

## **Vote of Confidence?**

### Lessons Learned from the 2010 General and Local Elections

February 2011





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# Foreword

We pride ourselves that democracy is in this country's DNA. There is a danger that that pride can lead to complacency. The elections in May 2010 were a reminder that we should constantly review the mechanisms that are in place to enable the citizen's right to vote.

The 2010 elections will be remembered for the crowds outside the polling stations. In Hackney and Islington, those crowds were waiting patiently to vote but hundreds were unable to exercise that fundamental right when the polls closed. In other parts of London, those crowds were last minute canvassers, trying to cajole voters into supporting, or not supporting, particular candidates. Some electors could feel intimidated by having to walk through such a crowd.

There were also questions about whether or not the postal vote system was overloaded, whether there were sufficient checks to prevent bogus voter registration and if the pressure of having to meet the statutory deadlines was proving too much for the election services departments to handle.

This report aims to ensure that we have learned from the failures and successes of the 2010 elections to ensure that all voters can regain their confidence in the democratic process prior to the GLA elections in 2012.



A handwritten signature in black ink, consisting of a stylized 'A' followed by a series of loops and a final flourish.

**Andrew Boff AM, Chairman, Elections Review Working Group**

# Executive Summary

The Elections Review Working Group has considered the running of the General and local elections in London held last year on 6th May. Generally the elections were well managed by election officials. However, our review highlights a relatively small number of significant problems, where lessons should be learned for the 2012 GLA elections.

The difficulties identified include most significantly a number of instances where there were queues at polling stations and people were unable to vote. Our report highlights the confusion in applying the electoral law to enfranchise the voter that led in some instances to a breach of election rules. We therefore recommend a change in electoral law to prevent a repeat of the disenfranchisement of so many people in London and across England. Without a change in the law there will need to be new guidance to Returning Officers as to how they can better prepare to deal with any late surge of voters.

A further significant issue addressed in this report is how to stop the intimidation of voters that is taking place at some polling stations. Clear advice to polling staff and consistency in how that advice is acted upon is necessary to tackle this unacceptable behaviour.

These elections were the first to take place under new legislation which requires the count to take place four hours after the close of the polls. Our report highlights the difficulties that election managers have in recruiting appropriately skilled staff to do the count. In many cases staff were forced to work through the Parliamentary and then the local election count without a break. This is unacceptable and can lead to errors and mistakes. Our recommendation seeks to give back to Returning Officers the discretion to decide when to undertake the count.

Our report also considers a number of administrative challenges that officials are likely to have to face again in preparing for the 2012 GLA elections; in particular managing the increase in late voter registration and growing demand for postal votes. Getting the postal ballot accounts correct at the very start of the count process will be vital to deliver the results for the Mayoral and Assembly elections on time.



# 1 Introduction

- 1.1 The UK held Parliamentary elections on 6 May 2010 and there were local government elections in London and other areas of England at the same time. In the final hours of voting there were signs of queues forming outside some polling stations and it later emerged that some people in those queues had been unable to vote when the polls closed at 10:00pm.
- 1.2 The London Assembly regularly reports on the running of the Mayoral and London Assembly (GLA) elections and on other significant electoral matters that affect London.<sup>1</sup> Following the 2010 national and local elections, an Assembly Working Group was established by the Business Management and Administration Committee with the following terms of reference:
- 1.3 “In relation to the 2010 General and Local Elections in London:
- (i) To consider lessons learned from the organisation and running of the elections;
  - (ii) Once published, review the Electoral Commission's conclusions and recommendations and report on their implications for GLA elections.”
- 1.4 While the primary focus for this review is to learn lessons for the 2012 GLA elections, some of the Working Group's recommendations are likely to be applicable outside of London.

## Evidence base

- 1.5 As background to this review the Working Group received copies of the Electoral Commission's interim report<sup>2</sup> into the scale and nature of the particular problems experienced at the 2010 General and Local Elections with queues and people being unable to vote at the close of polling. It also received the Electoral Commission's final report on the administration of the 2010 UK general election<sup>3</sup> and the Association of Electoral Administrators report “Beyond 2010: the future of electoral administration in the UK”<sup>4</sup>.

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<sup>1</sup> The following reports are available on the GLA website: The 2008 GLA Elections, Counting the Vote (2007), The General Election in London (2005), GLA Elections (2004) and Elections and Electoral Engagement (2002).

<sup>2</sup> [http://www.electoralcommission.org.uk/\\_\\_data/assets/pdf\\_file/0010/99091/Interim-Report-Polling-Station-Queues-complete.pdf](http://www.electoralcommission.org.uk/__data/assets/pdf_file/0010/99091/Interim-Report-Polling-Station-Queues-complete.pdf)

<sup>3</sup> [http://www.electoralcommission.org.uk/\\_\\_data/assets/pdf\\_file/0010/100702/Report-on-the-administration-of-the-2010-UK-general-election.pdf](http://www.electoralcommission.org.uk/__data/assets/pdf_file/0010/100702/Report-on-the-administration-of-the-2010-UK-general-election.pdf)

<sup>4</sup> [http://www.aea-elections.co.uk/downloads/reports/aea\\_election\\_report\\_final\\_PUBLICATION.pdf](http://www.aea-elections.co.uk/downloads/reports/aea_election_report_final_PUBLICATION.pdf)

- 1.6 The Working Group also wrote to all London borough returning officers, receiving 16 submissions from the boroughs and a number of other contributions. The Working Group also held meetings with Election officers, officers from the Electoral Commission and Political Party regional agents to discuss with them issues arising on the day, including the planning and organisation of the elections. All quotes in the report are from our expert witnesses.

