

Assessment of the performance of Returning Officers at the May 2015 polls

July 2015

1 Overview

Background

1.1 The Electoral Commission sets standards and monitors and reports on the performance of Returning Officers (ROs).¹ Our performance standards framework is designed to support ROs in delivering a consistent high-quality service for voters and those standing for election.²

1.2 The framework reflects what we and the UK Electoral Advisory Board (EAB)³ agree that ROs need to do to prepare for and deliver well-run elections. The standards focus on the key outcomes from the perspective of voters and those who want to stand for election and in particular, whether ROs are taking the necessary steps to deliver the following outcomes:

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

1.3 In order to monitor and report on the performance of ROs at the May 2015 polls, a risk-based sample of ROs was selected, taking into account factors such as the experience of the RO and any previous issues as well as factors specific to the May 2015 polls, such as the extent of the combination of polls in the local authority area. Using our performance standards framework, we monitored this sample so that we could target support where it was most needed; and we provided guidance and support to ROs more generally, and in particular where issues were identified.

1.4 This year's polls were complex; the combination of multiple different polls, with at least three sets being run by the majority of ROs in England, along with parliamentary constituencies that crossed boundaries with neighbouring authorities, posed additional challenges for ROs and their teams in delivering well run polls.

¹ Sections 9A and 9B of the Political Parties, Elections and Referendums Act 2000 (PPERA), as inserted by Section 67 of the Electoral Administration Act 2006.

² The performance standards can be found on our website here: www.electoralcommission.org.uk/_data/assets/pdf_file/0003/163821/New-performance-standards-for-ROs-November-2013.pdf

³ The EAB is an advisory group convened by the Electoral Commission and made up of senior Electoral Registration and Returning Officers, and also attended by representatives from the Society of Local Authority Chief Executives (SOLACE) and the Association of Electoral Administrators (AEA). The EAB gives the Commission strategic advice about elections, referendums and electoral registration.

1.5 It was clear from those areas that experienced issues that the complexity of the polls was a contributing factor: errors were predominantly made in areas where more than one election was taking place.

1.6 Although the challenges of combined elections and elections where constituency boundaries cross local authority boundaries are capable of being managed, such complexity must be considered as an increased risk factor in the planning and delivery of the election(s). As most ROs rely on a small dedicated team of staff to organise elections, they rarely have additional experienced staff available to augment the core team to support the management of combined polls or where there are complex cross-boundary issues to resolve.

Assessment process

1.7 Where issues arose with the administration of the polls, further to our provision of advice and guidance, we contacted ROs to confirm our understanding of the issue and any mitigating action taken. We also invited ROs to provide us with any relevant additional information as well as their assessment of the impact that the issue had upon voters and those standing for election.

1.8 Our approach in making a final assessment of the performance of those ROs included:

- considering the details of the issue
- considering whether the RO had the necessary processes in place to be able to deliver well-run elections
- considering whether the error was due to the processes followed by the RO, or was an unforeseeable matter that was out of the control of the RO and could not reasonably have been anticipated
- considering what remedial action was taken by the RO and the timeliness of this action
- considering the impact of the issue on voters and those standing for election

1.9 Having considered the details of the issues and responses to us, and in liaison with a panel of members of the UK Electoral Advisory Board, at present we have assessed 24 ROs as not meeting elements of the performance standards. Further details of these ROs and the issues they encountered can be found in Chapter 2 below.⁴

⁴ As with previous assessments, we will not be confirming our final assessments in relation to any local authority where an election petition is currently underway, or any authority that we are still in discussion with regarding the particular circumstances of any issue encountered in their area during the May polls, until that process has been completed.

2 Assessment of the performance of ROs at the May 2015 polls

2.1 Those ROs who we have assessed as not meeting the standards encountered issues in one or more of the following areas:

- **Ballot papers issued to those not entitled to receive them** – This includes ROs who issued ballot papers to electors who were not entitled to receive them either at polling stations or in postal ballot packs. Issuing ballot papers only to those entitled to receive them is fundamental to ensuring confidence in the delivery of well-run polls, and errors have the potential to have a serious impact on voters, those standing for election and, ultimately, the result.
- **Early dispatch of poll cards** - This includes ROs who dispatched poll cards in their area before the publication of the UK Parliamentary notice of election, which was not in accordance with the legislation.
- **Incorrect declaration** – This includes ROs who made an error in the declaration of results relating to the number of votes cast for each candidate or which candidates had been elected.
- **Issues with the allocation of electors to polling stations** – This includes where the number of electors allocated to specific polling stations led to voters encountering a significant wait before being able to cast their vote.
- **Print errors with election material** – This includes a range of different print issues with election material which may have led to voter confusion and/or had a potentially negative impact on those standing for election.
- **Multiple errors** – Some authorities experienced more than one issue in their delivery of the elections which either individually or cumulatively may have had a detrimental impact on voters and those standing for election

