LONDONASSEMBLY

The 2016 Mayor and London Assembly Elections

MAYOR OF LONDON & LONDON ASSEMBLY ELECTIONS

THURSDAY 5 MAY 2016

YOUR GUIDE TO VOTING

1 Go to the desk and tell the staff your name and address. They will give you your ballot papers.

2 Take your ballot papers to a voting booth...instructions in the...ballot papers...

Election Review Panel
November 2016

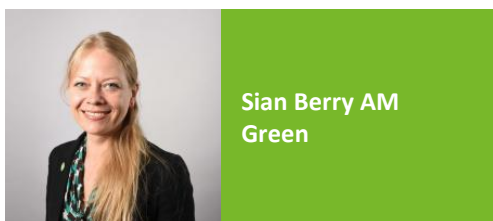# Holding the Mayor to account and investigating issues that matter to Londoners

LONDONASSEMBLY

Election Review Panel Members

Len Duvall AM
Labour (Chair)

Sian Berry AM
Green

Peter Whittle AM
UKIP

At the Annual Meeting of the Assembly on 13 May 2016, the Assembly agreed the formation of a working group to undertake an investigation into the recent Mayoral and London Assembly elections in order to assess issues arising during the voting and counting process and to make recommendations to encourage best practice at future elections. This is the Panel's report.

The Panel would like to thank Dave Smith, independent consultant and Dr Emmy Eklundh, Kings College London, for their help in producing this report.

Contact

Richard Derecki, Senior manager, Secretariat
Email: Richard.derecki@london.gov.uk
Contact: 020 7983 4899
Follow us:

@LondonAssembly

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Len Duvall AM
Chair of the Election Review Panel

The 2016 elections for the Mayor and London Assembly saw a record turnout of 46.1 per cent of registered voters. Some 2.6 million people voted on each of the three ballot papers for their Mayoral candidate, Assembly constituency and Assembly list member. In all approximately 7.8 million ballot papers had to be counted.

The running of the Mayoral and Assembly elections is a complex and resource-heavy operation. It is right that after every election there is a process of reflection to learn valuable lessons to better improve the voter experience and to ensure the electoral process runs efficiently. The Assembly's review plays a central role in that reflection and our recommendations help to shape the way the election will be run the next time.

Overall the 2016 elections were well run. A new resourcing model was adopted after recommendation from the London Assembly and is widely seen to have worked well. It draws on skills from within the Greater London

> "There is therefore strong cause for the Mayoral and London Assembly elections of 2020 to be moved from May to October or even to the following year"

Authority to build organisational resilience and save money. Feedback from stakeholders on the election process as a whole was generally positive. Our report makes further recommendations in support of this model. However, there were two principal areas of concern – the failure to declare the Mayoral result in line with anticipated timelines and problems at Barnet where the wrong electoral registers were sent to the polling stations and 500-600 voters were denied the vote. Our report makes comment on both these issues.

Inevitably a review of this breadth will bring into focus other significant electoral issues and I am particularly concerned about the impact of the move to Individual Electoral Registration. London has major and acute challenges arising from the mobility of the population, houses in multiple occupation and in addressing eligibility. Available data indicates that the degree of

completeness of electoral registers in London boroughs is below that recorded for other local authority types. Urgent work is needed to assess what more can be done to ensure all eligible voters are registered.

As the GLA and the boroughs look to begin preparations for the next Mayoral and London Assembly elections in 2020 they have to plan on the assumption that this election will take place on the same day as that of the General Election. Responses to our review have exposed grave concerns about the practicality of running both elections on the same day. It is highly likely that the combined polls will create confusion and uncertainty for the electors and politicians. There is a substantial additional challenge of enabling voters to understand the different elections, the different election paperwork, the different messages and the different election methodologies.

There is therefore strong cause for the Mayoral and London Assembly elections of 2020 to be moved from May to October, or even to the following year. Clearly this is a matter for Government, but it has accepted the principle in legislating for five year terms for the Scottish Parliament and Welsh and Northern Ireland Assemblies to avoid clashing with the General Election. An early decision would save money and time in planning for the next set of elections.

Len Duvall AM

Executive Summary

The scale and the complexity associated with delivering a Greater London Authority (GLA) election for the Mayor and London Assembly make this an exercise fraught with challenge and risk.

Overall the elections were well run; feedback from stakeholders on the election process was generally positive and a voter survey by the Electoral Commission reported that the public was confident that the elections were well run and were satisfied with the process for registering to vote and the process of voting.

One issue highlighted is the large number of rejected ballot papers due to voters voting for too many candidates as their first choice. It would be useful, not just for the next London Mayor and Assembly elections, but also the Metro Mayoral elections in May 2017 for further research to test voter understanding of how the voting system works and to see if further guidance is needed to help improve clarity.

There were, however, two areas of concern for the Election Review panel – the failure to declare the Mayoral result in line with anticipated timelines and problems at Barnet where the wrong electoral registers were sent to the polling stations which meant that a number of people were unable to vote.

One of the wider points to emerge from our analysis of the incident at Barnet is the uncertainty of maintaining a complete and accurate election register following the move to Individual Electoral Registration. London has major and acute challenges arising from its population mobility, the large number of homes in multiple occupation and in assessing issues of eligibility. This is an issue we may wish to return to in more depth.