## 2 Issues to be reviewed

- 2.1 On 6 May 2010, over 3.4 million Londoners went to the polls to elect representatives for national and local government. The results alongside the number of votes cast are set out in Appendix 1.
- 2.2 According to the majority of the submissions we received Election Day in London was very busy, but was generally well managed by election officials.
- 2.3 However, our review highlights a relatively small number of significant problems, where lessons should be learned for the 2012 GLA elections. The difficulties identified include most significantly a number of instances where there were queues at polling stations and people were unable to vote. Our report highlights the confusion in applying the electoral law to enfranchise the voter that led in some instances to a breach of election rules. We therefore recommend a change in electoral law to prevent a repeat of the disenfranchisement of so many people in London and across England. Without a change in the law there will need to be new guidance to Returning Officers as to how they can better prepare to deal with any late surge of voters.
- 2.4 Our report also highlights administrative issues relating to managing the increased numbers of late voter registrations and postal votes.
- 2.5 Regional agents of the main political parties<sup>5</sup> also drew our attention to issues around managing the impact on voters and the voting process of possibly intimidating groups that gather at or close to polling stations.
- 2.6 A number of contributors also raised the issue of how difficult it was to get sufficient numbers of suitably skilled staff to run the count, which meant that staff could not be rotated after completing the Parliamentary count and had to move straight on to staffing the local election count. This issue of exhausted count staff is of grave concern to us; not just because it is poor staff management but also because it increases the likelihood for mistakes.

### **Election management challenges**

- 2.7 Turnout for the national elections averaged 64.6 per cent which was slightly below the 65.1 per cent seen across the UK. Though up on the previous two general elections, this figure was below turnout rates for

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<sup>5</sup> A summary note of the Working Group's meeting with regional agents is attached as Appendix 2

the previous four decades which have seen turnout rates as high as 70 and sometimes even 80 per cent.

- 2.8 Turnout figures for the local elections were lower at 61.8 per cent. Turnout was however significantly higher than that recorded at previous local elections. For example, turnout had been 37.7 per cent in 2006 and 31.8 per cent in 2002.
- 2.9 The management of the elections was particularly challenging not so much because of high voter turnout, but because of the combination of local and national elections taking place on the same day.<sup>6</sup> This combination of elections<sup>7</sup> with different ballot papers, and tight legislative deadlines, generated many administrative, planning and staffing challenges for election organisers. On top of which the London demographics of high transience and high prevalence of English not being a first language can complicate voter understanding and put further strain on electoral services staff and polling staff.
- 2.10 While this particular combination of local and general elections is not expected to take place on the same day again in London until 2030, there is the likelihood of other combinations of local, devolved authority, Parliamentary and European elections as well as voting for new Police Commissioners, new City Mayors and in referenda taking place on the same day given the Government's interest in combined elections to encourage voter turnout. We hope that the lessons learned from London's particular experience of running joint elections on 6 May will be of benefit to GLA election officials preparing for the 2012 GLA Elections, other borough election officials and ultimately ensure that the public are able to exercise their democratic right in a straight forward fashion fully equipped with all the information they need.

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<sup>6</sup> See for example the submission from LB Brent

<sup>7</sup> There were Mayoral election too in Newham, Lewisham and Hackney and a referendum in Tower Hamlets.

## 3 Queues and people being unable to vote

3.1 There is evidence that some people who arrived at polling stations on 6 May 2010 faced long queues; and in some cases were unable to vote as the poll closed before they could cast their vote. As one of the experts who contributed to our inquiry remarked, “in a democracy this is a terrible thing to happen”. This section of our report reviews the available evidence and looks at possible actions to ensure such instances do not happen again.

3.2 The Electoral Commission published an interim report<sup>8</sup> into the scale and nature of the particular problems experienced nationally with queues and people being unable to vote at the close of polling; and from the evidence and written submissions we received it was clear that Election Returning Officers sought to identify what steps should be taken to address the causes of the problems. The Commission found that just over 1,200 people at 27 polling stations were unable to vote when the polls closed at 10pm. Among the constituencies it focused on were four in London:

- Hackney – Hackney North and Stoke Newington constituency
- Hackney – Hackney South and Shoreditch constituency
- Islington – Islington North constituency
- Lewisham – Lewisham Deptford constituency

3.3 The Electoral Commission highlighted the following factors that contributed to the difficulties experienced across the country where electors were unable to vote:

- Evidence of poor planning assumptions in some areas.
- Use of unsuitable buildings and inadequate staffing arrangements at some polling stations.
- Contingency arrangements that were not properly triggered or were unable to cope with demand at the close of poll.
- Restrictive legislation which meant that those present in queues at polling stations at the close of poll were not able to be issued with a ballot paper.

### **People unable to vote in London**

3.4 The Electoral Commission identified the following polling stations in Hackney and Islington where people were unable to vote at 10 pm.

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[http://www.electoralcommission.org.uk/\\_\\_data/assets/pdf\\_file/0010/99091/Interim-Report-Polling-Station-Queues-complete.pdf](http://www.electoralcommission.org.uk/__data/assets/pdf_file/0010/99091/Interim-Report-Polling-Station-Queues-complete.pdf)

Constituency	Polling station	Estimated number of electors affected
Hackney North and Stoke Newington	Clissold Leisure Centre	30
	Trinity Centre	51
Hackney South and Shoreditch	St John the Baptist Primary School	2
	Ann Taylor's Children's centre	134
	Comet Day Nursery	50
	Our Lady of St Joseph's Primary School	5
Islington North	St John's Highbury Vale School	36
Total number of electors unable to vote		308

3.5 Taken together therefore 308 people are reported not to have been able to cast their vote in Hackney and Islington. But there may have been others who were not able to vote, but have not been identified by officials.