Allerdale

In Allerdale a number of issues arose during the election; we have assessed that the RO did not meet elements of the performance standards with regards to the following issues:

- One polling station which was holding two parish elections was not supplied with ballot papers for both parishes which meant that ballot papers for one parish only had been issued by mistake to all voters, including those who were not eligible to vote in this election
- No control sheet was used for one town council count, resulting in votes being missed on the counting system employed and the wrong councillor being declared to have been elected

We concluded that the RO did not meet elements of performance standard 1 and 2 because the issuing of ballot papers only to those entitled to receive them is fundamental to the delivery of well-run polls. Errors have the potential to have a serious impact upon both voters and those standing for election. Errors with the count may also have had an impact upon the confidence of those standing for election in the management of the process and the results.

Babergh and Mid-Suffolk

In Babergh and Mid-Suffolk ballot papers for the local town council election omitted a candidate's emblem from the ballot paper.

We concluded that the RO did not meet elements of performance standard 1 and 2 because whilst it is not clear whether the error impacted on the outcome of the election, the omission may have caused voter confusion when they tried to locate the candidate they wished to vote for on the ballot paper. In addition, the error could have affected the confidence of those standing for election in the management of the process and the result.

Broxtowe

In Broxtowe the result for a District council ward was declared before all the votes cast had been counted. After obtaining legal advice and discussing the situation with candidates, a decision was made to include the missing votes and re-declare the result for this ward.

We concluded that the RO did not meet one of the elements of performance standard 2 because of the considerable impact the error may have had upon the confidence of those standing for election in the management of the process and the result.

Cheshire East

In Cheshire East a number of parish council ballot papers were issued in error, from one polling station, to electors who were not eligible to vote in that contest.

We concluded that although corrective action was promptly taken and the error did not affect the outcome of the election, the RO did not meet elements of performance standard 1 and 2. This is because the issuing of ballot papers only to those entitled to receive them is fundamental to the delivery of well-run polls and errors have the potential to seriously impact upon both voters and those standing for election. In addition, the error in this case had the potential to affect the result of the election and confidence in the administration of the election.

Chichester

In Chichester parish council postal ballot papers were sent out to electors which omitted one of the candidates standing for election.

We concluded that the RO did not meet elements of performance standard 1 and 2 because of the direct impact that this error had on those affected voters and whilst a full re-issue of the parish council postal ballot papers was completed in the affected wards, this error may have caused significant voter confusion, in addition, the error could have affected the confidence of those standing for election in the management of the process and the result.

Darlington

In Darlington a number of issues arose during the election; we have assessed that the RO did not meet elements of the performance standards with regards to the following issues:

- a print error on the UK Parliamentary ballot papers, issued to 89 electors, on which a candidate was not included
- a district council ward where valid votes were not included in the count

We concluded that the RO did not meet elements of performance standard 1 and 2 because of the impact of the errors on the voter and on those standing for election. While the errors did not affect the outcome of the election, we have concluded that the printing error may have resulted in the voters concerned not having the opportunity to vote for the candidate of their choice, and therefore the impact on the voter is significant. In addition, the errors could have affected the confidence of those standing for election in the management of the process and the result.

Dudley

In Dudley combined poll cards were issued for the May polls to electors before publication of the notice of election for the UK Parliamentary election.

We concluded that the RO did not meet one of the elements of performance standard 1 because whilst the decision to issue poll cards before publication of the notice of election for the UK Parliamentary election was taken in order to ensure that electors had sufficient time to take appropriate action, our guidance (in line with relevant legislation) states that if you are combining the UK Parliamentary and local government poll card, the poll card may only be issued after publication of the UK Parliamentary notice of election.

East Devon

In East Devon a number of issues arose during the election; we have assessed that the RO did not meet elements of the performance standards with regards to the following issues:

- incorrect instructions on postal voting statements in a number of wards, which wrongly advised electors to vote for one candidate only in wards where there were two or three candidates to be elected
- the initial process put in place for opening returned postal voters' ballot papers as a result of the incorrect information on the postal voting statements was in contravention of both our guidance and the relevant legislation

We concluded that the RO did not meet elements of performance standard 1 and 2 because of the impact that the postal voting statement error may have had on voters, through potential confusion and consequently on their confidence that their vote would be counted as intended. In addition, and resulting from this error, the initial process followed on the first day of the opening of postal voters' ballot papers (when 172 covering envelopes were received) was in contradiction to both our guidance and the legislation. This practice was stopped the following day when we brought the infringement of the legislation to the attention of the RO. This also may have impacted on the confidence of those standing for election in the administration of the election.

