



Local elections and referendums in England 2012

Report on the administration of the elections and
referendums held on 3 May 2012

July 2012

Translations and other formats

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1 Summary

About the report and our role

1.1 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. We are responsible for publishing reports on the administration of elections and referendums.

1.2 This report provides our assessment of how well local government elections, mayoral referendums and mayoral elections held on 3 May 2012 across England were run. It reflects the experience of voters, based on public opinion research and electoral data provided by Returning Officers. It also reflects feedback and views about the administration of the election from candidates and agents, those responsible for delivering the poll and other participants.

1.3 Elections were also held across London for the London Assembly and London Mayor. In Wales, elections were held in 21 of the 22 unitary local authorities, and in Scotland all 32 local authorities had elections. We are publishing separate reports on the administration of these polls, along with an overall summary report. This summary will bring together all of our conclusions and recommendations from the polls held on 3 May 2012.

Facts and figures

1.4 A total of 15.93 million people were registered to vote in the English local elections and 3.65 million in the mayoral referendums. Of these, 31.1% voted in the local elections (35.0% in 2008) and 29.2% in the mayoral referendums.

1.5 In total 2.63 million people or 16.5% of the electorate had a postal vote for the local elections. Postal votes accounted for 34.6%, or around 1.7 million, of all votes counted at the elections, while the remaining 65.4% were cast at a polling station or by proxy. For the mayoral referendums, 570,000 people or 15.5% of the electorate were issued with a postal vote. Our report reviews people's experience of voting in polling stations or by post at both polls.

1.6 A total of 8,801 candidates campaigned to be elected for 2,413 vacant seats; four seats were uncontested. There were also 22 candidates standing in two local mayoral elections.

People's experience of voting

1.7 A key priority for the Commission is that voters are able to vote easily and know that their vote will be counted in the way they intended.

1.8 Voters continue to have high levels of satisfaction with the voting process. Both polling station and postal voters remain positive about their experience. Voters also understood how to complete their ballot papers for both the referendums and the local government elections.

1.9 93% of those who voted in the mayoral referendum said that they found the ballot paper easy to complete, with 74% finding it very easy. Nearly all of those who voted in the local council elections said it was easy (98%), with 86% saying it was very easy.

1.10 Full details of our research findings are contained in this report.

Information for voters

1.11 We want to ensure that people are aware of the need to register to vote in order to take part in the elections. We undertook a media campaign for the local elections in England and the mayoral referendums in 11 English cities, focussing specifically on increasing public awareness of the need to register to vote in order to take part in these polls. Any information about voting in the polls themselves could be undertaken locally by any Returning/Counting Officer who deemed it necessary.

1.12 Although voters found the ballot paper easy to complete, public awareness of the mayoral referendums was low, with some voters being surprised when given the referendum ballot paper alongside the local council one. Our public opinion research found that a third (34%) of people living in areas where mayoral referendums were held said that they knew a great deal/a fair amount on what the referendum was about ('a great deal', 7%; or 'a fair amount', 27%). Thirty-five per cent said that they did not know very much and a further 31% said they knew nothing at all.

2 Trust

About the elections

2.1 On 3 May 2012 there were local elections to 103 local authorities in England. On the same day mayoral referendums took place in 10 cities to determine whether or not to introduce directly-elected mayors¹. In addition, there was a referendum in Doncaster on whether or not to retain their existing elected mayoral system, having been one of the first authorities to adopt the mayoral system in 2001. Mayoral elections were also held in Liverpool and Salford.

Were the polls well run?

What voters thought

2.2 Overall, people were confident and satisfied with the way in which the polls were run. However, respondents (voters and non-voters) in mayoral referendum areas² (63%) were less likely to report confidence that their polls were well-run than those in English local election areas as a whole (73%) and those only holding local elections (75%). Over nine in ten (91%) voters in areas **only holding local council elections** were confident that these polls were well-run.

2.3 The supply of information was seen by voters as the primary reason for lack of confidence that the polls were well-run, especially in mayoral referendum areas. Forty-four per cent cited this as a reason in the mayoral referendum areas. Access to information about the mayoral referendums is discussed further in Chapter Two.

Returning Officer performance

2.4 Returning Officers (ROs) in local authorities are responsible for the conduct of local elections. We use a performance standards framework to highlight where elections are well run and to challenge ROs where the service received by electors is below standard³. We publish online guidance for ROs on all aspects of the administration of elections, along with templates and resources, which also assist them in meeting the performance standards. We

¹ Bradford, Bristol, Leeds, Manchester, Newcastle upon Tyne, Nottingham, Sheffield, Wakefield, Coventry and Birmingham

² Most of the mayoral referendum areas also held local government elections at the same time which may have had an impact on people's experience.

³ The Electoral Administration Act 2006 gave the Commission powers to determine and publish standards of performance for ROs, direct them to provide the Commission with reports regarding their performance, and publish its assessment of the level of performance by relevant officers against the published standards.

also provide specific guidance and advice on request. Our guidance and performance standards have been developed in consultation with Returning Officers, electoral administrators, and other key stakeholders.

2.5 Underlying our performance standards framework and published guidance is a commitment to ensuring that elections and referendums are conducted with the interests of voters in mind, in line with our principles of participation, trust, and no undue influence. Our standards focus on outcomes and we believe that the completion of some key processes (with measurable outputs) is predictive of well-conducted elections. Rather than ask Returning Officers (ROs) to report on their performance after the poll, we now assess performance in the run-up to polling day. This enables us to monitor performance throughout the process of planning for and delivering the election, and to intervene where any issues are identified, in order to recommend improvements prior to polling day. We also separately monitor the performance of Electoral Registration Officers (EROs) in Great Britain⁴.

2.6 The performance standards framework monitors the performance of ROs in the following key areas:

- Planning and organisation
- Administering the poll
- Absent voting
- Verifying and counting the votes
- After the declaration of results

2.7 All Returning Officers were required to submit monitoring returns at pre-determined points demonstrating their performance against the standards. We also assessed supporting data and evidence from 16% of all ROs⁵. Our pre-poll monitoring and follow-up activity with ROs provided us with sufficient assurance that the polls were being planned for and delivered effectively. In addition we also provided feedback to each of the ROs in our sample, including in some cases to make recommendations where the quality of evidence could be improved for future elections.

2.8 This report contains a summary of ROs' performance in England (not including London) against our recently revised standards⁶. In addition to this summary, information about the performance of individual ROs is available on

⁴ Our latest (4th) annual assessment of ERO performance can be found on our website: <http://www.electoralcommission.org.uk/performance-standards>

⁵ We select ROs for our sample based on a number of factors, including - past performance, length of time that the RO/Electoral Services Manager has been in post, and any other local knowledge that we hold. We set our sample at 15%, however throughout the monitoring process an additional two ROs were identified based on the criteria above, raising the sample to 16%.

