



The timing of election counts

Report and recommendations

July 2012

Translations and other formats

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Summary

Voters should be able to rely on election results being both accurate and timely. Elections can result in swift changes in government, traditionally overnight. When a formal election campaign begins, debate in the public domain about when votes are going to be counted should be unnecessary. Voters should be able to focus on what the election is about. Broadcasters should be able to plan well in advance how they will communicate the election results.

There is no single solution that will prevent future controversies about the timing of election counts since those with a stake in the process have divergent views and perspectives. There have been very few calls for new law on how decisions on count timings are made, however, meaning that where change is needed, those with an interest want the current framework to work better.

In order to make the current framework work better, the most significant recommendation we make in this report concerns dialogue at the early stage of election planning, allowing different perspectives to be identified and addressed in the circumstances of each case. We make recommendations about the principles that should underpin decisions on the timing of election counts, including how and when dialogue should take place and decisions announced.

We hope that election Returning Officers (ROs) and others to whom this report is directed will adopt the recommendations we make. Our recommendations are aimed at achieving better and early dialogue where needed in forums relevant to each election, leading to decisions based on lessons learnt from previous elections, detailed planning and accounting for views received. Decisions need to be explained by ROs and those with an interest informed.

We will reflect the recommendations we make in this report in future in the published guidance we provide for ROs on the conduct of elections. We will monitor the implementation of the recommendations and review how well they are being followed in our future published reports on elections.

Principles

In general, current election rules require ROs to start counts as soon as practicable after polls close¹. In doing so, they should be achieving accurate and timely results. No respondents disagreed with the fundamental principle underpinning election counts that we set out in our Issues Paper, and what that means in practice:

¹ Our Issues Paper contains a detailed explanation of the legal provisions and current rules applying to each election in the UK.

- The need to ensure an accurate result in which voters, candidates and political parties have confidence.
- That means that the period of time at which counts takes place must be such that election Returning Officers (ROs) (or counting officers (COs) in a referendum) can resource and conduct a well-run count process from start to finish, ensuring the accuracy of the result.

The timing of decision-making

- In order to allow political parties and candidates to campaign and voters to make their choices on the substantive issues at the heart of the election, decisions on the timing of the count should be taken outside of the campaign period proper. That is, before notice of election is issued (or the writ moved in the case of the UK Parliamentary general election)
- Counts at UK Parliamentary general elections are required to begin within four hours of close of poll, unless a report is made to the Electoral Commission as to why counting did not begin at that time. Planning decisions about the timing of counts should be made not later than the end of January preceding a fixed term general election (or an election expected to be called) in May.
- Decisions about the timing of counts for fixed term elections to the Scottish Parliament, National Assembly for Wales and Northern Ireland Assembly, should be made not later than the end of January preceding an election taking place in early May.
- In the case of elections to the European Parliament, decisions should be made not later than the end of February preceding an election taking place in early June.
- Where an election involves electronic voting, such as local elections in Scotland and for elections for the Mayor of London and London Assembly, current practice where decisions are taken not later than the end of January preceding an early May election should be continued.
- The same approach should apply in UK-wide, national or regional referendums, with decisions made not later than the end of January preceding a referendum taking place in May.
- Exceptions requiring a late change of plan may be necessary in particular local circumstances

Dialogue involving those with an interest

- Dialogue should take place between politicians, political party representatives and ROs, and be informed by input from broadcasters and news organisations relevant to the election
- ROs should explain what factors are relevant to decisions in the particular circumstances

- Dialogue should precede final decisions being made by ROs.
- Existing national forums for national election planning can be used for the purpose.
- The same approach should be applied to UK-wide, national or regional referendums.

Returning Officers should give reasons for their decisions to those concerned

- ROs should give written reasons for their decisions to those concerned and affected by the outcome, taking account of views which have been expressed and the balance of factors leading to their decision in the particular circumstances. The purpose is to help people understand the reasons.
- The same approach should be applied by Chief Counting Officers (or equivalent) in referendums.

We will ask ROs for information about their count arrangements to place on our website, meaning that there will be a central location where people can find out information on election counts.

Recommendations for particular elections

This report contains recommendations specific to each type of election held in the UK, along with an explanation as to why the recommendations are made in each case.

Looking ahead

Over the next few years, it is likely that a greater number of elections and referendums will take place, including, potentially: a referendum in Scotland; referendums in England on council tax increases and neighbourhood planning; elections to the House of Lords; elections to National Park authorities in England and elections for the 'recall' of MPs. Increased numbers of elections and referendums means that more electoral events are likely to be combined.

Innovations in electoral processes will continue to be developed and electronic counting may become increasingly used. Whatever developments do occur and whichever elections and referendums are combined, however, the timing of counts will continue to be a factor. We hope that the principles we recommend in this report will assist in underpinning the way decisions are made on the timing of counts.

1 Introduction

About this report

1.1 In November 2011, we circulated an Issues Paper² about the timing of election counts across the UK. We invited responses to the Issues Paper, which sought views from interested people on a series of questions. This report contains our recommendations on the timing of election counts, following analysis of the responses received to our Issues Paper.

1.2 The Electoral Commission is an independent body which reports directly to the UK Parliament. We regulate political party and election finance and set standards for well-run elections. We put voters first by working to support a healthy democracy, where elections and referendums are based on our principles of trust, participation, and no undue influence.

1.3 We are responsible for publishing reports on the administration of elections and referendums and, in several of our recent reports, the question of the timing of election counts has been an issue. Our reports have identified that many Returning Officers (ROs) have considered that increasingly complex election counts would be better conducted the morning after the close of poll, while governments, political parties and candidates have often pressed for counts in major elections to take place immediately after the close of polls. This has led to controversies in the public domain ahead of major elections. Delays in decision-making have resulted in planning problems for all concerned, including for broadcasters planning election results coverage.

1.4 In general, current election rules require counts to begin as soon practicable after polls close, with local Returning Officers making decisions on when counting begins.

1.5 The Electoral Commission has no role in determining the timing of any election counts, although we do have a role in relation to the timing of referendum counts when the Chair of the Commission is Chief Counting Officer for a referendum.

1.6 We circulated the Issues Paper to fulfil an undertaking in our reports on the elections and referendum held on 5 May 2011³. Our Issues Paper included:

² The Electoral Commission *The timing of election counts: Issues Paper* (November 2011)

³ The Electoral Commission *Referendum on the voting system for UK Parliamentary elections Report on the May 2011 referendum; Report on the Scottish Parliament election on 5 May 2011; Report on the National Assembly for Wales general election 5 May 2011* (October 2011)

- A review of recent developments on the timing of counts at major elections across the UK
- Consideration of the practical factors that affect the counting of votes after polling stations close
- Consideration of the various perspectives held by: those who campaign in elections; those who are responsible for conducting election counts; media organisations who cover election results; and voters
- A summary of current law on the timing of election counts across the UK
- Specific questions as to whether the position needs to change on how decisions on the timing of election counts are made and, if so, how.

1.7 We sent the Issues Paper to: the UK Government, Scottish Government, Welsh Government, political parties, elected members who have expressed an interest in this issue, ROs in Great Britain, the Chief Electoral Officer in Northern Ireland, broadcasters and news organisations, and to a number of agencies, professional bodies, and representative organisations including:

- Association of Electoral Administrators (AEA)
- Society of Local Authority Chief Executives (SOLACE)
- Society of Local Authority Lawyers and Administrators in Scotland (SOLAR)
- Electoral Management Board for Scotland
- London Elects
- Local government associations

1.8 We published the Issues Paper on our website, where we also invited interested members of the public to submit views. We discussed the issues in various forums and arranged meetings with other interested individuals or groups on request.

1.9 By mid-June 2012, we had received 78 written submissions, the majority from individual ROs and election staff, along with three political parties and the major broadcasters and news organisations. In addition, we held discussions with 39 elected representatives and all the main political parties at UK-wide level and in Scotland, Wales and Northern Ireland. A list of respondents is at Appendix B.

1.10 The aim of this report is to:

- Summarise views received in response to our Issues Paper
- Put forward a set of principles to underpin decision-making on count timings
- Strengthen the evidence base on which decisions about count timings are made
- Make recommendations about the timing of election counts in specific elections and sets of circumstances

1.11 We circulated our Issues Paper to enable views and perspectives to be shared by interested parties free from imminent decisions about the timing of

the count in any particular election. We will publish separate reports in July 2012 on the May elections held in England and across Wales and in September 2012 on the local elections held in Scotland, including reporting on any issues that arose about those election counts.

Overview

1.12 Voters should be able to rely on election results being both accurate and timely. Elections can result in swift changes in government, traditionally overnight. When notice of election is published by ROs or the writ moved for a UK Parliamentary general election, signifying the formal start of the election campaign, debate in the public domain as to when votes are going to be counted should be unnecessary. During an election campaign, voters should be able to focus on the substantive issues of the election. Broadcasters should be able to plan well in advance how they will communicate election results.

1.13 Those with a stake in the process have divergent views and perspectives. The responses we received to our Issues Paper, however, contained hardly any calls for legislative change on how decisions on count timings are made⁴, meaning that where change is needed, those with an interest in the issue want the current framework to work better.

1.14 In order to make the current framework work better, the most significant recommendation we make in this report concerns dialogue at the early stage of election planning, allowing different perspectives to be identified and addressed in the circumstances of each case. We make recommendations about the principles that should underpin decisions on the timing of election counts, including how and when dialogue should take place and decisions announced.

1.15 We hope that election Returning Officers (ROs) and others to whom this report is directed will adopt the recommendations we make. Our recommendations are aimed at achieving better and early dialogue where needed in forums relevant to each election, leading to decisions based on lessons learnt from previous elections, detailed planning and accounting for views received. Decisions need to be explained by ROs and those with an interest informed.

1.16 We will reflect the recommendations we make in this report in future in the published guidance we provide for ROs on the conduct of elections. We will monitor the implementation of the recommendations and review how well they are being followed in our future published reports on elections.

⁴ Our Issues Paper contains detailed information on the legislative provisions on count timing for each election in the UK.

2 Principles

2.1 Responses to our Issues Paper demonstrate that the vast majority of those with an interest agree that certain principles should underpin decisions on the timing of election counts. This Chapter contains the principled recommendations we make as a result of receiving views.

