
**Corporate & Scrutiny Management Policy &
Scrutiny Committee**

25 July 2016

Report of the Assistant Director Governance & ICT

Overview Report on Electoral Organisation

Summary

1. This report presents Members with an overview of the electoral organisation in York and issues needed to be considered by the elections team.

Background

2. At a meeting of the Corporate & Scrutiny Management Policy & Scrutiny Committee (CSMC) in January 2016, Members requested a report on the electoral organisation in York and it was agreed that this be added to the work plan to be considered at a future meeting following the election of a Police and Crime Commissioner in May 2016 and the EU Referendum in June 2016.
3. The City of York is a unitary authority and the most recent local elections took place on 7 May 2015 to elect members to City of York Council. The whole council was up for election. These elections were held on the same day and combined with the General Election and Parish Council elections in York.
4. Since the previous election in 2011 a review of boundaries has affected some wards. The total number of councillors remained at 47 although the number of wards was reduced from 22 to 21. This comprised five single-member wards, six two member wards and 10 three-member wards. The local elections were therefore the first based on these new boundaries. The combination of all out local elections on new boundaries with a Parliamentary election made the elections in York in 2015 particularly and almost uniquely complex.

5. In 2015 a record number of new councillors were elected, almost half the council, and of the 47 seats contested 25 were won by candidates with council experience while 22 were won by debutants.
6. While York had a particularly difficult set of elections to deliver in 2015 the complexity of organising elections generally and specifically in 2015 following the introduction of individual electoral registration has been recognised in national reports by the Electoral Commission¹ and the Association of Electoral Administrators². The latter reported of the 2015 elections:

“Electoral administrators continue to deliver elections within an increasingly complex and challenging environment even when the odds are stacked against them. This was clearly the situation for the complex elections held on 7 May 2015 following the introduction of Individual Electoral Registration (IER). Electoral administrators and suppliers were stretched beyond belief during the 18 months before polling day with the introduction of IER and the complexities and bureaucracy it brought with it. Preparations for the elections were behind as a result of the impact of the introduction of IER and electoral administrators were exhausted before the election timetable even started.”

Electoral Arrangements

7. Electoral arrangements are the responsibility of the Returning Officer (RO), and in York the key aims are:
 - To allow those who are eligible and wish to vote to do so
 - To ensure that the processes followed are robust and produce an accurate result which is not open to challenge.
8. York electoral services are well respected among election professionals both local and nationally as evidenced by the fact that York was asked to provide project management, legal and other expert assistance to the Police Area Returning Officer at the Police & Crime Commissioner elections. In addition, for the EU Referendum York’s risk profile rating, as

1

Report on the administration of the 7 May 2015 elections, including the UK Parliamentary general election. July 2015

2

Elections and Individual Electoral Registration - The challenge of 2015. July 2015

assessed by the Electoral Commission, was **green**. A green rating means the minimum level of scrutiny from the Regional Counting Officer and Electoral Commission. York follows the guidance of the Electoral Commission (EC) in administering elections and there are more than a dozen Acts, Regulations and Rules which must be followed. The key ones are:

- Representation of the People Act 1983
- Representation of the People Act 1985 (overseas electors)
- Representation of the People Act 2000 (postal votes)
- Local Elections (Principal Areas) (England & Wales) Rules 2006
- Representation of the People(England & Wales) Regulations 2001
- Others are listed in the EC guidance and all can be found on the www.legislation.gov.uk website

9. Electoral administration and the conduct of elections is complex and has become more difficult in York in recent years. Some of the reasons for this are:

- The administration of elections is inherently complex affair with a need to follow regulatory requirements to the letter while delivering a significant project. In York that includes making arrangements : to establish and perform around 500 job roles in York, to set up and work from around 120 polling stations and to communicate with 155,000 electors. These roles are performed under intense media and political scrutiny;
- More demand for postal voting. In the last local election around 10% of the electorate, 15,000 voters opted for postal votes compared with just 800 in 1988. In the EU Referendum in excess of 20,000 electors opted for postal votes. The administration of postal voting significantly increases the workload of the core election team and adds risk which has to be managed;
- Overnight counting becomes more difficult with postal votes because security checks have to be carried out on postal votes handed in at polling stations;

- Individual Electoral Registration. Since 2014 individuals have become responsible for registering themselves to vote rather than registering a household as before.