East Hertfordshire

In East Hertfordshire the wrong UK Parliamentary postal ballot paper was sent to electors in the North East Hertfordshire and Stevenage constituencies.

We concluded that the RO did not meet one of the elements of performance standard 1 because the issuing of ballot papers only to those entitled to receive them is fundamental to the delivery of well-run polls and errors have the potential to cause a serious impact upon voters.

East Lindsey

In East Lindsey a number of issues arose during the election; we have assessed that the RO did not meet elements of the performance standards with regards to parish ballot papers being issued in error at one polling station to a number of electors who were not eligible to vote in that parish election.

We concluded that the RO did not meet one of the elements of performance standard 1 because the issuing of ballot papers only to those entitled to receive them is fundamental to the delivery of well-run polls and errors have the potential to have a serious impact upon both voters and those standing for election.

Kingston–Upon–Hull

In Kingston–Upon–Hull a number of issues arose during the election; we have assessed that the RO did not meet elements of the performance standards with regards to the following issues:

- 484 postal ballot packs for the UK parliamentary election were issued with two candidates missing from the ballot paper due to the ballot paper being incorrectly cut by an external printing company
- 164 ballot papers for the local government election, issued at one polling station, excluded one of the candidates standing for election

We concluded that the RO did not meet elements of performance standard 1 and 2 because, although the errors did not affect the outcome of the election, this could have resulted in those voters concerned not having the opportunity to vote for the candidate of their choice. In addition, the errors could have affected the confidence of those standing for election in the management of the process and the result.

Lewes

In Lewes there was an issue relating to parish postal ballot packs which contained a duplicate of the district ballot paper, instead of the relevant parish ballot paper.

We concluded that the RO did not meet one of the elements of performance standard 1 because whilst the RO re-issued ballot papers to affected voters, the impact was significant on those voters who returned incorrect postal ballot papers only, and whose vote would therefore not have been counted. Lewes took the decision in their joint planning agreement with Brighton and Hove Council to delegate the issuing of these ballot papers to electors in the town council areas in question to the RO in Brighton and Hove. However, the relevant legislation and our guidance is very clear that ultimate responsibility for this function lies with the RO for the local government area which in this instance is Lewes.

London Borough of Hounslow

In Hounslow there was an issue relating to poll cards for electors in the Bedfont area of the Feltham & Heston constituency which were printed with the wrong polling station address for the electors in question.

We concluded that the RO did not meet elements of performance standard 1 and 2 because, whilst the RO put in place immediate actions to minimise the impact of the error on voters, including providing transportation for those affected to their correct polling station, the error may have dissuaded some electors from voting by requiring them to travel to a different polling location. The impact of this error may have also caused significant voter confusion. In addition, the error could have affected the confidence of those standing for election in the management of the process as a whole.

Maldon

In Maldon 1171 Maldon Parliamentary constituency ballot papers were enclosed and dispatched in error within the district council postal ballot packs sent to the northern part of the district, which is covered by the Witham parliamentary constituency.

We concluded that the RO did not meet one of the elements of performance standard 1 because the issuing of ballot papers only to those entitled to receive them is fundamental to the delivery of well-run polls and errors have the potential to cause a serious impact upon voters.

Purbeck

In Purbeck there was an issue relating to an incorrect declaration of a district council ward result which later led to a further declaration being made in order to correct the result.

We concluded that the RO did not meet one of the elements of performance standard 2 because of the impact the error may have had upon the confidence of those standing for election in the management of the process and the result.

Rother

In Rother parish council ballot papers were issued in error to a number of electors who were not eligible to vote in that contest.

We concluded that the RO did not meet elements of performance standard 1 and 2 because the issuing of ballot papers only to those entitled to receive them is fundamental to the delivery of well-run polls and errors have the potential to have a serious impact upon both voters and those standing for election. In addition, the error in this instance may well have affected the

result of the election and the confidence of those standing for election in the administration of the election.

South Lakeland

In South Lakeland parish council ballot papers were issued in error to a number of electors who were not eligible to vote in that contest.

We concluded that the RO did not meet elements of performance standard 1 and 2 because the issuing of ballot papers only to those entitled to receive them is fundamental to the delivery of well-run polls and errors have the potential to have a serious impact upon both voters and those standing for election. In addition, the error in this case may well have affected the result of the election and confidence of those standing for election in the administration of the election.