Our report reviews what happened at City Hall on the day of the count and makes a number of recommendations to improve the resilience of the systems for managing the technical complexities of an e-counting system. A new cost benefit analysis will be produced by the Greater London Returning Officer to help decide whether e-counting should again be used. We make a number of recommendations in support of making the e-counting system more transparent.

Our report also builds on the review of what went wrong at Barnet, when between 500 and 600 people may have been denied the vote, to recommend that every polling station should record any incident, including any person's name and address, if they are unable to vote for any reason of an administrative failure.

The new resourcing model for delivering the 2016 London election followed previous recommendations from the London Assembly. It worked well and the same approach should be taken for the next set of elections. However, the prospect of a combined poll of both the General Election and the Mayoral and London Assembly elections brings forth a new set of risks and challenges.

Many contributors to our review raised concerns that the combined poll will create confusion and uncertainty for the electorate and the politicians. In the light of the risks identified that cannot be readily mitigated within any project plan the Government should review the risks of holding the polls on the same day and consider the possibility of moving the Mayoral and London Assembly elections to October 2020 or even into the following year.

Recommendations

Recommendation 1

While accepting that there may need to be some amendments to the programme structure, the same approach of using existing GLA staff resources to organise the election should be taken and the delivery of the election built into departmental business plans.

Recommendation 2

As part of future development London Elects should consider developing a more explicit assessment of risks alongside a common quality assurance framework to assist the Greater London Returning Officer (GLRO), the Constituency Returning Officer (CRO) and Borough Returning Officer (BRO) to evaluate the outputs within their given responsibilities. This would assist not only the respective functions of the three tiers of responsibility, but would enable useful comparator and contingency information to be generated.

Recommendation 3

In considering the guidance further, it would be helpful if the GLRO and the Electoral Commission jointly commission additional research to test voters' understanding further. It would also be helpful to further test guidance/explanation options with voters in seeking to improve clarity and reduce rejected votes. This research may be of value for the new Metro Mayoral elections which will take place in May 2017.

Recommendation 4

For the 2020 GLA election London Elects should ensure that every polling station is prepared to record any incident in a log book, including any person's name and address if they are unable to vote for any reason of an administrative failure. The Electoral Commission should consider whether this should become standard practice across all elections.

Recommendation 5

Following the outcomes of Barnet's strategic review being published, the Greater London Returning Officer(GLRO) should follow up with Barnet's Returning Officer to further consider implications for the GLA elections in 2020.

Recommendation 6

That the London Assembly consider whether to hold a scrutiny review into the consequences of Individual Electoral Registration and the impact of how it is working across London.

Recommendation 7

Further refinement of this brief will be required to consider how the GLRO is able to meet his responsibilities for transparency, visibility and confidence in the count process. The Electoral Commission has asked through their report on the GLA elections to be engaged in the review of e-counting. This request should be supported.

Recommendation 8

The specification for an e-counting service must include how objectives related to transparency can be addressed. This should include random manual sampling.

Recommendation 9

Given the technical complexities of an e-counting system, the GLRO should have available technical expertise that is independent of the supplier of the system, who can provide this assurance role on behalf of the GLRO. This role is relevant and necessary whether or not a particular problem is identified during the count.

Recommendation 10

The GLRO should have a senior experienced electoral manager present at the count to provide support and advice.

Recommendation 11

In the light of the wide range of risks identified above that cannot be readily mitigated within the project plan for the election, the Government should review the risks of holding these polls on the same day. Government should look at the possibility of moving the Mayoral and London Assembly elections to October 2020 or even the following year. Government should also commit to compensating the GLA if commissioning is undertaken now assuming a 7 May election, but the date is eventually moved.

Recommendation 12

It is essential that the GLRO and RO's in London agree a leadership process by which the overarching needs of the electorate can be addressed through an effective administration of a combined poll.

1. London Elects – how did they do?

Key findings

- Overall the elections were well run by London Elects with generally positive feedback from stakeholders.

- Further improvements have been identified by this review (and others) and there is evidence of learning and a desire by London Elects to seek to improve performance.

- There are opportunities for extending borough liaison through, for example, involvement in procurement and contract management groups.

- There remains, however, uncertainty about the explanations given to the voter on the casting of their vote on first and second preferences.

- There is a need to commission research to test voters' understanding further. There may be a need for additional guidance or explanations for voters to help improve clarity and reduce rejected votes.

- Between 500 and 600 voters in Barnet may have been denied the vote. In future every polling station should record any incident, including a person's name and address if they are unable to vote for any reason of an administrative failure.

- Minor discrepancies in the reporting of the first preference votes for the Mayor were detected and the attempt to address this delayed the declaration of the result by several hours.

- Given the technical complexities of an e-counting system the Greater London Returning Officer needs access to a greater degree of independent technical advice.

- Better communication with the election candidates and the media was needed at the point that the discrepancies were detected, and remedial action required, and periodically from then on until resolution.