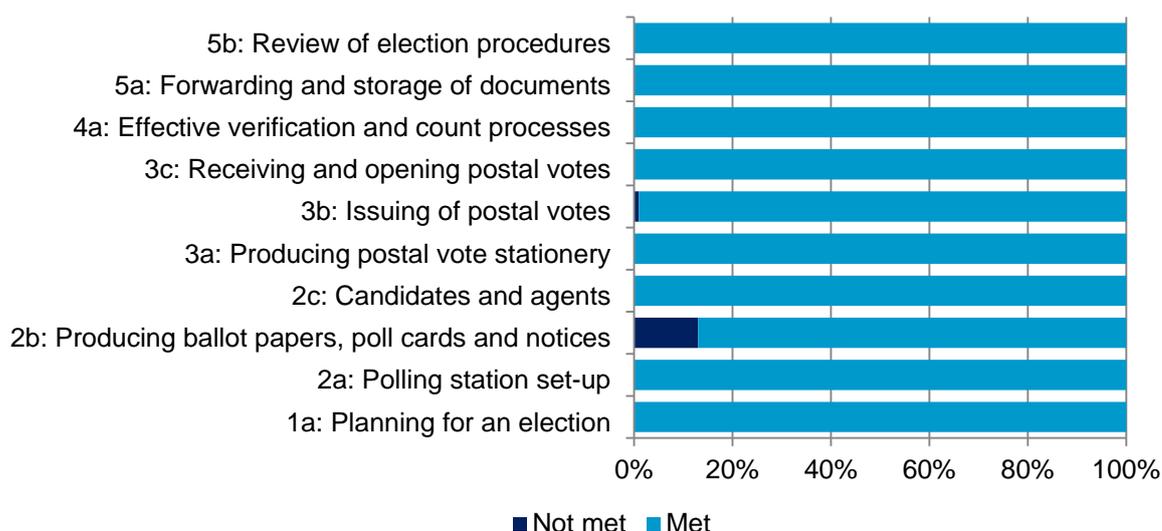
⁶ A summary of Returning Officer performance in Wales, London and Scotland will be included in separate reports on these elections.

our website⁷, in a chart-based format that enables comparison with ROs from other local authorities.

2.9 No major issues arose in the administration of the local elections in England, and the majority of Returning Officers in England met the requirements of our performance standards.

2.10 The chart below shows the proportion of ROs in England who met (or did not meet) all of our standards for administering elections held on 3 May 2012. Our revised performance framework gives ROs the opportunity to show where they have performed beyond the requirements of our standards, and to demonstrate creativity and innovation. We are currently assessing the evidence supplied by those ROs who have reported performing beyond the standards and have submitted examples to support this. We will publish the results of these assessments in September 2012, in line with our summary report on the May 2012 elections. We will also consider all examples of good practice and will use these to keep our guidance and the standards themselves under review.

Chart 1: Performance of ROs in England 2012



2.11 A total of 17 ROs (13%) did not meet one or more of our performance standards. This was due to the late despatch of poll cards and postal ballot packs.

⁷ This information can be found on our website at www.electoralcommission.org.uk/performance-standards/results_and_analysis/assessment

3 Participation: voters

3.1 Participation in elections and referendums should be straightforward, and people should be confident that their vote counts. People had a generally positive view of the process of voting in polls held on 3 May.

3.2 This chapter looks at participation at the local government elections and mayoral referendums that took place on 3 May across parts of England. It focuses upon people's experience of registering to vote and casting their vote (whether by post, at a polling station or by proxy) and whether they felt that they had received enough information to be able to make an informed choice. It also looks at voters' and campaigners' confidence and satisfaction with the way the elections and referendums were run.

Registering to vote

Who could vote

3.3 The following people were eligible to vote in the elections if they were aged 18 or over and on the electoral register on polling day:

- a British citizen living in the UK
- a qualifying Commonwealth citizen⁸ living in the UK
- a citizen of the Irish Republic living in the UK
- a European Union citizen living in the UK
- registered to vote as a Crown Servant
- registered to vote as a service voter

3.4 British citizens living abroad and registered as overseas electors are not eligible to vote in local elections.

Number of people registered to vote

3.5 A total of 15.93 million people were registered to vote in the local elections and 3.65 million in the mayoral referendums on 3 May.

3.6 The deadline to register to vote was Wednesday 18 April – 11 working days before the election. According to data from Electoral Registration Officers (EROs), around 75,000 people took advantage of the 11-day deadline by registering after the formal election period began.

⁸ To qualify Commonwealth citizens must live in the UK and either have leave to enter, remain, or not require such leave.

3.7 From data provided, over 500 people tried to vote on polling day who were not on the electoral register⁹.

People's experience of registering to vote

3.8 People were largely satisfied with the process of registering to vote. In our public opinion survey¹⁰, 85% of those surveyed said they were satisfied with the procedure for registering to vote. Only 2% said they were dissatisfied with procedures for registering to vote.

Voting in the elections

Turnout

3.9 Turnout at the local government elections was 31.1%, which was lower than the comparable turnout of 35.1% in 2008. Turnout at the mayoral referendums was 29.2%.

Why people did and did not vote

3.10 Our public opinion research explored why people did and did not vote in the local government elections and the mayoral referendums. Reflecting findings from previous polls, the most common reasons cited for not voting were circumstantial including people saying that they were too busy to vote or didn't have enough time (24%), while others forgot (11%) or were away on polling day (7%). Again, in line with past findings, the most common reason for voting was a feeling of civic duty (66%), which mainly comprised people who stated it was their 'civic duty' (48%) or that they always voted (21%).

People's experience of casting their vote

3.11 Our performance standards for administering the polls require that polling stations are set up effectively, and that voters are provided with all the materials they need to be able to cast their vote. With these standards we aim to ensure that voters share a consistent experience, and receive the same high-quality service irrespective of where they are registered to vote.

3.12 Poll cards contain important information about when and where an election is taking place, and how to vote. Legislation requires poll cards to be despatched as soon as practicable after the publication of notice of election. Our standard reflects this with the intent that all electors receive their poll cards

⁹ These figures are approximate as not all EROs kept full records.

