

CAMBRIDGE CITY COUNCIL

REPORT OF: Returning Officer

TO: Civic Affairs Committee

29/6/2011

WARDS: None directly affected

A REVIEW OF THE LOCAL ELECTIONS/REFERENDUM HELD ON 5 MAY 2011

1. INTRODUCTION

The purpose of this report is to review the preparation and run-up to the local elections and UK-wide Referendum held on 5 May 2011, and the events that occurred on the day itself, including the count. This is an opportunity for the Committee (and the Members of the Council in general) to feedback to the Returning Officer (the Council's Chief Executive) on any issues that would inform on the preparation and running of future elections.

2. RECOMMENDATION

That the Committee notes the issues raised in the report, the actions we intend to take (*in italics*) and to give feedback on any matters concerning the running of the elections which it wishes the Returning Officer to consider further in planning and running future elections.

3. PREPARATION

Project planning

- 3.1 As in 2010, an Election Project Team, chaired by the Electoral Services Manager, comprised of officers from across the Council tasked with leading on the known service requirements to run a successful election. This met regularly from December 2010 and dealt primarily with operational issues. An Election Steering Group, comprising the Returning Officer, Head of Legal Services, Head of Corporate Strategy, Democratic Services Manager and Electoral Services Manager met regularly from early February. Its role was to

monitor progress against the project plan, statutory electoral timetables and directives from the Electoral Commission concerning the running of the Referendum.

Member briefing

- 3.2 A briefing on the preparation for the elections was held for members of the Council prior to Civic Affairs Committee on 23 March. The local Party Agents this year were briefed separately to coincide with the publication of persons nominated to stand.

Communication

- 3.3 There were regular updates to the website and prominence was given to electoral news on the homepage. There was feedback that we should make clearer the deadline dates for registering proxy votes, as one elector in Newnham missed the deadline. Confusion about deadlines and the limits on the number of proxy votes was also raised by Cllr Herbert.

We will review the information on the various electoral pages on the website and make sure that the messages are clear and consistent.

- 3.4 There were regular press releases notifying the media of key deadlines. Coverage in the local newspapers publicising the elections and deadlines was good, aided by the support of comprehensive information (and photo opportunities) from the officers. Three news stories did report where something had not gone as planned (the Arbury County by-election postal vote ballot paper, letters to 30 Arbury postal voters, 50 votes in Newnham ward discounted because of an error by the polling station staff). These are covered in 3.6, 3.7 and 3.14 below.

Correspondence

- 3.5 The Customer Service Centre received 901 telephone calls during April this year (compared to 3,051 over the same period in 2010). A further 632 were received directly into the Electoral Services office. A web-based electoral register system specifically for use in customer service centres was installed during early 2011 and this improved the number of queries that could be dealt with by the CSC, with only 50 being escalated this year (115 for 2010). The Electoral Services office received 595 election related e-mails this year, compared with 1,279 in 2010.

Training

- 3.6 Under the directive of the Chief Counting Officer, every person working at a polling station was required to receive training – if they did not attend they would not be employed. We held three training sessions for Presiding Officer and six sessions for poll clerks using the training information provided by the Electoral Commission and adapted to local circumstances. The Electoral Services Manager led the training with cover provided by the Democratic Services Manager. Training had also been provided to all staff in 2010 ahead of the Parliamentary Election.

We will continue to make training for all staff on duty a condition of working at a polling station for next year and aim to standardise processes further.

4. POSTAL VOTING

Issues of votes

- 4.1 As in 2010, postal vote packs were issued in-house and 95% were handed over to Royal Mail for delivery on Friday 15 April, the day after the application deadline. The total number of postal vote packs issued was 12,082. The total number re-issued because of being spoilt or not received (other than the Arbury County by-election) was 27.

Yes to AV campaign mailing

- 4.2 The Yes to AV campaign wrote to 28,629 registered electors in Cambridge (32% of our electorate), highlighting the Referendum vote and supplying a pre-printed postal vote application form. This mailing took place in the week commencing 4 April, with the deadline for registering to vote and applying for a postal vote being 5 pm on 14 April. Cambridge was the only district in Cambridgeshire targeted by the campaign. Because the Campaign's pre-printed form only referred to a postal vote for the Referendum, officers were required to write back to applicants to check if they wanted a postal vote for the local elections also. This generated additional work at a crucial time: 1,652 of the Yes to AV campaign applications were received, of which 56% already had a postal vote. The additional costs and time had to be borne by the council, as the administration of postal vote applications is a function of the Electoral Registration Officer, legally a separate function from that of the Returning Officer. Electoral administrators across the UK have made representations on this

matter to the Department for Communities and Local Government, who are responsible for the funding of national elections and referenda.

- 4.3 Postal votes were opened daily from 20 April and 75.9% of postal votes were returned for inclusion in the count.