Introduction

1.1 The scale and the complexity associated with delivering a Greater London Authority (GLA) election for the Mayor and London Assembly make this an exercise fraught with challenge and risk. An electorate of 5.8 million, 4000 polling stations, 12000 staff and 4 votes being cast over 3 ballot papers provides some sense of the challenge. This is being undertaken under intense scrutiny from candidates and agents, political groups and parties and the media in all its forms.

1.2 Overall the elections were well run; feedback from stakeholders on the election process was generally positive and a voter survey by the Electoral Commission reported that the public was confident that the elections were well run and were satisfied with the process for registering to vote and the process of voting.

1.3 There were, however, two areas of concern for the Election Review panel – the failure to declare the Mayoral result in line with previously anticipated timelines (due to minor inaccuracies in the way the result was initially reported; this turned out to be due to incorrect software coding) and problems at Barnet where the wrong electoral registers where sent to the polling stations, meaning that a number of voters were unable to vote.

A new model for delivering the elections

1.4 Following the Assembly's review of the 2012 GLA elections, the GLA Oversight Committee agreed a new resourcing model for the 2016 GLA elections. The new model was designed to both draw on GLA-wide resources to provide a flexible resource to support delivery of the elections and to embed elections knowledge in permanent GLA staff. The idea was to build upon the success of the organisation in providing operational Games-time functions for the 2012 Olympic Games. There was also a desire to identify substantial financial savings.

1.5 The agreed model proposed that the election should be run as a project team rather than a discrete, separate unit. It consisted of three main groups of resource; specialist project management, corporate support, and additional secondments. The team (known as London Elects) expanded in role and remit in the years and months running up to the election.[1]

1.6 Our review of the available evidence, which includes written submissions from key stakeholders, indicates that the Greater London Returning Officer (GLRO)[2] approached this challenge and the risks with very conscious and deliberate plans about the range of skills required and the stakeholders that needed to be included. Establishing a programme management approach with the necessary attendant programming skills, focussed and accountable work streams and a fully formed engagement strategy served the process well.

The effectiveness of the planning and engagement is well illustrated by the widespread positive feedback from those across London involved in the administration of the election. The management of postal vote processes, polling stations, count venues, information sharing, and training requirements all received positive comments:

> "Overall performance and communication was very good, with key personnel very organised."[3]

> "In general London Elects were very well organised from an early stage."[4]

1.7   The effective publicity and awareness raising to the electorate was also seen as a strength in this election and it is noteworthy that there was a record turnout for the election. The undoubted improvement in the experience of the planning for the election across stakeholders was achieved whilst delivering a saving of roughly £2m compared with the 2012 election.[5]

1.8   In its review of its performance London Elects has identified areas where further improvement can take place and through this there is evidence of learning and embedding, which we welcome[6]. **The recommendations made by London Elects are to be welcomed and should form part of the forward planning for 2020.** We wish, in particular, to emphasise the importance of identifying further opportunities for extending borough liaison through, for example, involvement in procurement and contract management groups.

Recommendation 1

While accepting that there may need to be some amendments to the programme structure, the same approach of using existing GLA staff resources to organise the election should be taken and the delivery of the election built into departmental business plans.

1.9   There remain, though, some planning issues which require further thought. There is an inevitable variation in capacity and capability between boroughs. Boroughs will differ in the local challenges they may face as a consequence of demography, turnout, polling stations, staff availability and experience, and so on. **Therefore a more explicit assessment of risks and associated actions to mitigate them between the GLRO, the Constituency Returning Officer (CRO) and the Borough Returning Officer (BRO) may assist in reducing vulnerability and variability**. The system of borough liaison established to support boroughs in the planning and preparation and to be at the relevant counts was widely welcomed. This could be built upon to take account of assessed risks and support the actions being taken by the CRO/BRO.

1.10 London Elects deployed a means for sampling training to provide a quality assurance mechanism to ensure that the staff were receiving relevant and high quality training, which appears to have worked well.

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Recommendation 2

As part of future development London Elects should consider developing a more explicit assessment of risks alongside a common quality assurance framework to assist the Greater London Returning Officer (GLRO), the Constituency Returning Officer (CRO) and Borough Returning Officer (BRO) to evaluate the outputs within their given responsibilities. This would assist not only the respective functions of the three tiers of responsibility, but would enable useful comparator and contingency information to be generated.

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Some confusion over the supplementary vote system remains

1.11 There remains uncertainty about the explanations given to the voter on the casting of their vote on first and second preferences. This is an issue reflected in the London Elects review report. It is interesting to note that the Electoral Commission, in their 2016 London Election report, also points to the possibility of confusion in the voter's mind through its post-election research:

> "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.
>
> 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."

Missed voters in Barnet

1.12 On the morning of election day, Thursday 5 May, problems were reported with the electoral registration lists at 155 polling stations in the London Borough of Barnet, which meant that some residents, possibly between 500-600, were unable to vote in the Mayoral and London Assembly elections. Supplementary registers, rather than the full registers, had been inadvertently supplied to polling stations. The experiences of those residents who went to the polls early were different, in part, due to the time they entered the polling station as the local authority at first came to understand what had happened and then sought to deal with the issue. Some who turned up to vote and whose names were not on the register were sent away, others were told to return later, still others were provided with alternative advice as to what to do. Following discussions between officers in the polling stations and the town hall full registers were re-issued and had been delivered to all the polling stations by approximately 10:30am.

