

## Spring Polls Bulletin 10: 7 April 2011

Dear Colleagues

Tomorrow is the national rehearsal for the UK-wide referendum verification and count totals collation process. I know that this is a busy time for you all, particularly for those of you who are also managing other polls, and I wanted to thank you for the time and effort you have put in to preparing for this important milestone.

The rehearsal is an opportunity for us all to use the system and the processes that we have put in place to manage communications on 5 and 6 May, and we very much want to hear any feedback from you about whether anything could help to improve the process. I will be discussing the rehearsal with Regional Counting Officers on Tuesday next, so please let your local Commission office know by e-mail if you want to make any comments or observations. I will let you know what we've learnt from the rehearsal in next week's bulletin.

### **Handling of postal vote application forms distributed by Yes to Fairer Votes**

We have been asked to clarify again whether or not we approved the form used by Yes to Fairer Votes. We were shown a draft of the form and confirmed that it met the relevant legal requirements. We also recommended a clarification as to the deadline for receipt of the completed form by EROs. We did not approve this form: we do not consider that it would be appropriate for us to formally 'approve' material used in this or other campaigns.

Yes to Fairer Votes did not share the detail of how they intended to distribute the form, and were under no obligation to do so. Even if they had, this would have been sensitive and confidential information which we would not have been able to disclose.

Since we set out our view on the postal vote application forms sent out by Yes to Fairer Votes in the Spring Polls Bulletin 9 on 31 March, many of you have raised concerns about the difficulties it has created for you, especially the additional demands on your resources. I understand these concerns, and thought it would be helpful to provide you with some further guidance.

- Campaigners may if they wish invite electors to apply for a postal vote as part of their activity to encourage participation.
- In our Postal Voting Code of Conduct, we recommend that the Electoral Registration Officer's details should be given for the return of any postal vote application forms sent out by campaigners. This is to avoid delay in the ERO receiving the application, and to reduce the scope for accusations of malpractice against campaigners.
- We consider that, where this advice is followed, a postal vote application is a communication directly from an elector to an ERO. It

does not matter whether the form is produced by a campaigner, by an ERO, by the Commission or by anyone else. The ERO should accept mail which is incorrectly addressed or incurs a surcharge.

- It would be wrong for any ERO to treat applications differently depending on where the elector obtained the form from or the manner in which the form was returned. Only applications that have not been completed in accordance with the law (and, in the case of an application for a particular election or referendum, any applications that have been received after the deadline) can be rejected, and the manner of their submission is not relevant to the legitimacy of the application.
- Where an elector applies for a postal vote for the referendum and does not have an existing postal vote for any other poll to be held on May 5, you should write to them to explain the situation and to ask them if they would also like to apply for a postal vote for the other poll(s).
- It should not be assumed that a completed application implies support for the campaign.
- We consider that the local authority should ensure that the Electoral Registration Officer is funded to meet the costs of receiving postal vote applications, whether incurred through a freepost licence or through incorrect stamping by the elector, and regardless of who produced the form. We do not consider that it is appropriate for an Electoral Registration Officer to seek to reclaim costs from Yes to Fairer Votes if they would not ordinarily take the same action against any other individual or organisation who distributed an application in the same manner. We understand that some existing postal voters have completed and returned the form and believe that this is unavoidable, although we again recognise the additional work that this has caused.
- If you pay these costs, you are not supporting any campaign. The Commission is the regulator of party and election finance and can confirm that these costs would not count either as a donation to any campaign by the local authority, or as regulated campaign spending by or on behalf of the campaigner.
- The receipt and processing of postal vote applications is a matter for EROs and not for Counting Officers, so costs relating to these are not reclaimable under the Fees and Charges Order for the referendum. This is the same arrangement as at any election which has a Fees and Charges order. We have heard the concerns of a number of EROs about the potential cost of this exercise to their authority. While we recognise that the current funding arrangements are complex and fragmented and that these are critical issues for electoral administration, we cannot currently see how these costs can be recoverable within the existing legal framework. We will continue to reflect on this; however, you should plan on the basis that these costs

will most likely have to be borne by the local authority. We will further consider this issue as part of our reporting on the 5 May polls.

To help to inform our reporting, we will be asking you to let us have details about the impact (including financial impact) of this aspect of the campaign in your area. We will also be seeking views from Yes to Fairer Votes on their own experience.

## **Tellers**

We have received a number of enquiries asking what information tellers may and may not provide to electors on 5 May, particularly in respect of information related to the subject matter of the referendum, and I thought it might be helpful to clarify our view on this.