10. Specific Challenges in York include:

- The new elections footprint following boundary changes;
- For local elections, the diversity of many wards means that a number of different candidates have a realistic hope of being elected, leading to close results;
- Local elections in most York wards are multi-vacancy elections, meaning that a more complicated count model has to be used than for “first past the post” elections.
- In York the count is held in the biggest room available but even so space limitations impacts on the number of counters that can be used.

Returning Officer

11. The Returning Officer plays a central role in the democratic process. The role is to ensure that the elections are administered effectively and that, as a result, the experience of voters and those standing for election is a positive one. The RO seeks to set out at an early stage what they want to achieve and what success would look like.
12. In York elections are organised as a full project with the election team initially meeting on a monthly basis and then more frequently as polling day nears. Project planning starts approximately a month after the previous election with a review of lessons learnt from that poll. A list of core documents used by the team includes a project plan; time table; risk assessment; agent and candidate count guide; ballot box collection arrangements; count model; counting assistants guide; team supervisor instructions; a training schedule; instructions for postal voting; inspecting officer guidance and polling staff guidance.
13. The RO is personally responsible for the administration of the election, including:
 - nominations
 - the provision of polling stations
 - the appointment of Presiding Officers and Clerks

- management of the postal voting process
- the verification and counting of votes

14. Where the Local Government election is combined with a poll for a further electoral event the RO will take responsibility for the combined poll including:

- the provision of polling stations
- the appointment of Presiding Officers and Clerks
- the notice of situation of polling stations
- the equipment of polling stations
- the notification of the secrecy requirements at polling stations
- signing certificates of employment for polling station staff allowing them to vote at the polling station they are working at, as opposed to the one allocated to them
- authorisation to order the removal of persons from polling stations
- verification of all ballot papers
- where it has been decided to combine the issue of postal votes:
 - the corresponding number list
 - the issue of postal votes including creating a copy of the postal voters list and proxy postal voters list and marking it on issue
 - the opening of postal votes including the marking the returned postal vote statements on the lists and the verification of the personal identifiers on the returned postal voting statements

15. While the RO can appoint one or more persons to discharge any or all of the RO functions they cannot delegate personal responsibility for delivering the election.

Planning For The Election

16. To plan effectively for the election, a project plan is prepared and treated as a “living document”. It is kept under regular review and used to monitor progress.

17. This planning supports the delivery of the following outcomes:

- Voters are able to vote easily and know 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 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.
18. Before starting detailed planning the election team looks at what needs to be achieved and what success will look like. The project plan includes clearly defined objectives and success measures. The project plan also includes a plan to evaluate procedures post-election and identify lessons learnt.
 19. This planning reflects any legislative changes which have come into effect since the last poll, for example, there are a number of areas in which processes and practices will need to be reviewed as a consequence of legislative change, such as in relation to postal voting, where there is now the ability to issue postal ballot packs earlier in the election timetable.
 20. The project plan covers contingency planning and business continuity arrangements. The continuity arrangements include provisions to cover loss of staff and loss of venues during the election
 21. It also identifies the resources required and ensures the necessary steps are taken for the local authority makes resources available to enable the discharge of election functions.
 22. A risk register is prepared and kept under regular review to monitor any risks and document any changes in risk, as well as ensuring that mitigating actions are identified and taken forward as appropriate.

Staffing

23. The project plan identifies staffing requirements and ensures the necessary appointments are made at the earliest opportunity.
24. A project team is then established to support the RO in carrying out their functions and in delivering a well-run election. The project team includes:
 - Any appointed deputies
 - Other electoral services staff members
 - The Electoral Registration Officer (ERO) where the RO is not also the ERO.

25. The project team has a clear remit and understanding of the tasks to be carried out. At the planning stage, a schedule of meetings is prepared, and a record of each meeting is kept as an audit trail of what has been discussed and of any decisions made.
26. The RO has a legal duty to appoint and pay a Presiding Officer and such Poll Clerks as may be necessary to staff each polling station. In order to ensure that voters receive a high-quality service it is important that polling stations are properly staffed. The Electoral Commission recommends the following ratios:
 - A polling station should not have more than 2,500 electors allocated to it.
 - In addition to a Presiding Officer, there should be one Poll Clerk for polling stations with up to 750 electors.
 - One additional Poll Clerk should be appointed for polling stations with up to 1,500 electors
 - One further Poll Clerk should be appointed to a polling station with up to the maximum of 2,500 electors
27. These ratios are recommended minimum levels and there may be circumstances a higher number of staff are employed. In York particular consideration is given to areas with high numbers of student electors where more assistance may be required in polling stations.
28. In order to ensure that voters can have confidence that their votes will be counted in a way they intended, appropriate resources are put in place to ensure that the verification and counts are timely and that the processes followed are designed and managed in such a way as to secure an accurate result. The number and type of staff require to run the verification and count are identified and appointed as soon as possible.
29. Typically the following types of roles make up the overall staffing required at the verification and count:
 - A senior officer responsible for the overall operation, assisting with the organisation of the event and the co-ordination of the verification and count processes
 - A responsible officer to supervise a team dealing with the receipt of ballot boxes, postal votes and paperwork at the verification and count venue, and the verification of the unused ballot papers and tendered ballot papers.