3.6 There were queues at the close of polls at one polling station in Lewisham but voters here were brought into the polling station and issued with their ballot paper.

### **The late surge in voters**

3.7 According to the Electoral Commission up until about 9pm "there was absolutely no indication ...that there were any serious problems anywhere in the UK. Obviously the events that took place between 9pm and 10pm changed some of the picture." This position was supported by the evidence we received from experts. The Chief Executive for LB Barnet stated that "this was an exceptional election in terms of the numbers turning up between 9pm and 10pm and was not something that was predicted at this election".<sup>9</sup> While this "surge"

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<sup>9</sup> Chief Executive of Barnet – page 4 Transcript of Working Group meeting 11 November 2010

may have been the case in some areas, others were quiet at that time.<sup>10</sup>

3.8 Submissions to our review identified a number of reasons why polling staff struggled to process voters in time to beat the 10pm cut-off:

- inadequate staffing to manage the quantity of late voters in the queue
- the need to explain the complex ballot papers and sometimes the voting methodology too which meant that processing voters took longer than expected; and
- inaccurate planning assumptions, which were reflected on polling day by not taking into account the higher turnout and the late surge seen in some areas.

#### **Managing the queues – changing electoral law**

3.9 Two distinctive approaches were taken in response to late surges of voters. In Lewisham, those still in the queue were brought inside the polling station. Kath Nicholson (Head of Law and Deputy Returning Officer, LB Lewisham) explained “Our training material said what to do if you have a queue, which was to get them all in before 10pm, get a ballot paper in their hand and then issue and close the doors and queue for the polling booths. Nobody in Lewisham was disenfranchised; if the law was clearer on what you can do at 10pm if you do have queues, then there would not be any of this [confusion] about”

3.10 The response was different in Hackney and Islington. In his written submission, the Chief Executive of LB Hackney stated that “advice from the Electoral Commission was for the poll to close at 10pm exactly. Current advice is that a voter had to be issued with a paper at the close of the poll in order to vote. This implies name and address being given as proof of identification, checking the voter’s name on the register and three ballot papers being issued.” The Chief Executive noted “that he had an officer from the Electoral Commission with him in the Assembly Rooms and took advice from them directly at close of poll on the correct procedure.”

3.11 The Chief Executive of LB Islington adopted a similar approach. “At St John’s Highbury Vale School in Highbury West Ward/Islington North

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<sup>10</sup> See for example submission from the Royal Borough of Richmond Upon Thames, LB Enfield, LB Wandsworth

Constituency we had a problem with queues building up very late in the day which regrettably led to an estimated 36 potential electors being unable to cast their vote.” He continued “There were two polling clerks and a presiding officer appointed at each of the stations in the polling place. Unfortunately we were not alerted to the seriousness of the problem until 9:45pm when it was too late for any contingencies to be enacted. We did however ensure that the law was adhered to and no ballot papers were issued after 10pm.”

- 3.12 In discussion with the Working Group, officers from the Electoral Commission made clear their desire to seek a change in the law so that election officers have an agreed process in place to manage late surges. “We are absolutely clear that the law needs to be changed so that Returning Officers and Presiding Officers can do their bit by allowing people to vote, even if there are queues. People have made the effort to come to the polling station and cast their vote. We need to make sure that the law and the practice allows them to do that”<sup>11</sup> The Working Group supports a rationalisation of election law to provide election officers with a clear and simple mechanism for ensuring that voters still standing in a queue as the poll closes are able to exercise their intent to vote.

#### **Recommendation 1**

**The Government needs to change the Electoral law to ensure that people are not disenfranchised because of queues. In the meantime the Cabinet Office should come forward with guidance as to how Returning Officers can best prepare polling staff to deal with any late surge of voters.**

#### **Better planning**

- 3.13 In our discussions with the Electoral Commission, their officers highlighted concerns that a number of authorities did not have the same level of corporate support across the whole of London. “That affects planning in that, for example, if authorities did not have in place call centre support for electoral services teams, this meant that

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<sup>11</sup> Electoral Commission – page 6 Transcript of Working Group meeting 11 November 2010



those teams were getting overwhelmed by queries in the weeks running up to the election and, therefore, that affected their planning of polling day and the count as well.”<sup>12</sup> Given the volume of work that needs to take place in preparation for the elections the Working Group believes that for each election there needs to be three separate workstreams that report to the Returning Officer.

## **Recommendation 2**

**Returning Officers should have three separate strands of election work to support the effective management of delivery of postal votes, running the poll and running the count.**

- 3.14 Election officers we spoke to argued that they had planned thoroughly, and resourced adequately, for the election even going so far as “to anticipate queues after Eastenders”.<sup>13</sup> What caught some of them out was the “phenomenon of large groups turning up at the last moment with staff already under pressure.”<sup>14</sup> The Working Group is keen to ensure that London Elects<sup>15</sup> works to ensure there is consistency in contingency planning across London for the 2012 GLA elections.
- 3.15 It is unclear whether the late surge seen in some areas is a one-off event or the beginning of a trend in preferred voting behaviour. Paul Libreri, Head of Electoral Services, Newham argued that “the window to vote is short, particularly for commuters who may have just an 8am to 10pm slot” and that election planners should expect surges of voters towards the closing of the polls.
- 3.16 This is an issue that can be tested empirically by the collection of hourly figures at polling stations. This was once a regular feature of polling day administration but is no longer regularly collected in

