

[REDACTED]

From: FOI
Sent: 19 October 2016 11:04
To: [REDACTED]
Subject: FOI 150/16 - EC staff observers at postal vote opening sessions
Attachments: EC Observers at PV opening sessions.pdf

Dear [REDACTED]

Our Ref: FOI 150/16

Thank you for your request under the Freedom of Information Act 2000 dated 23 September 2016.

The Commission aims to respond to requests for information promptly and has done so within the statutory timeframe of twenty working days.

Your request is in bold below followed by our response.

You have requested:

A list of postal vote opening sessions that Electoral Commission staff attended as observers in Scotland from the 2007 Scottish Parliament election to the 2016 EU Referendum, including the date and the local authority area in which the session took place.

I would also like to see copies of any notes or emails produced consequent to the observation of these sessions where the Electoral Commission staff refer to:

- the difficulty for Returning/Counting Officers of complying with the procedures prescribed in the Representation of the People (Scotland) Regulations 2001;**
- the difficulty for Returning/Counting Officers of complying with the procedures recommended in the Electoral Commission guideline (Part D - Absent Voting);**
- non-compliance with the procedures prescribed in Representation of the People (Scotland) Regulations 2001;**
- non-compliance with the procedures recommended in the Electoral Commission guideline (Part D - Absent Voting).**

Our response is as follows:

We do hold some of the information you have requested. Absent vote identifier (AVI) checks were introduced in Scotland in 2008 and the first Scotland wide set of elections that required Returning Officers to carry out AVI checking was the European Parliament election in 2009.

The attached document sets out the postal vote opening sessions that Commission staff have observed since 2009 where we hold a record of it. It also contains excerpts of any notes made by Commission observers following observations at postal vote opening sessions where staff refer to difficulties in Returning Officer staff following the absent voting procedures.

We do not hold any e-mails in which Commission staff refer to Returning Officer's difficulties in following the absent vote procedures.

I trust that this information satisfies your request.

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

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

Yours sincerely


Information Officer

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Commission observers at postal vote opening sessions

2009 European Parliament election

The 2009 European Parliament election was the first Scotland-wide election at which absent-vote identifier rules were in force. Consequently Commission Observers attended postal vote opening sessions at the majority of Scottish Councils.

Postal vote opening sessions attended	
Council	Date
Midlothian	27 May 2009
Scottish Borders	28 May 2009
East Lothian	29 May 2009
City of Edinburgh	2 June 2009
Argyll & Bute	5 June 2009
Highland	28 May 2009
Fife	1 June 2009
Perth & Kinross	2 June 2009
Stirling	2 June 2009
Falkirk	5 June 2009
North Lanarkshire	5 June 2009
Glasgow	27 May 2009
Renfrewshire	1 June 2009
East Ayrshire	2 June 2009
South Ayrshire	3 June 2009
East Dunbartonshire	5 June 2009
Inverclyde	26 May 2009
South Lanarkshire	28 May 2009
Angus	29 May 2009
Dumfries & Galloway	1 June 2009
West Lothian	2 June 2009
Eilean Siar	5 June 2009

Notes produced by Commission observers referencing difficulties that Returning Officer staff faced in complying with postal vote opening procedures

Note from observations in Glasgow, Renfrewshire, East Ayrshire, East Dunbartonshire, South Ayrshire:

AVI checking observations were carried out at five local authorities: Glasgow, Renfrewshire, East Ayrshire, South Ayrshire and East Dunbartonshire. Suppliers included Strand, K2 and Opt-2-Vote. All were checking 100% of AVIs and claimed to have undertaken a good amount of system testing in the months prior to the election as well. In the two authorities holding local government elections on the same day, PV packs had been issued separately and were processed separately.

General impressions were good and there were no doubts about the integrity of any of the checking sessions. However, in two of the five improvements could be made around the transparency of the process. In these two, there were elements of the process – namely the first stage of adjudications carried out on screen – that were not visible to any observers. When challenged on this, both reported that observers would be given a demonstration of what was happening if requested. Nevertheless, the process would have felt more open had there been systems in place to allow this to happen at all times. It is interesting to note that both of these local authorities were using the same software supplier.

Anecdotally, the levels of AVIs that needed human verification varied from 10% to 60%. This could be attributed to two main factors (other than genuine variations) – the sensitivity of the checking software or problems with the scanning (of either the application or return).