Ensuring an accurate result

2.2 In general, current election rules require counts to begin as soon practicable after polls close, with local Returning Officers making decisions on when counting begins⁵. In doing so, they should be achieving accurate and timely results. Our Issues Paper set out our view that the fundamental principle underpinning decisions as to the timing of election counts is the need to ensure an accurate result in which voters, candidates and political parties have confidence. The same principle applies to referendum counts.

2.3 Looking at what that means in practice, the period of time at which counts takes place must be such that election Returning Officers (ROs) (or counting officers (COs) in a referendum) can resource and conduct a well-run count process from start to finish, ensuring the accuracy of the result.

2.4 Our Issues Paper contained a summary of how an election count is conducted, along with a description of the various factors that affect the timing of the count. For the purposes of this report, references to election counts include both its stages, that is, the verification of ballot papers and the counting of votes.

2.5 Verification is a legal requirement essential to achieving an accurate result and prevent fraud. It entails comparing the total number of ballot papers at the count with the number of ballot papers accounted for by each polling station, to identify any anomalies. Accuracy at verification is vital, before the count can move to its second stage. Ballot papers can then be sorted, adjudicated, counted, reconciled, and if necessary recounted, to determine the total number of votes for each candidate.

2.6 No respondents disagreed with the fundamental principle underpinning decisions on the timing of election and referendum counts that we set out in our Issues Paper, and what that means in practice:

⁵ Our Issues Paper contains a detailed explanation of the legal provisions and current rules applying to each election in the UK.

- The need to ensure an accurate result in which voters, candidates and political parties have confidence.
- That means that the period of time at which counts takes place must be such that election Returning Officers (ROs) (or counting officers (COs) in a referendum) can resource and conduct a well-run count process from start to finish, ensuring the accuracy of the result.

Decisions before election campaign periods

2.7 The nub of the issue about the timing of election counts has been that a number of ROs have considered that increasingly complex election counts, especially involving checking postal votes, would be better conducted the morning after the close of poll when staff are fresh and less likely to make mistakes. Governments, political parties and candidates continue to press for counts in major elections to take place immediately after the close of poll, pointing to our democratic tradition of overnight change in government, the theatre of election night and voters' expectation of continuous overnight broadcast coverage from the moment polls close through to results being received. Candidates and political parties, having campaigned hard and with their political careers at stake, understandably want results as soon as possible. In our view, voters should be able to rely on election results being both accurate and timely.

2.8 Increasing moves by ROs towards counting the day after the close of polls have led to controversies in the public domain ahead of major elections. Late decision-making, sometimes but not always a consequence of controversy, has also caused planning difficulties for all concerned, including for broadcasters planning election results programmes.

2.9 When a formal election campaign begins, debate in the public domain about when votes are going to be counted should be unnecessary. Decisions on the timing of the count should be taken in advance of the election campaign period proper, that is, before notice of election is issued (or the writ moved in the case of the UK Parliamentary general elections).

2.10 The vast majority of respondents agreed with this principle, with some mentioning that this is already the case in their local authorities. A number of ROs and electoral services managers responding referred to the established principle of significant decisions on elections being resolved six months ahead of an election and pointed out that count venues and polling stations are normally booked 6-12 months in advance.

2.11 Respondents agreed that decisions on election counts must be taken early enough to enable effective planning by all concerned. Self-evidently this is helpful to ROs and their staff who deliver elections but also to broadcasters planning election results programmes and news coverage, these latter being the

principal means by which the public is engaged in and informed about elections results.

2.12 Broadcasters explained in detail the consequence of late decision making⁶. The BBC pointed out that their planning of UK Parliamentary general election news coverage is on an enormous scale and takes at least six months to ensure a programme of the sort of high production values expected for such an occasion, with global interest. They told us that their planning has been severely compromised by late-decision making by ROs, especially where the timing of counts is not confirmed until election campaigns have begun. One network broadcaster who responded to our Issues Paper called for a duty on ROs to reach decisions by a specified date and the BBC called for information to be available not less than three months before the beginning of the election campaign.

2.13 Given the level of broad agreement on the need for early decision-making and the significance of the issue, we believe it would helpful to specify the timescale by which decisions should be reached.

2.14 Counts at UK Parliamentary general elections are required by law to begin within four hours of close of poll, unless a report is made to the Electoral Commission as to why counting did not begin at that time. We believe it reasonable that planning decisions about the timing of counts should be made not later than the end of January preceding a fixed term general election (or an election expected to be called) in May.

2.15 In the case of fixed term elections to the Scottish Parliament; National Assembly for Wales and Northern Ireland Assembly, it is reasonable to expect decisions also to be made not later than the end of January ahead of an election to be held in early May.

2.16 Following that principle, in the case of elections to the European Parliament, decisions should be made not later than the end of February preceding an election taking place in early June.

2.17 Where an election involves electronic voting, such as local elections in Scotland and for elections for the Mayor and London Assembly, it is already current practice for decisions to be taken not later than January in the year preceding an early May election and we commend that approach.

2.18 The same principles apply to referendums. In the case of referendums held under the Political Parties Elections and Referendums Act 2000, the Chair of the Commission or someone they appoint is Chief Counting Officer (CCO). For the referendums held in Wales in March 2011 and UK-wide in May 2011, the

⁶ For further details, see Appendix A.

Chair of the Commission was CCO and had a power of direction to achieve consistency, meaning she was able to direct the time that the counting of votes began. She sought views from interested parties by issuing a paper about the timing of the count in each referendum and made directions following receipt of views received (in early and late December 2010 respectively). We recommend that a similar process is followed in other UK-wide, national or regional referendums, with decisions made not later than the end of January before a referendum taking place in early May.

2.19 There will always be exceptions where particular local circumstances may require a change of plan, but such instances are likely to be limited. For example, it might be necessary for security or other reasons to change the count venue at short notice and change of planned timings may necessarily follow.

Recommendation: the timing of decision-making

- In order to allow political parties and candidates to campaign and voters to make their choices on the substantive issues at the heart of the election, decisions on the timing of the count should be taken outside in advance of the campaign period proper. That is, before notice of election is issued (or the writ moved in the case of the UK Parliamentary general election)
- Counts at UK Parliamentary general elections are required to begin within four hours of close of poll, unless a report is made to the Electoral Commission as to why counting did not begin at that time. Planning decisions about the timing of counts should be made not later than the end of January preceding a fixed term general election (or an election expected to be called) in May.
- Decisions about the timing of counts for fixed term elections to the Scottish Parliament, National Assembly for Wales and Northern Ireland Assembly, should be made not later than the end of January preceding an election taking place in early May.
- In the case of elections to the European Parliament, decisions should be made not later than the end of February preceding an election taking place in early June.
- Where an election involves electronic voting, such as local elections in Scotland and for elections for the Mayor of London and London Assembly, current practice where decisions are taken not later than the end of January preceding an early May election should be continued.
- The same approach should apply in UK-wide, national or regional referendums, with decisions made not later than the end of January preceding a referendum taking place in May.
- Exceptions requiring a late change of plan may be necessary in particular local circumstances

Dialogue involving those with an interest

2.20 Our Issues Paper invited views on the principle that dialogue should take place between politicians, political party representatives and ROs, and be informed by input from broadcasters and news organisations. While dialogue has the potential to improve understanding of the various perspectives of those concerned, the role of dialogue was an issue on which all our respondents agreed.

2.21 While the majority of respondents broadly agreed that discussions were helpful, ROs and electoral services managers were wary of creating the impression that the views of national politicians and media would be the determining factor, since the priority was to resource and conduct a well-run count process from start to finish, ensuring the accuracy of the result. Some ROs and electoral services managers, while agreeing that discussions were helpful, were concerned that decisions should be free of political or media influence. Others pointed out that talking about the issues did not necessarily mean that full agreement would be reached by all concerned.

2.22 A small number of ROs and electoral services managers did not favour canvassing of views before decisions were taken. They were concerned that consultation raises expectations and that at most an RO should advise interested parties of their intentions and consider responses received.

2.23 At the same time, responses from politicians showed that lack of any dialogue in advance of decisions being taken by ROs is an issue which causes frustration to political parties and candidates. Some elected members, when telling us of their experience as election candidates locally, felt they were only told of decisions already taken and that the national perspective of elections was overlooked.

2.24 A small number of MPs were concerned that dialogue by ROs would not be meaningful and could be ignored and/or that dialogue about count timings could actually consolidate an undesirable move away from counting immediately after the close of poll.

2.25 The major network broadcasters who gave us their views all felt that insufficient account was taken by some ROs in the logistical difficulties they faced in planning their broadcasts, which provide a public service to the electorate. The BBC commented:

A significant minority of ROs still seemed to regard television as an irritation which is accommodated on sufferance. This relates directly to decisions about the timing of election counts in that – on some occasions – little priority is given to the practical needs of broadcasters in terms of the level of planning or organisation required.

2.26 While we endorse the point made by several ROs that views of politicians or the media cannot be the deciding factor in ROs' decisions as to the timing of

election counts, we nevertheless consider that hearing all views and having dialogue can help avoid disputes in the public domain following decisions made. Seeking views from those concerned also ensures that decisions made by ROs are better informed and evidence-based.

2.27 We therefore recommend that dialogue takes place at an early stage, before final decisions are taken by ROs. This means seeking input from the main political parties at a level appropriate to the election and, where relevant to the particular election, from the main broadcasters and news organisations with an interest. ROs should explain what factors are relevant to decisions in the particular circumstances (see following section for a list of the types of factors). Appropriate forums for national election planning should be used for holding dialogue in national elections.

2.28 Our performance standards for ROs⁷ call for post-election review of election procedures, with a lessons learnt evaluation. We already give guidance to ROs to the effect that planning for forthcoming elections should include reviewing lessons learnt from previous elections. That process is an additional means of informing dialogue about the timing of the count with interested parties locally, involving reviewing evidence of what actually happened in practice when a count was held at a particular time. ROs should invite local candidates and party representatives to give their perspective as part of the post-election evaluation. We will make this clear in our guidance to ROs.

2.29 The same approach should be applied to UK-wide, national or regional referendums.

2.30 We recommend dialogue to inform decision-making, but the ultimate responsibility for making decisions remains that of ROs.