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<sup>12</sup> Electoral Commission – page 3 Transcript of Working Group meeting, 11 November 2010

<http://www.london.gov.uk/moderngov/ieListDocuments.aspx?CId=221&MId=4275&Ver=4>

<sup>13</sup> Kath Nicholson, Head of Law, LB Lewisham – page 5 Transcript of Working Group meeting, 11 November 2010

<sup>14</sup> The Chief Executive of LB Barnet – page 4 Transcript of Working Group meeting, 11 November 2010

<sup>15</sup> London Elects is the independent body in charge of organising the elections of the London Mayor and London Assembly.

polling stations. If such hourly data are available then boroughs should use them in their planning for polling day using the data to inform a “smarter resourcing plan” for polling stations. The London Borough of Camden, for example, has conducted a survey of hourly voting totals to analyse peaks and troughs in voting during the day<sup>16</sup> and we recommend that all boroughs adopt this practice.

**Recommendation 3**

**All boroughs should conduct surveys of hourly voting totals to support analysis of voting trends.**

**Recommendation 4**

**Staffing resources for polling stations should be deployed in a more effective fashion reflecting data on hourly voter flows through the polling station.**

**Recommendation 5**

**Returning Officers need to provide appropriate training and robust capacity planning to ensure polling staff and managers can respond effectively to the needs of the electorate, including provision for changing staffing numbers in the instance of voter surges.**

**Recommendation 6**

**London Elects should set out in its response to this report the key strands of its training strategy for polling staff. In particular, how it will support election staff to ensure that there is a consistent approach to contingency planning (including dealing with a late surge in voters) for the 2012 GLA elections.**

**Effective communications to enhance voter understanding**

- 3.17 Two particular areas where communications need to be improved were highlighted to the Working Group; the ballot paper and voting process and the close of polls at 10pm. A crucial part of the responsibilities of

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<sup>16</sup> Submission fro LB Camden, paragraph 6

the election authorities and officers is to ensure that voters have a clear understanding of what they can expect in the polling station and what happens once their vote is cast. As one of the regional agents commented “often members of the public turn up to vote for the most high profile election, to vote for the party they want to win or the person they want to be Mayor, but that when they arrive at the polling station they have not anticipated receiving one or two additional ballot papers and that often causes additional problems at the station; it increases the numbers of spoilt ballot papers, causes delays and creates queues”<sup>17</sup>.

- 3.18 Uncertainty as to what exactly voters are voting for is further complicated by different voting methods. As Kath Nicholson pointed out “In Lewisham and Newham (and Hackney and Tower Hamlets) we are looking at three elections not two, all with different voting methods and it was extremely complex for the voter to understand.”<sup>18</sup>
- 3.19 In the run-up to the Mayoral and London Assembly 2012 elections London Elects will be responsible for voter education and for ensuring that the election process is transparent. The communications material that London Elects produced for the 2008 GLA elections was widely praised. This included the printed material and information pop-ups set out at the polling stations to help inform the voting public and the briefings organised to keep party officials updated.
- 3.20 We are keen to ensure that London Elects continues to produce relevant, high quality communications materials which should inform members of the public what they will be presented with at the polling station. This should also highlight the hours available when to vote particularly noting the 10pm cut-off point.

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<sup>17</sup> Note of meeting with Regional Agents, paragraph 3.5, December 16 2010

<sup>18</sup> Electoral Commission – page 6 Transcript of Working Group meeting, 11 November 2010

### **Recommendation 7**

**London Elects should set out in its response to this report the key strands of its communication strategy. This should include how members of the public will be informed what the ballot paper will look like when they come to vote, how it will communicate with Londoners' whose first language is not English and how it will highlight the time of the polls closing.**

### **The quality of staff in polling stations**

- 3.21 A vital part of the communications strategy that election officials manage is the training of polling staff so they can effectively communicate with voters, if asked, information they need to take part in the election. This is an issue of both ensuring adequate training for new polling staff but also refresher training for "old-hands". For many officers organising elections the adequate training of polling staff is a challenge. The Chief Executive of Barnet noted that Barnet has 160 polling stations, so "you are looking at over 500 staff to be trained. You are probably looking at that number plus 50% to then do the count, and various other administrative duties. Getting 1,000 people all to work in exactly the way you would want them to, for 24 hours...that is an enormous challenge"<sup>19</sup> A similar point was made by Newham's Head of Electoral Services "I think staffing does continue to be a problem: we are, at each election, devoting time to staff training, and there are always more complications, it seems, at each election".<sup>20</sup>

### **Dealing with intimidating groups outside polling stations**

- 3.22 The Working Group notes the concerns of election officers as they seek to ensure that polling staff are adequately equipped to face the challenges of handling the varied demands placed on them during election day. Looking forward to the 2012 GLA elections there is still time to take stock of what training polling staff need and how that training is disseminated.
- 3.23 The regional agents raised a particular concern about the lack of consistency amongst polling staff as to how they should deal with groups of people gathering around polling stations. While there is a

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<sup>19</sup> The Chief Executive of Barnet – page 13 Transcript of Working Group meeting, 11 November 2010

<sup>20</sup> Head of Electoral Services, Newham – page 15 Transcript of Working Group meeting, 11 November 2010

legitimate role for party tellers, who collect polling card numbers, the Working Group wants to see firm action taken against any large crowd that could be deemed to be intimidating would-be voters.

