ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS

1.	Meeting:	Democratic Renewal Scrutiny Panel
2.	Date:	24th July, 2008
3.	Title:	Borough Council Elections 2008
4.	Directorate:	Chief Executive

5.   Summary

To report on key aspects of the Borough Council elections held on 1 May 2008

6.   Recommendations

That the report be noted.

7.   Proposals and Details

Introduction

With the elections of 2007 behind us and the promise that there would be no new legislation we looked forward to a relatively straightforward election.

Since 2007 a great deal of work has been done to improve the postal ballot verification software. The by-elections we had in 2007 were used to demonstrate to the software suppliers how the new requirements for verifying personal identifiers (signatures and dates of birth) had to fit into the postal vote opening procedure. As a consequence of that significant improvements were made to the software and subsequent testing proved successful. Three staff from Electoral Services and two from Legal Services attended training on the much improved system. This strengthened our confidence that we would be able to achieve 100% verification of postal ballot statements returned.

As a consequence we were able to revise the procedures such that we could use the staff and equipment more effectively i.e. keep everybody busy and away from their normal workplace for as little time as possible.

The very volume of postal votes and the complexity of the required process is the equivalent of running two major elections at the same time. Work on postal votes now has a significant daily impact over the last two weeks of the election.

Nomination Period

This is a hectic period and we processed the nomination papers for 76 candidates. Minority party involvement increased with UKIP fielding 15 candidates and the BNP 5 candidates. There were 8 independent candidates.

The nomination period was completed without too many problems. Having a separate office with its own access again proved its worth as it reduces the impact on the work in the main office and affords candidates the opportunity to ask questions in private.

Candidates details entered into the computer system were checked at the end of each day and a final check conducted at the close of nominations on 4 April. At the end of the nomination process it becomes a matter of the utmost urgency to prepare and verify data files ready for immediate despatch to our print supplier. This continual checking also enabled us to publish details of those nominated quite soon after nominations had closed.

Candidates Briefing

This took place at the Town Hall on 7 April. Candidates were briefed on the conduct of the election, postal ballot processing, polling arrangements and the counting of

votes and in particular why it was likely there would be a lull in counting awaiting the final postal ballots. South Yorkshire Police were represented at the meeting.

Police

South Yorkshire Police had an active involvement during the election.

Our contact with both the community police and the Economic Crime Unit were established and a meeting was held at the Main Street Police Station on 29 April to go over the final details.

Police patrolled and visited polling stations, were present at Magna throughout the count and provided the escort for the final postal ballots from the Civic Building to Magna.

Registration

Since 2007 there has been a facility to allow voters to register up to 11 working days before polling day. This year it was 16 April. This is the same date as the deadline for applications to vote by post. It is a significant day in the election timetable and requires a tremendous effort to ensure that all processing is completed in good time to enable the postal voters' data file to be produced for transfer to our print suppliers. The postal ballots themselves were handed over to Royal Mail on 21 April.

The timescale for producing 45,574 postal ballot packs is extremely tight and it was absolutely vital that we met the agreed dealines and production schedule. To ensure they were met our print supplier worked 24 hours a day including weekends. We were also on site on the weekend to check quality and accuracy.

Printing and Postal Ballot Preparation and Despatch

All printing work was undertaken by Adare. This included poll cards, postal ballot packs, ballot papers and corresponding number lists. We had pre election meetings with Adare setting out needs and establishing a provisional timetable. Adare were once more thorough and accurate. All print was done to time and mailings despatched to Royal Mail on time.

We were on site on three occasions to sample print quality and accuracy and to witness the handover to Royal Mail.

The quality of the postal ballot product assisted the efficient opening and processing of postal ballots.

A post election 'lessons learned' meeting has taken place with Adare.

Home Visits

Where necessary we made appointments to take out replacement postal ballot packs. This happened on 5 occasions and was well received.