Recommendation: dialogue involving those with an interest

- Dialogue should take place between politicians, political party representatives and ROs, and be informed by input from broadcasters and news organisations relevant to the election
- ROs should explain what factors are relevant to decisions in the particular circumstances
- Dialogue should precede final decisions being made by ROs.
- Existing national forums for national election planning can be used for the purpose
- Final decisions made by ROs must be free from undue political or media influence.
- The same approach should be applied to UK-wide, national or regional referendums.

⁷ Electoral Commission *Performance Standards for Returning Officers*, Performance standard 5b

Reasons for decisions

2.31 After dialogue has been undertaken, it follows that, when decisions have been made by ROs, reasons for those decisions should be explained to those concerned with the outcome. The majority of ROs responding to our Issues Paper agreed with this principle, while nearly all those respondents who are interested in or affected by the outcome of ROs' decisions called for reasons to be given.

2.32 As suggested by a respondent to our Issues Paper, explanations given by ROs should include a summary of the views which have been expressed and set out the balance of factors that have led the RO to the particular determination. The summary should be in writing and aimed at helping people understand the reasons for the decision.

2.33 In our Issues Paper, we explained in some detail the kinds of factors that may lead an RO to a particular decision, alongside views expressed. In brief, the kinds of factors include:

- The importance of a timely result in the particular set of elections
- The electoral system
- Combination of different elections or elections with referendums
- The introduction of significant change to an electoral system or electoral process
- Ballot paper: relative complexity and number of choices for voter
- Volume and management of returned postal votes
- Geography
- Voter turnout
- Marginality of election
- Security and safety
- Potential for severe weather affecting transport of ballot boxes
- Resources, including availability of staff and venue
- Electronic counting
- Count methods and management

2.34 Similar approaches to those we are recommending for elections should be applied by the Chief Counting Officer (or equivalent) in referendums.

2.35 We will ask ROs for information about their count arrangements to place on our website, meaning that there will be a central location where people can find out information on election counts.

Recommendation: ROs should give reasons for their decisions to those concerned

- ROs should give written reasons for their decisions to those concerned and affected by the outcome, taking account of views which have been expressed and the balance of factors leading to their decision in the particular circumstances. The purpose is to help people understand the reasons.
- The same approach should be applied by Chief Counting Officers (or equivalent) in referendums.

Our guidance to Returning Officers

2.36 We will reflect the recommendations we make throughout this chapter in future in the published guidance we provide for ROs on the conduct of elections, including recommendations as to:

- When decisions should be made
- Who ROs should have dialogue with before making decisions
- The kinds of factors relevant to decision-making
- Templates to explain decisions made, taking account of views expressed and with reasons given.

2.37 We will monitor the implementation of the recommendations and review how well they are being followed in our future published reports on elections.

3 Recommendations for particular elections

3.1 Our Issues Paper sought views on how decisions are made in relation to particular elections. In this Chapter we make recommendations based on views received.

UK Parliamentary general elections

3.2 The scope of decision-making of (Acting) ROs at UK Parliamentary general elections is already prescribed, in that they are required to begin counting within four hours of the close of poll or report to the Electoral Commission with their reasons as to why they did not do so. This requirement, a change to the law, followed considerable debate in Parliament in 2010.

3.3 Because of this change, the position as to the timing of counts has in effect already been resolved, albeit by a change in the law as a result of political debate rather than by consensus involving (Acting) ROs. Prior to the general election in 2010, when it appeared that a number of ROs might count votes the day after the close of poll, a 'Save election night' campaign resulted in the change in law.

3.4 Our Issues Paper identified that the requirement to start counting within four hours of the close of poll could be problematic if a general election were combined with other types of scheduled elections or if, for example, there were a change to the electoral system or a significant change to electoral process. The workability of the requirement could depend on the particular combination rules or how the electoral process change was introduced – a process change might require a revision to election rules in any event.

3.5 Our Issues Paper posed the question whether the requirement for (Acting) ROs at UK Parliamentary general elections to start counting within four hours of close of poll should be revisited in the event of combination or a significant change to electoral process.

3.6 The next UK Parliamentary general election will take place on 7 May 2015, as scheduled by the Fixed Term Parliaments Act 2012. That Act also enabled the Scottish Parliament, National Assembly for Wales and Northern Ireland Assembly to defer the date of elections which were already scheduled to be held at that time. The Scottish Parliament and National Assembly for Wales have deferred their elections. However, elections to the Northern Ireland Assembly and local elections in most parts of England and Northern Ireland are all currently scheduled to be held on the same day as the UK Parliamentary general election. It is also possible that House of Lords reform may lead to

elections on the same day, with different constituencies and a different voting system.

3.7 The overwhelming majority of ROs and electoral services staff who responded to this question thought that the requirement to begin counting within four hours of close of poll should be revisited in particular if the UK Parliamentary general election is combined with another scheduled national election or elections. It was felt by many respondents, especially those with experience of running combined with local elections in 2010, that the time taken to complete verification of more than one ballot paper makes it difficult to meet the requirement to start counting of votes within four hours of close of poll.

3.8 The Chief Electoral Officer of Northern Ireland highlighted the particular challenge presented by the combination of the Northern Ireland Assembly and UK Parliamentary general election. He commented that if the UK Parliamentary count took place after close of poll on Thursday and concluded in the early hours of Friday, it was unlikely that the Northern Ireland Assembly count could commence before 2 pm on Friday afternoon. It would be likely to run into a third day, meaning conclusion not until the following Monday (assuming no counting takes place on a Sunday). He called for decisions as soon as practicable on the scheduling of Northern Ireland Assembly and local elections, not least because of the considerable implications for election counts.

3.9 A small number of respondents expressed the view that there should be a requirement to count votes at a fixed time the day following the close of poll.

3.10 The large majority of MPs who gave us views remain strongly in favour of overnight counts. Points made included:

- Parliament had debated the question of overnight counts in 2010 and strongly supported it. That view has not changed. The first option for any RO should be to consider how an overnight count can be resourced and delivered.
- There is no overriding argument to change traditions that have been in place for a very long time.
- The overnight count is 'event television', analogous to the World Cup, where those not interested in football nevertheless watch it; those not interested in politics watch general election results
- A general election is for choosing a new government, the bedrock of our democracy. Sometimes democracy is inconvenient, but it would be unacceptable to stop counting overnight because of inconvenience.
- A general election is held once every five years; more count staff could be employed for fewer hours to ensure the count can be done overnight. Employing more count staff would enable the count to be completed more quickly and reduce the risk of tiredness.
- Completing the count more quickly, by employing more count staff, would encourage more people to attend and stay to the conclusion of the count, thereby improving transparency and engaging more people.

- While ROs give good reasons for choosing to delay counts they should accept the general election overnight count is a show; it can be done and it should be done.
- Many volunteers are involved in political party election campaigns; the overnight count is part of the collective experience of the election, the culmination of their work. Many party volunteers may have difficulty in being involved in a daytime count.
- ROs use accuracy as an argument in favour of counting next day, but in fact issues about accuracy of counting are rare. There is no good reason why accuracy and integrity cannot be achieved in an overnight count that is properly managed and resourced.
- Alternative count processes should be explored, such as counting locally in polling stations, since that would avoid the necessity of transporting ballot boxes and could speed up counting.
- Using technology for the verification process should be more actively explored, since that was the most time consuming part of the process.
- Some had doubts about ROs' reasons for not wanting to count overnight; with some suspicion that it was really a matter of preference to count during the working day and finding administrative reasons to justify that.
- Similarly, some were not convinced that dealing with postal votes on election night was a sufficient reason for delaying the count to the following day. Postal votes handed in to polling stations during polling day should be gathered in during the day and dealt with before the close of poll, meaning that there should be only a very limited number to open after the close of poll.
- It was reasonable to expect ROs to plan to get ballot boxes to count centres and start counting within four hours of close of poll.

3.11 Some MPs who gave their views felt less strongly about overnight counts and thought there could be justifiable reasons for deferring counts to the day after the close of poll. Points made in included the following:

- The presumption should be in favour of overnight counts, but there could be good reasons why this is not possible in particular circumstances.
- During combined elections, verifying votes in both elections has taken a long time, making it difficult to complete the count process overnight.
- Candidates always want to know the result of an election as soon as possible but it would not be unreasonable, if justified in particular circumstances, for that to be by Friday lunchtime the day after close of poll.
- One MP explained that the local RO had talked through the difficulties in completing an overnight count in detail with the MP who then felt he had a better understanding of the processes involved and how long they could take to complete.

3.12 Two major broadcasters also gave us firm views in favour of overnight counts at general elections. ITV News saw the immediacy of an overnight count as the natural conclusion to the electoral and polling process. In a comparatively

simple 'first past the post' election they thought the electorate might find it hard to understand a delay in getting results. Sky News were also strongly against daytime counts, pointing out that overnight election broadcasting has been a feature of UK politics for more than half a century. They felt that election results and news would inevitably lose its intensity and impact if a drift towards daytime counts continues. They saw that as an unfortunate trend at a time when mass media enabled news to be reported faster than ever before

3.13 For ITV News and Sky News what could be an open-ended programme of daytime results would present significant issues. They said it would impinge on the value of commercial airtime, dislodge popular programmes and would not necessarily achieve a larger audience than an overnight programme.

3.14 To ensure that overnight counts remain part of the architecture of British general elections, ITV urged all those involved in the administration of the elections to do everything possible to streamline and modernise verification while underpinning the accuracy of the results.

3.15 The BBC pointed out that exit polls jointly commissioned by all three broadcasters provides a focus for discussion in the early part of the election results programme until the results start flowing in the early hours. At the general election in 2010, even in the middle of the night, viewing figures were never less than one million.

3.16 However, the BBC noted that past difficulties of coverage of election results the following day, because of scheduling clashes with normal programmes, would no longer be an issue for them after 2012 because of access by all viewers to continuous coverage on the News Channel.

Conclusion

3.17 The views submitted to us highlight the strength of feeling and different perspectives on the timing of general election counts. While politicians and political parties may not always recognise the challenges ROs may face with in managing election counts, it is also apparent that ROs have not always explained their reasoning well to political parties or politicians or taken fully into account, for example, the logistical challenges faced by broadcasters planning results programmes. Some of these issues should be addressed by the recommendations we make earlier in this report about dialogue with those concerned before decisions are made and explanations given for decisions.