- 3.24 There are a number of guidance documents issued by the Electoral Commission that seek to clarify the spatial location of the polling place over which the Presiding Officer has jurisdiction and hence where tellers can stand and also what they can and can not do. There is a role for the political parties and election officials to ensure that this guidance is disseminated to those who are likely to act as tellers or to be involved in discussions with them.
- 3.25 The Working Group is more concerned with the groups that gather outside polling stations. Written submissions support this concern; for example, Camden noted that there “has been increased problems with party activity directly outside polling stations”<sup>21</sup>. Intimidation is unacceptable in any democratic process.
- 3.26 The Working Group wants to see clear advice to polling staff as to how they should deal specifically with large groups that gather close to or at polling station that could be considered to be intimidating potential voters.

#### **Recommendation 8**

**London Elects should set out in its response to this report the advice it will give to polling staff as to how to deal with groups that gather close to polling stations, to ensure that there is no possible intimidation of people as they make their way to vote.**

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<sup>21</sup> Written submission from LB Camden paragraph 8

## 4 Administrative challenges: Voter registration and postal votes

- 4.1 A number of submissions to the Working Group highlighted two further areas of administrative challenge: Voter registration and postal votes.
- 4.2 The Working Group heard that London has an enviable record of boosting the numbers of people registered to vote; “We are getting a lot more sophisticated in terms of using other databases and other sources of information that the council might have. I am not suggesting that there is no problem whatsoever but I think, particularly in London, we are getting better and better at it. I am not aware of any authority in London that is not maximising its efforts to get the most people as possible on to the register.”<sup>22</sup>
- 4.3 There is, of course, a significant administrative challenge in managing voter registration, particularly if there is a late surge in applications; a challenge likely to be heightened further by the future introduction of Individual Electoral Registration before the next Parliamentary elections.
- 4.4 The 2010 elections were the first UK Parliamentary elections where the 11-day registration system was operated. This system allows potential voters to register up to eleven days before the election takes place. A number of written submissions raised concerns about the volume of late registrations that have to be managed in a short timescale and there are worries over whether adequate integrity checks are taking place. For example, Camden noted that “This was the first General Election with 11-day registration and postal voting on demand. Although additional applications were expected, the total number of late registrations exceeded all expectations. There were 4463 registrations processed from the beginning of March to the cut off date of 20th April and 2211 absent votes”.<sup>23</sup>
- 4.5 This new cut-off date for late registration coincided with other key administrative dates to create an unusually intensive workload for election administrators. As Enfield explained “Tuesday 20th April was a particular pinch point in that the deadline for the receipt of nominations as Parliamentary candidates (4pm), for new applications to vote by post (5pm), for applications for amendments to existing

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<sup>22</sup> Head of Electoral Services, Newham - page 23 Transcript of Working Group meeting, 11 November 2010

<sup>23</sup> Submission from the LB Camden, paragraph 11.

absent votes (5pm) and for applications to register to vote (midnight) all fell on that day”.<sup>24</sup>

- 4.6 With staff under pressure to handle a growing administrative load to a very tight deadline a number of respondents raised concerns about the pressure to ensure verifications were undertaken effectively. Barnet’s Chief Executive argued that “One thing that has gone under the radar is that the 11-day deadline makes verification, checking for fraud, doing all the things that we have been concerned about for the rest of the period, really, really difficult. You are in the real full pelt at this point of organising an election”.<sup>25</sup>
- 4.7 In a written submission Havering Borough made the point that the Electoral Commission’s advertising campaign may have contributed to the very late surge of voter registrations because they concentrated too much on the deadline date of 20th April; “the main thrust of their campaign should have been much earlier.” Havering make the recommendation that London Elects should “concentrate any advertising especially links to social networking sites like Facebook, Twitter etc in March so that we are not swamped by last minute registrations.”<sup>26</sup>

### **Postal votes**

- 4.8 The rise in popularity of using postal votes causes election officers a number of administrative challenges; in particular handling the volume of request for votes, verifying the authenticity of the request and managing the returned votes themselves. A number of contributors from the boroughs highlighted the large number of requests for postal votes; for example Lewisham noted that “the number of overall postal voters in 2010 (23,526) represented a 23.5 per cent increase from 2009 and required a concentrated set of resources to distribute, replace, open and verify postal votes. The administration of this work has led to the process becoming a distinct project within itself.”<sup>27</sup>
- 4.9 Louise Stamp, the Election Services Manager from Tower Hamlets, noted that “We have got 24,000 postal voters about 14 per cent of Tower Hamlet’s electorate. I have to appoint a project manager to

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<sup>24</sup> Submission from the LB Enfield.

<sup>25</sup> The Chief Executive of LB Barnet – page 19 Transcript of Working Group meeting, 11 November 2010

<sup>26</sup> Submission from LB Havering

<sup>27</sup> Submission from LB Lewisham, paragraph 8.1

look after the postal votes in their entirety”.<sup>28</sup> For the Chief Executive of Barnet “If there was one part of the system that causes me biggest concern it is actually not polling stations; it is postal votes. It is a system that has evolved and continues to evolve and does not feel like it works any more as a whole system; it feels quite scratchy”.<sup>29</sup>

- 4.10 The administration of postal votes is complicated by a tight deadline in getting the requests processed and then sent out quickly. With an 11-day candidate nomination deadline for parliamentary elections there is in effect only 11 days to collect the postal ballots together, ensure they are printed, sent out and then returned. As the Chief Executive of Barnet pointed out “[this] is feasible but if anything goes wrong, absolutely anything whatsoever, there is then a very, very significant difficulty.”
- 4.11 However, we were also told of a growing trend for postal votes to be handed in at polling stations and often in the last hour. In discussion with the political parties’ regional agents there was some support for a restriction on postal votes to “those that need them, rather than on demand”. However, others argued that postal votes are valuable because they enable more people to vote.
- 4.12 Some members of the Working Group are concerned that once you have applied and received a postal vote an individual can stay on the postal vote list and receive, passively, a postal vote for the next five years. There may therefore be merit in reviewing the use of postal votes to ensure that they are being used for their intended purpose.

