



Local elections in England 2008

Report on the administration of the
1 May 2008 elections

July 2008

Translations and other formats

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Summary and recommendations

This report identifies and comments on key issues that emerged in the course of the local elections in England, excluding London, in 2008. It focuses on the administration of the elections.

On 1 May 2008, there were 137 elections to local authorities across all regions of England outside London. In London, although there were no scheduled local council elections (other than by-elections), elections were held for the London Assembly and the mayor; a separate report covers those elections.

The electoral arrangements for English local authorities vary: elections may be held either for the whole council, half the seats on the council, or a third of the seats on the council. The Commission estimates that around 10,000 candidates stood for around 2,800 local government vacancies across England (excluding London). There were also elections to 310 parish councils across the country.

The May 2008 local elections in England ran smoothly, with few problems that would have been apparent to voters. This was not least because the elections rules, unusually in the last few years, had not changed in England and Wales. Legislative change introduced for the first time at elections in 2007 had bedded down in 2008 and Returning Officers and Electoral Registration Officers clearly benefited from being able to draw upon their experiences in 2007.

Fewer elections in 2008 also meant fewer problems with the supply of election products and printing of election stationery, as well as increased availability of supplier support particularly for election software and hardware products.

A combination of these factors meant a less challenging process for those responsible for organising and administering the elections.

There was a range of small problems that could have been avoided through improved planning and management practices. There were also some issues of detail concerning the application of electoral legislation, where the relevant election rules would benefit from revision to address problems that have arisen in practice.

Summary of recommendations and actions

The legal framework

We have previously stated our view that the legal framework for elections in the UK is often finalised too close to critical implementation dates to allow for effective planning and delivery of electoral administration activities. The improved experience in planning for the elections in May 2008, compared with previous years, reinforces the case that there should be a six-month period between the enactment of any legislative change (including both primary and

secondary legislation) and the date of any scheduled elections. We acknowledge, however, that there may be limited circumstances in which changes within any six-month period before an election date may be required and beneficial, including instances where electors' interests are clearly at issue or where minor technical amendments are required.

Although we are pleased that no legislation on electoral administration matters was passed after the period beginning six months before these elections, we believe that this requirement should extend to all legislation which could have an effect on the conduct of elections. This would include structural change orders for local government, which this year came into force exceedingly late in the process. It follows that there should be better communication and co-ordination between different government departments in the planning of changes which involve the administration of elections.

The election timetable

The timetable for local government elections is fixed at 25 working days, but the timetable for elections to the UK Parliament is only 17 working days. In our 2003 report *Electoral Timetables in the UK*, we recommended that the timetable for UK Parliamentary elections should be standardised at 25 working days – the same as that for all other fixed elections (except elections for the Mayor of London and members of the London Assembly). In light of comments we have received from electoral administrators about increasing pressures during the time available for printing and processing postal ballot packs, we again recommend that the UK Government should increase the UK Parliamentary election timetable to 25 days, to provide consistency across all elections.

Nominations

We believe there is great value in Returning Officers holding briefing meetings on standing for election and the value to candidates and agents attending these, in order to avoid problems and minimise individual queries, and we will continue to reflect the benefits of such briefings in our guidance to Returning Officers.

We will give advice on the effect of early publication of notice of election on candidacy in future editions of our *Guidance for candidates and agents*, and will continue to monitor the practical implications for candidates and political parties.

We believe that those seeking nomination as independent candidates (and who are not seeking re-election to the authority) should be able to access a copy of the full electoral register for the purpose of completing nomination papers, on the same terms as candidates standing for election on behalf of a registered political party. We recommend that the UK Government should review the provisions relating to the supply of electoral registers to candidates in order to ensure equality of treatment for independent candidates.

We will review our *Guidance to candidates and agents* with a view to clarifying the advice on disqualification of prospective election candidates.

