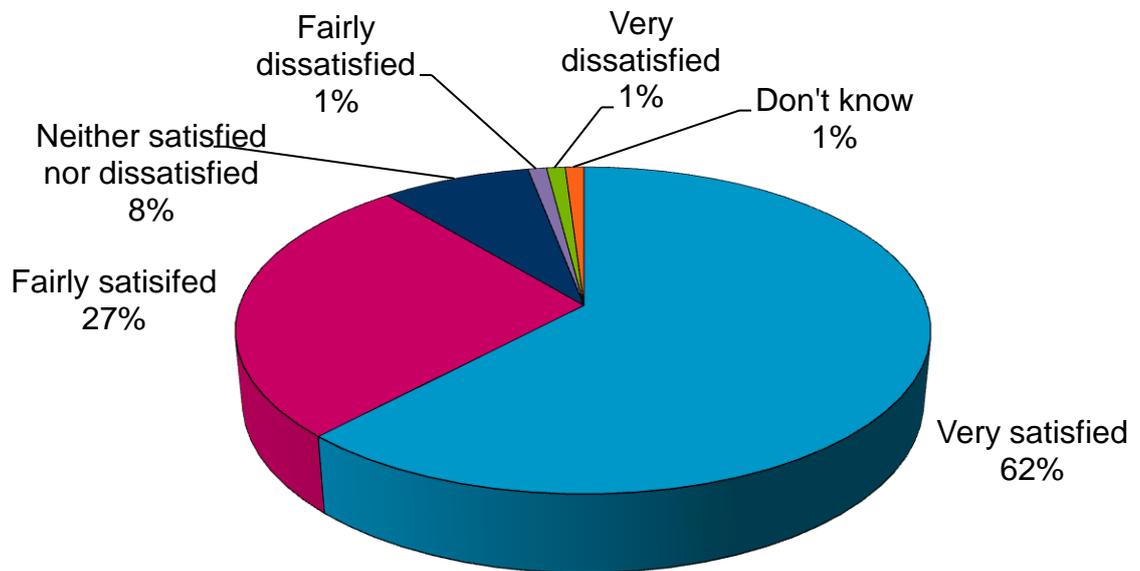
2.1 This chapter sets out the key findings from our public opinion research and electoral data, which provide an important part of our assessment as to whether the elections were well-run. It examines people's experience of registering to vote, participation at the polls, including why people did not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

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

Experience of registering to vote

2.3 Eighty-six percent of respondents to our survey were satisfied with the process for registering to vote with 62% of being 'very satisfied' with the procedure for getting their name on the register and 27% 'fairly satisfied'. Only 2% said they were very/fairly dissatisfied.

Figure 2.1: How satisfied are you with the registration process?



May 2016 elections - Post-polls survey. Source: BMG/The Electoral Commission.
Q: How satisfied or dissatisfied are you with the procedure for getting your name on the electoral register?
Base: 723 (unweighted).

Voting in the elections

2.4 Voting being seen as a civic duty (44%) and people wanting to have a say (22%) continue to be the top reasons cited as why people voted in the elections.

2.5 Personal circumstances were cited as the main reason for not voting in the GLA elections with 50% of those in London who took part in our public research and who did not vote stating that they were either Too busy (30%) or Away on voting day (20%).

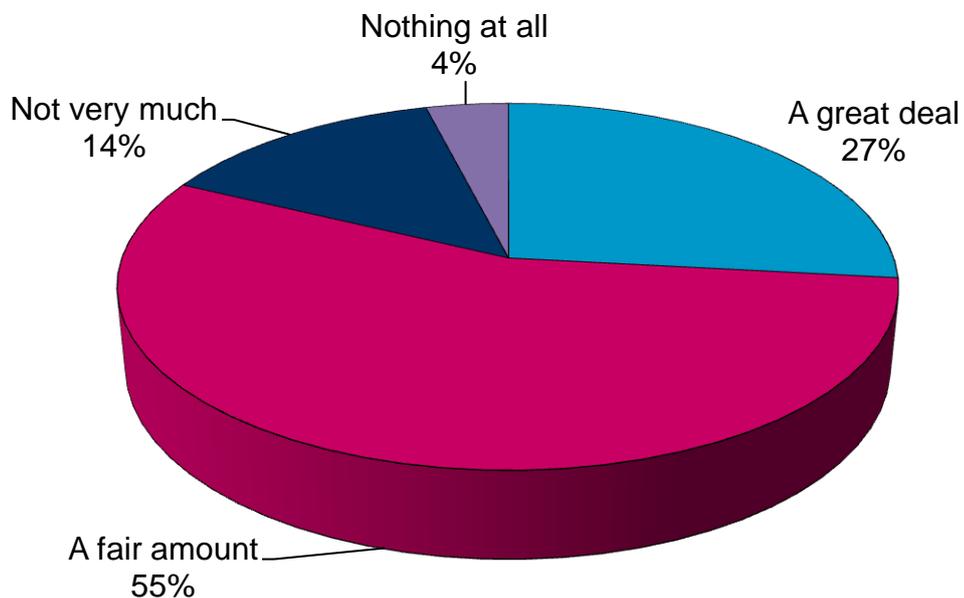
Knowledge and awareness about the elections

Did people feel informed about the elections?

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

2.7 As shown in the chart below, 82% of respondents said they knew a great/fair deal about the GLA elections. This was higher than in 2012 when 73% said they knew about the elections.

Figure 2.2: How much did you know about the GLA elections?



May 2016 elections - Post-polls survey. Source: BMG/The Electoral Commission.

Base: 723 (unweighted).

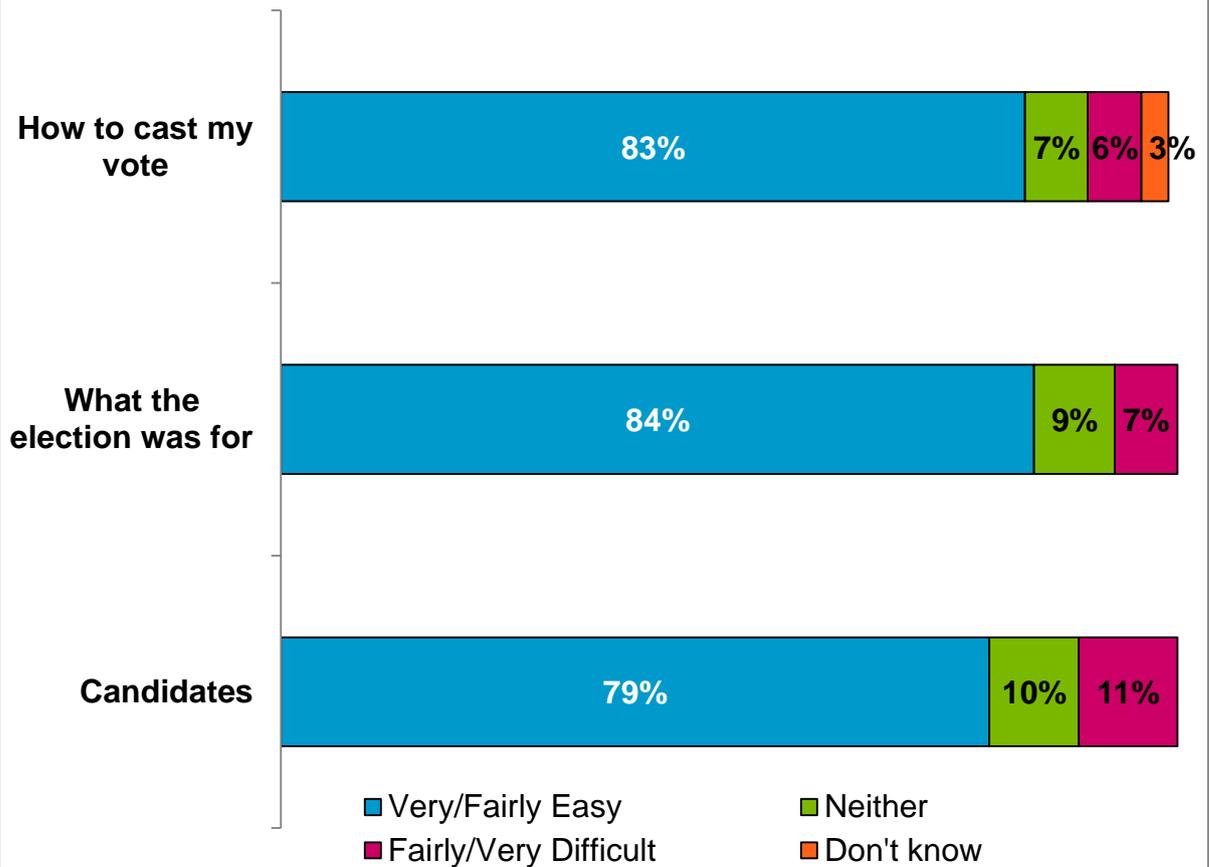
Q: How much, if anything, did you feel you knew about the elections on Thursday 5 May? Would you say you knew...

2.8 We also asked respondents about coverage of the GLA elections: 82% agreed that 'there was a lot of media coverage on the London Assembly/ Mayor election' (11% disagreed) and 36% agreed that 'the GLA elections were overshadowed by coverage of the EU referendum' (46% disagreed).