1.13 The failure of Barnet to issue a complete register to presiding officers had very significant implications for voters seeking to cast their vote and for the reputation of the electoral process overall. The problem was essentially caused by an officer error in printing the register from the elections management system (EMS system), compounded by a lack of fail-safe on the EMS system itself and a lack of a human checking system. The details of this error were the subject of an immediate independent review to learn lessons from it in time for the EU referendum. It was run by Mark Heath, Returning Officer for Southampton.[7]

1.14 In evidence to our Panel, we heard from Andrew Dismore, Assembly Member for Barnet and Camden, who stated that:

> "What happened in Barnet was an accident waiting to happen because we have had problems with elections in Barnet going back many years. The Heath investigation report, as you have probably seen, gets to the bottom, as far as it can, of the problem with the wrong registers being at the polling stations and why that happened. However, my concern is that was only one of the problems that arises [during elections] in Barnet. It was a one-off,

I suppose. I say that it was waiting to happen because it was one of the problems that could happen in Barnet, given the lack of investment in elections generally, but there are systemic issues that happen virtually every time."[8]

1.15 The Heath review concluded with a number of recommendations prior to the EU Referendum. Barnet accepted the recommendations in full and there were no reported problems of this type or significance in the EU Referendum. Barnet is currently undertaking an independent systemic review of the elections and registration service.

1.16 It is widely acknowledged that the immediate problems on the morning of the count were managed relatively well and the error corrected as soon as possible. We concur with Andrew Dismore AM who stated that:

"The recovery plan, once they spotted there was a problem, was pretty effective. It is hard to say what else they could have done as far as the register was concerned."[9]

1.17 It is clear, however, that a cohort of voters were disenfranchised as a consequence. While there is no way of knowing how many of those turned away did not return later in the day, information compiled by Barnet gives a figure of between 500-600 voters who may have been disenfranchised. Some Polling Officers noted down the name and other details of voters who were disenfranchised so that contact could be made with them once the problem had been resolved. But this practice was not necessarily carried out across all polling stations. Had this been adopted as standard practice then it would be clear who had not been able to vote and remedial action more easily taken.

Recommendation 4

For the 2020 GLA election London Elects should ensure that every polling station is prepared to record any incident in a log book, including any person's name and address if they are unable to vote for any reason of a failure of administration. The Electoral Commission should consider whether this should become standard practice across all elections.

1.18 While this raises the issue as to whether Barnet's Returning Officer should be prepared to compensate those who were unable to vote on the day on the basis that they were denied their rights through maladministration, this remains a matter purely for Barnet to decide upon.

1.19 It is, however, difficult to see how the overall planning of the GLRO could have made any difference to the risk of an incident caused by human error. Nevertheless, it reinforces the proposal made above that a strategic risk assessment should be undertaken by London Elects to consider the variability of practice across London and to consider how this can be managed.

Recommendation 5

Following the outcomes of Barnet's strategic review being published, the Greater London Returning Officer (GLRO) should follow up with Barnet's Returning Officer to further consider implications for GLA elections in 2020.

1.20 Andrew Dismore also raised concerns that the local authority had not acted with sufficient vigour to ensure that people were registered to vote following the shift to Individual Electoral Registration. Andrew Dismore argued that while Barnet's population had been going up those on the electoral register "went down". His assertion is supported by data provided by Barnet which shows that the size of the electorate in 2016 (including postal votes) stood at 233,810 compared with 242,440 (including postal votes) in 2012.[10] Mr Dismore claimed this was in contrast with Camden (the other borough he represents on the London Assembly), where "the register went up because it [the local authority] put the effort into trying to make sure that people were registered…"

1.21 The issues raised by Andrew Dismore, and illustrated starkly by the error in Barnet, demonstrate the continuing uncertainty of maintaining a complete and accurate register under Individual Electoral Registration in the London area. London has major and acute challenges arising from the mobility of the population, houses in multiple occupation and in addressing eligibility. Available Electoral Commission data indicates that the degree of completeness of electoral register in London boroughs is below that recorded for other local authority types.

1.22 This problem is exacerbated by the continuing complexities in the administration of registration with a web interface to start the application process alongside multiple paper chases to elicit the names of home occupiers, administer individual registration applications and to verify and confirm registration. **There is an urgent need for Government to work with RO's to reform the registration process to improve efficiency and effectiveness, reduce differences in rates of registration across electoral areas and improve confidence in the system.**

Recommendation 6

That the London Assembly consider whether to hold a scrutiny review into the consequences of Individual Electoral Registration and the impact of how it is working across London.

Problems at City Hall

1.23   The counting of votes cast in the elections of the Mayor of London and the London Assembly began on Friday 6 May 2016, the day after polling. This process took place in three count centres across London: Alexandra Palace, Excel, and Olympia. Votes were counted electronically and the information sent through to City Hall which acted as the central site, where the information was consolidated and an overall report produced for final verification before the declaration was made.