¹⁰ See Appendix A for information about our public opinion research.

as soon as possible so that they have the maximum amount of time to apply for absent votes, change registration details, or decide to stand as a candidate. Our standards require poll cards to be despatched no later than 24 days before polling day (28 March 2012). We also provide templates for election stationery to support ROs to provide all materials in accessible formats that are easy for voters to use and understand. In addition, we issue guidance on the allocation of electors and staff to polling stations

3.13 Overall, ROs performed well against these standards. However, 15 ROs did not meet our criteria for the time of despatch of poll cards, sending cards out after 28 March. Reasons given included the decision to wait until the close of nominations (particularly in areas where ROs believed contested elections would be unlikely), or that printers were not able to commit to delivery. We followed up with each of these ROs, setting out the requirements to meet the standard and the importance of early despatch.

The experience of people who voted in polling stations

3.14 Around 3.3 million people chose to cast their vote in their local polling station in the polls on 3 May.

3.15 Nearly all polling station voters were satisfied with their experience. High levels of satisfaction are recorded amongst those who voted at a polling station. Just over three quarters said 'very satisfied' (76%) and 22% said 'fairly satisfied'. This is in line with the levels of satisfaction recorded after the 2011 elections and referendum. Ninety-seven per cent of polling station voters said that it was a convenient way of voting and all said that it was easy for them to get into their polling station.

3.16 Nearly all polling station voters who used the support available at the polling station said that it was useful, with only 2% saying not useful. Around one-third (35%) said they didn't need or use the support.

3.17 Sixty-two per cent said that they found the written materials on how to vote – posters or guidance – on how to vote useful. This is a slight fall from our post-referendums surveys in 2011, when 69% of those surveyed found the displayed guidance useful. Four per cent did not think they were useful. Again around a third (33%) said they didn't need or use the material.

3.18 However, more people said that they didn't use or need the written instructions than at the referendums in 2011 (33% compared with 27% in 2011). We will examine further why fewer than two-thirds of voters found the written instructions useful, to see what improvements can be made for future elections.

The experience of people who voted by post

3.19 2.63 million or 16.5% of the total electorate where polls were held in England, were issued with a postal vote, and 570,000 or 15.5% for the mayoral

referendums. The highest percentage of postal votes was 39.7% of electors in Sunderland, and the lowest was 6.1% in Hull.

3.20 We set performance standards for ROs to ensure that the absent voting process is conducted in a professional, transparent and secure manner, aimed at providing a high-quality service for all absent voters irrespective of where they are registered.

3.21 All but one of the 129 Returning Officers in England met the standards set for absent voting. The one case of non-compliance relates to the late despatch of postal ballot packs in one authority, following an error in the set-up of the election on their software system. The authority is undertaking a review of all of its electoral processes and we are providing support and guidance as necessary. Three other ROs initially indicated that the issue of postal ballot packs would take place after our deadline. However, after following up with each of these ROs the dates for despatch were revised, in line with our guidance.

3.22 Overall, voters had a positive experience of voting by post. Ninety-five per cent of postal voters were satisfied with voting in this way. A similar proportion of postal voters (96%) also said that it was a convenient way of casting their vote.

3.23 We are not aware of any difficulties that people had completing their ballot paper – 97% of postal voters found it easy to understand how to complete and return their postal vote. This figure was lower in mayoral referendum areas at 93%. Postal voters also found the written instructions on how to vote and return their vote useful (96%).

Invalid postal votes

3.24 Postal votes must be rejected by ROs if the personal details supplied by voters and returned with their postal vote cannot be matched with those previously provided by the voter and held on the EROs' records. There is a legal requirement to match these personal identifiers, designed to prevent voting fraud. Checking 100% of returned postal votes, or very close to that, has now become the standard practice of ROs across Great Britain, and indeed 100% must be checked by ROs if they are to meet our performance standard. All ROs met this standard, and confirmed that they had checked 100% of returned postal vote identifiers.

3.25 At the elections, 1.79 million postal vote envelopes were returned by voters – 68.1% of those who were issued with a postal vote.

3.26 For the local government elections, a total of 82,000 postal votes were reported by ROs as having been rejected as invalid or otherwise not forwarded to the count; 4.6% of all those returned. This compares to 7.6% of returned mayoral referendum postal votes (around 30,000) which were rejected and did not go forward to the count. In those eight cities with both a referendum and local elections, the postal vote rejection rate for the local elections was lower, at 5.1%, than for the referendums, where it was 7.6%, and was similar to the local

election rejection rate in those metropolitan boroughs which did not have a referendum (4.9%).

3.27 The proportions of papers rejected for different reasons suggest that the primary reason for the higher rate of postal vote rejection at the mayoral referendums was that some people in areas with both local elections and a referendum chose not to vote in the mayoral poll.

3.28 The Commission asked Returning Officers to record data about their reasons for rejecting postal votes, categorised under seven headings. Failure to return the mayoral referendum ballot paper and/or the postal voting statement accounted for 2.8% of rejected postal votes in Bristol, and 15.4% in Nottingham (the two cities which had a referendum but no elections) but accounted for a total of 32.7% of rejected mayoral referendum postal votes in the eight cities which also had elections, with a figure of nearly 60% in one authority (Wakefield).

3.29 More information on the reasons for postal vote rejection can be seen in the table below.

Table 1: Reasons for postal vote rejection

Rejected for	Local elections (%)	Mayoral referendums (%)
Want of signature	14	15
Want of date of birth	4	2
Want of both	10	8
Mismatched signature	27.	23
Mismatched date of birth	20	15
Both mismatched	8	6
Missing postal voting statement or ballot paper	19	30

3.30 At the local elections, approximately 19% of rejected postal ballot packs contained either no postal voting statement or no ballot paper. A higher proportion of postal votes were rejected in this way for the mayoral referendums – 30%.

3.31 However, it continues to be the case that the most common reasons for postal votes to be rejected are either or both of the signature and date of birth

provided by the voter not matching the records held by the ERO. 54% of rejected postal votes were rejected for such mismatches at the local elections.

3.32 Anecdotal evidence suggests that the reasons for this include: people giving the date that the postal vote was completed rather than their date of birth; change of name, such as on marriage; and changes in the quality of signatures over time since the original application was made.

3.33 Approximately 27% of rejected postal ballot packs included postal voting statements on which either or both of the elector's date of birth and signature were missing.

3.34 While it is clearly important that measures are in place that are effective in detecting and preventing fraud, these measures should not inadvertently disenfranchise voters who simply make mistakes on their postal voting statements. Allowing EROs to request a refreshed identifying signature, and also to provide electors with feedback if their postal vote statement has been rejected, would help address this problem.

3.35 We first raised this issue with the UK Government in 2007, and so welcome the inclusion of a clause in the Electoral Registration and Administration Bill currently before Parliament that will allow EROs to request a refresh, and for electors to be notified that their postal vote statement was rejected, and to be implemented through regulations. We see no reason why the new system should not apply to the first set of elections after Royal Assent, which should be those held in May 2013. This would give absent voters the opportunity to update their identifiers in good time ahead of the next European Parliament election in 2014 and the UK Parliamentary General Election in 2015.