Stoke on Trent

In Stoke on Trent a number of issues arose during the election; we have assessed that the RO did not meet elements of the performance standards with regards to the following issues:

- Postal ballot papers for two wards issued with ballot paper numbers that did not match those on the accompanying envelope
- At the UK parliamentary count a ballot box was discovered which contained 597 votes that had been sorted and counted but which were not included in the totals announced for each candidate

We concluded that the RO did not meet elements of performance standards 1 and 2 because of the direct impact that the first of the issues set out above had on those voters including causing voter confusion. In addition, whilst the errors at the count did not affect the outcome of the election, it is clear that some parts of the count were not managed effectively, which may have impacted on the confidence that those standing for election had in the administration of the poll.

Swale

In Swale we have assessed that the RO did not meet elements of the performance standards with regards to parish ballot papers being issued in error to a number of electors who were not eligible to vote in that election, which in turn led to a shortage of parish ballot papers meaning a number of eligible electors were unable to vote in this contest.

We concluded that the RO did not meet elements of performance standard 1 and 2 because the issuing of ballot papers only to those entitled to receive them is fundamental to the delivery of well-run polls and errors have the potential to have a serious impact upon both voters and those standing for

election. In addition, the error may well have affected the result of the election and confidence in the administration of the election.

West Berkshire

In West Berkshire there was a discrepancy between the number of votes cast for the Thatcham North ward and the total number of ballot papers issued according to the notice of result. According to this notice, there were more votes cast than the number of ballot papers issued would allow.

We concluded that the RO did not meet one of the elements of performance standard 2 because of the impact the error may have had upon the confidence of those standing for election in the management of the process and the result.

West Dorset

In West Dorset ballot papers were issued at parish council elections in error to a number of electors who were not eligible to vote in that particular contest.

We concluded that the RO did not meet elements of performance standard 1 and 2 because the issuing of ballot papers only to those entitled to receive them is fundamental to the delivery of well-run polls and errors have the potential to have a serious impact upon both voters and those standing for election. In addition, in this case, the error may well have affected both the result of the election and the confidence of those standing for election in the administration of the election.

West Lindsey

In West Lindsey a number of issues arose during the election; we have assessed that the RO did not meet elements of the performance standards with regards to parish ballot papers being issued in error to a number of electors who were not eligible to vote in that parish election.

We concluded that the RO did not meet one of the elements of performance standard 1 because the issuing of ballot papers only to those entitled to receive them is fundamental to the delivery of well-run polls and errors have the potential to have a serious impact upon both voters and those standing for election.

Wolverhampton

In Wolverhampton there was an issue relating to polling station ballot papers for a district council election which omitted the word 'Independent' in relation to the independent candidate standing for election.

We concluded that the RO did not meet elements of performance standard 1 and 2 because, although the error did not necessarily affect the outcome of

the election, there may have been a direct impact on voters, as the omission may have caused voter confusion when they tried to locate the candidate they wished to vote for on the ballot paper. In addition, the error could have affected the confidence of those standing for election in the management of the process and the result.

Wyre Forest

In Wyre Forest there was an issue where many voters at one polling station had a significant wait before being able to cast their vote.

We concluded that the RO did not meet one of the elements of performance standard 1 as, although the RO was unaware that such a high number of electors had been allocated to the polling station in question, this should have been picked up during planning for the May polls. The impact on electors was also significant. Whilst the overall number cannot be quantified, it is likely that a number of electors did not vote as a result of this issue. Other electors, who made the decision to queue for a long time in order to vote, were not able to do so easily and they did not receive a high quality service.

Continuing monitoring and support

2.2 A significant number and range of polls are scheduled to take place across the United Kingdom in May 2016: elections to the Scottish Parliament; the National Assembly for Wales; the Northern Ireland Assembly; the Mayor of London and London Assembly; Police and Crime Commissioners across England (except in London) and Wales; and local government elections in many areas of England.

2.3 In England and Wales several polls will take place on the same day in May 2016, and this combination of polls is likely to increase the complexity of running the polls

2.4 The Commission will continue to support ROs in delivering well run elections, working with ROs, where necessary, to recommend improvements and to help them to put in arrangements in place to ensure the provision of a consistently high quality standard of service for voters and those standing for election. For May 2016, this will involve an emphasis on the importance of planning for the complexity of the polls involved.

2.5 As part of their review of the May 2015 polls, those ROs who have not met one or more of the elements of the performance standards should take all necessary steps to prevent a re-occurrence of the issue in the future and our local Commission teams should be included as part of this review process.

2.6 We will consider all of the issues encountered during the May 2015 polls and the reviews undertaken as a result of these issues as part of our planning for monitoring performance at future polls.