Information on the election, voting and candidates standing

2.9 Our public opinion research asked people how easy they had found it to access information on how to cast their vote at the GLA elections. As shown in Figure 2.3 below, 83% of respondents said that information on how to cast their vote at the GLA elections was easy to access with 6% saying it was difficult. Eighty four percent of respondents said that it was easy to access information about what the election was for (7% saying it was difficult) and 79% said that it was easy to access information about candidates (11% saying it was difficult).

Figure 2.3: Was it easy or Difficult to access information on...?



May 2016 elections - Post-polls survey. Source: BMG/The Electoral Commission.

Base: 723 (unweighted).

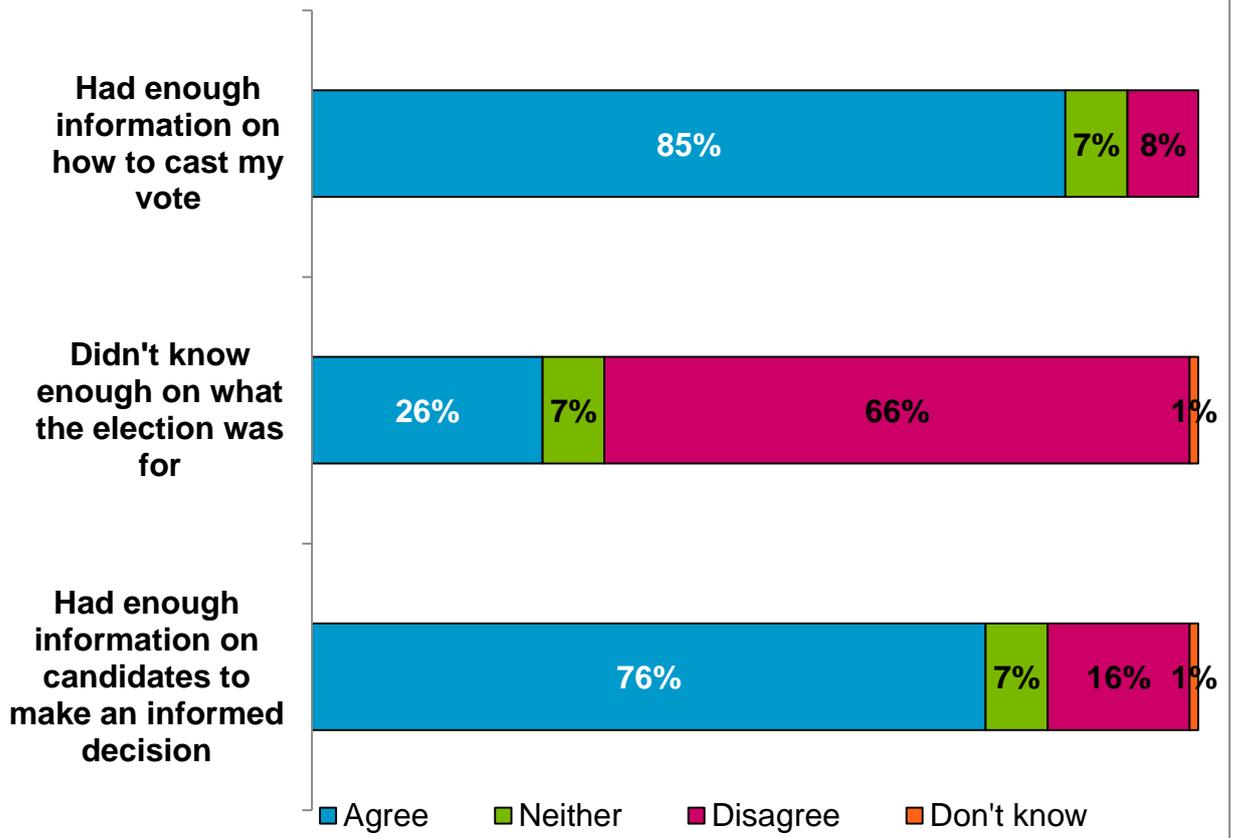
Q: For each of the following statements, would you say it was very easy, fairly easy, neither easy nor difficult, fairly difficult or very difficult to access information on...

2.10 We also asked people whether they thought they had enough information about how to cast their vote, what the election was for and whether they had enough information about the candidates standing to make an informed decision (Figure 2.4).

2.11 Two third of respondents (66%) disagreed with the statement that they didn't have enough information on what the election was for; 40% strongly disagree. Voters were considerably more likely to disagree than non-voters (69% vs. 55%).

2.12 Three in four respondents (76%) agree they had enough information on candidates to make an informed decision, 41% strongly agree. Sixteen percent of respondents disagreed. Voters were considerably more likely to agree than non-voters (79% vs. 65%).

Figure 2.4: Do you agree or disagree with the following statement about information on the election and candidates standing?



May 2016 elections - Post-polls survey. Source: BMG/The Electoral Commission.

Q: To what extent do you agree or disagree with the following...
Base: 701 (unweighted).

People's experience of voting

2.13 Voters continue to remain very positive about their experience of voting, whether in person at a polling station or by post:

- Nearly all (95%) of those respondents who voted in person at a polling station reported that they were very or fairly satisfied with the voting process with 76% being 'very satisfied'.
- The majority of polling station voters (72%) found the support provided by polling station staff useful (26% didn't use them/need them). Seventy six percent found the written instructions on how to vote (i.e. poster in the polling booth or guidance on the ballot paper) useful, 2% said they were not useful and 18% didn't use/need them.
- Nearly all (99%) of those respondents who voted by post, reported that they were satisfied with voting in this way, with 82% saying that they were very satisfied.
- Ninety one percent of respondents who voted by post said it was easy to complete and return the postal ballot with 9% saying it was difficult. A similar

proportion of respondents (90%) found the written instructions on how to vote and return the ballot useful and 8% said they were not useful.

Rejected postal votes

2.14 When a postal ballot pack is returned, the signature and date of birth (personal identifiers) provided on the postal vote statement are verified (i.e. matched) against those previously provided by the elector. Where either or both the signature and date of birth are missing or do not match, the postal vote is rejected and is not included in the count. This is a vital stage in the process and these checks are in place to ensure that the ballot papers have indeed been returned by the registered elector.

2.15 Data provided by CROs shows that 3.7% of returned postal ballot papers were not able to be included in the count after the required checks on voters' personal identifiers had been carried out.

2.16 It continues to be the case that the most common reasons why returned postal votes are not included in the count are because either or both the signature or date of birth provided by the voter do not match the records held by the Electoral Registration Officer (ERO), as well as people not returning either their postal vote statement or their ballot paper.

2.17 EROs in Great Britain are now required to inform electors where the signature and/or date of birth they supplied on the postal voting statement failed to match those held on record or had simply been left blank. These provisions are designed to help ensure that those people can participate effectively in future elections and not have their postal vote rejected at successive polls because of signature degradation or because they are making inadvertent errors.

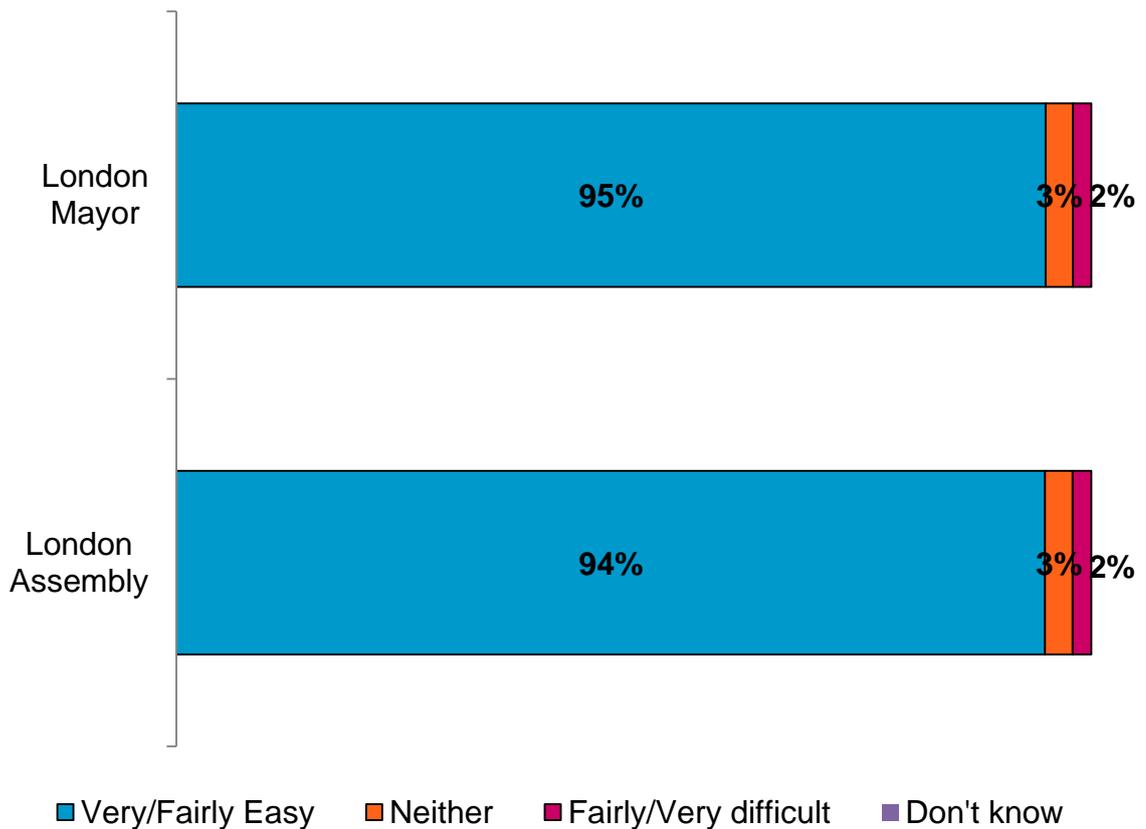
2.18 EROs must contact affected postal voters within three months after the elections and where a postal vote has been rejected because the signature on the postal voting statement could not be verified against the signature on the postal vote application, EROs have a power to collect a fresh copy of the voter's signature to ensure that their records are accurate; they do not, however, have an equivalent power to collect the elector's date of birth.⁸

