**SCRUTINY COMMITTEE**

Thursday 28 May 2020

# A REVIEW OF POSTAL VOTING AND COUNT ARRANGEMENTS AT THE DISTRICT AND EUROPEAN ELECTIONS IN EAST SUFFOLK IN 2019

**EXECUTIVE SUMMARY**

1. This report reviews two issues raised with the Scrutiny Committee following the District and European elections in 2019 namely, concerns about the delivery of postal votes and the time taken to input data at the count.

2. Postal Votes:  the issue of the delivery of postal votes has been reviewed.  The whole process of issuing postal votes is strictly controlled by a pre-determined electoral timetable.  Where a postal vote is not delivered, strict checks must be implemented before a replacement postal vote can be issued.  There are various reasons why a postal vote may not be delivered, including voter error and a delivery error by the postal system.  It is acknowledged that sometimes an administrative error may occur and a postal vote may not be issued where it has been requested by a voter.

3. Data Input:  the process of data input has been reviewed by the management of the Electoral Services function.  Given the need to ensure the absolute accuracy of the count, and the result of the election, results are inputted into an Electoral Services system in order to reduce the scope for error to an absolute minimum.  The review of the District election has acknowledged that the number of seats being counted, and therefore the number of results to be declared, did cause an inputting delay at the count.  This will be resolved in future by adding extra input screens to the count process.

4. The Scrutiny Committee is invited to consider the conclusions of this review of the issues raised and to note the conclusions reached.

| Is the report Open or Exempt? | Open |
|---|---|

| Wards Affected: | All |
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| Returning Officer: | Stephen Baker |
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# 1 INTRODUCTION

1.1 East Suffolk Council has a duty to provide electoral management services for its local electorate. This applies to all types of election and referendum for local councils, including Parish, District, County and Parliamentary General Elections. It also includes the administration of elections for electing the Police and Crime Commissioner, for local and national referenda and for votes by local communities on proposed Neighbourhood Plans.

1.2 This is a unique service within the Council given that the Returning Officer, who is usually the Chief Executive or a senior member of staff, is formally accountable to the central government department requesting the election, rather than to elected members of their own local authority.

1.3 In 2019 the Electoral Services team delivered three elections:

- 2 May 2019 - District Council and Town and Parish Council elections
- 23 May 2019 - European Parliament election
- 12 December 2019 – Parliamentary General election

1.4 This report is focussed on the elections held on 2 May 2020 (District) and 23 May 2019 (European) and addresses concerns raised at those elections regarding:

- Postal votes
- Count arrangements

# 2 POSTAL VOTES

2.1 The issue that the Scrutiny Committee wishes to consider is that it was reported that some postal votes had not been delivered and that this disenfranchised the voter who had not received their postal vote.

2.2 Process:

The process for the management of postal votes is determined by the Electoral Commission and is a legal electoral procedure. These processes and timelines are the same for every Electoral Services team across the country; the process determines the dates for the issue and receipt of postal votes and how they are opened and validated. The timeline for this process is made available to the public and in particular Election Agents find this useful as part of their management of their election campaign and to arrange observers to be present when postal votes are received and opened by the Electoral Services team prior to Polling Day.

2.3 Each postal vote has a unique number, which is cross referenced with the voter's name, date of birth and signature. If a voter does not receive their postal vote as expected, or if it is destroyed or spoilt for some reason, then a replacement postal vote can be requested. However, the process for issuing replacement postal votes must be carefully scrutinised in order to avoid any potential for electoral fraud. Legislation states that we can only start to replace lost postal votes four working days before the poll.

2.4 Postal votes are issued in envelopes that have a special mark, a purple 'flash', that makes them stand out from other postal items. They also have wording on them to make them easily identified.

2.5 What were the concerns raised?

Concerns were raised by some candidates and their agents that they were being advised that voters had not received their postal votes. These reports were referred to the Electoral Services team. Given that the Electoral Services team has a responsibility, and a professional obligation, to ensure each voter is able to exercise their right to vote, each report of a missing postal vote was thoroughly investigated.

2.6    It was found that:

- Some voters thought they had registered for a postal vote but, on investigation, it was clear they had not.

- Some postal votes were not delivered at the time expected by Royal Mail.

- Some voters had mislaid or lost their postal vote, or it had inadvertently been destroyed and so a replacement was required.

- Some voters had moved house but omitted to advise the Electoral Services team.

- Some voters who live abroad suffered a delay in the arrival of their postal vote due to the postal system and assumed that it had not arrived.

2.7    As an example, one voter who was resident in France contacted Electoral Services complaining bitterly that she had not received her postal vote and yet her husband had received his. The team quickly established that her vote had been sent, but to a different address to her husband. Her husband later contacted the team and explained that he and his wife had recently moved house in France and whilst he had amended his address on the electoral roll, his wife had failed to do so. He was quite apologetic for her manner on the telephone.

