

Date: 29 October 2014

Finance and Resources Committee

Election Review

Report of: *Carole Tatton-Bennett*

Wards Affected: All

This report is: Public

1. Executive Summary

- 1.1 This report outlines issues relating to the election process raised in the Finance and Resources Committee of 30 June 2014.

2. Recommendation(s)

- 2.1 Council to note the election processes as prescribed in legislation and criteria set by the Electoral Commissions performance standards.**
- 2.2 The Returning Officer for the combined elections in 2015 considers any changes in legislation and the recommendations of the Council, elected members and political parties.**
- 2.3 The Council and Returning Officer considers the implications of commencing the Borough count on Friday 8th May and Parish count on Saturday 9th May after consultation with interested and political parties to ensure proactive engagement.**
- 2.4 Funding for voter encouragement subject to the identified resources (£5,100) being agreed as part of the 2015/16 budget setting process.**

3. Introduction and Background

- 3.1 The Representation of the People Act 1983⁽¹⁾ requires every non-metropolitan county council to appoint an officer of the Council to be Returning Officer for elections of councillors and ensure borough and parish elections are conducted in accordance with rules made by the Secretary of State.

(1) Representation of People Act 1983 (35.1)

- 3.2 A Returning Officer holds office in an individual capacity which is not linked to the position held as an officer of the Council. This gives him/her an independent status to make decisions without interference as they are only answerable to the courts in terms of the way in which they conduct their official duties. This is a personal, not Council appointment.
- 3.3 The Secretary of State can make provision for combining elections. Where a local government election is combined with the poll at a further electoral event, one Returning Officer or Counting Officer will take on responsibility for the combined electors of the poll including the provision of polling stations, combined postal votes and verification of ballot papers with the support of the Local Returning Officer of the council.

4. Issue, Options and Analysis of Options

Polling Stations, polling day practices and processes.

- 4.1 Under legislation the Council allocates the polling districts and places however, the Returning Officer allocates and reviews the location of the polling stations within the polling area.
- 4.2 The Returning Officer must provide a sufficient number of polling stations and must allot the electors to the polling station in such manner as he/she thinks most convenient.
- 4.3 The location of polling stations within the polling place should be suitable for the purpose of voting and accessible to all electors. Legislation does not require additional facilities for tellers or other campaigners. The Returning Officers' hire agreement often limits access and use of these facilities to tellers and members of the public for security reasons.
- 4.4 Tellers have no formal status at a polling station ⁽³⁾ and should always remain outside the polling station. Their voluntary role is to assist campaigners, election agents or political parties by recording elector numbers visiting the polling station. The Electoral Commissions guidance for teller's states there should be no more than one teller at a polling station for each campaigner, agent or political party at any time ⁽³⁾.
- 4.5 Whenever possible tellers at polling stations are provided shelter from the elements. Where this is not possible they are encouraged to provide their own portable shelter.

(2) Representation of People Act 1983 (33)

(3)Electoral Commission Guidance for Tellers May 3, 2007

- 4.6 It is the responsibility of the presiding officer to keep order at the polling station and ensure the secrecy of the ballot with the power to request a person or campaigner be excluded from the polling station and surrounding area. (2)
- 4.7 All polling station staff receive training in accordance with the Electoral Commissions guidelines to ensure the poll is administered in accordance with legislation and the election is not called into doubt.
- 4.8 Candidates, agents, official notices and the Council's webpage's provide a list of polling stations and information relating to forthcoming elections.

Verification and count procedures.

- 4.9 Legislation requires the Returning Officer to make arrangements for the counting of votes in the presence of the counting agents as soon as practicable after the close of poll.
- 4.10 Count management requires an accurate and efficient result to support a transparent verification and count ensuring confidence in the results for both voters and those standing in the elections.
- 4.11 The Returning Officer will review and evaluate the management and challenges for the verification and count process at each election.
- 4.12 Count processes vary according to the type of election or referendum and directions from the lead authority.
- 4.13 Overnight counts have an impact on electoral administrators, key members of staff and counting staff. The complexity of combined elections, coterminous boundaries, increasing number of postal votes and the requirement to verify 100% of returned postal votes has added to the pressure of administering a well run election.
- 4.14 The Electoral Administration Act 2006 gave the Electoral Commission powers to set and monitor performance standards for electoral services and the count process. The Council is mindful to follow their guidance, tools and templates to ensure the legislation and expectations of the electorate are delivered and performance standards met.