Completing the ballot paper

2.19 Our public opinion survey asked voters how easy they thought it was to fill in their London Mayoral and London Assembly ballot papers. Ninety four percent said that they found it very or fairly easy to fill in their London Assembly ballot paper, with 76% saying it was very easy. Ninety five percent said that it was easy to fill in their London Mayor ballot paper; 78% said very easy.

⁸ The requirement to send a rejection notice does not apply if an ERO has any concerns that a postal vote may have been completed fraudulently, or where the person is no longer shown in the ERO's records as an absent voter.

Figure 2.5: How easy was it to fill in the ballot paper for the...?



May 2016 elections - Post-polls survey. Source: BMG/The Electoral Commission.

Q: How easy or difficult did you find it to fill in the ballot paper for this election? London Assembly elections/London Mayor Elections.

Base: 584/586 (unweighted).

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

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

2.22 The majority of our recommendations were accepted by the GLRO who has the unique power in legislation to make amendments to the format of the ballot paper as a consequence of e-counting, and the London Mayor ballot paper was subsequently amended. However, they were not able to accept the inclusion of 'You should not vote for the same candidate twice' as it was not compatible with the electronic counting software.

2.23 We were disappointed that these recommendations for amendments to the PCC ballot paper were not taken on board by the UK Government in the same way that the GLRO was able to amend the format of the London Mayoral ballot paper to reflect the recommendations. To ensure consistency for voters, we have recommended in our report on the 2016 PCC elections that the UK Government should amend the SV ballot paper for the 2020 PCC elections, Combined Authority Mayor elections and local mayoral elections to reflect all of our recommendations made in our SV ballot paper report.

Rejected ballot papers

2.24 For the London Mayor, voters completed a supplementary vote (SV) ballot paper which asks people to mark their first and second choice preference. 49,871 mayoral ballot papers were rejected at the first stage of the count. This represented 1.92% of all votes cast. The proportion of ballot papers rejected at the first stage of the count ranged from 0.91% in City of London to 2.90% in Ealing.

2.25 The reasons for rejection are shown in Table 2.1 below.

Table 2.1: Reasons for rejection of Mayoral ballot papers at the first preference stage.

Mayoral ballot papers rejected on first preference votes	Total (2016)	Percentage (2016)	Total (2012)	Percentage (2012)
Unmarked	12,292	24.6%	12,705	31.6%
Uncertain	5,135	10.3%	5,494	13.7%
Voting for too many	32,217	64.6%	21,833	54.3%
Writing identifying voter	215	0.4%	153	0.4%
Want of official mark	12	0.0%	25	0.1%
Total	49,871		40,210	
As a % of all votes cast	1.9%		1.8%	

Source: London Elects https://londonelects.org.uk/sites/default/files/Mayor%20of%20London_0.pdf

2.26 Sixty-five percent of these rejections were due to people voting for too many candidates as their first choice, which was 11 percentage points more than in 2012. One quarter (25%) were rejected for not being marked (32% in 2012). Ten percent were rejected because the choice vote was uncertain. This was 4 percentage points less than in 2012.

2.27 A much higher proportion of votes were rejected in the counting of second preference votes. The reasons for rejection are detailed in Table 2.2 below.

2.28 Electors are not required to indicate a second preference vote and the 99.4% that were rejected as unmarked is consistent with this.

2.29 However, 220,311 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.

2.30 The fact that nearly two thirds (64.6%) 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 still be confusion about the supplementary vote system used to elect the mayor of London. Using first and second preferences for the same candidate may also reflect voters' intentions to vote for just one candidate.

2.31 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.

Table 2.2: Reasons for rejection of Mayoral ballot papers at the second preference stage.

Mayoral ballot papers rejected on second preference votes	2016	2012
Total	41,066	39,700
As a % of all votes cast	7.6%	11.5%

Source: London Elects https://londonelects.org.uk/sites/default/files/Mayor%20of%20London_0.pdf

Confidence that the elections were well-run

2.32 Eighty five percent of respondents said that they were confident that the elections were well-run, 35% said they were 'very confident'. Satisfaction was higher among voters (89% vs. 72% for non-voters). Twelve percent said that they were not confident; 3% were not confident at all.

2.33 The main reasons why people said that they were not confident that the election was well run were:

- Polling station/ballot issues (21%) with responses such as polls 'badly organised';
- General impression/word of mouth (16%);
- Lack of information (13%).

2.34 It is possible that the issues with incorrect registers being provided to polling stations in Barnet may have influenced the opinion as reflected particularly in the first of these bullet points.

Electoral integrity

2.35 Evidence from cases of alleged electoral fraud reported to police forces shows that there were a very small number of allegations of electoral fraud relating to the GLA elections.⁹

Allegations of electoral fraud

2.36 Between 1 January and 31 July, there were 9 allegations of electoral fraud reported to the police in relation to the GLA elections, specifically the contest for Mayor of London.

2.37 The table below shows a breakdown of the types of alleged cases reported at these elections.

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

Table 2.3 Alleged cases of electoral fraud.

Category of offence	Mayor of London
Registration	3
Nomination	0
Campaigning	1
Voting	5
Administration	0

Election petitions

2.39 A preliminary hearing to determine trial arrangements for an election petition brought in relation to the London Assembly West Central constituency election took place on 26 July 2016 at the Royal Courts of Justice. The petitioner's statement maintains that her failure to secure the seat was part of a larger conspiracy involving the police and others and seeks permission to review the electoral papers.

2.40 Commissioner Mr John Bowers QC has been appointed the Election Commissioner for the petition and has issued a directions Order that the trial of the petition shall be heard from 8 December 2016. Two days have been set aside.

⁹ Throughout this report, the term 'electoral fraud' refers to breaches of the Representation of the People Act (RPA) 1983.

Concern that fraud took place at the May 2016 elections

2.41 Forty one percent of respondents to our public opinion research thought that hardly any (26%) or no (15%) electoral fraud took place at the GLA elections. Just over one-third (34%) of people however, said that they thought electoral fraud took place, with 29% saying it happened ‘a little’ and 5% saying ‘a lot’.

2.42 Those respondents who said that they thought electoral fraud had taken place on 5 May were asked which out of a list of options best described why they thought this. The main reasons why people thought that fraud had taken place frequently related to:

- ‘don’t need to provide identification to vote’ (58%);
- ‘identify fraud is on the increase’ (56%);
- people registering at the same address (56%);
- a general impression that fraud was a problem (49%);
- ‘postal voting is not secure’ (48%).

2.43 Four in five respondents (81%) see voting in general as safe with 27% saying ‘very safe’. Eight percent said they think voting is not safe.

2.44 Voting at polling station (90%) is seen as safer as postal voting (57%). Postal voters are more likely to see postal voting safe than polling station voters (76% vs. 52%). These figures are in line with results from previous post-election surveys.

2.45 Many candidates (70%) said that they thought voting was safe from fraud, but 11% felt this was not the case. Concern that fraud had taken place in their individual constituency saw 27% claiming ‘a lot’ or ‘a little’ occurred. This is 11 percentage points higher than our 2015 survey.

2.46 Candidates without prior experience were more likely to perceive some electoral fraud. Of those with previous experience, 50% said of fraud there was none at all’ but 17% said ‘a lot/a little’. Of those with no previous experience, 5% said there was ‘none at all’ but 68% said ‘a lot/a little’.

2.47 There should be some caution attached to these findings as of course some people may express concern at the prospect of fraud taking place rather than any evidence of fraud having taken place. Nevertheless, it is worrying that 27% of candidates felt fraud took place, where the same question of candidates in 2015 saw a result of 15%.

Voter registration campaigns

Our public awareness campaign

2.48 We ran a campaign to increase people’s awareness of all elections taking place in England on 5 May, which included advertising as well as partnership and public relations (PR) activities and in some instances also featured messaging about the Mayor of London and London Assembly elections.

2.49 Our objectives were to ensure people knew the Mayor of London and London Assembly elections were taking place at the same time as other elections and to

encourage people who weren't already registered to vote to do so by the 18 April deadline.