3.18 Preserving our tradition of overnight counts resulted in a change in the law in 2010, requiring ROs to begin counting within four hours of close of poll, or to report to the Electoral Commission on their reasons for not doing so. Any RO planning to do other than begin within four hours needs clear justification, since voters will continue to expect the majority of results to come in overnight and broadcasters will plan their results programmes accordingly.

3.19 In all cases where an RO does not plan to begin counting within four hours of close of poll, decisions should be made by the end of January preceding a

general election scheduled for (or expected to be held) in early May (see Chapter on 'Principles').

3.20 It is clear that the default position is overnight counting. In the event that general elections are combined with other national elections or referendums in England, Scotland, Wales or Northern Ireland, however, the requirement to begin counting within four hours of poll should be revisited. The reason is because of the need to complete verification of more than one set of ballot papers before counting of votes commences. That would include, for example, elections to the Scottish Parliament, National Assembly for Wales and Northern Ireland Assembly and potentially, for example, elections to the House of Lords run on different constituencies to the House of Commons. Combination with elections to the Scottish Parliament and National Assembly for Wales has been avoided at the next UK Parliamentary general election in 2015, by the postponement of elections to the devolved institutions.

3.21 We distinguish the position of local elections in England that are combined with UK Parliamentary elections, where these form part of the cycle of local elections normally held every two years by thirds, since the current legislative provisions enable reasons to be given why a particular count does not begin on within four hours of close of poll.

Recommendation: UK Parliamentary general elections

Counts at UK Parliamentary general elections are required by law to begin within four hours of close of poll, or ROs must make a report to the Electoral Commission of their reasons for not doing so.

In all cases where an RO does not plan to begin counting within four hours of close of poll, decisions should be made by the end of January preceding a general election scheduled for or expected to be held in early May (see Chapter on 'Principles').

However, in the event that UK Parliamentary general elections are combined with scheduled elections or referendums at national level in England, Scotland, Wales or Northern Ireland, the requirement to begin counting within four hours of close of poll should be revisited by the UK Government, in light of the need to complete verification of more than one ballot paper before counting of votes commences.

This recommendation excludes local elections in England, where these form part of the cycle of local elections normally held every two years by thirds, since existing legal provisions enable a report to be made to the Electoral Commission as to why counting did not begin within four hours of close of poll.

European Parliamentary elections

3.22 The results of European Parliamentary elections cannot be declared until close of polls across Europe. It is current practice for European Parliamentary regional returning officers (RROs) in Great Britain to adopt a common time for counting votes so that most results can be announced on Sunday evenings after the close of poll⁸.

3.23 European Parliamentary RROs have a power of direction to achieve greater consistency, which they may use to direct local ROs as to the timing of local counts.

3.24 If a European Parliamentary election is combined with any other electoral event, such as another election or a referendum, it would be important to resolve the question of when votes should be counted at an early stage. However, this can be achieved through existing practice, providing that the rules for the combined electoral event are suitable and sufficient and in place at least six months before the combined event is held.

3.25 Our Issues Paper asked respondents if, in their view, any change is required to the current practice as to the timing of European Parliamentary election counts. No respondent considered that was necessary, but the broadcasters and news organisations emphasised the importance of early decision-making.

3.26 Consistent with the principles we have already set out, decisions should be made not later than the end of February preceding an election taking place in early June.

Recommendation: European Parliamentary elections

No change is required to current practice on the timing of counts of European Parliamentary elections, that is, with national coordination of decisions by Regional Returning Officers across the UK.

Decisions should be made not later than the end of February preceding an election taking place in early June.

⁸ In Scotland, not all local ROs count on the Sunday night, which means results have not been available until the Monday morning after close of poll. Northern Ireland does not commence counting until the Monday morning following close of poll.

Northern Ireland Assembly

3.27 We noted in our Issues Paper that, after the Northern Ireland Assembly election in 2011, the Chief Electoral Officer made a commitment to carrying out a full review of the arrangements in place for managing elections and conducting counts in Northern Ireland. The difficulties encountered at the May polls made it imperative that the review's terms of reference were sufficiently wide to address the shortcomings identified in the conduct of the count. One of the outputs should be a timetabled and resourced action plan for improving the future delivery of elections and counts in Northern Ireland. The CEO is exploring the potential benefits of e-counting. He plans to consult the political parties on any proposed changes to the Assembly count.

3.28 We recorded in our Issues Paper that, as a review of the arrangements for managing elections and conducting counts in Northern Ireland is proceeding, we consider that no additional action is required at this stage. No respondent questioned that conclusion. We have already stated our intention to publish a progress report on the CEO's review in October 2012.

Scottish Parliament elections

3.29 In relation to elections to the Scottish Parliament, the Convener of the Electoral Management Board⁹ (an RO) has sought to involve political parties at the national level in issues relating to count timings, articulating and co-ordinating the views of ROs. In the lead up to the Scottish Parliament election 2011, for example, on behalf of the ROs she prepared a paper for the Scottish Parliament Political Parties Panel setting out the pros and cons of both overnight and next-day counting and the factors which ROs took into account in reaching their decisions. The Panel includes representatives of political parties in the Scottish Parliament, together with Scottish Government and Scotland Office officials, the Electoral Management Board, the Boundary Commissions, Royal Mail, and the Electoral Commission.

3.30 While the process did not avoid controversy, since ROs still felt under political pressure to count overnight, it achieved some clarity ahead of the election. The Elections Convener has sought to ensure that decisions have been made well before the election campaign period proper. The process could be strengthened, building on previous initiatives, by including input from broadcasters and news organisations in Scotland in the process.

3.31 Our Issues Paper asked respondents about whether any change was required to the current practice of reaching decisions, led by the Elections Convener, as to the timing of Scottish Parliament election counts. The number of

⁹ The Electoral Management Board was established in 2008 to coordinate elections to the Scottish Parliament, although it does not have a statutory basis.

responses from stakeholders in Scotland was low, but none called for any change and were supportive of current practice.

3.32 Responses from the major broadcasters highlighted the need for early decision-making in all elections to aid planning and a consistent approach to each election.

3.33 Following the principles we have already set out, decisions should be made not later than the end of January in the year preceding an election taking place in early May.

Recommendation: Scottish Parliament elections

No change is required to current practice on the timing of counts of Scottish Parliament elections, that is, where the Convener of the Electoral Management Board involves political parties at the national level in issues relating to count timings, articulating and co-ordinating the views of ROs and seeking to ensure that decisions have been made well before the election campaign period proper.

The process could be strengthened, building on previous initiatives, by including input from broadcasters and news organisations in Scotland in the process.

Decisions should be made not later than the end of January preceding an election taking place in early May.

National Assembly for Wales

3.34 In relation to elections to the National Assembly for Wales, there are established forums for election planning, but no routine practice of seeking views or dialogue with senior political party representatives as such or with broadcasters over the timing of election counts. There is a Wales Election Planning Group, currently convened by Welsh Government officials, which is an information-sharing forum. Regional Returning Officers (RROs) and ROs also have planning discussions, facilitated by the Commission, at which count timings are discussed.

3.35 All but one respondent to our Issues Paper favoured existing forums being used to seek views of interested parties without the need for a change to the law. Most AMs who had a view on the issues in discussions with us felt it ought to be possible to reach Wales-wide decisions through a nationally coordinated approach, with views being sought from representatives of political parties, without the need for a change in the law.

3.36 Several respondents and the large majority of AMs with whom we discussed the issue, however, raised issues about how existing arrangements

had operated in practice for the May 2011 elections. The concern was the lateness of decision-making and, simply, that consensus was not reached.

3.37 Plaid Cymru called for a statutory officer in Wales who would be responsible for coordinating elections, with a power of direction for Assembly elections, local authorities and any referendum held only in Wales. The party called for the statutory officer to be accountable to the Assembly, not the Electoral Commission, on the grounds that the Commission reports on the elections.

3.38 An RO responding opposed the introduction of the power of direction, but if there were a power of direction, considered it should be with the Electoral Commission as an independent body.

3.39 Without the introduction of a statutory officer with a power of direction, there needs to be improvement in the national planning process to avoid any similar difficulties to those experienced ahead of the Assembly elections in 2011.

3.40 Decisions should be made by RROs and ROs, following that national dialogue, not later than the end of January in the year preceding an election taking place in early May and reasons given (see Chapter on 'Principles').

3.41 Our Issues Paper sought respondents views on whether all five electoral regions in Wales always begin counting at the same time, even if that meant it was more likely that counts will take place the day following the close of poll.

3.42 It was acknowledged by the majority of ROs and electoral services managers responding that ideally there should be consistency across Wales, but some ROs and electoral services staff were concerned that this should not be at the expense of local circumstances.

3.43 AMs, reflecting the views already declared by all four political parties, along with the major broadcasters who responded, unanimously called for consistency on the grounds that this is a national election with a national profile. A number of politicians called for counts to be overnight.

3.44 In light of the views received, the default position should be that all five electoral regions plan to count at the same time. It will, however, be necessary to consider the practicability for the whole of Wales in the circumstances of the particular case, in considering whether or not the count will be overnight or next day.

3.45 Should substantial difficulties recur at the Assembly elections in 2016, the question of introducing a role of a statutory elections officer, similar to the role of the Elections Convener in Scotland, with a power of direction, should be given further consideration.

Recommendations: National Assembly for Wales elections

There is insufficient support for legislative change with the introduction of a statutory officer holder with a power of direction for the Assembly elections at this stage.

However, there must be improvement in the national planning process to avoid any similar difficulties to those experienced ahead of the Assembly elections in 2011 for the Assembly elections in 2016.

Existing national planning forums should be used for views to be sought and shared on the timing of election counts.

Decisions should be made by RROs and ROs not later than the end of January in the year preceding an election taking place in early May.

The default position should be that RROs and ROs in all five Assembly electoral regions plan to count votes at the same time.