### **Recommendation 9**

**The Cabinet Office should conduct a review into the provision of postal votes to ensure that they are being used for the purposes intended.**

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<sup>28</sup> Louise Stamp, Electoral Services Manager, LB Tower Hamlets – page 24 Transcript of Working Group meeting, 11 November 2010

<sup>29</sup> The Chief Executive of LB Barnet – page 25 Transcript of Working Group meeting, 11 November 2010



### **Preventing fraud and intimidation**

- 4.13 The Working Group discussed measures that are in place to prevent fraudulent behaviour involving postal votes. There are two main elements to this discussion: fraudulent registration for postal votes for people who don't exist or aren't registered at a specified address; and individual intimidation in a household where postal votes have been requested.
- 4.14 The Election Services Manager for Tower Hamlets commented that "Sending out applications to people's homes there is no evidence coming back that that person lives there. We do loads and loads of checks on the last day of registration, through our council tax records, but they are not always up to date".<sup>30</sup>
- 4.15 Contributors to our inquiry were, however, keen to demonstrate that instances of recognised postal vote fraud are very rare. The Electoral Commission commented that "We can only look at the evidence for previous elections and the evidence that we have at the moment relates to the 2009 European Elections... we published a report in January this year which showed that there were very, very few compared with the number of voters and the numbers of candidates. For example, there were very few allegations and certainly very few cases that went through to any evidence approaching a prosecution".<sup>31</sup> Further work on allegations surrounding the May 2010 elections is ongoing, with the Electoral Commission working closely with the Association of Chief Police Officers and a report analysing the allegations will be published later this year.
- 4.16 Kath Nicholson, Head of Law at Lewisham, argued that London boroughs exercised great vigilance on this issue "A point on the integrity of the postal vote. That is it is a fairly widespread practice in London that we generally all check 100% of the postal votes coming in, whereas the law only requires us to check 20% and we are only funded for 20%"<sup>32</sup> Not only do boroughs put the resources into checking applications but they will also reject if they believe there is any uncertainty as to the veracity of the registration. In Tower Hamlets, where allegations of vote harvesting have been made in the

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<sup>30</sup> Louise Stamp, Electoral Services Manager, LB Tower Hamlets – page 24 Transcript of Working Group meeting, 11 November 2010

<sup>31</sup> Electoral Commission – page 26 Transcript of Working Group meeting, 11 November 2010

<sup>32</sup> Kath Nicholson, Head of Law, LB Lewisham – page 26 Transcript of Working Group meeting, 11 November 2010

past, the Election Services Manager noted that “in the country we have probably got the highest rejection rate”.<sup>33</sup> We welcome the proactive and practical steps that London boroughs are taking to deal with this issue.

- 4.17 There are, however, few steps that the boroughs can take to deal with instances of intimidation where a member of a household persuades another member on how to use their postal vote. Action can only be taken to call in those votes and pass them on to the relevant authorities for further investigation. The Electoral Commission assured the Working Group that “everybody involved in the administration and policing of elections...have really put an immense effort into both monitoring in terms of detecting potential fraudulent postal vote and applications and fraudulent postal vote returns...The police and the prosecution services have put a very significant emphasis on ensuring that cases and allegations are very thoroughly investigated.”<sup>34</sup>
- 4.18 Individual registration, which will be introduced before the next Parliamentary election and is to be piloted in Tower Hamlets, is designed to mitigate the likelihood of postal voting fraud. The impact of the introduction of individual registration in London, particularly on the electoral roll and subsequently on turnout will be an issue that the London Assembly will monitor.<sup>35</sup>

#### **Ballot paper accounts**

- 4.19 The management of postal votes has been commented on before by the Assembly’s Election Review Committee (ERC) in relation to the reasons for the slow start to the 2008 GLA elections<sup>36</sup> The ERC heard from the Greater London Returning Officer that there had been a number of discrepancies between the number of postal ballots that were supposed to be in the ballot boxes and the numbers actually there. These discrepancies were due to poor recording practices when the postal votes were first put into the ballot boxes.
- 4.20 This is an issue that the GLRO was appraised of. He stated that “What we are concentrating on in the training is getting the ballot paper accounts right. If you get the ballot paper accounts right for the

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<sup>33</sup> Louise Stamp, Electoral Services Manager, LB Tower Hamlets – page 27 Transcript of Working Group meeting, 11 November 2010

<sup>34</sup> Electoral Commission – page 27 Transcript of Working Group meeting, 11 November 2010

<sup>35</sup> See Appendix 2 for further details on individual registration

<sup>36</sup> The 2008 GLA Elections, Elections Review Committee, paragraph 4.6

postal votes and coming out of the polling stations, you will save many recounts at verification stage and, also, increased integrity of the count. We are endeavouring to ensure that everybody who is filling in a ballot paper account is capable of doing it. I do not think, in the past, that Presiding Officers, in particular, they have been tested for whether they can manage people, they have not been tested, necessarily, to ensure that they have the basic arithmetical skill to do the count, which sounds trivial but, actually, can waste hours in the count. We have identified that as the bottleneck that we must get right".<sup>37</sup>

- 4.21 We welcome the efforts that London Elects is taking to ensure that postal ballot records are correct at the time of the start of the count. This should ensure a prompt start to the 2012 Election count and will increase the likelihood of meeting the anticipated time for announcing the result of the poll.