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

2.51 We ran online advertising including website banners, Google search and social media ads from February and TV ads from 14 March. Where possible these ads featured messaging about the Mayor of London and London Assembly elections.

2.52 We identified that young people and home movers would be most affected by the transition to Individual Electoral Registration (IER) and when the government brought forward the end of the transition to IER to December 2015, we expanded our campaign to include a partnership with Channel 4 and the production company Lime Pictures, to produce an ad featuring some of the cast members from the TV show Hollyoaks. This was supported by PR and social media activities.

2.53 Our focus on promoting voter registration complemented the London Elects campaign which aimed to increase awareness that the elections were taking place and how to find out when and where to vote.

2.54 London Elects delivered a multi-channel marketing campaign which included radio, local press, Facebook, search and website banner advertising. The campaign also featured on Transport for London advertising spaces including Docklands Light Railway, tube and buses.

2.55 London Elects also delivered a booklet with information about candidates standing for the elections to every household in London and produced a series of statutory and non-statutory printed materials to London boroughs including voter information and polling station materials.

Public awareness activities by other organisations

2.56 We worked in partnership with Uber who included a message reminding users to register to vote in their app, just over a week before the registration deadline.

2.57 Facebook created a voter registration reminder for all UK Facebook users on 15 April to encourage them to register before the deadline.

2.58 We produced a suite of resources for local authorities and other organisations to promote voter registration which included: posters; website banners; template

content for websites, emails and social media channels; and template press releases, articles and blog posts.

Measuring the performance of our campaign

2.59 To help measure the performance of our campaign we set targets for the number of applications to register online. In London our target was 213,000 online applications from when our TV advertising started on 14 March until the voter registration deadline on 18 April. We exceeded this target with 243,545 online applications during that time.

2.60 We also set a target for the number of additions to the register we wanted to see during our campaign and this was 195,000. Following collection of registration data from local authorities we know that there were 144,216 additions to the register therefore we did not meet this target.

2.61 Our campaign recognition target was 75% of people recognise one or more elements of the campaign. There was a UK-wide average of 78% meaning that we met this target. We do not have a London-specific figure but the figure recognition level for England was 77%.

2.62 For more information on our public awareness campaigns view our [evaluation report](#).

Online registration

2.63 The introduction of IER in June 2014 made it possible for people to register online for the first time and, from the campaign performance above, this method of registering to vote has proved to be very popular, particularly among some of those groups who are typically under-registered, such as young people.

2.64 However, EROs have consistently had concerns over the number of duplicate applications that are made using the online facility. There is currently no online provision available for people to check whether they are already on the electoral register before making an online application. As a result, a significant number of online registrations are duplicate applications from people who are already on the electoral register. This can result in additional and unnecessary work for EROs in the busy period before the registration deadline.

Recommendation 2: Providing an online registration status check

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

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

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

3 The administration of the polls

3.1 Planning, co-ordination and oversight of the polls by London Elects was generally of a high standard and delivery of the polls by Constituency Returning Officers across London went smoothly.

3.2 Evaluation of the 2012 polls led to a different approach to planning for the election within the GLA with a programme board drawing on expertise from across the authority to deliver a number of work streams rather than relying on a small and temporary elections team. Collaborative work with election practitioners across the Boroughs was successful and good liaison led to an improved and effective working relationship. Use of regular newsletters, briefings and one to one contact with CROs and their teams enabled feedback to be gathered and potential issues addressed in advance. An innovative online approach to both gathering data from the boroughs and sharing documentation and information with them also proved valuable.

3.3 However, there were two serious exceptions to the otherwise smooth co-ordination of the polls which meant that some voters, candidates and campaigners did not receive the service they should be able to expect. We consider these issues later in this chapter, and make recommendations for future elections where appropriate.

Timing of legislation for the polls

3.4 The Commission recommends that legislation is clear in good time before elections as delay has an impact on how efficiently and effectively elections can be run. However, the Greater London Authority Elections (Amendment) Rules 2016 were laid in Parliament on 14 January 2016; just under four months before polling day.

3.5 The 2016 GLA Rules made provision for a number of changes to the administration and conduct of the GLA elections. Many of these changes reflected recent changes to electoral law, notably those in the Electoral Registration and Administration Act 2013 and those which had already been made for UK Parliamentary elections and under associated secondary legislation for other types of elections.

3.6 The Commission was consulted on the draft GLA Rules in September 2015. We welcomed the UK Government's amendments which:

- applied the conduct provisions in the Electoral Registration and Administration Act 2013.
- changed the timing of certain proceedings such as submission of nomination papers and withdrawal of nomination papers to ensure greater consistency with the position at other elections, and facilitated the earlier despatch of postal votes.
- provided that at constituency member elections, a candidate who was nominated in more than one constituency and who did not withdraw in all but one by the deadline for withdrawal of candidature would be deemed to have withdrawn his or her candidature in all constituencies.

- updated ballot papers and other forms used by voters to improve their accessibility and to provide greater consistency across elections.
- allowed for ballot papers and other election forms to be adapted for the purposes of electronic counting where required.

Recommendation 3: Ensuring legislation is clear in good time before elections

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

All governments should normally be able to plan to ensure that legislation for elections is clear at least six months before it is required to be implemented or complied with. If a government has not been able to ensure that legislation is clear by this point, it should table a formal statement in the relevant legislature explaining why it has not, and setting out its assessment of the likely impact of the late confirmation of legislation for voters, campaigners and electoral administrators.

Barnet polling station issues

3.7 Despite all of the planning by London Elects and CROs to ensure successful delivery of the polls, polling day and the conduct of the GLA elections as a whole was overshadowed by serious problems in the London Borough of Barnet where incomplete registers of electors were provided to all its 155 polling stations. As a result, when polling stations opened across the Borough at 7am on polling day, the vast majority of the 233,810 eligible electors' names were not included on the polling station registers and were therefore unable to be issued with a ballot paper.

3.8 The problem became immediately apparent on the opening of polls and within an hour was being widely reported throughout the national media. We became aware of this issue at 7:03am on polling day when electors in Barnet first contacted us to complain about being unable to vote. We immediately got in touch the Electoral Services team at Barnet and agreed that new registers should be printed and despatched immediately to all polling stations. This was done and all polling stations had full and complete copies of the register of electors by 10:30am on polling day.

3.9 Subsequent to the poll, an independent report was immediately commissioned by Barnet to look at the causes and extent of the problem and how it was dealt with, and make recommendations for future improvements in light of the imminent EU Referendum. Mark Heath, Regional Returning Officer for the South East and the Returning Officer for Southampton, was engaged to produce the report and terms of reference were agreed with the Commission.

3.10 The report was published on 27 May 2016 and concluded that, based on information provided by Barnet, approximately 500-600 electors were unable to cast their vote, although it is not known how many of those were able to return later in the day. Mark Heath's conclusion is that in terms of scale and taking into account the

many variables the number of electors likely to have been affected was in the hundreds rather than the thousands.

3.11 The error that occurred in Barnet had its cause in simple human error but had enormous consequences for those affected. Materials for polling stations, including the registers of electors used to mark off names of eligible electors who had voted, had been prepared for distribution to Presiding Officers on the day before polling day. In printing the registers, an officer of the Council had selected a software option not to include ordinary or standard electors when choosing printing options for the polling station copy. The registers therefore only contained categories of elector such as those newly added to the register, postal and proxy voters, young voters and other special category electors.

3.12 The error was compounded by inadequate checking processes of printed registers within the electoral services office before they were placed into ballot boxes, together with a change of location for distributing ballot boxes which meant that there was insufficient space for Presiding Officers to fully check the contents of ballot boxes themselves before taking them away.

3.13 One Presiding Officer did look at his copy of the register and report his concerns on the evening before polling day but this concern was not sufficiently addressed or escalated until immediately before polling stations opened on polling day, by which time it was too late to take any remedial action to check the registers for all of the other polling stations. Not dealing promptly with this concern at the time this was raised was a serious oversight which, had it been acted upon, could have allowed action to correct the error before the polls opened.

3.14 Despite the very serious problems that became apparent early on polling day, the Returning Officer and electoral services team at Barnet then dealt with the issue as well as they could in the circumstances. New registers of electors were printed and had been despatched to reach all polling stations by 10:30am. In the meantime, steps were taken to enable Presiding Officers to record information including what voters who attended were told, whether those who were on the register were allowed to vote, whether those not on the register were allowed to vote with a polling card and if so from what time, any information the Presiding Officers managed to collect as to those they turned away (including numbers), the time that the Presiding Officer received a "correct" register, and any other issues.

3.15 There was close liaison with both the Electoral Commission and the GLRO as soon as the issue was known. As well as advising that, clearly, new and complete registers should be provided as soon as possible to polling stations, we subsequently provided further guidance that electors who had been turned away from polling stations should have the opportunity to appoint emergency proxies if they were unable to return later to the polling station. This advice was also provided separately through advice sought by the Returning Officer in Barnet from Leading Counsel and through the GLRO. The facility for an emergency proxy was taken up by 38 electors.