Voting by proxy

3.36 If an elector had a valid reason why they were unable to vote in person, such as illness, physical incapacity, work commitments, or being overseas, they could appoint a proxy to vote on their behalf, either in a polling station or by post. The deadline for applying for a proxy vote was 5pm on Wednesday 25 April.

3.37 Approximately 16,000 people appointed a proxy at the local elections which, as a proportion of the whole electorate, was 0.1%.

3.38 Of that total, 54 were proxies appointed as result of medical emergencies. After the deadline for applying for a proxy vote, anyone who was suddenly taken ill and so was unable to vote in person could appoint an emergency proxy, up to 5pm on polling day itself.

3.39 The Government has announced plans to extend the emergency proxy voting provisions to those unexpectedly called away on business or military service. Though we support this proposal, we have recommended that it be further extended to apply to those who have other reasons for not being able to

attend the polling station at short notice, such as caring responsibilities or a recent bereavement.

Completing the ballot paper

3.40 A key priority for the Commission is that voters are able to vote easily and confidently, knowing that their vote will be counted in the way intended. To ensure that there are no errors on ballot papers, we require ROs to ensure that they have proof-checking processes in place, including a final check of batches of printed ballot papers before any are issued as postal votes or supplied to polling stations. All ROs in England confirmed that they had made such arrangements.

3.41 We also had responsibility for commenting on the intelligibility of the referendum questions to be asked in the mayoral referendums. We suggested changes to the question wording to make it easier for voters to understand and answer, which the Government accepted. Our full report, along with the research findings and the questions asked can be found on our website at: <http://www.electoralcommission.org.uk/elections/referendums>

3.42 Our public opinion survey asked voters how easy they thought it was to fill in their ballot papers. Of those who completed a mayoral referendum ballot paper, 93% said that they found them easy to complete, with 74% finding it very easy. This compares to 98% of those who completed a local government ballot paper, with 86% saying it was very easy.

3.43 Encouragingly, voter experience does not seem to have been adversely affected by having to complete multiple ballot papers in areas with both mayoral referendums and local elections; 93% found it easy to fill in more than one ballot paper on the same day, and 1% found it difficult.

Rejected ballot papers

3.44 Overall the number of ballot papers that were rejected at the count for both polls represented a small proportion of the total number of ballot papers cast. For the local government elections, 0.6% of ballot papers were rejected at the count, which is lower than the proportion rejected at the mayoral referendums – 1.9%.

3.45 The proportion of ballot papers rejected at the mayoral referendum counts varied across the referendum areas, and was notably higher in those areas which had both elections and a referendum. In the two cities without local elections (Bristol and Nottingham) the proportion of ballot papers rejected at the count was 0.34% and 0.36% respectively. In the eight cities which held a referendum and elections the rate was 2.1%.

3.46 At the local elections in these eight cities, the overall rejection rate at the count was 0.56%, which is almost identical to the rejection rate in those metropolitan boroughs which had elections only (0.55%).

3.47 As was the case for postal vote rejections, people simply not casting a vote in the mayoral poll, in areas where there were also elections¹¹, appears to be the main reason for the higher rejection rate at the referendums. Data on the reasons for rejections at the mayoral counts shows that in Bristol and Nottingham the proportion of rejected mayoral ballot papers recorded as being unmarked or void because of uncertainty was 66% and 63%; in areas with both a referendum and elections it ranged from 83% to 95% (in Leeds). However, there is no way to say for sure that these papers were unmarked rather than uncertain.

3.48 Mayoral elections use the supplementary vote system (SV). The Commission's observations at the 3 May 2012 mayoral elections in Salford of why ballot papers were rejected, identified that over a third were the result of people voting twice in the first column and making no mark in the second column. Twenty-nine per cent only voted in the second column and did not mark the first, 22.9% were entirely unmarked and 7.4% appeared to have been purposefully spoilt.

3.49 Figure 1 overleaf shows an illustrative example of a fictitious completed mayoral referendum ballot paper which the Returning Officer should reject for reason of the voter's first preference vote being uncertain - the voter having voted only in the second column and making no mark in the first column.

¹¹ Mayoral elections were held in Salford and Liverpool on 3 May.

Figure 1: Example mayoral referendum ballot paper

Election of Mayor			
Vote ONCE [X] in Column One for your First Choice Vote ONCE [X] in Column Two for your Second Choice			
		Column One (First Choice)	Column Two (Second Choice)
1	BARBER Ali Barber 5 Anytown Close, Anytown AT34 6CY		
2	BOOTS Dusty Boots 63 Acacia Avenue, Anytown AT33 5XZ League of Line Dancers 		
3	CLOVER Elizabeth Mary Clover 9 Seymour Court, Anytown AT12 E34 Independent		
4	GREY Earl Grey 2 Cedar Lane, Anytown AT23 4YD Mad Hatter's Tea Party 		
5	HOOD Robin Hood 64 Purple Road, Anytown AT12 7HT The Forest Party 		
6	MILLER Windy Miller 7 Daisy Drive, Anytown AT98 7RK Alternative Power Forum 		

3.50 The law says that an SV ballot paper that is not marked with a first preference vote or is marked in a way that means the voter's first preference vote is uncertain, should be rejected. A ballot paper without a valid first preference vote cannot be counted at the second preference count stage. Our current guidance says:

'The key question a Returning Officer should ask is whether the voter's intention to cast a first preference vote for only one candidate clearly appears on the ballot paper. In order to do this, the ballot paper needs to be looked at in its entirety, i.e. all marks on the ballot paper need to be taken into account as part of the adjudication process. Not only must the ballot paper contain a vote, it must be clear that the vote is intended as a first preference vote for one candidate.'

3.51 The current interpretation of the law – it has not been tested in the courts, but we have taken extensive advice, including from leading Counsel – is that a ballot paper marked as shown in the illustration above does not appear to show a clear intention to cast a first preference vote for one candidate, because the single cross could be interpreted in different ways – for example, as being a voter's first preference marked in the wrong column, or a voter's second preference marked in the correct column with no first preference shown, for

whatever reason. In short, it is not possible to tell with certainty from the ballot paper which – if any – candidate the voter intended as their first preference.

3.52 In a previous mayoral election which took place in May 2011 in Mansfield, the successful candidate was elected by a small margin and a relatively large number of ballot papers – more than the elected candidate’s majority – were rejected. These rejected ballot papers included examples marked with only one cross, in the second column, as illustrated above. This result was subject to some media attention and, following a request from the Labour Party, we examined the Mayoral Election Rules and their application in this case.