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<sup>37</sup> Leo Boland, Chief Executive, GLA the Electoral Commission page 30 Transcript of Working Group meeting, 11 November 2010.

## 5 The Count

- 5.1 A number of submissions to the Working Group describe exhausted staff working on the count.<sup>38</sup> For example, Hackney's Chief Executive described how staff became increasingly tired through the night, with no relief staff available until 9am. Newham's submission commented that because there is a need to verify all of the votes before proceeding to the parliamentary count "staff were exhausted by the time we finished verification. Despite using the Excel Centre we could not find enough staff to run a shift system and were forced to ask many staff to work through".<sup>39</sup> This perception of exhausted staff was supported by the regional agents.
- 5.2 It is disappointing that Returning Officers find it so difficult to recruit sufficient people with the right skills for the count to allow them to run a shift system where necessary. Clearly working staff through the night, often the same staff who have been working at the polling stations earlier in the day, is not conducive to ensuring staff are ready to take on the task of handling tens of thousands of ballot papers. Mishaps and mistakes will occur. The Working Group discussed a high profile count error that occurred for the local elections for the High Street ward in Waltham Forest where candidates from one party were awarded a thousand votes too many. Following an Election petition<sup>40</sup> the vote was counted again, the error identified and which resulted in a change in elected members.
- 5.3 The Head of Democratic Services at Waltham Forest set out the reasons for the error to the Working Group noting that it was "a paperwork error" as blocks of votes were mis-recorded and the required checking not properly undertaken. Tiredness played a part as Waltham Forest had been unable to get a different team of staff on to the Friday count for the local elections which followed the count for the Parliamentary elections.
- 5.4 The Working Group heard of a number of techniques that count staff use to minimise the risks of a miscount or of mis-recording the number of votes counted including breaking the count down into mini-counts and using marker cards to clearly define bundles of five hundred votes.

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<sup>38</sup> This was not an issue unique to London – see comment from the Electoral Commission page 32 Transcript of Working Group meeting, 11 November 2010

<sup>39</sup> Submission from Newham, page 64

<sup>40</sup> The petition can be viewed here: <http://www.walthamforest.gov.uk/election-petition.pdf>

- 5.5 The GLA election count will be done by using electronic counting machines<sup>41</sup> and will take place the day after the casting of the votes. This gives time for a break for all those taking part in the election and for the votes to arrive in a timely fashion at the counting centres. The Working Group is of the view that the Government should consider allowing the count for future elections to take place the day following the election. What is important is the accuracy of the vote and this can best be guaranteed by ensuring count staff are adequately rested for the tasks they have to undertake. Returning Officers should once again be given the discretion to decide when best to hold the count.
- 5.6 Some members of the Working Group have suggested that a more radical proposal would see the vote take place at the weekend and the count on a Monday.

#### **Recommendation 10**

**The Government should, at the earliest opportunity, bring forward legislation to repeal that provision in the CRAG Act<sup>42</sup> that requires Returning Officers to begin counting within four hours of the close of the poll.**

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<sup>41</sup> See the Elections Review Committee report “The 2008 GLA Elections” for a discussion of the pros and cons of e-counting.

<sup>42</sup> The Constitutional Reform and Governance Act 2010

## 6 Learning lessons from the May 2010 elections in London

- 6.1 The submissions to the Working Group and our discussions with election experts have highlighted a number of lessons for London Elects and the Greater London Returning Officer. These have been set out in the text of this report and are set out again here for ease of reference. The Working Group has also made recommendations where appropriate to Government, the Cabinet Office and to London Returning Officers.

### **Recommendations to the GLRO and London Elects**

- 6.2 The Working Group would welcome a response from the GLRO and/or London Elects to this report and in particular recommendations 6,7 and 8:

**London Elects should set out in its response to this report the key strands of its training strategy for polling staff. In particular, how it will support election staff to ensure that there is a consistent approach to contingency planning (including dealing with a late surge in voters) for the 2012 GLA elections.**

**London Elects should set out in its response to this report the key strands of its communication strategy. This should include how they will inform members of the public what the ballot paper will look like when they come to vote, how it will communicate with Londoners' whose first language is not English and how it will highlight the time of the polls closing.**

**London Elects should set out in its response to this report the advice it will give to polling staff to deal with groups that gather close to polling stations to ensure that there is no possible intimidation of people as they make their way to vote.**

### **Recommendations to London Returning Officers (recommendations 2,3,4 and 5)**

**Returning Officers should have three separate strands of election work to support the effective management of delivery of postal votes, running the poll and running the count.**

**All boroughs should conduct surveys of hourly voting totals to support analysis of voting trends.**

**Staffing resources for polling stations should be deployed in a more effective fashion reflecting data on hourly voter flows through the polling station.**

**Returning Officers need to provide appropriate training and robust capacity planning to ensure polling staff and managers can respond effectively to the electorate, including provision for changing staffing numbers in the instance of voter surges.**

**Recommendations to Government and the Cabinet Office  
(recommendation 1, 9 and 10)**

**The Government needs to change the Electoral law to ensure that people are not disenfranchised because of queues. In the meantime the Cabinet Office should come forward with guidance as to how Returning Officers can best prepare polling staff to deal with any late surge of voters.**

**The Cabinet Office should conduct a review into the provision of postal votes to ensure that they are being used for the purposes intended.**

**The Government should, at the earliest opportunity, bring forward legislation to repeal that provision in the CRAG Act that requires Returning Officers to begin counting within four hours of the close of the poll.**

# Appendix 1

The following tables give details of the number of votes cast in the Parliamentary and local elections in London in the 6 May 2010 elections. It is important to note that for most wards in the local election voters elect three councillors and hence cast three votes.