3.16 The recommendations and improvements suggested in Mark Heath's report were accepted and actioned by Barnet straight away and no similar problems occurred at the EU Referendum. As part of the conclusion to his report, Mark Heath also proposed a further comprehensive review in Barnet of the way in which elections are

delivered and how the electoral services function operates. We have been liaising with Barnet and suggested terms of reference for this wider review which have been agreed. We will be closely monitoring this review and challenging progress where appropriate. It should be noted that the Returning Officer and Chief Executive in Barnet left his post immediately following the poll and, as Returning Officer, voluntarily gave up any fee that was due for his role as Constituency Returning Officer for Barnet and Camden Assembly Constituency at the GLA elections.

3.17 Electors in Barnet were not well served on polling day. Confidence in the voting process was severely damaged and there was a very real risk to the successful conduct of the GLA elections as a result of voters being prevented from casting their vote through no fault of their own. Simple human error will always be a risk, but processes need to be in place to ensure that all of the necessary checks are made to ensure that voters are able to cast their vote easily on polling day.

3.18 To reduce the chance of this error occurring in future elections, in addition to our existing guidance for ROs on checking all materials prior to issue we have included a specific reference to checking the content of polling station registers to ensure they are complete and correct.

The count

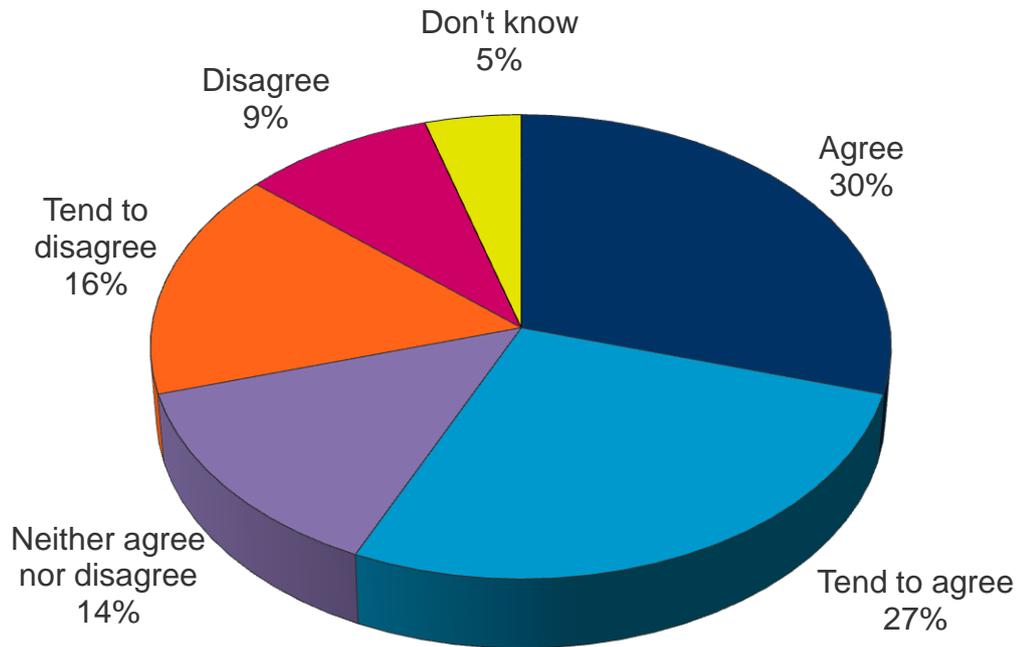
3.19 This is the fifth set of Mayor of London and London Assembly elections that have used an e-counting system. In our report on the 2012 elections, we recommended that the cost benefit analysis that was carried out prior to letting the contract for e-counting in 2012 should be updated and published which was done. We recommend further consideration should be given to the effectiveness, value for money and risks of using e-counting systems; this analysis which should include a robust and detailed consideration of counting by hand should be updated and published for comment by summer 2017.

Count centres

3.20 Following the GLA elections, we wrote to all candidates and agents inviting them to provide feedback on the polls. One of the areas that received the least positive feedback was in respect of the count. When asked, overall how satisfied were you with how efficiently the verification and count processes were run? 56% of candidates reported overall satisfaction (20% very satisfied, 36% fairly satisfied). Twenty-two per cent of candidates were dissatisfied, with 11% for both of those 'very' or 'fairly'.

3.21 Twenty two percent of candidates expressed dissatisfaction with the efficiency in which the verification and count processes were run, and 25% said election staff did not make it clear what was happening at all stages of the verification and count (see chart below). This compares to the PCC elections feedback where only 8% of candidates responding were dissatisfied with the verification and count processes, and similarly only 8% said election staff did not make it clear what was happening at all stages of the verification and count.

Figure 3.1 Election staff made it clear what was happening at all stages of the count?



May 2016 Candidate Survey. Source: Electoral Commission.

Base: All respondents (45) London Assembly & Mayor of London Election

Q. Please indicate how much you agree or disagree with the following statements about the election count. Elections staff made it clear what was happening at all stages of the count

3.22 Our report from 2012 outlined that we had concerns about the transparency of e-counting for candidates, agents and other observers at the count venues. The same concerns remain in 2016 in that, for example, approximately 95% of the votes scanned and counted by the scanning machines are not seen at any stage by observers. The only votes visible are images of ballot papers that the scanning machines have not been able to read successfully. The majority of these are good votes where there is no clear reason why the machine has queried them, and the rest are those that need proper adjudication.

3.23 When asked if the process for judging doubtful ballot papers was transparent, half (50%) agreed versus 11% who disagreed. Sixty six per cent felt that overall the count process was transparent, yet 14% disagreed. Forty-two percent of respondents agreed that the count was completed in reasonable time, however slightly more (44%) disagreed.

3.24 Communication at the count venues was little different from 2012, despite our recommendation in 2012 that better use was made of announcements and notices. The booklet issued to observers attending the count did contain more information than in 2012, but on its own did not lend to a much greater understanding of processes being followed in the counting venues. Many observers remarked that there was nothing to see of the actual counting process.

3.25 There was little or no use of announcements at the venues to further explain to attendees what was happening. For example, a description of the various holding stages for the ballot papers would have been useful as the majority of the individual constituency count areas was filled with storage racks containing boxes and clearly labelled according to stages, but it was unclear to anyone what these stages actually represented in the journey of an individual ballot paper.

3.26 There was also limited interaction and communication between CROs and their staff and those observing except when formal announcements were made at the beginning and end of the process, or more informally during adjudication of doubtful ballot papers.

3.27 Consistency in adjudication of doubtful votes within and between constituency areas was better than in 2012, although the speed of adjudication made it difficult to focus closely on each decision. Where ballot papers expressed the same choice for first and second preference votes there was still occasional inconsistency between constituency areas, with some operators simply confirming Xs in both columns and others marking the second vote as 'blank' where it replicated the first. While this might lead to inaccurate rejection classification statistics in respect of second stage preferences, it would not affect votes actually counted.

3.28 In terms of the overall process, the scanning of ballot papers operated very smoothly. Staff were well trained and there no major hold-ups or problems with the scanning machines.

3.29 The screens giving progress updates around the venue were again very similar to 2012, despite our observations and recommendations then that the scrolling display changed too quickly. Observers were frequently heard to complain about this. There is no reason why separate screens should not concentrate on one section of the count and not switch between Mayoral count progress, Constituency member progress, Assembly member progress, and overall statistics on papers verified, scanned, and adjudication stages. The refresh time was far too fast to allow for any proper study.

Recommendation 4: Improved communication with those attending the count centres through announcements and better use of progress screens

Our observation at the count centres was that there was little or no use of announcements to explain to attendees what was happening. Outside of the formal announcements made at the beginning and end of the process, there was also limited interaction between CROs and their staff with those observing. The screens used to show progress scrolled too quickly between the different contests and it would have been better to have separate screens for each contest.

The GLRO should ensure that there are co-ordinated communication arrangements at the count venues to supplement the individual constituency count arrangements. Use of display screens should be reviewed, particularly scrolling speeds, to ensure that data is communicated in a way that allows candidates, agents and observers to fully understand the progress of the count.

Count collation hub at City Hall

3.30 The experience for candidates, agents and observers at the count collation hub highlighted the second major issue to affect the conduct of the Mayor of London and London Assembly elections in 2016, an issue that raised further questions not only about the transparency of e-counting but also about its accuracy and integrity.

3.31 Sixty seven per cent of candidates (30/45) who responded to our survey raised a number of issues in their free text comments. Over 40% of people providing comments mentioned the count. Although there was some praise for electronic counting used in London, many felt the count was too slow or not managed satisfactorily, particularly at the City Hall venue. Respondents expressed frustration at the delay to declaration and lack of information.

3.32 The counting process at the 3 count centres was concluding by late afternoon on Friday 6 May and it was anticipated that a result would be declared for the Mayoral and Assembly member contest by around 6pm. In the event, it was not until 12:20am on Saturday 7 May that the result of the Mayoral election was declared.

3.33 In summary, the problem that caused the delay was that the software provided by the e-counting supplier, IntElect, was not producing results for the Mayoral contest from each of the 14 constituency counts that equated, when account was taken of votes cast and rejected votes, to the number of votes counted. This error was first observed around 4:30pm on Friday and it took several hours for the software program to be adapted sufficiently to properly collate the data and produce a result.