Arbury Ward County by-election postal ballot papers

- 4.4 Postal vote packs were sent out to 999 electors in Arbury on Friday 15 April and included a ballot paper for the Arbury County Council by-election. A printing error was not picked up during proof reading in the Electoral Services office. This meant that on the reverse of the County ballot paper it incorrectly stated it was a City Council election. A ward councillor who had been alerted of the error by an elector whilst out canvassing over the weekend notified the Returning Officer on Monday 18 April. Letters were sent out first class on Monday evening to all electors affected advising them that a new, differently coloured, ballot paper would be issued as the incorrectly printed ballot paper could not be counted.
- 4.5 The Returning Officer on Monday advised the election agents, acting County Returning Officer of the County Council and the Chief Executive of the County Council and kept them updated throughout. The local newspaper covered the story on Tuesday 19 April with an informative quote from the Returning Officer.

We will change the proof reading arrangements in future years to ensure papers are also proof read by someone outside the election service to act as a quality control.

Incorrect letter to 30 postal voters

- 4.6 This error came to light on 14 April, when an elector called to ask why their postal vote had been cancelled. The same day, an e-mail was received from Halarose, the company that supply the electoral software EROS, to inform all users that a bug had appeared in the previous days patch update. This was causing the mail merge of some letters to attach themselves to the incorrect letter template. Instruction was given on how to fix the bug and this action was immediately taken. This issue affected all EROS users across the country.
- 4.7 The problem manifested itself in Cambridge, whereby those electors who had applied for a postal vote during this short period of time

received a cancellation letter, rather than a confirmation letter. Any elector affected by this problem did receive a postal vote pack as they requested and were not disenfranchised.

- 4.8 An elector reported the problem to the local newspaper, and they published a story on 27 April.

Updates close to the election are undesirable and we are meeting the software provider in July for a post-election wash-up.

5. ROLE OF THE ELECTORAL COMMISSION IN RUNNING THE REFERENDUM

- 5.1 The Chair of the Electoral Commission, Jenny Watson, was appointed Chief Counting Officer for the Referendum. David Monks, the Chief Executive of Huntingdonshire District Council, was Regional Counting Officer to whom Antoinette Jackson, as Counting Officer, for Cambridge reported.

- 5.2 The Chief Counting Officer issued 206 directives with regard to the planning and organisation of the Referendum. It is understood that the Commission believed that lessons could be learned from the 2010 elections and wanted to ensure as much as possible that there was consistency across the country with the elector getting the same service in Exeter, Eastbourne and Edinburgh. However it did mean that the local Retuning Officer had much less flexibility to take account of local circumstances in the day to day preparations for the election, for example, the colour of ballot paper for the Referendum, the number of staff employed at polling stations and how the count was organised.

The Regional Counting Officers have already met with the Commission to give feedback on their experience of running the Referendum and the Electoral Commission is due to report on the Referendum in full in the autumn.

6. POLLING DAY

Policing the election

- 6.1 One of the risks identified by the project team was potential disruption at polling stations.
- 6.2 Plans were made in collaboration with Inspector Steve Kerridge in the event of potential disruption on polling day. On polling day, local beat officers made regular visits to polling stations.

- 6.3 A letter of thanks to the Inspector for the police contribution has been sent.

Disability issues on polling day

- 6.5 Officers met with the Council's Access Officer and two members of the Panel to discuss accessibility issues at polling stations, particularly for the visually and hearing impaired. These issues were covered in the training sessions for presiding officers and poll clerks (the former with help from the Access Officer) and we have subsequently received positive feedback on how electors were dealt with on polling day.

Polling stations

- 6.6 There were four different polling station locations from 2010. No negative comments from electors have been received about the new locations. The use of portacabins in Newnham was unavoidable this year and we cannot rule out their use in the future, either located at the Rugby Ground or elsewhere in the city. If this is to be the case, we will revisit the supplier we use and the provision of heating/lighting via a generator.

We will consider whether it is preferable to retain the new location or revert back – availability is likely to be the determining factor.

- 6.7 Because of the Chief Counting Officer's specific directive on the number of electors that could be allocated per polling station and the number of staff employed per station, we had four additional stations compared to 2010. This resulted in the employment of four additional Presiding Officers and 40 additional Poll Clerks.

We will be reviewing the polling station numbers and staffing complement based on the experiences of not only May 2011 but also May 2010, because the Parliamentary Election has the highest turnout of any poll.

Inspectors

- 6.8 We engaged four Polling Station Inspectors, who were responsible for checking all the polling stations at least twice during the course of the day. This was in addition to the Returning Officer visiting all polling stations (with the Mayor). There were no reported problems with queues, either during the day or at close of poll.