In February, we published our [tellers guidance for campaigners and agents](#), along with a [‘dos and don’ts’ document](#) for tellers, which sets out that tellers must not promote particular outcomes, or discuss voting intentions, party affiliations, or election or referendum campaigns. We recognise that tellers may well be asked questions relating to the elections or referendum, and in such cases they should be advised not to give answers that risk breaching the principles set out in the guidance, and to direct any queries relating to the electoral process to the Presiding Officer. We believe that the same approach and judgement should be applied in relation to the activities of all tellers, regardless of whether they act on behalf of referendum campaigners, election candidates or political parties.

We have also been asked questions about tellers’ rosettes. We consider that a badge of a reasonable size is equivalent to a rosette of a reasonable size, and so believe it should therefore be acceptable for tellers to wear either. On what can appear on a rosette or a badge, our guidance states that rosettes may display the name of a campaigner, candidate or party, and/or an emblem or description. We believe that a rosette that contains simply the word ‘yes’ or ‘no’ should be considered to be acceptable.

## **Information on websites**

I’m pleased to see that many authorities are using existing council resources, such as websites and newsletters, to publicise the 5 May 2011 polls.

An easy way to promote registration and participation, if you haven’t already done so, is to provide links from your website to the relevant electronic version of our [information booklet](#), and to the resources on our [About My Vote](#) website more generally. We are all acutely aware of the importance of avoiding potential allegations of bias, and by linking to Commission-provided resources, you can be assured that the information you are publishing is politically neutral.

Our animated character, [Victor the Vote Counter](#), gives voters clear, accessible information on both the First Past the Post and Alternative Vote

electoral systems. The film has been created in such a way as to make it easy for others to embed it on their websites. If you would like to embed it on your website, the embed code can be found under the film.

### **Queries from voters on the Referendum**

I thought it might be helpful to bring together the information I have given in recent bulletins about handling queries on the referendum received from members of the public.

If local authorities receive any enquiries from members of the public regarding the referendum or our campaign you can direct them to our website ([www.aboutmyvote.co.uk](http://www.aboutmyvote.co.uk) or, to speak to somebody in person, our helpline (0800 3 280 280). Please don't give out the telephone number of our Press Team, as this line is dedicated to media enquiries, or the direct dial numbers of our local office staff, who are focussing on dealing with your queries and with calls from candidates and agents.

Also, we have published a set of FAQs which are designed to support frontline staff who are working for you to support the delivery of the 5 May 2011 polls, which can be found on our [website](#).

### **Monitoring update**

Thank you again to everyone who has completed and returned monitoring checklists so far. The information you've provided has been extremely valuable and has formed the basis of regional and national reports which the Regional Counting Officers and I are using to assess our preparedness for the delivery of the 5 May polls.

We sent out the second checklist last Friday, and the deadline for completion and return of this checklist is tomorrow, 8 April. I look forward to receiving your responses and am very grateful for your participation in this exercise.

### **Publications and Circulars**

The Counting Officers', Regional Counting Officers' and Chief Counting Officer's Accounts (Parliamentary Voting System Referendum) Regulations 2011 (the 'Fees and Charges Regulations') have now been published and are available on our website. The related circular, EC17/2011 - Guidance notes on Counting Officers' expenses at the referendum on the voting system for UK parliamentary elections, was published last Friday.

Many of you have said that it would be helpful if we set out what communications you are likely to receive from us in the period between now and the 5 May polls. I plan to continue sending you a weekly update bulletin and we will also be sending you the remaining monitoring checklists. We may also send you further information and documentation related to the verification and count totals collation process depending on whether we find we need to make any amendments or additions to what we've already issued following

our experiences at tomorrow's rehearsal. Beyond this, we have no planned communications scheduled to go out between now and polling day. If, however, anything arises where we think it would be helpful to get information or advice out to you urgently, we will include this in a circular and will issue this in the usual way.

We have heard from a number of you that you would welcome the opportunity to tell us about your experiences in administering the polls. In next week's bulletin we will provide you with further information on how you will be able to give us your feedback.

### **Meetings**

The Elections and Referendum Steering Group met today and the draft minutes of this meeting will be available on our website shortly.

If you have any comments or suggestions to make about the content or format of these bulletins, please contact Barbara Lines ([blines@electoralcommission.org.uk](mailto:blines@electoralcommission.org.uk)).