3.34 One of the major failings noted by observers at the collation hub was that there was no communication at all from the GLRO to advise the assembled candidates, agents, observers and media that there was a problem, or of the effect the problem might have on any expected result declaration time. Consequently it was not until 9:45pm, under pressure from Electoral Commission representatives, that an update was provided to candidates and agents by the GLRO.

Recommendation 5: More timely and regular communication with those attending the count collation hub

Due to a problem with the software used for e-counting, a discrepancy was discovered between the figures allocated to Mayoral candidates and the total number of ballot papers counted (and rejected) in each of the 14 constituencies. This error was first observed at approximately 4.30pm although there was no communication from the GLRO to advise the candidates, agents, observers and media that there was a problem, or of the effect the problem might have on any expected result declaration time, until 9.45pm.

The GLRO should ensure that communication with candidates, agents and observers about the progress of the count collation process is clear and transparent, and provides proper and regular assurance at all times throughout the proceedings.

3.35 A new issue encountered by Electoral Commission representatives at the collation hub was an initial lack of access to areas where key decisions were being taken behind the scenes. While we had some oversight of the result collation centre

where data from the count venues was being received, we were initially prevented from gaining access to the area where the GLRO and his team of advisors were situated. While access was later gained and the Commission staff subsequently played a key role in supporting the GLRO through to the declaration of result, the danger to the transparency of the election process was clear.

3.36 In addition to the right of Electoral Commission representatives to have access to all areas of the count and the count hub, consideration should also be given by the GLRO to allowing candidates and other accredited observers a degree of access to procedures being carried out behind the scenes to aid transparency and provide confidence in the process.

Recommendation 6: Ensure access to all areas of the count collation hub for Electoral Commission representatives and improved access for accredited observers

Electoral Commission representatives at the count collation hub were initially denied access to areas where key decisions were being made following the discovery of a discrepancy between the figures allocated to Mayoral candidates and the total number of ballot papers counted (and rejected) in each of the 14 constituencies.

While we had some oversight of the count collation hub where data from the count venues was being received, we were initially prevented from gaining access to the area where the GLRO and his team of advisors were situated. Although access was later granted – and the Commission representatives subsequently played a key role in supporting the GLRO through to the declaration of the result - there was a risk to the transparency of the election process.

The GLRO must ensure that the Electoral Commission representatives are never denied access to any part of the count or any part of the electoral process, including access to the GLRO and his advisors. Consideration should also be given to providing candidates, agents and accredited observers better access to observe proceedings at the count collation hub.

3.37 Since the count reports and analyses of the problems have been provided to the GLA by both the software supplier and the GLRO. While these are welcome, they do not properly reflect the breadth of issues that the management of the count collation hub raises.

3.38 The GLA core management team, including the GLRO, suffered by not having an experienced senior elections practitioner as part of the team. While there was expert legal advice available, the focus of deliberations and decision making of the core team was led almost exclusively by legal considerations to the exclusion of proper count management practice, and in particular to the communication of information to candidates and agents.

3.39 In addition, the GLA core team did not respond in a planned and effective way to events. Key decision making was absent and they failed for a long period to keep agents, candidates and others at City Hall properly informed. There was a clear

absence of crisis management and their approach meant they did not look at all the risks and elements of crisis management that were required.

3.40 The problem of the Mayoral candidate vote figures not balancing was an integral software issue which meant that IntElect alone were trusted and relied upon to honestly resolve the matter. They advised that the allocation of votes between candidates was wrong and they produced a final result that altered those figures from that originally presented by their count system. There was no-one in the GLRO team present who had the expertise to oversee the technical resolution of the problem, or provide any guarantee that the figures finally produced as a result of manipulation of the software code were accurate had this been questioned.

3.41 The GLA's Election Review Panel is conducting a review of all aspects of the Mayor of London and London Assembly elections and for the e-counting part of this review we recommend that consideration is given to the risks arising from the technical and specialist nature of e-counting systems by asking the following questions:

- How much of the technical detail of the e-counting system does the GLRO personally understand?
- Who else in the GLRO's direct team is responsible for understanding and managing the operation of the e-counting system?
- How much control did the GLRO actually have over the e-counting system?
- How comfortable would the GLRO be with a similar degree of understanding and control for future elections?
- What was the overall risk assessment made by the GLRO about using the e-counting system? Was this risk anticipated, were the controls appropriate and applied effectively?
- Has this changed the GLRO's overall risk assessment about the use of e-counting in future elections?

3.42 There was also an issue noted relating to the fair and equal treatment of candidates. Facilities at City Hall were provided for the Conservative and Labour Mayoral candidates and their agents, and the GLRO decided that they should be briefed about the problems with the counting system slightly ahead of all of the other candidates and agents. In our view at an election all candidates and agents must be treated equally, especially with the provision of briefings or information. Any suspicion of favourable treatment may lead to questions as to the impartiality of the Returning Officer.

Recommendation 7: The GLRO should make arrangements to have an advisor with recent elections experience on his team

The GLA core management team, including the GLRO, suffered by not having an experienced senior elections practitioner as part of the team at the count hub. This became especially apparent when the problem with the e-counting software arose. While there was expert legal advice available, the focus of deliberations and decision

making of the core team was led almost exclusively by legal considerations to the exclusion of proper count management practice, and in particular to the communication of information to candidates and agents.

The GLRO should ensure that he has, as a member of his core team, someone at a senior level who has recent and practical experience of delivering election counts and who can provide balanced practical advice and an overview of the management of the count process and the expectations of candidates, agents and observers.

Recommendation 8: Further consideration should be given to the effectiveness, value for money and risks of using e-counting systems

This is the fifth set of Mayor of London and London Assembly elections that have used an e-counting system. In our report on the 2012 elections, we recommended that the cost benefit analysis that was carried out prior to letting the contract for e-counting in 2012 should be updated and published which was done. We again recommend that this analysis which should include a robust and detailed consideration of counting by hand is updated and published for comment by summer 2017. Given that elections currently scheduled for 2020 would entail a mixture of manual and electronic counting the Commission would welcome the opportunity to contribute to the analysis.

The GLA's Election Review Panel is conducting a review of all aspects of the Mayor of London and London Assembly elections and for the e-counting part of this review we recommend that consideration is given to the risks arising from the technical and specialist nature of e-counting systems by asking the following questions:

- How much of the technical detail of the e-counting system does the GLRO personally need to understand?
- Who else in the GLRO's direct team is responsible for understanding and managing the operation of the e-counting system?
- How much control did the GLRO actually have over the e-counting system?
- How comfortable would the GLRO be with a similar degree of understanding and control for future elections?
- What was the overall risk assessment made by the GLRO about using the e-counting system? Was this risk anticipated, were the controls appropriate and applied effectively?
- Has this changed the GLRO's overall risk assessment about the use of e-counting in future elections?

Performance standards assessment

3.43 As previously detailed, we set, monitor and report on performance standards for ROs in Great Britain. Where issues arose with the administration of the Greater London Authority elections, we firstly worked closely with affected ROs to resolve the issue with the minimum impact on voters and those standing for election. Our approach to assessing the performance of CROs, and the GLRO included:

- considering the details of the issue
- considering whether the RO had the necessary processes in place to be able to deliver well-run elections

- considering whether the issue was due to the processes followed by the RO, or was an unforeseeable matter that was out of the control of the RO and could not reasonably have been anticipated
- considering what remedial action was taken by the RO and the timeliness of this action
- considering the impact of the issue on voters and those standing for election

3.44 Subsequent to our provision of advice and guidance to support ROs in managing issues encountered, we contacted ROs to confirm our understanding of the issue and any mitigating action taken. We also invited ROs to provide us with any relevant additional information as well as their assessment of the impact that the issue had upon voters and those standing for election.

3.45 Through an assessment process incorporating a review by a panel made up of representatives from the UK Electoral Co-ordination Advisory Board, at present we have assessed one RO and the GLRO as not meeting elements of the performance standards.

Barnet

3.46 The issues experienced by Barnet during the delivery of the polls have been detailed in paragraphs 3.7 to 3.18. In light of the serious problem experienced in polling stations across Barnet on polling day, and the consequences for electors, the Electoral Commission has reached a final assessment, agreed with a panel of members of ECAB that Barnet has not met elements of the performance standards.

3.47 We concluded that the RO did not meet elements of performance standard 1 and 2¹⁰ because while actions were put in place to minimise the impact of the error on voters, including providing updated register to all polling stations, this error still had a direct impact on a number of voters and some voters were disenfranchised as a direct result of the error. Furthermore, the confidence of both candidates and agents in the election process was damaged.

GLRO

3.48 The conduct of the count at the count collation hub at City Hall has been detailed in paragraphs 3.30 to 3.42. In light of the issues and subsequent manner in which they were dealt with at the count collation hub, the Electoral Commission has reached a final assessment, agreed with a panel of members of ECAB that the GLRO has not met an element of the performance standards.