1.24   The 14 Constituency London Assembly Members were announced by the relevant Constituency Returning Officers. This took place in the count centre where the votes were counted. The first result came from the Bexley and Bromley count which was declared at 2:53pm, with the final result coming from the North East constituency at 6:33pm.

1.25   The declaration of the 11 London-wide Assembly Members and the Mayor of London was to be made by the Greater London Returning Officer at City Hall once all of the votes were counted. Despite initial indications that the declaration would take place shortly after 6:00 pm, the announcement was delayed by several hours by what were described at the time as "minor discrepancies with the Mayoral vote".

1.26   At approximately 4:00 pm a discrepancy was identified whereby the number of first preference votes plus the number of void votes did not tally with the total number of ballot papers. As a consequence of this problem the count process was delayed and the Mayoral declaration did not take place until 12:18am, Saturday morning. During this period technical investigations were pursued and alternative methods were deployed to rectify the error and provide an accurate set of results. The means of achieving this outcome were subsequently independently audited in order to satisfy the GLRO that the problem had been addressed appropriately and that it had in fact provided an accurate declaration.

1.27   Up to the discrepancy being observed the count had been moving quickly. Count processes such as the scanning and associated IT appeared to run smoothly. However, the efficiency of the count masked a wider concern held by at least some candidates and agents and by the Electoral Commission as to whether the e-counting system is sufficiently transparent in its operations for the count to be relied upon and to be seen to be fair, accurate and complete. The "minor discrepancies" and the consequent actions to remedy them added weight to this concern.

Addressing the "minor discrepancies" of the count

1.28   On the night, measures were taken to manually re-do the calculations and various checking processes took place to ensure the result was robust. The declaration was then made. A number of subsequent tests by IntElect,

including re-running what was done on the night, confirmed that the Mayoral results as declared were in accordance with the scanned and recorded data and hence the results as reported were correct. This also has been confirmed by the internal audit review.

1.29 Investigations by IntElect subsequently found that these discrepancies were due to a piece of computer code that incorrectly constructed the result report as it used data extracted from the raw database in an unexpected order. The reason has been identified as a pre-existing code defect. This piece of code, which was also present in 2012, combined with a subsequent change to the database server configuration in 2015 and resulted in the ordering of the data during the calculation of the mayoral figures to be incorrect in 2016 compared with 2012.

1.30 The reason that the code did not generate the discrepancy at the user testing stage was that the problem (known as "parallelism") only arose at high volumes of votes. The user testing was run on a total of 180,000 ballot papers while the number of ballot papers actually counted was nearly 8 million.

1.31 The consequences of this programme error, therefore, are far wider than the risk of a technical error or impact on the cost benefit analysis. Confidence in the process, derived from openness, transparency and accountability are central tenets of the administration of an election and are a primary duty of the Returning Officer. There are, therefore, a number of issues to be considered.

1.32 We welcome the commitment from London Elects that they will review the use of an e-counting system/manual system through a new cost benefit analysis.

> ## Recommendation 7
>
> Further refinement of this brief will be required to consider how the GLRO is able to meet his responsibilities for transparency, visibility and confidence in the count process. The Electoral Commission has asked through their report on the GLA elections to be engaged in the review of ecounting. This request should be supported.

1.33 Jason Kitcat, Council Advisory Member of the Open Rights Group, in evidence to the Election Review Panel, makes the point that manual counting of random samples is an essential check on an otherwise opaque system. Manual checking is directly observable and is therefore open to challenge by observers:

> "E-counting has a golden advantage over purely electronic systems (which we strongly oppose).That advantage has to be used for candidates and voters to have confidence in the results. The advantage? Paper ballots. To have confidence that the

scanners and computers are working correctly, election administrators must hand count significant random samples of the ballot papers to check the results. As many US jurisdictions have learnt after many years of struggling with such systems, these checks need to be mandatory, and even more rigorous if the results are close".[11]

1.34 The adoption of an e-counting or alternative manual system must address how the system can be organised and delivered in a way that provides confidence to candidates, agents and other accredited observers that the system is fair, accurate and complete.

Recommendation 8

The specification for an e-counting service must include how objectives related to transparency can be addressed. This should include random manual sampling.

1.35 Any test of competence and completeness in the system must include the GLRO being similarly confident that the system is operating in accordance with the law and guidance and is therefore complete and accurate in its counting.

Recommendation 9

Given the technical complexities of an e-counting system, the GLRO should have available technical expertise that is independent of the supplier of the system, who can provide this assurance role on behalf of the GLRO. This role is relevant and necessary whether or not a particular problem is identified during the count.

1.36 Members of the London Assembly remain concerned that that there is no process for holding a re-count for the aggregated Mayoral vote. Should the result of the Mayoral election be so close that, despite the recognised accuracy of e-counting, there was a perceived need to hold a re-count to ensure full confidence in the result, the GLRO has no power to order such a re-count. A re-count can be ordered by the Constituency Returning Officer but just for that constituency. However, because the final Mayoral declaration is the result of a series of separate constituency declarations to produce an aggregated total it is only as the last few constituency declarations are made that the closeness of the result will become clear. However, it would then be too late to call for a re-count across all London constituencies or indeed any one constituency in particular. This is a problem and a serious flaw in the count process, and is something that the Electoral Commission needs to issue guidance on.