(2) Representation of People Act 1983 (33)

(3) Electoral Commission Guidance for Tellers May 3, 2007

- 4.15 The Election Office undertakes an annual recruitment programme to encourage internal and external staff to work on election day. However, it is becoming increasingly difficult to recruit accurate, reliable staff to work long hours within the government fees & charges order. Feedback and performance questionnaires are encouraged from polling station and count staff to assist with future training and job allocations.

Count Timing

- 4.16 Under legislation the timing of the count is the discretion of the Returning Officer, however legislation requires the Parliamentary verification and count to commence within four hours of the close of poll. All ballot boxes must be verified before the count can commence including ballot boxes from Ongar polling stations.
- 4.17 In 2010 the Parliamentary election turnout was 73% with Borough wards varying from 67-75% turnout and in 2011 the parish turnout was 50 %.

(Appendix A provides the advantages and disadvantages of the count timing).

Marketing campaigns to encourage voter registration and engagement

- 4.18 It must be observed the Returning Officers deliberate and positive need to be impartial during election campaigning.
- 4.19 The Returning Officer and Electoral Commission work closely to encouraging elector awareness through media campaigns via TV, Radio and Social Media.
- 4.20 The Council works closely with the Electoral Commission following an active engagement policy through twitter, news release and other social networks. The early delivery of poll cards and official election notices provide electors with election dates, registration and absent voting deadlines, times and polling places.
- 4.21 The Council's web-pages and links to external websites are kept updated with details of the election office helpline and election information.
- 4.22 Future work on the Council's website will enable electors to access information about their polling station and provide pictorial information about completing postal packs. The Council's contact centre and Borough bulletin will assist with general enquiries and provide information.

(2) Representation of People Act 1983 (33)

(3) Electoral Commission Guidance for Tellers May 3, 2007

- 4.23 Additional financial resources could ensure household information leaflets are delivered to households with poll cards and several banners sited within the Borough advertising election day could be displayed.(estimated leaflet cost £2,000 – £3,000 and estimated banner cost £600).
- 4.24 Additional financial resources would enable birthday cards and election information to be sent to attainers (18 year olds) encouraging voter participation. (estimated cost £1,500)
- 4.25 A recent Electoral Commission survey suggested electors were satisfied with the information made available from parties and candidates via leaflets or flyers from political parties and candidates.
- 4.26 It is the intention of the Returning Officer to provide more timely announcements as the count progresses. The Council is proactive in its use of Electoral Commissions guidance and good practice guides provided to candidates, agents and those attending the count.

Individual Electoral Registration (IER)

- 4.27 In June 2014 recent changes to electoral legislation saw the introduction of IER and the way electors register to vote.
- 4.28 The Council's result after the initial DWP and local data matching exercise was 90% match ensuring those electors were automatically registered under IER.
- 4.29 The potential impact of IER and effect on the electoral registration and number of postal votes is unknown. However, the Cabinet Office, Electoral Commission and Political parties are working closely to ensure the accuracy of the register under IER.

5. Reasons for Recommendation

- 5.1 The Council continues to follow recommendations best practice and procedures set by legislation and the Electoral Commission which forms the basis for achieving the performance standards set by the Electoral Commission.

6. Consultation

- 6.1 None.

7. References to Corporate Plan

- 7.1 This report seeks to assist in improving service delivery under the 'A Modern Council' heading of the Corporate Plan.

8. Implications

Financial Implications

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- 8.1 The marketing campaign would require an additional budget provision of up to £5,100. This would need to be considered as part of the budget setting process for 2015/16.
- 8.2 The option to count the Local ballot papers on the Friday could attract additional costs of up to £6,000 since these costs would not be able to be shared. These costs would also need to be considered as part of the budget setting process for 2015/16.

Legal Implications

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- 8.3 None except to note that there is a tight legal framework governing the holding of elections.

Other Implications (where significant) – i.e. Health and Safety, Asset Management, Equality and Diversity, Risk Management, Section 17 – Crime & Disorder, Sustainability, ICT.

- 8.4 Improved participation within the election process promotes greater community cohesion.

9. Background Papers (include their location and identify whether any are exempt or protected by copyright)

- 9.1 None.

10. Appendices to this report

- Appendix A - Brentwood Borough Council - Parliamentary & Local Election counts - 7th May 2015.

(2) Representation of People Act 1983 (33)

(3)Electoral Commission Guidance for Tellers May 3, 2007

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