A couple of issues around joint-working were evident during the observations. One local authority had to delay their AVI session by five and a half hours due to problems caused by a mis-communication between supplier, ERO and RO. The problem arose due to suppliers asking for PV lists on 16 May, prior to the PV application deadline. Errors had then occurred in the subsequent PV issues that only came to light during the checking sessions. Although the ERO had been aware of these in a neighbouring authority, the council in question had not been informed. One local authority also seemed to be having to conduct a very high percentage of manual verifications largely because the data on the original applications had not been properly captured by the ERO.

Other issues of note included a lack of clearly defined areas for observers at some sessions and the scanning of ballot papers face-up and uncovered by one local authority. Again, ad hoc procedures were in place if observers entered the session to allow ballot papers to be scanned face-down although this increased processing time.

Some examples of good practice were also identified. One local authority used ERO staff to scan in the AVIs owing to their experience of doing this with the original applications. The same authority also encouraged staff working on other sessions to come and observe the process before they would be involved. Other local authorities relied on the same core staff for the duration of the AVI checking sessions to ensure consistency. One local authority had enlarged the IEMB's circular about what it considered to be a valid AVI and displayed them in the observers' area to minimise the levels of challenges to their decisions. There was also evidence that many of the local authorities were in regular contact with colleagues across Scotland to assess progress and anticipate potential problems before they occurred.

Note from observation in Edinburgh, Argyll & Bute, Midlothian, East Lothian, Scottish Borders:

The process at each of the five postal vote openings observed was broadly similar although the detailed management of the process varied depending on the size of the authority, the number of postal votes issued, and their ongoing experience of the process. Resources and facilities for the opening varied

accordingly. In line with IEMB decision, all authorities visited were verifying 100% of postal votes. There was limited space for observers at Scottish Borders and Midlothian. Each of the authorities had tested the IT prior to the openings but at least two of them experienced problems on the first day of live activity – mainly in relation to the matching process. However, none of these presented ongoing problems. The ERO for each area had been present or available during at least one of the openings. Four of the authorities expressed frustration with the IT systems and the percentage failure rate at the scanning stage – up to 50% on some batches. This was mainly due to the IT misreading, or absence of, barcodes, date of birth misreads or misreads caused by papers having been folded across the reading area even where the verifiers were good. This caused a logjam at the initial scanning stage with resulting interruptions to workflow. The actual matching and final RO adjudication process were generally trouble free with around 4% being referred for RO adjudication. There was consistency in the way that ROs/DROs adjudicated.

Note from observation in Inverclyde:

Suitability of venue
Was the venue suitable? (E.g. room size, IT facilities, acoustics, accessibility)
Venue was a shop/office in a shopping square which was specifically rented for the elections on a short lease. It was set up on a LAN rather than connecting through the council's network. Very accessible as it was a totally open plan venue.
Transparency of the process
Was it clear what was going on? Give a brief overview of the process that you saw (You may wish to draw a diagram)
Internal auditor had been brought in to assist with audit/integrity. Covering envelopes opened, bundled into 25 and double-checked. Supervisors checked discarded envelopes to ensure nothing was missed. Ballot paper envelopes were then put into numerical order. Batch headers were hand written and there wasn't an obvious audit trail of who had processed each batch. The extraction process caused problems as it did not appear to have been considered beforehand. Ballot paper envelopes had been rearranged into runs of 200 in numerical order rather than being kept as a batch in the same order as the PVS.
How effective was communication? (E.g. written information, signage, frequency and appropriateness of announcements, did people seem to know what was going on)
No party agents present but there was ample room to observe. Two face-out screens were available to observe adjudications. Political parties had been sent information but none had turned up.

Checking of postal votes	
What percentage of postal votes did the authority set out to check?	100%
What percentage did the authority check? (If less than they set out to check please explain why e.g technology issues, resources)	All scanned and verified
Which software/ software company was used?	K2 Electorscan
Was any testing of the technology undertaken before hand? Please provide details	
A test pack of the system had been made available and there had been 4/5 training sessions. The ERO had provided dummy data to use in the tests. Inverclyde had sent people to the FSS training. IT backup scheduled for every evening.	
Were there any issues with the technology? Please provide details	
First batch report showed no valid DOBs or signatures so tolerance revised and produced a better report. DSi had an adviser on-site for one day only. Approx 60 application images were unavailable because multiple pages had been scanned into the EROs system for those electors. Manual copies of the forms had been provided to the DRO.	
Approximately how many postal votes required a human decision?	Up to 50% for provisional adjudication
Who is adjudicating on rejections? Please provide details	
Pairs of staff for provisional adjudication. LRO for final adjudication. For some unknown reason, one person who had been on FSS training was opening envelopes rather than doing the adjudications and just called over as required.	
Is Commission, Forensic Science Service and/or IEMB guidance being used?	IEMB guidance available and referred to. No sign of FSS flowchart
Overall observation	
Any observations of the process? (E.g How are they adjudicating on rejections, manually on screen or original application, Did there appear to be consistency in rejecting/accepting signatures and/or date of birth?)	
DRO was the PV manager. No separate postal vote team had been established to manage this process.	