Postal Ballot Opening and Personal Identifier Verification Process

Our confidence that we would be able to verify 100% of the personal identifiers on postal vote statements returned was well founded. The system worked very well which is a great comfort as it is expected that in the near future we will be mandated to check 100%.

In the Civic Building we had the use of the ground floor training room and the second floor meeting room. Using the second floor meeting room for the IT side enabled us to split the process and therefore make the operation very efficient.

To ensure each opening session was manageable we estimated the likely return of postal ballots and planned to process a set number at each session to even out the workload. We took deliveries from Royal Mail at about 8 a.m. each day. These had to be quickly checked and counted into ballot boxes for each ward ready for the opening session commencing at 10 a.m.

The morning session commenced at 10 a.m. and comprised opening, initial checking and then batching for scanning. The scanning operation began at 11 a.m. and ran through into the afternoon. It was at this stage that decisions on rejections for mismatched signatures and dates of birth were made. At 3 p.m. the third stage commenced which comprised the opening of ballot paper envelopes and dealing with provisional rejections.

We were able to print out original reference signatures and dates of birth and therefore able to show candidates the rejections during the afternoon sessions. A number of candidates took up the opportunity.

Using two rooms gave us more space for working and having the IT in just one room gave us the flexibility to continue scanning later into the afternoon if it proved necessary.

Whilst the rooms were accessible to candidates and agents there was insufficient space for it to be comfortable. If candidates and agents had attended in number we would have had difficulty in accommodating them.

At the end of each day we reviewed that day's work and carried out quality control checking. This went on in the Electoral Services office often to 7 p.m.

A very complimentary letter written by Councillor Darren Hughes about the way we handled the process appeared in the Rotherham Advertiser. It reads:

> *"I would also like to thank the electoral services staff who dealt with the processing of the postal votes. Postal voting has come under a*

lot of negative press in the last few weeks and I would like to state as a candidate at the time, I had 100 percent confidence in the staff performing their duties and that the procedure was both fair and accurate"

Whilst we were very pleased with the performance of the system we are not complacent and will look to improve on the process and have already suggested a couple of improvements to our software supplier. My Senior Electoral Services Officer who takes the lead role in processing postal votes attended a meeting with our software supplier in June.

Key staff attended training and other staff were briefed at each opening session.

Polling Day

Polling equipment was delivered to polling venues by 2010 staff on the Wednesday and collected up on the Friday.

Whilst we did not have a shortage of polling staff we were down to the bone by polling day.

All new presiding officers were required to attend training and a number of less experienced presiding officers also attended training. Four separate training sessions were held. All polling station inspectors attended a combined briefing and training session.

On 30 April presiding officers attended a briefing before collecting their ballot boxes. This was followed by a briefing for poll clerks.

The team of polling station inspectors worked well. We also had two employees of the Council as roving interpreters. Their presence on the ground is very useful.

To assist with the Thursday night count we used polling station inspectors to make an evening collection of postal ballots delivered to polling stations. To do this more effectively we would have to recruit more polling station inspectors.

All polling stations were open on time and only minor issues were experienced during the day.

The Electoral Services Office was staffed until 9 p.m. which was sufficient to meet the statutory needs. After that the service was backed up with a combination of contacts through polling station inspectors and electoral services staff at Magna.

Counting of Votes

The count commenced as the polls closed at 10 p.m. Special arrangements had to be put in place to deal with postal ballots that were delivered during the day and up to the close of the poll.

The arrangements for getting presiding officers in and out of Magna worked well. The last box arrived at 11.05 p.m.

Count supervisors were briefed at 8.30 p.m. and made their way to their own count areas and briefed their counting staff.

A team of staff that would be responsible for receiving ballot boxes and parcels from polling stations and ensuring that they were delivered to the correct ward count were briefed as to their duties.

Overall the procedures at the count went very well but there was a delay of around one hour awaiting the final postal ballots. Most results were in by 1 a.m. and the final result following a recount for the Maltby Ward by 1.20 a.m.