The need for better communication

1.37 The time taken between the identification of the "minor discrepancies" at 4:00pm and the first public statement by the GLRO acknowledging the problem at 9:50pm has been widely commented upon. The GLRO recognises that on balance a different decision could have been made to inform stakeholders at an earlier point. Foremost in his mind was his desire to inform stakeholders at a point where he had the answer to the inevitable questions that would follow – what's wrong, how has it happened, when will it be fixed? Whilst recognising the intent of the GLRO, the uncertainty of the circumstances and the desire to have clear, reassuring messages, communication should have started at the point the discrepancy was confirmed and remedial action was required, and periodically from then on until resolution.

1.38 The GLRO outlined the timetable of events from the point of the counting discrepancies being found at 4:00pm.

- The Deputy GLRO was informed at about 5:15pm.

- The Deputy GLRO discussed the initial issues with the GLRO and a meeting was arranged with legal advisors to consider the issues and options. That meeting took place at around 5:40pm.

- At 6:15pm IntElect joined the private meeting and between then and 7:00 pm there was a series of these meetings to update.

- At 7:00pm the Electoral Commission was "knocking on the door and asking to join with us" which the GLRO agreed to.

- These private discussions continued until 9:15pm when the GLRO with the Electoral Commission briefed the two main candidates.

- All candidates and agents were briefed at a meeting at 9:45pm.

1.39 The Electoral Commission in their report on the GLA elections has stated that access to the meeting and discussions was denied them in the first instance. The Electoral Commission has a right to access any and all areas of a count and whether by acts of omission or because of poor communication, not to engage them when asked could be seen to be a serious error. Nevertheless, while we welcome the reports of the Electoral Commission and the contribution they make to improve the electoral process and ensuring that lessons are learnt, they are operating as an observer and adviser and not a participant in the decision-making process.

1.40 In the normal course of a count when serious problems arise there is a range of competing pressures facing the Returning Officer. A Returning Officer requires advice and guidance from experienced and knowledgeable senior elections administrators who can be expected to understand the law and guidance in practice. The GLRO appeared not to have the benefit of this advice, though he did have legal and technical expertise. Such advice would have included a view on the engagement of the Electoral Commission and the RO's responsibilities to candidates, agents and accredited observers.

Recommendation 10

The GLRO should have a senior experienced electoral manager present at the count to provide support and advice.

2. Looking to 2020

Key findings

- While much can be learned from this election in planning for the next, the prospect of combining a General Election with the Mayoral and London Assembly elections brings forth a whole new set of risks and challenges.

- Critically, the combined polls will create confusion and uncertainty for the electors and politicians.

- While the working assumption must be that the combined poll will go ahead, there are strong arguments for changing the date for the Mayor and London Assembly elections to October 2020 or even the following year.

- There still remains the decision as to whether to use an e-counting system, as now, or to move to a manual count – which is untested for this election.

- The e-count has always delivered a result within a day whereas a manual count, because of the complexities of the voting system used, would take up to three days to deliver a result, albeit that the costs for a manual count might be lower.

- Some commentators have proposed moving to a manual count in the polling stations where the votes are cast. There are many unanswered questions as to whether this is even feasible given space and security considerations. For example, because second preference votes cannot be allocated until the top two candidates have been identified on a London-wide basis, it would not be possible to give a meaningful result at an individual polling station.

- It would seem prudent for the next Mayoral and London Assembly elections to work with the grain of existing systems rather than to trial something new.

The risks and challenges of a combined General Election and Mayoral and London Assembly election in 2020

2.1 In planning for the next election much can be learned from this election. London Elects has taken very substantial steps forward in the quality and depth of its planning and preparation and in its openness to engage with candidates and agents, political groups and parties, London's election administrators and returning officers and in promoting the elections with the electorate.

2.2 However, the next cycle of elections, combining a parliamentary and GLA election, will require different parameters to be used in judging how to be effective. Issues include:

- likely increased turnout

- increased media interest

- the greatly increased call on likely diminished resources

- the conflicts in voting methodologies

- the different constituencies

- the clashes in timings

- the implications of verification procedures in the primacy of the parliamentary elections

- the tensions between count methodologies

2.3 There are questions being raised about the options for delay or for staggering the elections, having regard to the fact that London is affected by large-scale combined polls in May 2020. Evidence submitted to the Panel by London Boroughs reflects this concern.

2.4 There are significant issues with the planning for the election as illustrated by the London Borough of Hounslow:

> "As you have highlighted, the next Mayoral and Assembly election is currently scheduled to take place on the same day as the General Election in 2020. The risks and challenges associated with this are numerous, and I would urge the GLA to firstly consider whether it is even feasible to hold the two elections on the same day. There are some significant planning issues associated with this scenario, which have recently been highlighted in the Electoral Commission's report published in September 2016 on the administration of Greater London Authority elections held on 5 May 2016. This includes how we could practically verify all GLA ballot papers without causing significant delays to the declaration of UK Parliamentary election results."