Should substantial difficulties recur at the Assembly elections in 2016, the question of introducing a role of a statutory elections officer similar to the role of the Elections Convener in Scotland, and with a power of direction, should be given further consideration

Local elections in England and in Wales

3.46 In relation to local elections in England and local elections in Wales, we noted in our Issues Paper that there appears to have been a general acceptance, including by politicians and political parties, that local decisions on the timing of election counts are more appropriate. The outcome of local elections as a whole is important to political parties and for UK and devolved governments and outcomes can reflect voters' views on national governance, but campaigning and party activism is mainly local in focus.

3.47 ROs and electoral services managers, who responded felt that they were currently able to identify and decide on the arrangements for the timing of counts at local elections depending on the particular circumstances within their local authority areas. A group of councillors responding from one locality supported the RO's decision to count local elections the day following the close of poll on grounds of complexity. Another group supported overnight counts in principle but accepted that there were occasions when this would not be feasible.

3.48 ITV News called for counts to begin as soon as possible after polling, so that the results and outcomes – often complex at local levels – are known and can be reported to the audience and electorate.

3.49 This report was completed shortly after local elections held in 143 local authorities in England¹⁰ and all local authorities in Wales (and Scotland) in May 2012. Timing of local counts differed between those ROs counting overnight and those counting the day after the close of poll. Reasons for the different approaches included: the number of elections being held; whether or not district or community council elections were also being held; geographic size of the locality and urban/rural mix. No issues emerged about when counts were being held, although there were a small number of issues about how long it took for some counts to be completed. These issues related to effective count management and resourcing.

3.50 Broadcast coverage of the May 2012 elections commenced immediately after polls closed on Thursday night in election results programmes and continued throughout the following day on 24 hour news channels and main network news programmes (latterly focussing on the mayoral elections in London and local elections in Scotland, both of which were being counted on Friday rather than overnight).

3.51 It remains important that ROs continue to engage with local political parties, candidates and agents, so that there is a well-informed local dialogue between about the timing of election counts in the context of the local circumstances.

3.52 Lateness of decision-making by elections officers was an issue for the BBC, Sky News and ITV News, all of whom said that decisions were too often left to the last minute. This made the allocation of broadcasting resources difficult and led to late, and sometimes expensive, changes in deployments. Certainty at an early stage in the process would enable the best and most comprehensive coverage.

3.53 Consistent with the recommendations on the timing of decision-making we make early in this report, ROs should ensure that their decisions on the timing of the count are taken outside of the campaign period proper. That is, before notice of election is issued. Those with an interest, including local parties, should be informed at that early stage and all local candidates should be advised of count arrangements at the briefing meetings ROs normally hold for election candidates. Broadcasters with an interest should also be informed.

¹⁰ In 10 cities, local elections were combined with referendums on whether or not to introduce directly-elected mayors; combined in one local authority with a referendum on whether to retain an existing mayoral system; and combined in two cities with mayoral elections.

3.54 The same principles on decision-making apply to local referendums.

Recommendation: Local elections in England and Wales

ROs should engage with local political parties, candidates and agents, so that there is a well-informed local dialogue about the timing of election counts in the context of the local circumstances.

ROs should take decisions on the timing of local counts outside of the campaign period proper, that is, before notice of election is issued. Those with an interest, including local political parties and broadcasters, should be informed at an early stage.

The same principles on decision-making apply to local referendums.

Local elections in Scotland

3.55 Local elections in Scotland from 1999 to 2007 were held on the same day as Scottish Parliament elections. The local elections held on 3 May 2012 were the first stand-alone elections for 17 years.

3.56 Because of the linkage with Scottish Parliament elections, counts for local elections have since 1999 been held during the day (Friday) following the close of poll. The basis of this has developed from voluntary agreement to, latterly, legislative provision. Legislation for the 2012 local elections required that the RO make provision as soon as is practicable after the close of poll for the electronic counting of votes.

3.57 We noted in our Issues Paper that the elections in 2012 were the first local elections at which the Electoral Management Board and the Elections Convener were in place on a statutory basis¹¹. The Elections Convener (an RO) has a power of direction over other ROs (and electoral registration officers). She consulted with the Scottish Parliament Political Parties Panel, the Convention of Scottish Local Authorities (COSLA) and others on the question of the timing of Scotland's local counts to enable effective planning. That consultation included discussion of all relevant factors facing the election including the use of e-counting technology. A decision was taken that the counts would take place the day after the close of polls. In the event, no issues were raised about the count taking place the day after the close of poll.

3.58 UK-wide broadcast coverage of the May 2012 local elections being held across Great Britain commenced immediately after polls closed on Thursday night, with election results and analysis programmes, and continued throughout the following day on 24 hour news channels and main network news

¹¹ Local Electoral Administration (Scotland) Act 2011.

programmes. Latterly, this focussed on the mayoral elections in London and local elections in Scotland, both of which were being counted on Friday rather than overnight. Broadcast coverage in Scotland during Friday focussed particularly on the elections there.

3.59 We welcome the full and inclusive consultative process undertaken by the EMB prior to making a decision on the timing of local counts.

Elections for Mayor of London and London Assembly

3.60 Our Issues Paper noted that the Greater London Returning Officer (GLRO) has based decisions on the timing of election counts following consultation with his election steering group. Prior to the 2008 elections, the GLRO liaised with political parties and prospective independent candidates in the build up to the elections and also had plans endorsed by the GLA Elections Review Committee.

3.61 Since the adoption of e-counting in 2000, the GLRO and Constituency Returning Officers have considered that the only practical choice was to commence counting on a coordinated basis on Friday morning following the close of poll. This takes into account the fact that all the ballot boxes from the constituencies, which are made up of two to four boroughs, need to be transported to a central count location.

3.62 No respondent to our Issues Paper raised any concerns or issues about the current process. Dialogue with local political parties, candidates and agents about the elections held on 3 May 2012 were undertaken, and all those with an interest were informed about when counting would begin and the likely time that would be taken to count votes.

3.63 In the event, no issues were raised about the timing of the counts, which took place across three venues on the day after polls closed. There were significant technical issues at one of the three count venues which delayed the start of the verification and count at that venue¹². The issues raised were unrelated, however, to the decision in principle about when to start counting the elections.

Police and Crime Commissioner elections

3.64 Elections for Police and Crime Commissioners in England and Wales will be held on 15 November 2012, using the Supplementary Vote electoral system. At the time of publishing this report, Police Area Returning Officers (PAROs) are giving consideration to the timing of election counts as part of planning discussions. PAROs will have powers to give legal directions on the conduct of

¹² For more detail, see our forthcoming report on the elections.

the elections to local ROs within their relevant police area, including on the timing of election counts.

3.65 There are several significant factors in relation to those elections, including:

- Most voters outside London are unused to the Supplementary Vote system
- Similarly, most ROs and their staff outside London have not counted votes using Supplementary Vote (SV) before
- The particular nature of SV means it is vital to coordinate the timing of counts across the police force area, as any second stage count required cannot be confirmed or completed until the initial results are in from all local authorities within the force area.
- However, the local authorities within the electoral areas may not have coordinated the timing of their counts with any other local authorities in that electoral area before. Further, the electoral areas are in some cases different to electoral areas used for other elections, with different Area ROs. Tried and tested regional and local communication networks will not be in use, therefore, in every case.
- The elections do not involve the return of a government
- A number of candidates may be new to elections and electoral processes

3.66 The principles in this report should underpin decisions about the timing of counts for these elections. We will publish guidance to PAROs on election counts, which will take into account these issues and include the need to ensure consistency within each police area.

3.67 We will publish a report on the elections, including any issues that may arise about the timing of election counts.

Recommendation: Police and Crime Commissioner elections in England and Wales

Police Area Returning Officers should take account of the guidance we will publish for the Police and Crime Commissioner elections, including on the timing of election counts and based on the principles in this report.

Looking ahead

3.68 Over the next few years, it is likely that a greater number of elections and referendums will take place, including, potentially: a referendum in Scotland; referendums in England on council tax increases and neighbourhood planning; elections to the House of Lords; elections to National Park authorities in England and elections for the 'recall' of MPs. Increased numbers of elections and referendums means that more electoral events are likely to be combined.

3.69 Innovations in electoral processes will continue to be developed and electronic counting may become increasingly used. Whatever developments do occur and whichever elections and referendums are combined, however, the

timing of counts will continue to be a factor. We hope that the principles we recommend in this report will assist in underpinning the way decisions are made on the timing of counts.

Appendix A

Responses to consultation questions

Our Issues Paper asked respondents to consider a number of questions. This Appendix summarises the responses we received to the questions asked and additional comments we received.

Many respondents welcomed the Commission raising the issues contained in the paper, noting that timing of counts had become increasingly contentious.

This is a well-constructed and thoughtful document and the consultation by the Electoral Commission on this issue is to be welcomed.

Returning Officer

General factors (not identified in the Issues Paper) that impact on the administration of election counts

The Issues Paper identified a number of factors which affect when it is reasonably practicable for ROs to start counting votes after the close of poll. We asked respondents to give us their views on other factors that impact on the administration of election counts.

Checking returned postal votes

Our Issues Paper identified the impact of checking signatures and dates of birth on returned postal votes on the administration of election counts. A considerable number of responses from ROs and Electoral Services staff, as well as the Association of Electoral Administrators (AEA), strongly emphasised its significance, since postal ballot papers returned relatively late cannot be counted until the security checks are complete.

One respondent was concerned about the impact of a new statutory requirement to check signatures and dates of birth on 100% of returned postal votes:

Although most authorities do this as standard the requirement to check 20% is a fall back should there be problems.

Head of Democratic Services

Some respondents in Wales who had undertaken the Wales referendum verification and count during the day following the close of poll noted how much more organised the count felt, because ballot boxes were set out and stored overnight securely, all postal votes accounted for, and all the associated paperwork completed without pressure.

My key staff felt that the whole process was less frenzied and more organised than conducting the verification and count immediately after the close of polls.

Returning Officer

Staff recruitment

A considerable number of responses from ROs, electoral services staff and the AEA also emphasised the significant impact of not being able to recruit suitable staff in sufficient numbers to work at overnight counts.

This part of the Issues Paper (resources, staffing and venue) does not really acknowledge the scale of the problem

Returning Officer

'It is becoming increasingly difficult to recruit sufficient count staff for an overnight count given the length of time they may be expected to work, and rates of pay on offer.