Electoral Services staff left Magna around 2 a.m. having ensured that all sensitive materials were secured.

Commencing the counting of votes on the Thursday is a contentious issue. The delay we experienced in the count was simply the need to process the final postal ballots that had been received up to the close of the poll. There were no other technical difficulties. Had there been technical difficulties the delay could have been significantly longer resulting in the count having to be reconvened during Friday.

My professional view and that of a growing number of my colleagues is that counting should not take place on Thursday night. This view is supported in the Gould report into the 2007 Scottish elections commissioned by the Electoral Commission.

> *"After carefully weighing the pros and cons of the alternatives, we recommend that if the polls continue to close at 10.00pm, there should be no overnight count of the ballot papers."*
>
> <u>*Gould report*</u>

At a post election seminar hosted by the Electoral Commission in Manchester on 9 May we suggested that if we are to be required to count on Thursday night legislative changes should be made to *"impose a deadline of 5 p.m. on polling day for the return of postal ballots and an end to the expectation of the 'final sweep' by Royal Mail"*.

After the Count

This is essentially the sorting out of election documents and preparing them for storage. Documents from the election have to be stored for 12 months and some are available for public inspection during that time. The rules governing this require the supervision of anyone inspecting documents.

Election expenses returns and declarations from candidates will be received and copies prepared for inspection. These have to be kept for 2 years.

I estimate that we also spent two weeks after the election compiling statistics for the Electoral Commission.

Publicity for the Election

In collaboration with colleagues in West and South Yorkshire we again ran the TV campaign "Apart from That" on the ITV channel. It ran from 20 April to 1 May being shown on 61 occasions 26 of which were at peak viewing times. Publicity posters using images of the campaign were displayed at council buildings and libraries.

In addition notices and a link to the TV campaign web site were available on the Council's web pages via the Electoral Services link.

The statutory notice of election was published in several newspapers and on the Council's web pages.

Polling cards to both ordinary and postal voters were delivered in the week commencing 7 April.

8. **Finance**

   The cost of the election is being met from the current budget.

9. **Risks and Uncertainties**

Accommodation

A number of comments were made to us by candidates and agents in respect of the "poor working conditions". For my part I have concerns for the secure storage of elections equipment, the necessary working space for preparing equipment, secure storage space for postal ballots and sufficient secure working space for processing postal ballots. Errors are more likely to be made where the working conditions are unsuitable.

At the moment the Council is looking at accommodation as part of the town centre renewal but it is unclear what the new provision will mean for electoral services. Plans for open-plan office space and hot-desking would not be suitable for the work of electoral services.

The accommodation available to us at present is a cause for concern. The basement storage area where ballot boxes have to be stored and prepared is not suitable. One-third of the ballot boxes have to be prepared in the corridor and kept in the corridor for several days. Security remains a concern here and the working conditions are poor. Staff are working stooped over boxes and the boxes themselves are becoming heavier with all the new requirements.

The space available for processing postal ballots remains unsatisfactory yet there are distinct benefits in using available space in the same building as the electoral services office because it cuts down on transport needs and does not require the removal of all equipment at each session. This makes the process far more efficient, secure and reliable. Colleagues in other authorities have also learned that taking down computer systems and transferring them to count locations for the final sessions on polling day is risky.

Storage of materials from the election is also a problem and we may have to resort to commercial storage. Unfortunately the majority of the documents we are required to keep are available for public inspection and storing off-site for the first few months could be a problem.

The lack of working space for sorting out papers after the election considerably hampers progress. It took to the end of May to complete the task. With sufficient space it would have been completed sooner.

Accommodation issues do not relate solely to elections. For the annual canvass we have similar problems particularly preparing equipment for about 75 personal canvassers who will through the period of the personal canvass be visiting the office.