2.5   Critically, the combined polls will create confusion and uncertainty for the electors and politicians. There is a substantial additional challenge of enabling voters to understand the different elections, the different election paperwork, the different messages and the different election methodologies:

> "Our final thoughts are about the date. Considering the possible impact of the combination of this poll with the UK Parliamentary election, we suggest the date of this election be moved. Not only would this ease the practical implications for the administration, but it would also assist with the campaign for voters and politicians."[12]

2.6   A typical example of this complexity for the voter and for the administrator is in the use of postal votes:

> "Issues of postal votes will likely not be combined due to logistical problems so electors will be receiving two different postal voting packs. The numbers of postal voters will also likely increase in 2020 due to the Parliamentary election affect. This has ramifications for printers, who were already at full capacity in 2016 implementing the issue of London Mayoral and Assembly ballot papers."[13]

2.7   The London Borough of Merton draws attention to the likely delays to be experienced at the count:

> "The biggest implications of the combination rest with the count, with the Parliamentary votes being counted overnight. Current rules require the London Mayoral and Assembly boxes to be verified before the parliamentary verification can be completed. This will delay most Parliamentary counts by around 3 hours, meaning that some boroughs will not finish counting until around 7-9am on Friday, based on the timings recorded for the EU referendum in June 2016."

2.8   The Electoral Commission summarise the complexity, the potential confusion and the risks of a combined poll:

> "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 UK General Election the papers should be folded."

Recommendation 11

In the light of the wide range of risks identified above that cannot be readily mitigated within the project plan for the election, the Government should review the risks of holding these polls on the same day. Government should look at the possibility of moving the Mayoral and London Assembly elections to October 2020, or even the following year. Government should also commit to compensating the GLA if commissioning is undertaken now assuming a 7 May election, but the date is eventually moved.

2.9 Nevertheless, the working assumption must be that the combined poll is going ahead and that plans need to be formulated on that basis. The principles of adopting a programme management approach and planning early and widely remain positive attributes to apply. However, returning officers will have to plan strategically across the combined election process to ensure that decisions, actions and methodologies are dovetailed, correlate and meet the needs of the electoral process as a whole.

Recommendation 12

It is essential that the GLRO and RO's in London agree a leadership process by which the overarching needs of the electorate can be addressed through an effective administration of a combined poll.

2.10 For the GLA elections specifically, the review of the e-count system has to be considered within the context of a manual count for the parliamentary election. This does not discount an e-counting system per se, but does mean careful consideration will have to be given about how in practical and logistical terms the staff, resources, venues, procedures and processes are managed from one count system to another. This, of course, presents particular problems in the verification process, where verification of the parliamentary votes cannot be concluded until the GLA verification is concluded.

2.11 Other parts of the process could be separated out by time ordays, subject to the practical issues of managing resources and preparation.

2.12 It is noteworthy that London Elects undertook a dry run election process and this proved valuable to all those involved as a learning and preparation experience. **The possibility of scaling this dry run to address the needs of a combined poll should be explored.**

How to count the Mayor and London Assembly votes after the Parliamentary count

2.13 Once the polls close on 7 May 2020, the first task will be to verify that all the ballot papers for the Parliamentary election are available to be counted. This is likely to involve going through all the ballot boxes for the GLA elections to make sure that any Parliamentary votes mistakenly put in there are taken out and put in the correct ballot boxes. This process alone is expected to take 3-4 hours. The Parliamentary count has precedence as 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 hour of the close of poll.

2.14 The count for the Parliamentary election will continue through the night of the 7 May and into the morning of the 8 May, with results being declared in the usual fashion. It seems unlikely that the GLA election count would commence on the Friday morning as has been the case in the past five elections. Election Services staff will need a break to recuperate after the Parliamentary count and so the count for the GLA elections would more likely begin on Saturday morning.

2.15 Whether the GLA count is done by e-counting or through a manual count is a decision still to be taken. A new cost benefit analysis will be produced by the GLRO and alongside cost considerations the other key variable is the time taken. The ecount has always delivered a result within a day whereas a manual count, because of the complexities of the voting systems used, would take up to 3 days to deliver a result.

2.16 But these are not the only two considerations; there are a number of other risks and benefits associated with the different systems of counting. For example, an e-count is demonstrably more accurate than a manual count, requires fewer staff and is now a tried and tested method. However, e-counting is wholly reliant on technology and increasingly sophisticated software, which as we saw in 2016, could contain small errors that are not easily detectable and create big problems.

2.17 A manual count is likely to be cheaper than e-counting, provide greater levels of transparency as the count proceeds, and provide opportunities for "local" counts in centres in the constituency or even at the polling station. However, a manual count for the Mayoral and Assembly elections has never been carried out to date. It would be different from other manual counts due to the scale, complexity and significant work required to achieve pan-London consistency.

2.18 Some commentators have proposed counting the Mayoral and London Assembly votes in the polling stations where they are cast. The thinking behind this proposal is that this could result in faster results, greater transparency and potentially some financial savings. Both Australia (which uses a supplementary vote system) and Spain (which uses a proportional

representation system), amongst others, have complex voting systems and count their votes in the polling stations. However, once counted the declaration of the results are only provisional as they are then sent to a general or regional centre for collation. Final results are produced a few days after the vote once consolidation and postal votes are dealt with.