3.53 We concluded that the law had been correctly applied but wrote to Mark Harper MP, Minister for Political and Constitutional Reform, to draw the issue to his attention. The Minister responded in January 2012 and agreed that the interpretation of the law by the Returning Officer in Mansfield, and with which we concurred, was correct. He also confirmed that he was satisfied that the current legislation achieves the Government’s intention and is sufficiently clear.

3.54 The Police and Crime Commissioner (PCC) elections due to be held in November 2012 will also use the SV system, and in 2011 we recommended to the Home Office that they should test the design of the ballot paper to be used at those elections, in order to guard against the issues that have arisen in the past, with voters being confused about how to complete their ballot papers in contests using SV.

3.55 The Home Office undertook research with the public to test their proposed ballot paper design. The research identified some problems with the design, which was revised with the aim of addressing these issues.

3.56 We also recommended that the Government should adopt a similar approach to the design of other supplementary vote ballot papers, in particular for mayoral elections in England.

3.57 We are pleased that the Government acted on our recommendation and in June 2012 laid before Parliament draft legislation prescribing revised voter-facing forms for mayoral elections in England – including a revised supplementary vote ballot paper, which is identical to the user-tested ballot paper that will be used at the PCC elections; and revised voting instructions aimed at explaining clearly and simply how to complete the ballot paper.

3.58 We hope that in future the Government will accept the need to undertake this work in a coordinated way for every poll, to ensure there is consistent good practice across all elections and to avoid the increasing disparities, and their negative effects on voters, created by a more ‘piecemeal’ approach to change.

Public information campaign

The Commission's campaign

3.59 We want to ensure that people are aware of the need to register to vote in order to take part in the elections. We undertook an advertising campaign for the local elections in England and the mayoral referendums in 11 English cities to promote voter registration. The activity focussed on raising public awareness of the need to register in order to vote, how to register to vote and the deadline for doing so.

3.60 This was part of a larger national campaign which ran across all areas of Great Britain where elections were being held. Advertising was also used for the local elections in Scotland and Wales. All activity carried the message, "It's your vote, don't lose it".¹²

3.61 Additional local voter information was coordinated locally by Returning Officers.

3.62 The national voter registration campaign was launched over a number of weeks, with online advertising beginning on 19 March 2012, radio and press advertising starting on 26 March 2012 and TV activity on 1 April 2012. The campaign ended on 17 April 2012.

3.63 As with previous campaigns, all advertising directed people to the Commission's www.aboutmyvote.co.uk website where they could download registration forms and find out further information. There was also a telephone helpline set up for the campaign period, which people could call for more information or to request a registration form.

3.64 During the public information campaign period, the aboutmyvote.co.uk homepage received 732,000 visits, with 146,000 downloaded voter registration forms across Great Britain. The helpline received just over 12,500 calls during the campaign period.

3.65 Our tracking results were positive. Sixty-five per cent of people claimed to have seen the at least one element of the campaign, with particularly high awareness among the 18-24 year old group (75%). Eighty-six per cent of people claimed that the adverts made it quite clear that you have to register to be able to vote, and 74% said it was clear where to go for further information.

3.66 During the campaign it became apparent that there was an error with some of the address data for Electoral Registration Officers, due to an error in

¹² The Commission also ran a separate voter information campaign in Scotland to help explain the Single Transferable Vote (STV) system used for the Scottish local elections. This was designed to help mitigate issues experienced in the 2007 Scottish local elections around lack of understanding as to how to complete STV ballot papers.

the data provided to the call centre. Some of the return addresses on registration forms downloaded from www.aboutmyvote.co.uk were also incorrect. We identified 464 people (across England and Scotland) who may have returned their form to an incorrect address. However, a proportion of those did not have scheduled elections or referendums taking place on 3 May. There is also evidence to suggest that some of those electors that requested registration forms from the helpline were already registered. In addition, some of the local authorities have redirects in place from their old addresses.

3.67 The Commission contacted all of the people who were affected to inform them of the error ahead of the registration deadline. We have since undertaken a full review of how the error occurred and have now put measures in place to ensure that a similar error does not occur in the future.

Public information by the Department for Communities and Local Government and local Counting Officers

3.68 We have not undertaken any specific public awareness activity around mayoral referendums in the past – instead, public awareness has been addressed locally. We confirmed with the Department for Communities and Local Government (DCLG) in February 2012 that we would follow the same approach for the mayoral referendums held in May 2012.

3.69 Also in February 2012, however, concerns increased that the plans put in place for Counting Officers to run local public awareness campaigns for the referendums would not provide voters with the information they needed to participate in the referendums, including what to expect on the ballot paper and what the referendum was about.

3.70 We discussed these concerns with DCLG, and we were able to adapt the radio and press activity that we had already planned, so that adverts which ran in the relevant areas made some reference to the referendums.

3.71 For their part, DCLG advised us at this stage that they would provide funding to local Counting Officers who wished to produce booklets and send them to voters in their areas.

3.72 Manchester and Nottingham had already produced drafts of information booklets which they were intending to send to voters in their local areas. Both areas shared these drafts with DCLG. In March, DCLG advised that they would fund the printing and distribution costs for any authority which opted to use a leaflet similar to either the one drafted by Manchester or Nottingham. They confirmed that they would not pay for the printing or distribution of any other style of leaflet.

3.73 All local authorities apart from Bristol produced information booklets consistent with the Manchester or Nottingham format and DCLG provided funding for these. They did not, however, provide funding for the Bristol information booklet; Bristol had printed their booklet before DCLG stipulated that

the content needed to be consistent with the Manchester or Nottingham model. The distribution of the Bristol booklet still went ahead but without funding from DCLG.