Newnham Ward – 50 votes discounted

- 6.9 A Presiding Officer at one of the polling stations at the Rugby Club, Grange Road, Newnham, wrongly used the ballot books containing tendered ballot papers for both the local election and Referendum. Tendered ballot papers should only be issued in certain circumstances, e.g. when an elector appears to have already voted. These ballot books were the first ones used at that polling station (i.e. from 7am). There are 50 ballot papers in each book so the first 50 voters eligible to vote in the local election and the Referendum received a tendered ballot paper. The law requires that any tendered ballots placed into the ballot box must be declared void, and in any case can only be counted under scrutiny at the request of a Court, regardless of the circumstance of issue.
- 6.10 In preparing for this election:
- Presiding Officers and Poll Clerks were given training on the circumstances when to issue tendered ballot papers,
 - There is only one book of 50 tendered ballot papers against many books of ordinary ballot papers (each book contains 100),
 - Tendered ballot papers are on a different colour to ordinary ballot papers – this was shown at the training and the colour of the respective ballot papers included in written instruction to Presiding Officers.
- 6.11 Officers have discussed with the Presiding Officer (who had performed this role before) how this error occurred. He accepts that the error is entirely his own and acknowledges that a number of incidents at the start of the poll, led to his lack of observation as the first ballot papers were issued.
- 6.12 The Returning Officer would have liked to include the tendered ballot papers from that polling station in the count. Because this error affected both the local elections and the Referendum, the Returning Officer consulted the Regional Counting Officer, who then consulted the Electoral Commission. The Electoral Commission advised that the 50 tendered ballot papers for the Referendum should not be counted and the same applied to the local election ballot papers.

- 6.13 The Returning Officer notified the election agents at the Count that this error had happened and that the Electoral Commission had ruled that these 50 votes could not be included.

We have advised the Presiding Officer that we will not employ him as a Presiding Officer in future elections. We will continue to provide compulsory training for all Presiding Officers and poll clerks. We will issue tendered ballot paper books in sealed envelopes in future.

7. THE COUNT

- 7.1 Despite best efforts, the count did not conclude until 6.30am. The time taken to announce results was influenced by the requirement to verify the Referendum ballot papers and have the verification figures confirmed by the Regional Counting Officer before any local results were declared.
- 7.2 The key determinant in speed of count is number of staff available. We verified Referendum results in the Small Hall. It is clear we did not have enough staff on this task as staff numbers were limited by the space available.
- 7.3 Feed back from the Labour agent was that the count was cramped and facilities for agents were poor, eg no table/place to plug in laptops (this will be difficult to achieve in the Guildhall).

We think it is appropriate now to seriously consider the option of moving from the Guildhall to a larger venue in order to accommodate more count staff. We believe that this would enable the count to finish earlier, and particularly if they are to continue to take place directly after the close of poll. We can pick up facilities for agents in this review.

8. STAFFING

- 8.1 The staff who run polling stations and count the ballot papers are volunteers who opt to take on this role. They are paid for their time. Some staff are employed by the City Council in other roles, but not all are. Staffing continues to be a challenge and particularly for the count we had a number of people drop out at late notice for a variety of reasons. This presents challenges in ensuring that processes all run smoothly and are consistent when some staff are very inexperienced.

We need to consider how we continue to encourage staff to volunteer for these roles.

9. COMPLAINTS

9.1 We received five complaints following the election concerning:

- 2 x receipt of letter cancelling the postal vote
- Elector who claimed not to have applied for a postal vote and was concerned about postal fraud
- Change of polling station in East Chesterton
- Elector who thought they were not registered

10. THE ELECTORAL FUTURE

10.1 There are a number of new elections timetabled in the near future:

- Police and Crime Commissioners in May 2012
- An elected House of Lords (in one form or another) due in 2015, which will be combined with a fixed-term Parliamentary election
- The possibility of increased local polls as allowed for in the Localism Bill
- The possibility of local electors calling a referendum on council tax levels

10.2 Many of these elections/referenda will be combined, adding extra work and pressure to an already tight timetable. In addition, there is the increase in rolling registration administration due to:

- The imminent introduction of Individual Electoral Registration,
- The requirement to review all postal voter identifiers over five years old every year (starting December 2011) and
- A requirement to keep polling stations and polling districts under review with a full review held every five years.

10.3 Officers will be reviewing over the summer the current available resource allocation in electoral services based on the experience of the last two years electoral cycles and this future agenda. This will inform a potential budget bid for additional staffing.

11. CONSULTATIONS

11.1 The party agents have been asked for their comments and they will be reported to committee if received in time. In addition a number of issues covered in the sections above, the Labour Party agent also commented on:

- Usefulness of the pre-election agent briefing which is much appreciated. The staff always respond quickly and efficiently to phone or e mails.
- Marked registers are very difficult to read and interpret.
- The Cherry Hinton grass skirts process worked better than the process used in 2010 for two vacancy wards.
- Transfer of information from the electoral registers to Contact Creator.
- Comments were also received on the post-election expenses support. However, it is important to note that we have no jurisdiction regarding election expenses and all queries during this period should be directed to the Electoral Commission. Our only responsibility is to collate the completed documents and retain for public inspection.

12. IMPLICATIONS

- (a) **Financial Implications** - see paragraph 10.3
- (b) **Staffing Implications** - none
- (c) **Equal Opportunities Implications** - Equality Impact Assessment not conducted – this is an information paper. Presiding Officers were asked to complete a survey provided by SCOPE. The results of the survey will help ensure we not only comply with accessibility requirements, but are alert to any improvements that can be made.
- (d) **Environmental Implications** - none
- (e) **Community Safety** - none

BACKGROUND PAPERS: The following are the background papers that were used in the preparation of this report:

There were no background papers.

The contact officer for queries on the report is Gary Clift 01223 457011
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Report file:

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