3.49 We concluded that the GLRO did not meet an element of performance standard 2 because ensuring count processes are transparent is fundamental to the delivery of well-run polls. Issues and a lack of communication have the potential to affect the

¹⁰ The Performance Standards for Returning Officers can be found here: http://www.electoralcommission.org.uk/_data/assets/pdf_file/0003/163821/New-performance-standards-for-ROs-November-2013.pdf

confidence of both those standing for election and voters, in the management of the process and the result.

4 Standing for election and campaigning

4.1 In this chapter we consider the experiences of those involved in campaigning at the Mayor of London and London Assembly elections.

Standing for election

Information provision

4.2 Following the elections we conducted a survey of candidates.¹¹ Half of all candidates responding (50%) agreed that the Commission was a useful source of advice and guidance during the campaign, with a fifth neutral on this matter. Two thirds of candidates (67%) felt London Elects was a useful source of advice and guidance¹².

4.3 Eighty-two per cent agreed it was easy to find out what they needed to do to become a candidate, just 7% disagreed. The figures were also positive for the percentage of people who said they understood the rules for becoming a candidate and how to follow them (89% agreed and 4% disagreed).

Nominations process

4.4 Just over three quarters of candidates (77%) agreed that the nominations process was straightforward and 11% disagreed. Fifty-five percent of candidates agreed that it was easy to raise the deposit required to secure nomination, 25% disagreed and free text comments on responses noted that the current deposit requirement is too high, and can be particularly prohibitive for independents and for both smaller and medium sized parties. There was also feeling that access to register information, and the cost of deposits favoured larger parties.

Recommendation 9: To remove all requirements in electoral law for candidates to pay a deposit before their names are allowed to be included on the ballot paper

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

We continue to recommend that there should be no deposit requirement for candidates or political parties at all UK elections, as we consider that the ability to pay

¹¹ May 2016 Candidate Survey, conducted by the Electoral Commission

¹² The Greater London Returning Officer employed a team, London Elects, to support him in carrying out his statutory functions in running the election.

a deposit is not a relevant or appropriate criterion for determining access to the ballot paper.

Recommendation 10: Access to the electoral register for Independent Candidates

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

Regulation of spending and donations

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

4.6 The Commission produced specific guidance for candidates and offered an advice service to answer questions that campaigners had about the rules. We took a proactive approach to raising awareness about the rules, including presenting an overview of the campaign spending rules at two joint briefings with London Elects in January and April 2016. This supported the Commission's aim of ensuring compliance with the rules through support and guidance.

4.7 In our survey we asked candidates about their understanding of the rules. Just over two-thirds (66%) agreed that rules on spending and donations were clear, with 11% disagreeing.

4.8 The Commission also carried out a programme of campaign monitoring for these elections. Our monitoring used various sources, including press, broadcast and online media, to observe and record information about election campaigns. The purpose of this work was to promote compliance with the law by raising campaigners' awareness of the rules and our role in applying them; to identify emerging issues so we could offer advice and guidance to those we regulate and to obtain information on activity that we may refer to when looking at the financial disclosures submitted by campaigners. In the run-up to the elections, we published a briefing note which contained our monitoring plans for the all the elections taking place across the UK in May 2016¹³.

4.9 As with our monitoring of other elections, we may cross-reference the information collected with details of spending or donations reported on candidates' statutory returns. Constituency Assembly Member candidates were required to provide their spending returns to the relevant CRO by 10 or 13 June 2016, and London Mayoral and London-wide Assembly Member candidates to the GLRO by 15 or 18 July,

¹³ Electoral Commission campaign monitoring briefing note, May 2016 elections
http://www.electoralcommission.org.uk/_data/assets/pdf_file/0011/194960/May-2016-Elections-Briefing-Note.pdf

depending on when the results were announced. Returns are available for public inspection at the offices of the relevant Returning Officer.

4.10 In our public opinion survey after the elections we asked to what extent people agree or disagree that 'if a political party or another campaigner is caught breaking the rules, the authorities will take appropriate action'; 63% agreed appropriate action would be taken with 25% disagreeing.¹⁴

4.11 Although the Commission has a statutory remit to take all reasonable steps to ensure compliance with these rules, enforcement of the rules is a matter for the police. This can cause confusion amongst voters about who is responsible for breaches of the rules. We have previously recommended extending our investigative and sanctioning powers to apply to offences relating to candidate spending and donations. We continue to believe that this change would help ensure compliance with the rules and strengthen the voters' trust in the regulatory system¹⁵.

Improving access to information about candidate spending and donations

4.12 Currently Returning Officers only make candidate returns available for public inspection in paper form, where anyone interested in inspecting a return can make an appointment to view it. With the growing use of the internet, we have previously recommended that candidates' election returns should also be made available for viewing online, and that the legislation should explicitly provide for this.¹⁶ Such a change would improve transparency locally and nationally by making information about spending and donations for election candidates more widely accessible. It would benefit voters across London, and if implemented on a UK-wide basis, it would also enable greater access to and comparison of spending on mayoral election campaigns across the UK.

Recommendation 11: Publication of candidate spending returns

To improve transparency and accessibility of candidate spending returns, we have previously recommended that Returning Officers should be required to publish spending returns online as well as through the existing methods of public inspection. We recommend that spending returns of London Mayoral candidates and London Assembly candidates should be published online in future. We support

¹⁴ May 2016 elections - Post-polls survey. Source: BMG/The Electoral Commission.

¹⁵ Electoral Commission, Regulatory Review of Party and Election Finance 2013, Recommendation 43 http://www.electoralcommission.org.uk/_data/assets/pdf_file/0008/157499/PEF-Regulatory-Review-2013.pdf, and Electoral Commission, UK Parliamentary General Election 2015 campaign spending report http://www.electoralcommission.org.uk/_data/assets/pdf_file/0006/197907/UKPGE-Spending-Report-2015.pdf, Recommendation 1

¹⁶ Regulatory Review of Party and Election Finance 2013, Recommendation 34 and UK Parliamentary General Election 2015 campaign spending report, Recommendation 9

recommendation 12-5 of the Law Commissions' review of Electoral Law which proposes a method for implementing this change through legislation.¹⁷

Party names and descriptions

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

4.14 Election candidates standing on behalf of a political party are able to include registered identity marks on the ballot paper. The candidates must get written permission from the party, and submit this to the relevant Returning Officer.

4.15 On the ballot papers for each contest, party candidates (and, in the case of the London-wide assembly member contest, party lists), are able to use a party emblem to indicate the party's identity. They are also allowed to use either the party's name registered with the Commission or one of the party's registered descriptions. When using a registered description on the ballot paper in place of the registered name of the political party, the party's identity may not be clear to all voters. This is because not all party descriptions include the name of the political party.

4.16 We have previously recommended that where a candidate represents a political party on an election ballot paper, it should be clear to voters which party the candidate represents. We continue to be concerned that the legal provisions for registration of party descriptions present risks of confusion for voters and restrict the participation of political parties.¹⁸

4.17 The legislation on registration of party names, descriptions and emblems is set out in Part 2 of the Political Parties, Elections and Referendums Act. In contrast, the use of these party identity marks on ballot papers is determined by election orders. We believe that the legislation in this area needs to be reformed in a joined-up way.

Recommendation 12: Registration of party names and descriptions for use on ballot papers

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

¹⁷ Law Commissions' Review of Electoral Law, Recommendation 12-3, page 161

http://www.lawcom.gov.uk/wp-content/uploads/2016/02/electoral_law_interim_report.pdf

¹⁸ Electoral Commission (2015) *The May 2015 UK elections: Report on the administration of the 7 May 2015 elections, including the UK Parliamentary general election*, recommendation 10

http://www.electoralcommission.org.uk/_data/assets/pdf_file/0006/190959/UKPGE-report-May-2015-1.pdf

Other campaigners

4.18 There are limited rules covering the spending of political parties and non-party campaigners at Mayor of London and London Assembly elections. This is in common with local government elections and in contrast with larger scale national elections held in the UK.¹⁹ Enforcement of the rules is a matter for the police.

- **Political parties:** Any campaigning by political parties on behalf of a candidate and that was authorised by the agent had to be counted against the candidate spending limit. Any spending which promoted the party in general in the GLA elections counted towards the spending total for the party list candidates. There was no regulated period for political parties campaigning in the Greater London Authority elections in 2016. This is because Parliament has not legislated for the spending controls set out by the Political Parties, Elections and Referendums Act (PPERA) 2000 to apply to these elections²⁰.
- **Other campaigners:** There is a “permitted sum” that a separate individual or organisations can independently spend on campaign activities in support of or against London Assembly or London Mayoral candidates. In our guidance, we refer to this as a “local non-party campaigning spending limit”.

4.19 For the 2016 elections, the permitted sum for campaigning for or against a candidate standing to be the Mayor of London or for one of the London-wide London Assembly seats was approximately £30,000²¹. A campaigner must either spend less than the permitted sum of £30,000 or have its spending authorised by a candidate’s agent if it spends in excess of that sum. Campaigners do not need to register or report their spending.

4.20 These rules contrast with elections where campaigners are allowed to spend similar amounts of money under the general non-party campaigning rules in PERA. These kinds of campaigners are required to register with the Electoral Commission if intending to spend more than £20,000 in England or £10,000 elsewhere. Campaigners must be based in or doing business in the UK, or be on a UK electoral register, can only accept donations from permitted sources and must report on their spending and donations after the poll.