- An officer to oversee the secure transportation of the sealed boxes of postal ballot papers to the verification and count venue and to deal with the final opening of postal votes.
 - A team of staff to who check ballot paper accounts and keep records of count totals including ensuring that all of the necessary forms and statements are completed accurately and formally signed off, and providing an audit trail for the verification and count processes.
 - A team of senior staff responsible for managing those staff sorting and counting the votes.
 - Teams of staff dealing with the receipt of ballot boxes, postal votes and paperwork, and the verification of unused and tendered ballot papers.
 - Counting assistants to accurately sort and count the ballot papers.
 - Porters, security staff and door attendants to deal with the security of the site and the management of the facilities within and around the site.
 - An officer to oversee the security of ballot boxes and relevant stationery.
30. The project plan contains a plan for training which identifies the training needs of both permanent and temporary staff. While training activities for temporary staff may not take place until shortly before the election, planning for those activities starts at the earliest opportunity.

Register to Vote

31. Under the system of individual electoral registration each individual is now responsible for registering themselves and by law people must register to vote. When registering to vote:
- People need their National Insurance number and date of birth; these are used to check their identity with the Department of Works and Pension.
 - These details are uploaded to a national portal.
 - Once details have been checked, people will either receive a letter requesting more information or a letter to confirm that they are registered. Submitting an application does not automatically mean a person will be registered, several checks must be made.

- People can only vote in Parliamentary and City of York Council elections if their name is on the register of electors.
- If people are not on the register of electors they may find it harder to get a loan, mortgage, finance agreement or even a mobile phone as certain credit reference agencies use the register to confirm stability of residence.

Who can register?

32. People can only register to vote in York if they are:

- 18 (or will become 18 during the life of the register)
- a British, Irish, Commonwealth or European Union Member State citizen (a full list of all eligible countries provided)
- resident at a York address or an eligible overseas elector or service voter,

Students registering to vote

33. Students can register to vote both at their home address and where they are at college, their term time address.

Updates to the register of electors

34. The register of electors is published once each year, but there are updates to the register generally the first of every month, except during October and November.

35. There are strict statutory deadlines which mean that you can only be added to the register if an application is received by the required time, and it includes all the information need to process it.

Absent voting

36. In addition to voting at a polling station, registered electors in York can vote by post or by proxy. Voters must apply for a postal vote if they want to vote by post, e.g. if they are away from home or abroad.

37. People can apply to vote by post for a single election on a specific day, for a specific period or permanently. In York some 20,000 people, around 13% of the electorate, used postal voting in the EU Referendum. Postal voting is a time consuming exercise for elections staff, who are responsible for the production and issue of postal vote packs, dealing with returned postal votes and completing anti-fraud checks. They also deal with a high volume of public enquiries in relation to postal voting during the run up to the election.

38. Voting by proxy means getting someone else to vote on your behalf. Again a proxy vote can be for a single election, for a specific period or permanently. People can apply for a proxy vote under certain circumstances, including:

- Being away on polling day
- Having a medical issue or disability
- Not being able to vote in person because of work or military service

39. Historically in York there have been a small number of proxy voters, around 100. However, there was a big increase for the Referendum in large part due to the Council being proactive with people who were too late to register for postal votes or for whom a postal vote may not have been the best option and who therefore took up the proxy option.

Verifying and Counting the Votes

40. Verification and count arrangements are designed in line with the following key principles:

- All processes are transparent, with a clear and unambiguous audit trail.
- The verification produces an accurate result. This means that the number of ballot papers in each box either matches the number of ballot papers issued as stated on the ballot paper account or, if it does not:
 - the source of the variance has been identified and can be explained, and/or
 - the box has been recounted at least twice, until the same number of ballot papers is counted on two consecutive occasions.