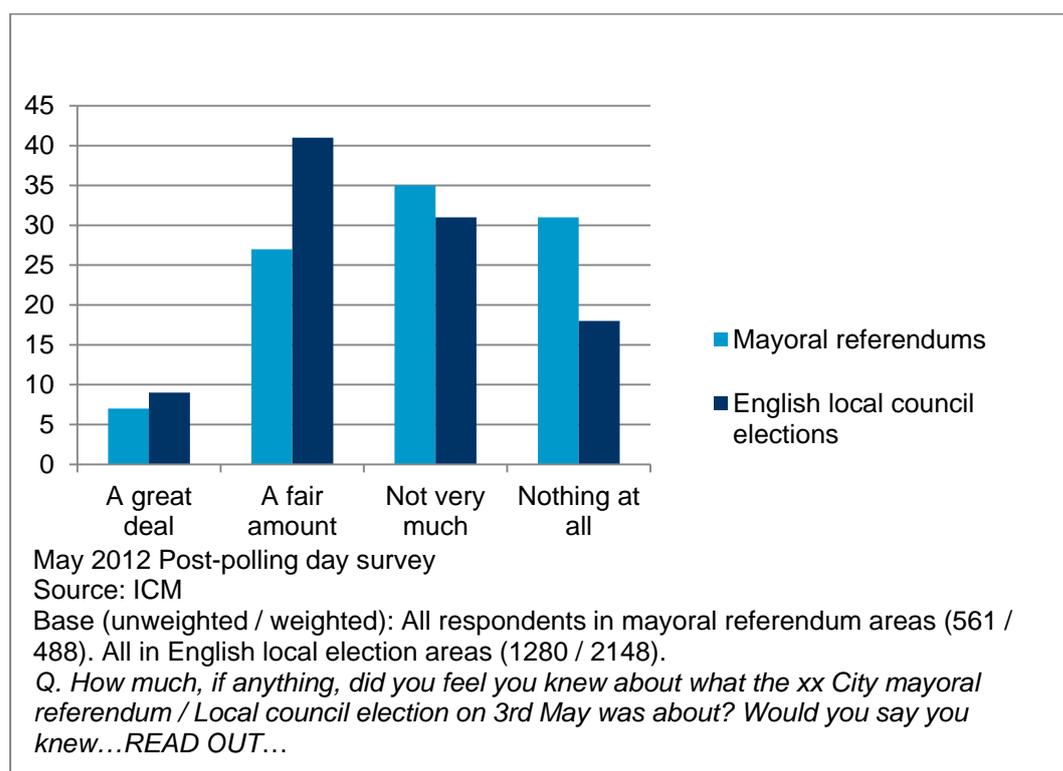
3.74 DCLG's correspondence to local Counting Officers confirming their advice on funding based on the Manchester and Nottingham booklet models came very close to the start of the pre-election period on 27 March 2012. This meant that the content of the booklets had to be finalised very quickly.

3.75 This raised a number of practical challenges and caused issues for several local authorities. An omission in the Manchester draft of the leaflet was not spotted during the proofing process and three authorities (Birmingham, Newcastle and Wakefield) had already sent their booklets to print before the issue was raised. These three booklets said that under the existing system councils are run 'by a Leader who is an elected councillor chosen by the other elected councillors'. The correct text was 'by a Leader who is an elected councillor chosen by **a vote of** the other elected councillors'. On legal advice the three affected councils took the decision not to reprint the leaflet as they believed that it did not materially affect the booklet's meaning and would not affect the legality of the referendums. It was also the case that from the date of 27 March 2012, local authorities faced restrictions on public awareness activity (as they do at all polls) – which meant that there was only a very limited opportunity in which they could carry out supporting activity such as promoting the booklet in local media. In an attempt to help mitigate this to some extent, the Commission – which is not subject to the same restrictions - provided links to the booklets on our aboutmyvote.co.uk website, so that voters had access to as much information as possible in advance of polling day.

3.76 Our public opinion research found that a third (34%) of people living in areas where mayoral referendums were held said that they knew a great deal/a fair amount on what the referendum was about – ('a great deal' – 7%, or 'a fair amount' - 27%). Thirty five per cent said that they did not know very much and a further 31% said they knew nothing at all.

3.77 Awareness was higher where local elections were also held. Around one half (51%) said they knew a great deal/fair amount about what the local elections were about ('a great deal' – 9%, or 'a fair amount' – 41%).

Chart 2: Awareness of local elections and referendums



3.78 Fewer than half (42%) of those in all areas with mayoral referendums agreed that they had enough information to make an informed decision on how to vote in the referendum. Three in ten (29%) disagreed strongly with the idea that they had sufficient information, particularly non-voters (40%), those generally dissatisfied with the voting procedure (46%) and those who do not feel that the polls were well-run on 3 May (43%).

3.79 This compares to 60% of people living in areas with both a mayoral referendum and local council elections, who said that they had enough information to make an informed decision on how to vote in the local elections. Sixty two per cent of those in areas with English local government elections said they had enough information.

3.80 Over half (53%) of respondents in mayoral referendum areas agreed that they knew what would happen as a result of a 'yes' or 'no' vote in the mayoral referendum, with voters (68%) more likely to appreciate likely outcomes than non-voters (39%). People who are generally more engaged with election issues or satisfied with electoral events were also more likely to understand what a vote either way would have meant.

3.81 We cannot draw firm conclusions from our research about what contributed to low levels of voter engagement. The referendums were, for example, different to other Mayoral referendums which have tended to follow extensive local debate before a referendum was called – there was less local campaigning on the issue in advance of these referendums.

3.82 But it is likely that better-planned public awareness activity could at least have raised levels of awareness. The advice from DCLG to local authorities that they would provide funding for voter information booklets about mayoral referendums, and the formation of a communications network of local authorities holding referendums, came too late to allow a considered, coordinated strategy to be implemented. A better and earlier understanding between the Commission, the Government and Counting Officers about who was responsible for funding and delivering public awareness for the referendum would have helped avoid the risk – which very nearly materialised – of voters not receiving even basic information about how to participate. We will work with the Government, Returning Officers and Counting Officers to ensure that such issues are addressed at a much earlier stage for future polls.

3.83 The way in which the voter information booklets for the mayoral referendums were produced also raises a number of points for future consideration. While it was not inappropriate for the funding to come from DCLG, the stipulation from DCLG that the booklets would need to conform to a certain model in order to be funded by Government carried the risk that voters might perceive the Government as influencing the material they received. We do not believe the Government sought to influence the content of the booklets in favour of a particular outcome – and DCLG have confirmed that their decision to use the Nottingham and Manchester booklets as templates was based on the booklets meeting the requirements in the Regulations approved by Parliament and having regard to the Local Authority Publicity Code - but we recommend that in future, regardless of the source of funding, the Commission, as an independent, neutral body, should be given responsibility for providing guidance and checking whether or not proposed publicity material meets that guidance. This would ensure that there is no perception of inappropriate involvement by the Executive in the voter information process.

Participation: campaigners

3.84 We want to be satisfied that candidates and agents are provided with clear and timely information to enable them to engage effectively in the election process. To achieve this we set performance standards requiring ROs to:

- confirm that candidates and/or election agents were issued with written guidance on the election process, including local arrangements, and
- confirm that briefing sessions were offered, the dates of any briefings and that briefing resources were prepared

3.85 We were encouraged that all ROs reported that they were meeting our standards for issuing written information to candidates and agents on the election process and providing briefing sessions, including local arrangements, in advance of polling day.