A decision had been deliberately taken to go slowly with a few hundred postal votes and make sure each part of the process worked. There was no on-the-spot recording of changes they wanted to make at the next session.

All adjudicating staff were making very subjective decisions such as 'He's old, may have been ill' but saying this without any supporting evidence. Later in the afternoon the DRO asked them to stop doing that and work on first impressions as they were taking a long time to get through. They had not previously considered going back to the hardcopy PVS for adjudicating faint signatures in particular but did for some (not all) adjudications.

There were training issues. One table was being stricter on what they would pull out in terms of personal identifiers being outside the proper boxes etc instead of letting them through to be verified. Senior staff did not seem to know what was being asked of openers at this stage. There were no dedicated table supervisors which led to one table leaving ballot papers folded instead of opened out. It would have been much better to have supervisors who could deal with initial queries rather than them all having to be done by the DRO/LRO.

Processes changed throughout the day. Originally the files without images were going to be checked at LRO adjudication but one or two were done during the process. At LRO adjudication, those files were not checked first.

Note from observation in North Lanarkshire:

Suitability of venue

Was the venue suitable? (E.g. room size, IT facilities, acoustics, accessibility)

The postal vote opening in North Lanarkshire was undertaken in Committee Room 4 in the Civic Centre, Motherwell, a spacious room with excellent access and full IT facilities. Although the acoustics were acceptable the accommodation was located immediately below a floor which was the subject of major upgrading works. The noise level from this work detracted from what would otherwise have been a first class facility.

Transparency of the process

Was it clear what was going on? Give a brief overview of the process that you saw (You may wish to draw a diagram)

Yes, totally. The opening was undertaken by a team of 12 enumerators working in pairs at 6 tables. Bundles of return envelopes B were counted and a total figure given to the supervisor. Each envelope was opened and the postal voting statement and Envelope A removed. The checking process then proceeded in accordance with the statutory requirements and Commission's guidance.

Once checked the postal vote statements were gathered into bundles of 10 with their corresponding 10 ballot papers (in envelope A) and put with a batch card on top.

The pvs in 10's were then separated and scanned after which a batch report was wrapped around the pvs's and their corresponding papers and placed into a tray 'for verifying'. The date of birth and signature were then subject to a detailed check against the personal verifier record. Any discrepancies were drawn to the attention of the DRO or senior supervisor for adjudication. Any pvs's that had to be rejected were removed from the bundle with the corresponding ballot paper and the batch card was amended. All valid ballot papers and pvs's were deposited in a 'verification complete' box.

The pvs's and ballot papers were then transferred to a separate table where the pvs's were removed and placed in a ballot box for storing. Envelope A was opened in each case and the number on the ballot paper was checked against the number on the envelope. The valid ballot papers were then counted into bundles of 50 and placed in a secure ballot box.

How effective was communication? (E.g. written information, signage, frequency and appropriateness of announcements, did people seem to know what was going on)

No agents were present on either day and consequently no announcements were made. As an observer it was perfectly clear to me what was going on at all times.

Checking of postal votes

What percentage of postal votes did the authority set out to check?

100%

What percentage did the authority check? (If less than they set out to check please explain why e.g technology issues, resources)

100%

Which software/ software company was used?

K2 Group

Was any testing of the technology undertaken before hand? Please provide

details	
<p>Yes - Two sets of testing were undertaken beforehand using two sets of data (a cut off point of 7th May was agreed in advance) i.e. (a) on site involving the Ro's staff and representatives of the K2 Company and (b) a mock testing exercise by K2 on their own site. These checks were completed satisfactorily.</p>	
Were there any issues with the technology? Please provide details	
<p>Yes – Despite the testing problems were experienced in the by-election openings with the quality of the bar code on the postal voting statement. This was not resolved and the knock on effect of this was that during the scanning exercise the system failed to recognise the pvs bar code correctly and each bar code required to be entered manually into the system during the checking process.</p>	
Approximately how many postal votes required a human decision?	The DRO estimated that approximately 6% of pv's required a 'human' decision. This equates to 620(approx)for the European and 40 for the by election
Who is adjudicating on rejections? Please provide details	
<p>Adjudication on rejections was undertaken by the DRO or his senior officer who had undergone forensic training.</p>	
Is Commission, Forensic Science Service and/or IEMB guidance being used?	Yes
Overall observation	
<p>Any observations of the process? (e.g How are they adjudicating on rejections, manually on screen or original application, Did there appear to be consistency in rejecting/accepting signatures and/or date of birth?)</p>	
<p>The processes followed were very thorough and transparent. Adjudication was undertaken manually on screen against the personal verifier record in each case. From the observations on both days it was very clear that a consistency of approach was applied throughout. It should be noted however that despite the specification for the European ballot paper being met (as confirmed by the DRO) the marking on the paper (</p>	

face down) could be very easily detected in many instances. This reinforced the need for the statutory requirements relating to the separation of the pvs's from the ballot papers to be adhered to at all times.