As part of this verification process the unused ballot papers are also counted and the totals compared with the number of papers originally provided to the Presiding Officer and those shown as issued to voters on the ballot paper account.

- The count produces an accurate result, where:
 - a. for single-member vacancies, the total number of votes cast for each candidate and rejected votes matches the total

number of ballot papers given on the verification statement for the election;

- b. for multi-member vacancies, the total number of votes given for each candidate added to the unused votes and number of rejected votes (i.e. the number of completely rejected ballots multiplied by the number of vacancies plus the number of rejected votes from those ballots) matches the total number of votes expected (i.e. the total number of ballot papers as given on the verification statement multiplied by the number of vacancies)

- The verification and count are timely.
- The secrecy of the vote is maintained at all times.
- The security of ballot papers and other stationery is maintained at all times

41. Arrangements for the verification of ballot paper accounts are made as soon as practicable after the close of poll. Postal votes received on polling day, including those delivered to polling stations, are also processed at the count.

42. Arrangements for counting the votes are made as soon as practicable after the close of poll.

43. In considering how to organise the verification and count the following factors are taken into account:

- The number of tables required – there should be a sufficient number to accommodate the number of counting assistants appointed.
- The layout of the tables – they should allow easy viewing by all of those entitled to be present, and take into account the number of candidates standing, as well as the size of the ballot papers.
- Circulation areas and the amount of space available around the tables – this space should be maximised, and any obstructions such as stored furniture should be removed.
- Seating – for those entitled to attend proceedings.

- Access – the room should be laid out in a way that ensures that all of the proceedings are accessible to anyone entitled to attend, including disabled people.
- Public address systems.
- Media requirements –.
- Health and safety – the RO has a responsibility for the health and safety of all persons present. This has particular implications for layout, access to emergency exits and venue capacity
- Security – of the count and for those present

Count comparisons

44. It is noteworthy that in the Referendum the York and Humber region was the first region to declare its result. The priority in York, however, is not to be the first to declare, but that the count is accurate.
45. The speed of the count is determined by a number of factors:
 - The number of votes cast.
 - Time taken to get ballot papers to the count. In York Presiding Officers deliver the ballot papers in their own car having completed the ballot paper account. Some areas use taxis.
 - The number of counters in proportion to the votes cast. York uses the largest room available but this is small in comparison to those used by others. Benchmarking with other areas confirms that York is in the bottom quartile with regards to number of counters in comparison to the volume of votes.
 - The counting method used. First past the post is the easiest and by far the quickest to count. In multi-vacancy elections there are two methods traditionally used where voters have not used all their votes for candidates of one party: counting sheets, which are easy to use but prone to inaccuracy, or the “grass skirt” method which should be more accurate but takes longer.
 - Voting patterns. Votes for one party can simply be grouped together and counted. The fewer votes which have to be counted using one of the alternative methods, the faster the count.

- The Returning officer's attitude towards variations and the tolerance between the votes counted and those verified;
- The number of double or triple polling stations used. Inevitably votes will be placed in the wrong ballot box, meaning that ballot paper accounts will not balance. The votes will be counted but the verification of each box can only be concluded once the contents of both have been counted.
- Any requirement to recount.

Consultation

46. This report has been prepared with the assistance of the CYC Electoral Services manager.

Options

47. This report is for information only.

Council Plan

48. This report is associated with the Focus on Frontline Services and A Council That Listens to Residents elements of the Council's Plan 2015-19.

Implications & Risks

49. This report is for information only and there are no implications or risks associated with its recommendation. However, the administration of elections carries a very high degree of risk as evidenced by issues that arose during the London Mayoral Election which resulted in the resignation of the Chief Executive of a London Borough.

Recommendation

Members are asked to note the contents of this report.

Reason: To comply with Scrutiny protocols and procedures

Contact Details

Author:

Steve Entwistle
Scrutiny Officer
Tel: 01904 554279

steven.entwistle@york.gov.uk

Chief Officer Responsible for the report:

Andrew Docherty
Assistant Director Governance and ICT
Tel: 01904 551004

Report Approved Date 13/07/2016

Wards Affected:

All

For further information please contact the author of the report

Background Papers:

Electoral Commission Guidance on Electoral Administration

<http://www.electoralcommission.org.uk/i-am-a/electoral-administrator>

Abbreviations

CSMC – Corporate & Scrutiny Management Policy & Scrutiny Committee

EC – Electoral Commission

ERI – Electoral Registration Officer

EU – European Union

IER – Individual Electoral Registration

RO – Returning Officer