Campaign spending and donations

3.86 There are rules on candidates' campaign spending at these elections and on the donations they receive to fund their campaigns. Candidates' spending and donations at these elections were controlled from 27 March onwards. We published guidance for candidates and agents in December 2011. In the period from October 2011 to the end of March 2012 we responded to over 450 queries about the rules on party registration and campaigning at elections, including the local elections. We registered 16 new parties and 28 changes to party details between January and March 2012.

3.87 At the time of publication we have not identified any breaches of the rules on candidates' spending and donations at these elections, and have received no allegations of breaches.

3.88 Candidates were due to provide their spending return to the relevant Returning Officer by 7 June if their result was announced on Thursday 3 May, and by 8 June if their result was announced on Friday 4 May. If we carry out any enforcement work in connection with potential breaches of the rules at these elections, we will publish information about these in due course in accordance with our disclosure policy.

3.89 Our post-poll public opinion survey included questions on the rules on the money that political parties and others use when campaigning. The responses were obtained before the deadline for candidates at the elections to submit their spending returns. In comparison with the results of equivalent surveys in previous years, some of the results indicate growing concern about the fairness of the current rules. We will take the results into account in our on-going policy work and in our discussions with Government on the regulatory regime.

4 No undue influence

4.1 There should be no undue influence in the way our electoral and political finance system works. We work closely with the police to produce guidance for ROs on how to detect and prevent electoral malpractice. We also set performance standards, which require ROs to confirm that their election plans detail the processes they have in place to identify any patterns of activity that might indicate potential integrity issues, and what steps are to be taken to deal with any problems that might arise. Where allegations of malpractice have been brought to our attention we report these to the police for them to investigate.

4.2 However, despite such efforts to minimise the risk of electoral malpractice, there is a contrast between the very low levels of recorded cases of alleged electoral malpractice, and the higher levels of concern about electoral fraud expressed by some people.

Understanding of electoral fraud

4.3 People were asked to explain what they understood by the term 'electoral fraud'. A third (34%) of people said they understood electoral fraud to involve 'someone voting using someone else's vote/name/false identity'. Others mention 'cheating/dishonesty/fraud/corruption/vote-rigging' (17%) and 'ballot stuffing/people voting more than once' (13%). However, over a quarter, either say they 'don't know/don't understand it' or responded with 'none/nothing/never heard of it'.

4.4 Voters are significantly more likely than non-voters to offer an example of electoral fraud: 35% of non-voters either 'don't know' or say 'nothing' compared to a smaller 22% of voters.

4.5 Forty-seven per cent of people feel that they understand 'a lot' (10%) or 'a little' (37%) about electoral fraud, compared to the 52% who claim to know 'hardly anything at all' (30%) or 'nothing at all' (22%). These results are in line with 2011 findings which showed 46% of people claiming to know 'a lot' or 'a little'.

4.6 Our public opinion research also asked people, from a list of scenarios, which examples they thought were forms of electoral fraud.

4.7 Ninety six per cent think that 'someone pretending to be another person so they can vote more than once' is an example of electoral fraud. A large majority also believe the same to be true of 'making another person vote for a party or candidate they don't want to vote for' (82%) and 'registering to vote under somebody else's name to get a mortgage' (79%).

4.8 When asked which of the examples of electoral fraud they were most concerned about, 'someone pretending to be another person so they can vote more than once' was the most common response, being mentioned by 42% of people.

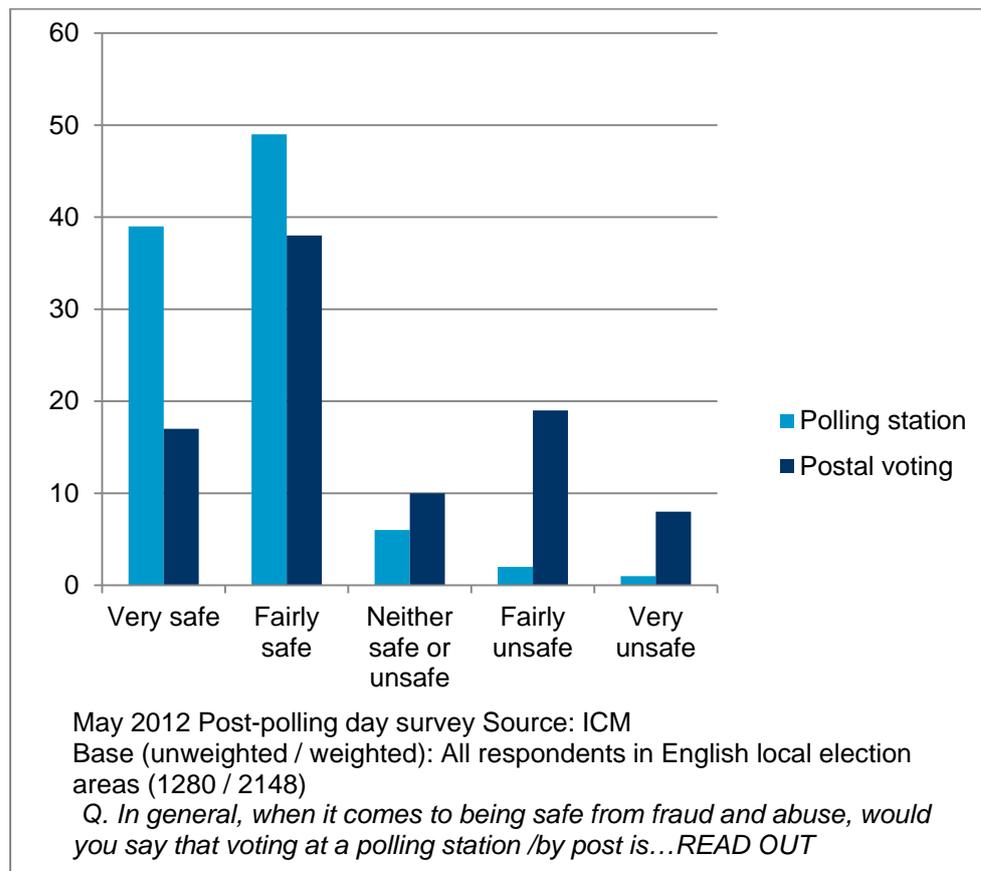
Voting being safe from fraud and abuse

4.9 Four in five (79%) believe that voting is safe from fraud and abuse, with 24% describing it as 'very safe', and 55% saying it is 'fairly safe'. This is a similar proportion to Great Britain overall (79%). This year's figure is similar to those over the past two years, which were 77% in both 2010 and 2011. Six per cent think that the process is 'unsafe', but a larger 13% said it is 'neither safe nor unsafe'.