Effect of Combination

In areas where there were local government and European Parliamentary elections and where the RO undertook a combined issue of postal votes, please note any implications of this on opening and verification process?

The processing of the by-election postal ballot papers was obviously done as part of the same process as the opening of the European pv's. The procedures including all the checks were the same as those already described other than the additional check of the number on the by-election ballot paper and the pvs and the ballot paper number against the A envelope at the appropriate stages. Once the dates of birth and the signatures had been subjected to the personal identifier check the envelopes containing the European pv and the by election pv were separated from the pvs's and returned to the counting tables, opened and placed into their respective bundles i.e. after checking the numbers in each case against the A envelope.

2010 UK Parliament election

Postal vote opening sessions attended	
Council	Date
Aberdeen	06 May 2010
Aberdeenshire	06 May 2010
Clackmannanshire	06 May 2010
Dumfries & Galloway	06 May 2010
Dundee	30 April 2010
East Renfrewshire	28 April 2010
Moray	05 May 2010
North Ayrshire	06 May 2010
Orkney	06 May 2010
Shetland	07 May 2010
West Dunbartonshire	29 April 2010

Notes produced by Commission observers referencing difficulties that Returning Officer staff faced in complying with postal vote opening procedures

Note from Observer in Clackmannanshire

I attended a verification session at 3pm on polling day. The session took place within a room which was located within the count venue. There were 291 ballot packs opened at the session with 14 rejected for mismatched signatures / dates of birth or lack of statement. Staff noted that the majority of those they had been rejecting through the week were those of older voters who had made mistakes on their statements (several I saw had given the day and month that they had completed the statement as the day and month for their date of birth). The elections manager had noted that in a number of cases where the statement was rejected it had been clear that the voter had received (ineffective) assistance. Consequently he had developed a leaflet aimed at care home staff and also for members of the public to advise them of how to help someone complete the statement, with guidance on what they could and could not assist with (i.e. the signature).

There was plenty of space in the room for the work being carried out with good access for observers. The lap top being used to check signatures and dates of birth was connected to a large screen so that observers had clear sight of what was being scrutinised.

The staff had some difficulties using their existing software to process any postal votes which had been re-issued by Perth & Kinross (the two councils had an arrangement for P&KL council to reissue packs to those voters in their area). Where the software issues could not be resolved, the statements were processed manually.

2012 Scottish local government elections

Postal vote opening sessions attended	
Council	Date
East Dunbartonshire	23 April 2012
East Renfrewshire	26 April 2012
Fife	1 May 2012
Midlothian	25 April 2012
North Ayrshire	1 May 2012
Perth & Kinross	27 April 2012
Renfrewshire	03 May 2012
Scottish Borders	26 April 2012
West Lothian	26 April 2012

Commission observers at the 2012 Scottish local government elections did not note any difficulties faced by Returning Officer staff in complying with postal vote procedures.

2014 Scottish independence referendum

Commission observers attended a number of local counts across Scotland on the day of poll where they were able to observe the opening of the final postal vote packs received by the relevant Counting Officer.

Postal vote opening sessions attended	
Council	Date
Aberdeen	18 September 2014
Aberdeenshire	18 September 2014
Argyll & Bute	18 September 2014
Clackmannanshire 18	September 2014
Eilean Siar	18 September 2014
Dundee	18 September 2014
Dumfries & Galloway	18 September 2014
East Lothian	18 September 2014
City of Edinburgh	18 September 2014
Fife	18 September 2014
Glasgow	18 September 2014
Highland	18 September 2014
North Ayrshire	18 September 2014
North Lanarkshire	18 September 2014
Perth & Kinross	18 September 2014
Scottish Borders	18 September 2014
South Ayrshire	18 September 2014
South Lanarkshire	18 September 2014
Renfrewshire	18 September 2014
West Lothian	18 September 2014

Commission observers did not note any difficulties faced by Counting Officer staff in complying with postal vote procedures at the referendum.