AEA

Daytime counts give us a greater and richer pool of staff to draw upon. Costs of counting during the day are far lower than during the night.

Electoral Services Manager

However, others considered there were more difficulties and higher staff costs involved in next day counting.

In my experience, next day counts are more costly as counting halls double in price and to encourage people who act as counting staff to take a day's leave to attend the count, then a higher fee must be set.

Returning Officer

Long working hours

A number of respondents also emphasised the need to consider further the risks associated with elections staff working through polling day, overnight at the count and often into the next day.

[bearing in mind] the long hours these staff have been worked in the run up to and during the elections timetable it is clear that there are risks both in terms of the process but also in terms of health and safety of staff

AEA

Gould identified this risk in his report [on Scottish Parliamentary elections in 2007] and concluded that a fresh team should undertake preparations overnight and that counts should commence the next morning. The AEA supports that conclusion.

AEA

However, far from all ROs and electoral services staff thought that counting the next day was a solution to avoiding fatigue; a number pointed out that counting the next day could exacerbate the situation.

I have discussed [counting overnight] with the senior members of my election team and whilst this does sometimes mean they are working very long hours over two days, the delaying of the count until the next day does not necessarily mean they have more rest...I do not find that we make more mistakes counting through the night.

Returning Officer

The commencement of term of office of elected members

A number of respondents commented on the relevance of when successfully elected candidates take up office after election results are declared.

Respondents pointed out that in the case of local elections there is no urgent need for counts to be conducted overnight as successful candidates do not in any event take up office until the fourth day after the date of poll¹³. In the case of elections to the London Mayor and London Assembly, term of office commences on the second day after the day on which the last of the election results is declared, in practice the Sunday after counting concludes on a Friday¹⁴

The impact of allowing those in queues at close of poll to cast a vote

The AEA and a respondent local authority highlighted a potential issue relating to queues at polling stations at the close of poll. They noted the Commission's recommendation to UK Government to change the law to allow electors queuing at polling stations at the close of poll to vote.

¹³ Section 7 (1) Local Government Act 1972

¹⁴ Section 2 (8) Greater London Authority Act 1999.

Both respondents felt that if this recommendation was brought into effect, there may be some slight delays to the start of the count where polling stations closed later than 10 pm.

Are there any other significant perspectives from governments, candidates and political parties on election counts?

Views from elected members

We held meetings with a number of MPs during the period of consultation, at which the timing of counts was one of the issues discussed, as well as receiving written submissions. Their views are included in the section below on UK Parliamentary general election counts.

Similarly, views received from Members of the National Assembly for Wales were in the context of those elections and are included below in the relevant section.

Views from political parties

The Conservative Party commented that it appreciated that the timing of counts is a significant issue for those involved in elections. The Party gave the view that counts for elections to the UK Parliament should be conducted as quickly as possible so that the country is not left without a government. Voters, activists and candidates want to know the result as soon as possible. In an age where news is received faster than ever before, delaying the counting of votes would be a backward step.

For devolved Assemblies and Parliaments, the party's view is that the element of proportionality will delay the overall result beyond the counting of constituency results. It was understood, therefore, that it might be more practicable to delay the count until the following morning.

With regard to all other elections, the party considered that counts should take place as quickly as possible, depending on the desires of the local community concerned.

The Scottish National Party's view was that when electronic scanning and counting equipment was used counts should be held the day following close of poll.

Plaid Cymru considered that the most important principle behind the decision making on timing of counts at major elections in Wales is consistency, that is, that the count begins in all constituencies at the same time.

What impact might daytime counts have on public access to election results via broadcast and news coverage?

We received views from all the major broadcasters of election results and network news, that is, the BBC, ITV, plus ITV Wales, and Sky News.

The BBC pointed out that exit polls jointly commissioned by all three broadcasters provides a focus for discussion in the early part of the election results programme until the results start flowing in the early hours. At the general election in 2010, even in the middle of the night, viewing figures were never less than one million.

They noted that past difficulties of coverage of election results the following day, because of scheduling clashes with normal programmes, would no longer be an issue after 2012 because of access by all viewers to continuous coverage on the News Channel.

The BBC commented that it took its responsibilities as a public service broadcaster during elections extremely seriously, including ensuring that the audience/electorate had access to open, immediate and independently gathered declarations of results. It felt that majority of ROs seemed to share that view and give outstanding cooperation in accommodating cameras and staff, often in difficult logistical circumstances, to promote the public interest in elections.

However, there is a significant minority of ROs still seemed to regard television as an irritation which is accommodated on sufferance. This relates directly to decisions about the timing of election counts in that – on some occasions – little priority is given to the practical needs of broadcasters in terms of the level of planning or organisation required.

The BBC pointed out that late decision-making on the timing of counts is the most problematic aspect of coverage for programme-makers. For the last general election, the BBC brought in 70 satellite trucks from abroad, in addition to its normal deployment of UK rigs and the programme editor alone visited 130 count centres before polling day. The planning (deployment of staff, transport and logistics) is on an enormous scale and takes at least six months to ensure a programme of the sort of high production values expected of the BBC for such an occasion and with such global interest.

What remains severely compromising to the ability of planners in delivering such output efficiently is late decision-making of ROs, especially where the timing of their counts is not confirmed until the campaign has begun.

The BBC estimated that it made somewhere in the region of 7,000 phone calls to local authorities before the 2010 general election in an attempt to confirm

whether counting would be overnight or the next day. They pointed out that this was not only time-consuming and expensive for the BBC but, bearing in mind that other media must also be making some similar calls, a very large cumulative burden on local authorities themselves. Although the Electoral Commission set up a central database, the BBC noted that many councils did not contribute their information or failed to keep it up to date.

The BBC urged an emphasis on ROs providing the necessary information on timing of counts not less than three months before the beginning of the election campaign.

In other elections, the key factor for the BBC was not so much whether counts should be overnight or the next day, but the need for there to be a single early approach to each election. The situation at the National Assembly for Wales was the most obvious example; it would, in the BBC's view, be in the audience's interest if all five regions in that election were consistent in their decisions about the timing of counts.

The same principle applies to other elections, outside the general election: improved focus and interest regarding election results would be best served by a single, timely and co-ordinated policy to decide whether counts should take place overnight or the following day.

ITV News saw the immediacy of an overnight count as the natural conclusion to the electoral and polling process. In a comparatively simple 'first past the post' election they thought the electorate might find it hard to understand a delay in getting results.

They pointed to the impact of the televised Leaders' Debates in 2010 to demonstrate the significance of broadcasting, particularly television, in election campaigns. These brought back to life a sense of their being something at stake and the need for people generally to become involved, events around which audiences could gather and which fuelled continuing debate. Election night programmes, which not attracting the same level of viewers as the first Leaders' Debate on ITV1 still offers the important shared experience in which the audience can witness the outcome of their voting .

For ITV, a commercial public service broadcaster, what could be an open-ended programme of daytime results would present significant issues. It would impinge on the value of commercial airtime, dislodge popular programmes and would not necessarily achieve a larger audience than an overnight programme.

To ensure that overnight counts remain part of the architecture of British general elections, they urged all those involved in the administration of the elections to do everything possible to streamline and modernise verification while underpinning the accuracy of the results.

ITV also gave comments on each type of election which, in summary, called for a consistent approach to counting at each election and a preference that counting begins as soon as possible after close of poll.

Sky News were strongly against daytime counts, pointing out that overnight election broadcasting has been a feature of UK politics for more than half a century. They felt that election results and news would inevitably lose its intensity and impact if a drift towards daytime counts continues. They saw that as an unfortunate trend at a time when mass media enabled news to be reported faster than ever before and commented:

The overnight election broadcast is an authoritative voice that should not be silenced.... From the perspective of a long-established network broadcaster with a tradition of election night results programmes to its name, we see the immediacy of an overnight count as the natural conclusion to the electoral and polling process...

Election night programmes are an ideal showcase of our democratic process... Many viewers remain with continuous broadcast coverage from the moment the polls closed and through the following day. Overnight seat declarations [in 2010] contributed towards a gripping story about the likelihood of a hung parliament. Overnight broadcasts help to create the collective memory of each general election...

Election night programmes provide useful opportunities for the public to engage with issues that are central towards building a strong democracy. Such programmes are not simply a 'results service' but help to develop the substance of a democratic society whereby citizens are informed about issues and where political dialogue is encouraged.

They also opposed daytime election results programming on grounds of scheduling difficulties and cost. Responding to points in our Issues Paper, the media organisation disagreed with the view given that audiences would be larger during the day.

For a commercial public service broadcaster, what could be an open ended programme into day time would present significant issues. It would impinge on the value of commercial airtime, it would dislodge many popular programmes from the schedule and will not necessarily achieve a larger audience than an overnight programme going to air as soon as the polls close.

A political party who responded acknowledged that viewing figures may well be lower overnight, but broadcasters had all day Friday to inform the electorate of the results and analyse implications. They were concerned that:

there is a danger that there would be less analysis for these potential audiences if the results were announced at the end of the day on Friday

given that there is a significant reduction in news coverage over the weekend.

Plaid Cymru

ROs and electoral services managers who responded to this question were of the view that daytime counts could mean that the public would take more interest in the results, although some respondents thought it would have no effect.

UK Parliamentary general elections

Should the requirement for (Acting) ROs at UK Parliamentary general elections to start counting within four hours of close of poll be revisited in the event of combination or a significant change to electoral process?

Most MPs who gave their views felt strongly that overnight counts should be retained for UK Parliamentary general election counts. Points made included the following:

- Parliament had debated the question of overnight counts in 2010 and strongly supported it. That view has not changed. The first option for any RO should be to consider how the overnight count can be resourced and delivered.
- There is no overriding argument to change traditions that have been in place for a very long time.
- The overnight count is 'event television', analogous to the World Cup, where those not interested in football nevertheless watch it; those not interested in politics watch general election results
- A general election is for choosing a new government, the bedrock of our democracy. Sometimes democracy is inconvenient, but it would be unacceptable to stop counting overnight because of inconvenience.
- A general election is held once every five years; more count staff could be employed for fewer hours to ensure the count can be done overnight. Employing more count staff would enable the count to be completed more quickly and reduce the risk of tiredness.
- Completing the count more quickly, by employing more count staff, would encourage more people to attend and stay to the conclusion of the count, thereby improving transparency and engaging more people.
- While ROs give good reasons for choosing to delay counts they should accept the general election overnight count is a show; it can be done and it should be done.
- Many volunteers are involved in political party election campaigns; the overnight count is part of the collective experience of the election, the culmination of their work. Many party volunteers may have difficulty in being involved in a daytime count.
- ROs ought to look for more comfortable venues with better facilities, which would help both count staff and campaigners, rather than using what are

often cold leisure centres with no seats and just a vending machine, that can make the overnight experience so uncomfortable.