4.10 Voters (86%) are more likely than non-voters (72%) to believe that voting is safe from fraud and abuse. This year we also included questions on electoral fraud on an academic survey of candidates at the local elections. The same proportion of candidates as members of the public (79%) believe that voting is safe from fraud or abuse, although a larger proportion believe it is unsafe (14% compared to 6%).

4.11 Eighty-eight per cent believe that voting at a polling station is safe in terms of fraud and abuse, while a lower 56% say the same about postal voting. One in four (27%) describe the process of voting by post as 'unsafe', which compares unfavourably to the score of 3% for polling station votes.

Chart 3: Perceptions of safety from fraud and abuse, by voting method



4.12 There is a strong link between people’s preferred voting method and their perception of the safety of the alternatives. For example, people who voted at a polling station (96%) are significantly more likely to say that polling station votes are ‘safe’ than those who voted by post (80%). The same is true vice versa, with 93% of postal voters describing voting by post as ‘safe’ compared to 42% of those who voted at a polling station.

Concerned fraud took place on 3 May?

4.13 Just over a third of people (35%) think that electoral fraud took place at the elections/referendums on 3 May, with 30% saying it happened ‘a little’ and 5% saying ‘a lot’.

4.14 The majority of voters either believe that fraud did not take place, or say they do not know: 32% say that it hardly happened, 9% say that it did not happen ‘at all’, and 23% say they ‘don’t know’.

4.15 Candidates are less likely to think that fraud took place. Twenty-two per cent say that they think it took place a lot (4%) or a little (18%) with 50% saying that it hardly happened (24%) or did not happen at all (26%).

4.16 Those who think that electoral fraud or abuse took place on 3 May were asked why they believe this to be the case. Most (37%) link it to the fact that 'identity fraud is on the increase', while many others say that they get the 'general impression that fraud is a problem' (28%). There is a suggestion that anecdotal evidence plays a part, with 4% saying they 'heard from someone else that electoral fraud took place', and 8% saying they 'saw stories in the media about electoral fraud'.

4.17 Only 1% of people **that said they thought a lot or a little fraud took place** reported that they had first-hand experience of electoral fraud occurring on 3 May and 4% that they had heard it had happened from someone else. Of these, 8% (i.e. 3 people) reported this to the police, while the majority (81%, or 26 people) did not.

4.18 We asked candidates directly whether they had witnessed anything which they believed constituted electoral fraud at these elections. Overall 3% said that they had witnessed fraud, with just over 2% (17 people) saying that they reported it to the RO, the police or both, and just under 1% (seven people) saying that they did not report it formally.

4.19 All respondents were given a list of options and asked how effective each would be in preventing electoral fraud. Nine in ten (91%) said a requirement to show some form of identification at their polling station would be very or quite effective at preventing fraud. Over three-quarters (77%) thought that 'people being required to sign in order to check their identity before being given their ballot paper in the polling station' would be effective. Just over half (55%) thought that stopping postal voting on demand would be an effective measure.

Allegations of electoral malpractice at the polls and beyond

4.20 There were a number of media reports of alleged electoral malpractice at the 3 May polls that related to the integrity of the registration system and, later in the election timetable, to allegations of intimidation of voters. We work with the Association of Chief Police Officers (ACPO) and the Police National Information and Coordination Centre (PNICC) to ensure a consistent and complete record of allegations of malpractice throughout the year. Each police force sends PNICC a monthly return detailing any allegations of malpractice. We will continue to track these allegations, and will report on the outcome of these in our annual report on allegations of electoral malpractice in 2012, which will be published in early 2013.

4.21 As we move beyond the May 2012 polls and towards the Police and Crime Commissioner elections in November 2012, we intend to focus our resources for the immediate future in terms of 'anti-fraud' activity. We have identified areas which may be at greater risk of electoral malpractice at the PCC elections, and will work with the relevant EROs and ROs, as well as the local police, to ensure

appropriate preventative measures are in place in advance of the elections and that they are equipped to deal with any allegations of criminal activity. We will target our observational activity accordingly.

4.22 We will continue to work with parties and candidates, the police and prosecutors to ensure that they understand their responsibilities in preventing, responding to, and dealing with concerns about electoral fraud.

4.23 Whilst we are very pleased that the Government is bringing forward legislation to introduce Individual Electoral Registration (IER), which will make the process of registering to vote more secure, we are disappointed that they have not taken forward our recommendation to review the need for ID in polling stations. We now propose to take forward a review of the process of absent voting and voting in polling stations in the light of the introduction of IER, focusing on any changes that may be needed to ensure confidence in the integrity of the system. We intend to publish this review in time for legislation to be brought forward during the life of this Parliament.

Challenging an election result

4.24 The process of challenging an election result requires an election 'petition' to be lodged with the courts within 21 days of the election result being declared.

4.25 At the time of publication, we are only aware of one case where the result in one electoral ward has been challenged through a petition – Maybury and Sheerwater Ward, Woking Borough Council.

4.26 We understand that the grounds for the petition include that some people who had voted were in fact ineligible to vote; postal votes had been submitted by people who were away from home or not living in the ward; and that some people had completed their postal vote under pressure. We will monitor the outcome of this case.

Appendix A: Research methodology

Public opinion

ICM interviewed a representative sample of 1,354 voters and non-voters in England (excluding London) by telephone on 4–22 May 2012; 487 of these were in areas with coincident local council elections and mayoral referendums and 74 in areas only with mayoral referendums. Unless otherwise stated, results are based on interviews with those in English areas holding council elections only, (793) and those in areas with both English council elections and mayoral referendums (487). Across Great Britain as a whole, 4,104 voters and non-voters were interviewed in the same period. The sample breakdown for other areas is as follows: Wales 750, Scotland 1,000 and London 1,000.

The profile of the contacted sample was designed to match that of the eligible population by key demographics, such as sex, age and work status. In line with previous research, roughly equal numbers of voters and non-voters participated in the survey. Findings are statistically significant at the 95% confidence level or above.

Comparisons made between these polls and those held in previous years are indicative and should be treated with some caution.

Electoral data

Professors Colin Rallings and Michael Thrasher at the Elections Centre, University of Plymouth, collected and collated data from Returning Officers on the Commission's behalf. This included data relating to electoral registration, turnout, absent voting and rejected ballots. We received data from all those local authorities in England which held local elections or mayoral referendums. However, in some cases an authority did not return all of the data requested, or did not return it for all wards.

Survey of candidates

We included questions on electoral fraud on a survey of local election candidates in England and Wales carried out by Professors Rallings and Thrasher at the Elections Centre, University of Plymouth. A random sample of candidates was drawn from a list of all candidates, with one in every two candidates selected. The selected candidates were invited to complete an online survey and 1,043 candidates (823 in England) did so.

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