2.19   The particular problem for the London Mayoral election is that it is not possible to allocate the second preference votes until it is known whether any candidate received 50 per cent of the first preference votes cast and if not who the top two candidates are. This has to be known on a London-wide basis not just at each polling station, so it would not be possible to give a meaningful result at a polling station.

2.20   While it is possible to envisage counting in polling stations in the UK there are many unanswered questions, such as whether all the polling stations have the space to do the counting, the need for security at the polling booth and for secure communications systems for transmitting the results to a regional or general consolidation centre.

2.21   It would therefore seem prudent for this particular election to work with the grain of existing systems rather than to trial something new.

Our approach

The GLA Oversight Committee agreed the following terms of reference for this investigation:

(a)   To investigate the electoral register issues that arose in Barnet during the 2016 GLA elections process, in order to make recommendations as soon as is practicable and in time to assist the conducting of the European Union Referendum in June 2016;

(b)   To review the planning, conduct and costs of the 2016 GLA elections across London and identify improvements for future years;

(c)   To identify and collate from London Elects and other stakeholders and participants, accounts and explanations for any other issues that arose during the 2016 GLA election process; and

(d)   That the Election Review Panel completes its work at the earliest opportunity and automatically be disestablished at the conclusion of its work.

At its public evidence sessions, the Committee took oral evidence from the following guests:

16 June 2016
- John Hooton, Chief Operating Officer and Interim Chief Executive of Barnet;
- Davina Fiore, Director of Assurance of Barnet;
- Jeff Jacobs, Greater London Returning Officer;
- Steve Gowers, Chief Executive Officer, DRS Data Services (IntElect);
- Sian Roberts, Chief Executive,ERS Group (IntElect);
- David Esling, Head of Audit and Assurance - Risk Management (MOPAC);
- Steve Snaith, Head of Technology Risk Assurance, RSM UK

2 August 2016
- Andrew Dismore AM
- Jeff Jacobs, Greater London Returning Officer;
- Mark Roberts, Deputy Greater London Returning Officer;
- Lesley Rennie, Project Manager.

During the investigation, the Committee also received written submissions from the following organisations:

Boroughs
- Westminster,
- Royal Borough of Kensington & Chelsea
- Lambeth
- Merton
- Hounslow
- Tower Hamlets
- Waltham Forest
- Newham
- Barking & Dagenham

Political parties
- The Green Party,
- The Conservative Party,
- The Christian People's Party
- The House Party

Other organisations
- The Electoral Commission
- IntElect
- The Met
- The Association of Electoral Administrators (AEA)

References

[1] The GLA outsourced the e-counting process for the Mayoral and Assembly elections to IntElect. IntElect comprises DRS Data Services Ltd and Electoral Reform Services (ERS) who worked in partnership to deliver the 2016 elections as they did in 2012.

[2] A number of senior election officials have responsibility for delivering the GLA election. The Greater London Returning Officer (GLRO) has overall responsibility for the election, while at the individual constituency level the Constituency Returning Officer (CRO) is responsible for delivering the vote for that area. GLA constituencies cover at least two boroughs and each borough has a Borough Returning Officer (BRO) – though the BRO has no formal statutory role - the CRO is the BRO from the largest borough by population size.

[3] LB of Lambeth

[4] LB of Merton

[5] Review of the London Elects Programme for the Greater London Authority Mayoral and Assembly Elections 5th May, 2016 – Para 6.6.1

[6] These recommendations are captured in Section 14, paragraph 14.2 of the Review of the London Elects Programme for the Greater London Authority Mayoral and Assembly Elections 5th May, 2016

[7] London Borough of Barnet: Election Issue, June 2016

[8] Andrew Dismore, Assembly Member for Barnet and Camden. Evidence given to the Election Review Panel 2nd August, 2016

[9] Andrew Dismore, Assembly Member for Barnet and Camden. Evidence given to the Election Review Panel 2nd August, 2016

[10] London Borough of Barnet: Election Issue, June 2016, Appendix 2

[11] E-counting 2016 A briefing for the London Assembly Election Review Panel by Jason Kitcat Advisory Council Member, Open Rights Group

[12] London Borough of Lambeth

[13] London Borough of Merton

Other formats and languages

If you, or someone you know, needs a copy of this report in large print or braille, or a copy of the summary and main findings in another language, then please call us on: 020 7983 4100 or email: assembly.translations@london.gov.uk.

Chinese

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Email 与我们联系。

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 ਆਪਣੀ 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 दस्तावेज 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 একটা সারাংশ নিজের ভাষায় পেতে চান, তাহলে দয়া করে ফো করবেন অথবা উল্লেখিত ডাক ঠিকানায় বা ই-মেইল ঠিকানায় আমাদের সাথে যোগাযোগ করবেন।

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

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

Gujarati

જો તમારે આ દસ્તાવેજનો સાર તમારી ભાષામાં જોઈતો હોય તો ઉપર આપેલ નંબર પર ફોન કરો અથવા ઉપર આપેલ ટપાલ અથવા ઇ-મેઈલ સરનામા પર અમારો સંપર્ક કરો.