## VOTES CAST IN LONDON'S PARLIAMENTARY SEATS

Party	Seats	Votes	%
Labour	38	1,245,637	36.6
Conservative	28	1,174,568	34.5
Liberal Democrat	7	751,561	22.1
UK Independence Party	0	59,452	1.7
Green	0	54,316	1.6
British National Party	0	52,095	1.5
Respect-Unity Coalition	0	17,368	0.5
English Democrats	0	9,076	0.3
Christian Party	0	7,590	0.2
Trade Unionist and Socialist Coalition	0	1,603	0.0
Others	0	28,051	0.8

Source: BBC Election website



## VOTES CAST IN LONDON'S LOCAL COUNCIL ELECTIONS

Party	Seats	Votes	%
Labour	<b>876</b>	3,390,840	35.1
Conservative	<b>717</b>	3,302,253	34.7
Liberal Democrat	<b>246</b>	2,093,605	21.7
Green	<b>2</b>	443,254	4.6
British National Party	<b>0</b>	90,560	0.9
Independent	<b>1</b>	56,174	0.5
Respect	<b>1</b>	51,174	0.5
UK Independence Party	<b>0</b>	40,196	0.4
Christian People Alliance	<b>0</b>	32,490	0.3
Upminster and Cranham Residents Association	<b>6</b>	25,516	0.3

Source: London Datastore

## Appendix 2 Individual Registration

At present in Great Britain one person in each household is responsible for registering everyone else living at that address. The assumption that electoral registration is the responsibility of a 'head of household' is increasingly outdated.<sup>43</sup> The Political Parties and Elections Act 2009 ('the 2009 Act') makes provision for the introduction of individual registration in Great Britain. This would involve Electoral Registration Officers asking people to provide three additional pieces of 'identifying information' (signature, date of birth, and national insurance number), although they will also be required to make clear that, during this initial phase, the provision of this information is not obligatory for individuals to be included in an electoral register.

The Coalition programme includes a commitment to speed up the introduction of individual registration with the aim of moving to full implementation by 2015; but this will need to be considered by Parliament.

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<sup>43</sup> Further detail are set out on the Electoral Commission's website at <http://www.electoralcommission.org.uk/elections/voter-registration>

# Appendix 3 Orders and translations

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### Vietnamese

Nếu ông (bà) muốn nội dung văn bản này được dịch sang tiếng Việt, xin vui lòng liên hệ với chúng tôi bằng điện thoại, thư hoặc thư điện tử theo địa chỉ ở trên.

### Greek

Εάν επιθυμείτε περίληψη αυτού του κειμένου στην γλώσσα σας, παρακαλώ καλέστε τον αριθμό ή επικοινωνήστε μαζί μας στην ανωτέρω ταχυδρομική ή την ηλεκτρονική διεύθυνση.

### Turkish

Bu belgenin kendi dilinize çevrilmiş bir özetini okumak isterseniz, lütfen yukarıdaki telefon numarasını arayın, veya posta ya da e-posta adresi aracılığıyla bizimle temasa geçin.

### Punjabi

ਜੇ ਤੁਸੀਂ ਇਸ ਦਸਤਾਵੇਜ਼ ਦਾ ਸੰਖੇਪ ਅਪਣੀ ਭਾਸ਼ਾ ਵਿਚ ਲੈਣਾ ਚਾਹੋ, ਤਾਂ ਕਿਰਪਾ ਕਰਕੇ ਇਸ ਨੰਬਰ 'ਤੇ ਫ਼ੋਨ ਕਰੋ ਜਾਂ ਉਪਰ ਦਿੱਤੇ ਡਾਕ ਜਾਂ ਈਮੇਲ ਪਤੇ 'ਤੇ ਸਾਨੂੰ ਸੰਪਰਕ ਕਰੋ।

### Hindi

यदि आपको इस दस्तावेज़ का सारांश अपनी भाषा में चाहिए तो उपर दिये हुए नंबर पर फोन करें या उपर दिये गये डाक पते या ई मेल पते पर हम से संपर्क करें।

### Bengali

আপনি যদি এই দলিলের একটি সারাংশ নিজের ভাষায় পেতে চান, তাহলে দয়া করে যোগাযোগ করুন অথবা উল্লিখিত ডাক ঠিকানায় বা ই-মেইল ঠিকানায় আমাদের সাথে যোগাযোগ করুন।

### Urdu

اگر آپ کو اس دستاویز کا خلاصہ اپنی زبان میں درکار ہو تو، براہ کرم نمبر پر فون کریں یا مذکورہ بالا ڈاک کے پتے یا ای میل پتے پر ہم سے رابطہ کریں۔

### Arabic

الحصول على ملخص لهذا المستند بلغة،  
فرجاء الاتصال برقم الهاتف أو الاتصال على  
العنوان البريدي العادي أو عنوان البريد  
الإلكتروني أعلاه.

### Gujarati

જો તમારે આ દસ્તાવેજનો સાર તમારી ભાષામાં જોડતો હોય તો ઉપર આપેલ નંબર પર ફોન કરો અથવા ઉપર આપેલ ટપાલ અથવા ઈ-મેઇલ સરનામા પર અમારો સંપર્ક કરો.

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