- ROs use accuracy as an argument in favour of counting next day, but in fact issues about accuracy of counting are rare. There is no good reason why accuracy and integrity cannot be achieved in an overnight count that is properly managed and resourced.
- Alternative count processes should be explored, such as counting locally in polling stations, since that would avoid the necessity of transporting ballot boxes and could speed up counting.
- Using technology for the verification process should be more actively explored, since that was the most time consuming part of the process.
- Some had doubts about ROs' reasons for not wanting to count overnight; with some suspicion that for staff really a matter of preferring to count during the working day and finding administrative reasons to justify that.
- Similarly, some were not convinced that dealing with postal votes on election night was a sufficient reason for delaying the count to the following day. Postal votes handed in to polling stations during polling day should be gathered in during the day and dealt with before the close of poll, meaning that there should be only a very limited number to open after the close of poll.
- It was reasonable to expect ROs to plan to get ballot boxes to count centres and start counting within four hours of close of poll.

Some MPs who gave their views felt less strongly about overnight counts and thought there could be justifiable reasons for deferring counts to the day after the close of poll. Points made in included the following:

- The presumption should be in favour of overnight counts, but there could be good reasons why this is not possible in particular circumstances.
- During combined elections, verifying votes in both elections has taken a long time, making it very difficult to complete the count process overnight.
- Candidates always want to know the result of an election as soon as possible but it would not be unreasonable, if justified in particular circumstances, for that to be by Friday lunchtime the day after close of poll.
- One MP explained that the local RO had talked through the difficulties in completing an overnight count in detail with the MP who then felt he had a better understanding of the processes involved and how long they could take to complete.

The overwhelming majority of ROs and electoral services staff who responded to this question thought that the legislative requirement for (Acting) ROs at UK Parliamentary general elections to start counting within four hours of close of poll should be revisited in particular when the Parliamentary election is combined with another election or elections. It was felt by many respondents that due to the length of time it would take to complete verification of more than one ballot paper in a combined election within four hours, it would be very difficult to meet the requirement.

A small number of respondents expressed the view that there should be a compulsory fixed time the following day for counting the votes at a UK Parliamentary election.

The three major broadcasters and news organisations who responded, that is BBC, ITV News and Sky News, all made relevant comments, explained in the section above on perspectives of broadcasters.

European Parliamentary elections

Is any change required to the current practice of reaching decisions as to the timing of European Parliamentary election counts?

No respondent considered there was a need to change the current practice of reaching decisions as to the timing of European Parliamentary election counts.

Scottish Parliament elections

Is any change required to the current practice of reaching decisions, led by the Elections Convener, as to the timing of Scottish Parliament elections?

There were few responses to this question but none indicated any need for change to the current practice of reaching decisions.

The SNP considered that due to the use of electronic scanning and counting equipment then the counts should always be held the next day.

The Conservative Party noted that the element of proportionality in the electoral system would delay any overall result beyond the counting of constituency results. It was therefore understood that it may be more practical to delay the count until the following morning.

What other views might be sought and how should this be done?

One responder to this question supported the current practice of the decision on timing remaining with the Elections Convener, with all main stakeholders being consulted.

The broadcasters who responded, that is, the BBC, ITV News and Sky News, all urged that broadcasting considerations be taken into account in decision-making on count timings (see above for general views of broadcasters). ITV News called for counting to begin as soon as possible after the close of poll.

National Assembly for Wales elections

We met with nearly half of all AMs during the period when views were being sought on the timing of election counts at Assembly elections. The points made by AMs are summarised below.

The vast majority felt that it was critical that there should be a consistent approach to the timing of future counts of National Assembly elections. Many expressed dissatisfaction with the decision to count the votes in the North Wales electoral region at the 2011 Assembly elections on the day after the close of poll, when the other four electoral regions were counting overnight. In North Wales region, votes were verified overnight, placed back in unsealed ballot boxes and stored ready to be counted the following day. Points made included:

- This was a national election with a national result, so all results should be available around a similar time
- The lack of coordination may have had a negative impact on public perceptions of the Assembly
- There should be earlier decision-making on the timing of election counts involving discussion at a suitable national forum
- Most felt it ought to be possible to reach Wales-wide decisions through a nationally coordinated approach, with views being sought from representatives of political parties, without the need for any change in the law
- While many did not have a specific preference on when the ballot papers were actually counted, those that did felt that the votes should be counted overnight.
- A number felt they were informed locally about decisions already made rather than having the opportunity for any input of views and a few said they only heard of decisions via the media.
- The decision to count the North Wales regional vote first followed by the constituencies, in reverse order to that of the other four electoral regions, compounded what felt a very lengthy wait for constituency candidates
- Many pointed out that they were able to get a fair idea of constituency outcomes from the verification process. Verifying votes after close of poll but sealing up ballot boxes and counting the next day added to the stress felt while they waited for to have what they thought might be the result confirmed either way. Meanwhile, press and media were already speculating on outcomes after overnight verification and asking candidates to comment before counting began.
- The bulk of the time spent overnight was on verifying votes. Candidates believed that going on to count constituency votes could in practice have been completed relatively quickly in many cases.
- A number of AMs were concerned that overnight storage posed an unnecessary risk to the integrity of the election result, however small this may be.

What is your view on existing forums and practice for election planning in Wales being used to seek views of political party representatives and broadcasters and news organisations in Wales, to inform RROs and ROs decisions?

Responders to our Issues Paper favoured existing forums being used to seek views of key stakeholders, but some issues were raised about how this had operated in practice for the May 2011 elections:

We have no objections or concerns regarding the use of current forums to seek views from stakeholders on the timing of NAW counts. However, such consultation must be done outside the campaign period proper.
ROs and electoral administrators South Wales West region

Of course no decision should be made without considering the views of all stakeholders.

Electoral Services manager

Prior to 2011 the planning system [involving the Wales Election Planning Group] worked well. ... The reason a meeting with the media had not been called [in 2011] became apparent. The ROs had not reached agreement but were reluctant to proceed on the basis that no agreement could be reached.

ITV Wales

The BBC did not comment on which forum should be used but wanted an early, consistent approach:

The key factor for the BBC is not so much whether counts should be overnight or the next day, but the need for their to be a single early approach towards each election.

BBC

Should the five Regional Returning Officers lead dialogue collectively and seek to reach consensus across the regions following views received?

The majority of respondents were of the view that the aim should be to reach consensus between the RROs in the five electoral the regions. The media organisation who responded called for decisions to be made by a set date.

We agree that the five RROs working with the Electoral Commission should wherever possible seek to reach a consensus regarding the timing of counts for elections to the Assembly. Where no agreement can be met then all relevant stakeholders must be informed by each of the

RROs as soon as practicable.

ROs and electoral administrators, Assembly electoral region

There should at least be a duty on each RRO to reach a decision by a set date.

ITV Wales

Or should there be legislative change to introduce a power of direction to achieve greater consistency?

No respondents to this question favoured legislative change to achieve greater consistency.

While it is possible that such legislation could be introduced to enforce greater consistency as to the timings of counts at Assembly elections, similar to UK Parliamentary general elections, we would be opposed to such a change.

ROs and electoral administrators, Assembly electoral region

If so, should the power of direction be vested in a new post of elections coordinator or convener to be established; or in the Electoral Commission, similar to the position of the Chief Counting Officer in the Wales referendum?

Of those who responded to this question the majority were ROs and electoral services staff. None favoured the introduction of a power of direction to achieve greater consistency.

The final decision with regard to when the count processes will take place must firmly remain with the regional ROs and constituency ROs for each electoral area.

ROs and electoral administrators, Assembly electoral region

ROs would be able to discuss and make this decision without creating a new post of elections co-ordinator.

Electoral Services manager

Elections co-ordinator or convener - no, enough bureaucracy without adding to it

Returning Officer

However, the political party who responded on this question had a different view.

There is a need for a statutory officer in Wales who would be responsible for co-ordinating elections and he/she would have power of direction for

the counting process in Assembly elections, local elections and any referendum in the Welsh context. This officer should be accountable to the Assembly not the Electoral Commission because the Commission has a statutory role in reporting on elections.

Plaid Cymru

Should all five electoral regions in Wales always begin counting at the same time, even if that means it is more likely that counts will take place the same day following the close of poll?

Views diverged on this question. It was acknowledged by the majority that ideally there should be consistency across Wales, but some ROs and electoral services staff were concerned that this should not be at the expense of local circumstances.

While it is not for the BBC to say how such a decision should be made, it would, in our view, be in the interests of our audience if all five regions in that election were consistent in their decision about the timing of counts.

BBC

All election counts taking place at the same time - either overnight or on polling day - can add to the drama of the election...

Overall we stress the need for a consistent approach across the whole of Wales.

ITV Wales

The most important principle is to ensure that the count takes place in all constituencies at the same time.

Plaid Cymru

There is an element of proportionality that will delay any overall result beyond the counting of constituency results. I do understand that it may therefore be more practical to delay the count until the following morning.

Co-Chairman of Conservative Party

I do believe that (Parliamentary and) Welsh Assembly elections must be carried out immediately following the poll as there is country wide interest to have the results as soon as possible.

Returning Officer

We would agree that wherever possible the counting process within the regions should be conducted at the same time. However, the final decision must rest with each individual RRO and CRO based on their individual local circumstances and administrative arrangements.

ROs and electoral administrators, Assembly electoral region

Consensus across Wales would be beneficial to all ROs.

Returning Officer

Seeking of consensus - only by agreement not by imposition

Returning Officer

Local elections in England and local elections in Wales

Is any change required to the current practice of a local approach as to the timing of counts at local elections in England and local elections in Wales?

ITV News called for counts to begin as soon as possible after polling, so that the results and outcomes – often complex at local levels – are known and can be reported to the audience and electorate.