4.21 It is notable that a non-party campaigner at the 2016 GLA elections could spend up to £30,000 without being subject to any similar kinds of requirements. The permitted sums for local non-party campaigners at other UK elections are lower. They range from £500 to £1000 for UKPGEs and elections to the Scottish, Welsh and NI legislatures to between £2,000 and £10,000 for Police Crime Commissioner electoral

¹⁹ UK Parliamentary General Elections and elections to the legislatures in Scotland, Wales and N.I.

²⁰ The PERA rules cover campaigning for or against political parties or groups of candidates

²¹ If someone is campaigning for or against a candidate standing to be the Mayor of London or for one of the London wide London Assembly seats, the “permitted sum” is calculated by a formula of “£50 plus 0.5p for each elector in the Greater London Authority area”.

areas²². There are no requirements for local non-party campaigners to report on their spending or their sources of funding, (although local non-party campaigners at UK Parliamentary General Elections can be asked to disclose details of their spending between £200 and the limit of £700).

4.22 There is growing interest in and scrutiny of non-party campaigns in UK politics. The permitted sum of £30,000 for London Assembly or London Mayoral contests relates directly to the number of electors in London and therefore appears to be set at a level that is proportionate with other election limits. However non-party campaigners are permitted to spend a significant sum on campaigning at London Mayoral or London-wide contests without being subject to any rules on transparency or restrictions on sources of funding. This means that an individual campaigner or organisation could run an expensive campaign designed to support or attack a mayoral candidate, without being subject to any transparency or other financial controls.

4.23 Looking ahead to 2020, the next GLA elections are scheduled to be held at the same time as the next scheduled UK Parliamentary General Election. This overlap of elections means that the PPERA controls for the UKPGE will apply to some kinds of campaigning during the GLA election regulated period. Campaigning that is for/against groups of candidates will be regulated and made transparent under the PPERA controls, whereas campaigning for or against one mayoral candidate during that period will be covered by the local non-party campaigner rules. Given the relatively high sum of money that can be spent as a local non-party campaigner, this could highlight the inconsistencies between the two sets of rules and affect voter trust in the election campaigns.

4.24 We recommend that the UK Government consider how some transparency about non-party campaigning at GLA elections could be introduced. We would be happy to discuss our initial thoughts. For example, campaigners could be required to disclose details of their spending over a minimum threshold (based on the new requirement for UKPGEs). It is also worth exploring whether campaigners could be required to register with the Greater London Returning Officer if intending to spend over a minimum threshold (this approach would have parallels with the Recall petition campaigns). In addition, it is worth considering whether the PPERA controls for general non-party campaigning that is for or against a party, parties or a group of candidates should apply to GLA elections.

Recommendation 13: Improve transparency of non-party campaign spending at London Mayoral and London Assembly contests

We recommend that the UK Government improve the rules on non-party campaign spending at London Mayoral and London Assembly contests before the next elections expected in 2020, including introducing greater transparency about who is campaigning and how much they are spending.

²² Electoral Commission guidance for non-party campaigners at 2016 elections
http://www.electoralcommission.org.uk/data/assets/pdf_file/0007/193174/npc-local-2016.pdf

5 Looking ahead

5.1 As this report has shown, a number of candidates, agents and other observers have highlighted concerns about the length of time taken to complete the count for the 2016 GLA elections. 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 in the other reviews which have taken place or are currently underway. Taking into account evidence from these most recent elections, the cost benefit analysis carried out prior to the 2016 elections should be updated - to consider the effectiveness, value for money and risks of using e-counting systems - and published.

5.2 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 2020 elections. As a first step we suggest that updated cost benefit analysis for future count options, including consideration of a complex combination of polls in May 2020, should be published for comment by summer 2017.

5.3 The next scheduled elections for the Mayor of London and London Assembly are in 2020. This is also the scheduled date for the next UK Parliamentary General election. Given the complexities of process already involved in managing an election with three ballot papers using different voting systems, together with electronic counting of votes, further combination with a UK Parliamentary General election will present enormous challenges, not least a very likely increased turnout across all polls.

5.4 The GLRO and London Elects should begin planning for such an eventuality at the earliest opportunity. Government should also plan ahead and consider whether there is a case for ensuring that the elections will not be combined by drafting legislation to avoid a clash of dates for the two elections.

Recommendation 14: Analysis and consultation on the risks of holding polls on the same day

The next Mayor of London and London Assembly elections are scheduled to take place on the same day as the next scheduled UK Parliamentary General Election. Elsewhere in England, there are scheduled PCC elections and local government elections, which include local council elections, directly elected local authority mayoral elections and combined authority mayoral elections. In Wales, there are PCC elections scheduled.

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

- **There will be two sets of elections, incorporating three methods of voting and four ballot papers:** the UK Parliamentary contest uses the ‘first-past-the-post’ system; the Mayor of London contest uses the supplementary vote system; the Constituency London Assembly Member contest uses the ‘first-past-the-post’ system; and the London-wide Assembly Member contest uses the closed list system which is a form of proportional representation. Clear and tailored information for voters on how to cast their vote will be essential to minimise confusion - for example, if the Mayoral and GLA ballot papers are counted electronically voters would be advised not to fold the ballot papers, while for the UKPGE the papers should be folded.
- **The voting areas for the two sets of elections are different:** In London, the Parliamentary elections are currently based on 73 Westminster constituencies (with draft proposals to reduce this number to 68 in 2018) which in some cases are and will be non-coterminous with the 33 London Boroughs. The Mayor of London and London Assembly elections are organised across 14 GLA constituencies (which themselves are combinations of London Boroughs). These differences may cause voter confusion and will also present challenges for political parties campaigning in both sets of elections and for those administering them.
- **The timing of the counts and the counting system used in each election will need to be considered alongside expected levels of voter turnout:** If e-counting is used in 2020 for the Mayor of London and London Assembly elections with a manual count for the UK Parliamentary election, consideration will need to be given to logistics of each count and the timing, particularly in the event of high turnout. Although counting can commence for the UK Parliamentary election before verification for all elections is completed, the verification of the ballot papers for all four contests will need to be completed before the UK Parliamentary election result can be declared. It is difficult to envisage how a combination of voting enabling manual and electronic counting for the respective polls could be delivered to allow an e-counting process which incorporates verification and counting simultaneously and enable the UK Parliamentary votes to be verified and counted manually on the night of the poll. It is a requirement at a UK Parliamentary general election for the Returning Officer to take reasonable steps to begin counting the votes within four hours of the close of poll.

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

Any change to the date of scheduled elections would be a significant proposal, and must be informed by appropriate consultation with political parties, the Electoral

Commission, relevant Government departments, elected bodies, administrators and voters themselves to ensure that the interests of voters are put first.

Candidates, parties and campaigners

5.5 Under the Political parties, Elections and Referendums Act (PPERA), a regulated period will apply to the spending of political parties and non-party campaigners for a year prior to the UK Parliamentary General Election scheduled in 2020. This will mean that spending by these campaigners on other elections taking place during that time period may also be regulated under the PPERA controls and count towards the UKPGE spending limit.

5.6 There is usually no regulated period in the Greater London Authority elections for political parties or for general non-party campaigners that are supporting or opposing parties or groups of candidates. This is because Parliament has not legislated for the spending controls set out by the Political Parties, Elections and Referendums Act (PPERA) to apply to these elections. GLA elections have a party list that is regulated under the Representation of the People Act, meaning that spending by the party promoting the party list is recorded in a candidate list return.

5.7 If the next GLA elections occur at the same time as the UKPGE scheduled for 2020, this will be the first time that those elections coincide. We will have to consider how the regulation of spending by political parties and non-party campaigners should be conducted under the relevant legislative provisions in the RPA and PPERA. We will be planning ahead, under our statutory remit to take all reasonable steps to ensure compliance with these rules, and will highlight any issues that we identify during that planning.

Appendix A

Research methodology

Public opinion survey

Between 6 and 28 May 2016, BMG Research interviewed a sample of 723 adults aged 18+ across London. Interviews were conducted by telephone (both landline and mobile). Data are weighted to match the profile of London.

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

Comparisons made between these polls and previous post-elections surveys are indicative and should be treated with some caution.

[More information can be found on our website.](#)

Electoral data

Professors Colin Rallings and Michael Thrasher at the Elections Centre, University of Plymouth collected and collated data from London Elects and from Borough and Constituency Returning Officers on the Commission's behalf for the Greater London Authority elections and the election of Mayor of London in May 2016.

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

Returning Officer feedback

Commission-run survey of electoral administrators – Returning Officers, Electoral Registration Officers and other elections staff – following polls held on 5 May 2016.

The survey was conducted on Survey Monkey and was open between 6 May and 10 June 2016. Some respondents chose to withhold their local authority, therefore it is not possible to say exactly how many responses were received from London-based staff.

Survey of Candidates

Postal survey sent following 5 May polls to all 217 candidates standing in London, inviting them to provide feedback. Response rate was 21% (45 responses received).