It is difficult to plan ahead or to consider what refinements we can make to existing processes without the knowledge of what future accommodation we will have. At the moment Cabinet have agreed;

> *"that a project is established to report on the accommodation options to house election storage, evidence storage, general storage, printing facilities, bibliographic, book storage and museum artefact storage".*

My concern is not simply storage but for example whilst ballot boxes can be stored off-site we still need sufficient on-site secure working space to prepare them for elections and for their distribution and collection by presiding officers.

At the Count

I received complaints from staff and candidates regarding the number of observers attending one of the ward counts. It appears that a number of people had circumvented our arrangements.

We have a health and safety duty to manage the number of people attending the count as well as a need to maintain a suitable environment for staff to work in. We have always allowed each candidate to bring observers and have left it to the candidate's discretion as to who the observers are. We also have a duty to treat all candidates equally and only candidates, their election agent and polling agents are entitled to be close to the counting tables when the votes are being counted.

To deal with this at future counts I propose to have no observers present (this would be in line with a view of the police expressed at a seminar organised by the Electoral

Commission prior to the election) and instead allow the appointment of additional counting agents by each candidate. It is a statutory requirement that the returning officer is notified of the names and addresses of counting agents by a statutory deadline. Security printed numbered tickets would be issued and entry to the count managed by non-council staff.

Electoral Services Staff

It is accepted up to a point that long hours have to be worked by the permanent electoral services staff if elections run to very tight timescales are to succeed. The long hours of intense work over several weeks culminate in a very long polling day often finishing in the early hours of the following day.

In recent years and certainly since 2007 the work especially behind the scenes has become very complex, technical and intense. A great deal of experience and skill is required by senior electoral services staff to ensure success.

> *"(2) Unreasonable demands on key election officials….*
> *The most important officials involved in the count are Returning officers and their Deputes, followed closely by other senior election staff. This group is tasked with some or all of the following: ensuring the count runs smoothly; resolving problems; responding to enquiries and complaints; ensuring that every voter's ballot paper is counted unless it is rejected after careful scrutiny; and announcing the official result.*
>
> *Many stakeholders in the electoral process insist and expect that these tasks be conducted efficiently, professionally and in a timely manner, starting at 10.00pm on polling day and proceeding for as many hours as the job takes. This is an unreasonable expectation. It is placed on officials, most of whom have been working long hours in the days leading up to polling day and, in most cases, for a previous 16 consecutive hours on the day itself. Stakeholders, such as party and candidate agents and other election observers, are also expected to be alert and insightful after spending long hours at the polls. No one would be expected to drive a lorry safely for these excessive hours, yet the expectation is that these individuals should be tasked with making critical decisions that affect the governance of Scotland for the next four years."*
>
> <u>***Gould report***</u>

The comments above from the Gould report are just as valid for the English elections. However, the Scottish elections to which the comments relate did not then have to deal with the verification of personal identifiers on postal ballots. Additionally the consecutive hours worked by the permanent electoral services staff in Rotherham was around 20 hours.

> *"(2) Ensure the primary objective is quality of decision-making not speed of the count…..*
> *To achieve the highest level of confidence in the counting process, it is essential that all stakeholders remain convinced that a*

completely accurate count has been conducted. There can be no assurance of this when those responsible for the count are fatigued."

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Gould report

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Whilst I am happy that the counting of votes was well organised and well managed it is a serious cause for concern that fatigue can lead to unnecessary errors and poor decisions. In recent years it is issues relating to postal votes and the counting the votes that has generated the most election challenges.

10.   Policy and Performance Agenda Implications

The overall turnout of electors was 34.52%. We issued 45,574 postal ballots of which 72.42% were returned. The overall turnout was up slightly from last year's 33% but the turnout for postal voters was slightly down from the 2007 figure of 74.8%.

11.   Background Papers and Consultation

The Independent Review into the 2007 Scottish Elections conducted by Ron Gould and commissioned by the Electoral Commission.

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