Lateness of decision-making by elections officials was an issue for the BBC, Sky News and ITV News, all of whom said that decisions were too often left to the last minute. This made the allocation of broadcasting resources difficult and led to late, and sometimes expensive, changes in deployments. Certainty at an early stage in the process would enable the best and most comprehensive coverage.

Some groups of local councillors submitted responses. In one locality, councillors supported the RO's decision to count local elections the day following the close of poll, on grounds that increased complexity of elections and number of postal votes meant that a next-day count was more conducive to a successful and accurate count.

Other groups of councillors, while preferring an overnight count in principle, also accepted that there were occasions when this would not be feasible, such as when local elections are combined with national elections meant. In such circumstances it made sense to postpone the local count to the following day.

The majority of rROs and Electoral Services staff responding did not think that any change is required to current practice. Most felt that ROs can identify and decide on the arrangements for the timing of counts at local elections depending on the particular circumstances within the local authority area.

Elections for Mayor of London and London Assembly

Is any change required to the current practice as to determining the timing of counts at the elections for Mayor of London and London Assembly?

The Greater London Returning Officer responded to this question. He pointed out that:

The profile of the GLA elections demands accuracy and e-counting was introduced at the inaugural elections in 2000. In the reviews of those first elections, the political parties accepted that counting the following day would serve to guarantee accuracy and build confidence in the results. Further, an overnight count made no difference to the day on which the new Mayor and Assembly assumed their responsibilities. Consultation with political parties and the media continues and no objection has been raised for 2012.

Greater London Returning Officer

Principles

We invited views on the following principles:

Dialogue should take place between politicians, political party representatives and ROs, and be informed by input from broadcasters and news organisations. Their input is important since it is through them that most voters get to know the results of elections.

The majority of respondents broadly agreed with this principle. However, whilst acknowledging that dialogue is important, ROs and electoral services staff considered that the accuracy and integrity of the count as a first priority.

Agree that dialogue should take place; however delivering a safe and accurate result must be the priority. The decision should not be determined solely by national politicians and the views of the media, while important, should not be the deciding factor.

Returning Officer

I acknowledge the input of these parties but the final decision must rest with the RO and the parties referred to should not be able to place undue influence at a local or national level to dictate timings without full knowledge of the factors considered.

Democratic Services manager

Agree - there should be dialogue. Unlikely that full agreement will be reached as politicians and media that their own priorities which will inevitably be different from those of the RO. RO has personal responsibility and statutory obligation for the accuracy and conduct of the count, which is paramount.

Returning Officer

Opinions of others should not override the more important considerations which affect the accuracy and integrity of the count.

Electoral Services Manager

Dialogue with media is important but I would not wish for this to be a substantial influence. Equally I am aware that political pressure has been

applied in some authorities and that it is important that any guidance arising from this consultation does not lead to more pressure. Wholly inappropriate for the RO to be driven down the route of 'keeping people happy' but in doing so creating problems with the count that lead to judicial challenge or election court petition.

Returning Officer

However, not all agreed with the need for dialogue, as a matter of principle.

There should not be dialogue between anyone other than the RO and his/her election staff. To invite other parties to contribute to dialogue relating to this would be unhelpful to the process.

Returning Officer

Consultation raises expectation. At most RO should advise interested parties of their intention and consider any responses received. The matter should not be one for consultation. Parties and candidates should be advised of the RO decision.

Returning Officer

In order to allow political parties and candidates to campaign and voters to make their choices on the substantive issues at the heart of the election, decisions on the timing of the count should be taken outside of the campaign period proper.

The vast majority of respondents broadly agreed with this principle with some mentioning that this is already the case in their authorities.

One respondent agreed with the principle, but acknowledged that it was not always possible to make the decision outside the campaign proper.

Agree - but there may be circumstances where this is not possible.

Returning Officer

Decisions on election counts must be taken early enough to enable effective planning

All ROs and electoral services managers responding agreed with this principle.

Agreed - 6 month principle - Gould should apply.

Electoral Services manager

Decisions affecting the election counts must be made sufficiently early to enable effective planning and risk management.

Electoral Services manager

'Earlier the decision, the better the project planning.

Democratic Services manager

ROs book polling station accommodation between 6-11 months before polling day and we cannot see any reason why count arrangements are not dealt with in the same time frame.

Electoral Services manager

Reasons for ROs' decisions should take account of views expressed and be explained, in all the circumstances of the case.

The majority agreed with this principle.

Agreed - explanation of reasons should be made available to candidates and agents at relevant briefing meetings. The explanation should be a summary of views and set out balance of factors which RO has considered to determine the decision.

Democratic Services manager

Whilst agreeing with the principle, some emphasised that whilst taking account of views of others, the decision remains that of the RO to make.

Critical overriding factor when making these decisions must be the ability to deliver accurate results and ensure that all legal obligations are fulfilled.

Democratic Services manager

Appendix B: Respondents

Elected representatives

We held meetings with a number of elected representatives during the period of consultation, at which the timing of counts was one of the issues discussed, as well as receiving written submissions. Views have been received from:

Members of Parliament

Tony Baldry MP
Philip Davies MP
Dominic Grieve MP
Andrew Griffiths MP
Duncan Hames MP
Tom Harris MP
Eleanor Laing MP
Richard Ottaway MP
Rt Hon John Spellar MP
Rt Hon Jack Straw MP
Gisela Stuart MP
Derek Twigg MP
Joan Walley MP
Stephen Williams MP

Members of National Assembly for Wales

Welsh Government Minister for Local Government and Communities Carl Sargeant AM
Mick Antoniw AM
Jocelyn Davies AM
Byron Davies AM
Keith Davies AM
Lord Dafydd Elis-Thomas AM
Rebecca Evans AM
Janet Finch-Saunders AM
Russell George AM
Vaughan Gething AM
Mike Hedges AM
Mark Isherwood AM
Julie James AM
Ann Jones AM
Elin Jones AM
Darren Millar AM
Julie Morgan AM
Eluned Parrott AM
Jenny Rathbone AM
Aled Roberts AM

Antoinette Sandbach AM
Ken Skates AM
Simon Thomas AM
Lindsay Whittle AM

Members of local councils

Adrian Robson, Jayne Cowan, Brian Jones, Bob Smith: Cardiff Independent Councillors
Wirral West Conservative Association
Swale Borough Council (Labour group Leader)
Tonbridge and West Malling Borough Council (Leader)

Political parties

Lord Feldman of Elstree, Co-Chairman, Conservative Party
Iain McNicol, Chief Executive, the Labour Party
Rhunedd Richards, Chief Executive, Plaid Cymru
Scott Martin, Scottish National Party

Representative organisations

Cllr David Sparks OBE (Dudley), Leader of the LGA Labour Group, and Vice-Chair of the LGA
Association of Electoral Administrators (AEA)
AEA Southern Branch
AEA South West Wales region

Media organisations

The BBC
ITV News
ITV Wales
Sky News

Political commentators

Jonathan Isaby
Mark Pack

Returning Officers and elections staff

Aberdeenshire (Returning Officer)
Allerdale Borough Council (Democratic Services Manager)
Amber Valley Borough Council (Returning Officer)
Ashfield District Council (Elections Manager)
Aylesbury Vale District Council (Electoral Services Manager)
Basildon Borough Council (Democratic Services Manager)

Blaenau Gwent County Borough Council (Returning Officer)
Bolsover District Council (Head of Democratic Services)
Boston Borough Council (Returning Officer)
Braintree District Council (Returning Officer)
Bromsgrove District Council and Redditch Borough Council (Returning Officers)
Caerphilly (Electoral Services Manager)
Canterbury City Council (Elections Manager)
Carmarthenshire County Council (Returning Officer)
Cheltenham Borough Council (Returning Officer)
Derbyshire Dales District Council (Democratic Services Officer)
Dudley Metropolitan Borough Council (Returning Officer)
Durham County Council (Senior Electoral Officer)
Eastbourne Borough Council (Electoral Services Manager)
East Staffordshire Borough Council (Returning Officer)
Electoral Office of Northern Ireland
Elmbridge Borough Council (Deputy Returning Officer)
Gloucester City Council (Returning Officer)
Harlow District Council (Head of Governance)
Havant Borough Council (Electoral Services Manager)
Kettering Borough Council (Electoral Services Manager)
Kirklees Council (Electoral Services Manager)
Lancaster City Council (Returning Officer and Electoral Services Manager)
London Elects, Greater London Returning Officer
Newark and Sherwood District Council (Democratic Services)
New Forest District Council (Democratic Services Manager)
North Ayrshire Council (Count co-ordinator)
North East Derbyshire District Council (Election Manger)
Northumberland County Council (Democratic Services Manager)
Pembrokeshire County Council (Electoral Services Manager)
Borough of Poole (Returning Officer)
Redcar and Cleveland Borough Council (Elections Manager)
Rochford District Council (Returning Officer)
Runnymede Borough Council (Electoral Services Manager)
Rushcliffe Borough Council (Returning Officer)
Ryedale District Council (Democratic Services Manager)
Sevenoaks District Council (Returning Officer and Electoral Services Manager)
South Ayrshire Council (Returning Officer)
South Lakeland District Council (Electoral Services Manager)
South Norfolk Council (Electoral Services Manager)
South Staffordshire Council (Electoral and Emergency Planning Manager)
Staffordshire Moorlands District Council (Returning Officer)
Stratford Upon Avon District Council (Democratic Services Manager)
Stroud District Council (Returning Officer)
Suffolk Coastal District Council and Waveney District Council (Returning Officers and Deputy Returning Officers)
Thanet District Council (Democratic Services Manager)
Torfaen County Borough Council (Returning Officer)
Vale of Glamorgan Council (Returning Officer)

West Berkshire Council (Returning Officer)
West Dorset District Council (Electoral Services)
West Lancashire Borough Council (Managing Director)
Weymouth and Portland Borough Council (Head of Elector and Member Services)
Winchester City Council (Electoral Services Manager)
Wokingham Borough Council (Electoral Services Manager)
Wolverhampton City Council (Elections and Support Manager)
Wycombe District Council (Returning Officer)

Individuals

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referendums are based on our principles of
trust, participation, and no undue influence.

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