2.8    The Electoral Services team issued a total of 68,026 postal votes across East Suffolk for the two elections and only replaced six as a result of an administrative error.

2.9    Response from the Returning Officer:

The Electoral Services team makes every effort to ensure every voter is able to vote in every election in which they are entitled to vote. If a voter reports that they have not received their vote, then every effort is made to replace that vote. It is possible that, given the number of postal votes processed by the Electoral Services team, occasionally a request for a postal vote is missed. However, often the Electoral Services team are blamed when they are not at fault.

## 3    COUNTING ARRANGEMENTS

3.1    The issue that the Scrutiny Committee has asked to be reviewed is the time taken to conclude the counting process, immediately prior to the declaration of the result. Comment has been made that the data input took longer than expected.

3.2    Process:

A District Council holds an election to elect councillors to the local authority. In the case of East Suffolk, this requires 55 councillors to be elected which, in turn, requires 55 counts and declarations. The count for a District Council election is, therefore, distinctly different to that of a General Election, which provides one result for a parliamentary constituency.

3.3     Once each ballot box is verified (to ensure the number of papers in the box tallies with the number that were issued by the Presiding Officer), the votes are counted to determine the winning candidate. These results are entered into a spreadsheet which is part of the system used by Electoral Services. This records the votes cast and also provides the printed declaration that is used by the Returning Officer to announce the result.

3.4     The issue to be addressed is a specific aspect of the counting arrangements and only applies to the District election. The concerns raised referred to the stage in the process, after the ballot papers for each ward have been counted, when the number of votes cast for each candidate, plus the number of spoilt or doubtful papers, are entered into the final spreadsheet on the Electoral Services IT system to check that this matches the verified number of ballot papers that should be in the ballot box. This total will already have been checked and verified for each ballot box earlier in the process.

3.5     The time taken for this part of the process can be increased significantly by the number of candidates that stand for a District ward, or Parish Council. This check ensures that no ballot papers have been mislaid, double counted, or missed in the counting process. An accurate count is always essential, for obvious reasons, but this is especially important when the number of votes cast is small, and therefore the winning margin can be narrow, as can be the case with District ward elections, and Town and Parish elections. In addition, there were only three votes between a second and third candidate in one two seat ward which meant we had to recount several times to ensure that the result was consistent and accurate.

3.6     What were the concerns raised?

        Some complaints were received from the candidates and agents attending the count that the results took too long to be entered into the system, and so the declarations were unnecessarily delayed.

3.7     Response from the Returning Officer:

        The delay in providing the results was apparent at the count. It must be remembered that it is the responsibility of the Returning Officer to provide an accurate result, and key to that is that each ballot paper count, and the total of all the numbers of votes cast for each candidate, is the same as the verified total of papers in the ballot box that was returned from the polling station. Therefore, the process could not be rushed.

3.8     However, the speed of the data input process, and of then declaring the results, was acknowledged as being too slow by the Electoral Services team. This issue was noted on the night of the count and in future, more input screens and appropriately skilled staff will be provided to speed up this part of the process.

3.9     It should also be noted that this election was the first for East Suffolk Council and there was a considerable sense of excitement and anticipation amongst those watching the results unfold with feelings running high. As a result, it was evident that many of the attendees at the count were especially eager to learn the results of this important election.

## 4     HOW DOES THIS RELATE TO THE EAST SUFFOLK STRATEGIC PLAN?

4.1     Effective electoral services administration is vital to ensure that voters, political parties, candidates and agents have confidence in the election process. This links with the Business Plan because an effective service enables all those eligible to vote being able to exercise their right.

**5      FINANCIAL AND GOVERNANCE IMPLICATIONS**

5.1     There are no new financial or governance implications for the Council as a result of the review undertaken.


**6      CONSULTATION**

6.1     No external parties were consulted in the preparation of this report.


**7      REASONS FOR RECOMMENDATION**

7.1     The issues that the Scrutiny Committee has asked to be investigated have been thoroughly investigated.

7.2     The concerns about postal votes have been considered and whilst several reasons have been identified that would cause postal votes to go missing, many of these are outside the control of the Electoral Services team.

7.3     The concerns about the delays at the count have been investigated and acknowledged. Indeed, the officers responsible for the management of Electoral Services have already implemented plans to increase the number of screens used for data inputting at future elections in order to avoid a repeat of the delay that occurred in May 2019.

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**RECOMMENDATION**

That the report by the Returning Officer be considered and the conclusions that follow the review of the issues raised be noted.

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**BACKGROUND PAPERS –** none