Absent voting

We were pleased that the UK Government made no changes to the legislation for absent voting identifiers, ahead of the 1 May elections as we recommended. This has enabled Electoral Registration Officers and Returning Officers to refine their procedures and consider the necessary processes. Now that one year has elapsed we suggest that some enhancement is needed to the legislation for England and Wales, as well as for Scotland:

- Reconsidering the signature waiver provisions.
- Granting Returning Officers the ability to check an identifier on a postal vote statement against more than one control where more than one is available, and subsequent provisions for the sharing of additional control identifiers between Electoral Registration Officers and Returning Officers.
- Empowering Electoral Registration Officers to renew or refresh their absent voting identifier record at any time, and to use more than one control element for each identifier.
- Requiring Returning Officers to advise Electoral Registration Officers of those electors whose postal votes were rejected due to a mismatch of identifiers for follow up action by the Electoral Registration Officer.
- Providing for access to data on rejected postal voting statements to allow Electoral Registration Officers to write to all electors whose postal votes are rejected due to a mismatch of identifiers inviting the provision of new identifiers.
- Enabling Returning Officers to write to any elector where a Returning Officer believes that their postal ballot was used in error by someone other than the elector, advising of the correct process and the possible penalties for malpractice.

We shall convene discussions of representative organisations, including Returning Officers and electoral administrators, to consider practical proposals on these issues by the end of 2008. In particular, we will identify those areas which may be addressed through revised guidance, and those which may require further legislative change.

We continue to press the UK Government to move to a mandatory national standard for the storage, maintenance and exchange of absent voting identifiers.

Concerns were also raised by Returning Officers that for older and younger generations, signatures were likely to differ over the period of five years. This could be alleviated by giving Electoral Registration Officers the power to refresh the absent voting record at any time, which we first recommended in our 2007 report on absent voting identifiers. We continue to press the UK Government to introduce this.

We will continue to monitor postal vote rejection levels based on the available research, in consultation with Returning Officers and electoral administrators. We will continue to work with Returning Officers to discuss and share best practice on managing absent vote identifier verification.

Voting in polling stations

In conjunction with Returning Officers we will continue to review our voter information provision to consider how information suitable for first-time voters or those who have not voted for some while can best be made available.

The rules on corresponding number lists still have the potential to cause difficulties in practice at larger-scale combined elections. We will work with the UK Government on the applicability of rules for corresponding number lists at combined elections, in particular the forthcoming European Parliamentary election which may be combined with local elections.

We continue to recommend that Returning Officers should provide training or briefing for all polling station staff that includes improving accessibility for all voters. We will consult on draft performance standards for Returning Officers in autumn 2008, including standards relating to the accessibility of elections.

The count

We will continue to monitor the practice of verifying ballot papers face up in the light of evolving practice on the separate timing of the verification and the counting of votes.

We will consult on draft performance standards for Returning Officers in autumn 2008, including standards relating to election counts.

We will review our guidance and the legislative provisions on candidates' commonly used names with a view to ensuring a consistent approach to the use of candidates' names throughout the election process.

We recommend that Returning Officers and electoral administrators, as part of their election planning and with appropriate specialist support, review the election results provision on their local authority websites with a view to making declared results as speedily and readily available as practicable.

1 Introduction

About the Electoral Commission

1.1 The Electoral Commission is an independent body set up by the UK Parliament under the Political Parties, Elections and Referendums Act 2000 (PPERA). Our aim is integrity and public confidence in the UK's democratic process. We regulate party and election finance and set standards for well-run elections.

1.2 Our corporate plan sets our strategic direction over the next five years from April 2008. The aims and objectives of the plan are underpinned by two key priorities – demonstrating and enhancing our effectiveness as the regulator of party and election finance and leading the drive for increasingly high standards of electoral administration. Our objectives are:

- Integrity and transparency of party and election finance.
- Complete and accurate electoral registers supported by a well-run electoral registration process.
- Well-run elections and referendums which produce results that are accepted.
- Public understanding of the way our democracy works.
- Fair boundary arrangements for elections.

1.3 We produce independent reports on the administration of all major elections in the UK. We also review and comment on draft electoral legislation and identify where changes in the law will help secure improvements in the delivery of quality electoral administration.

About this report

1.4 The elections held on 1 May 2008 marked the eighth round of scheduled or 'ordinary' English local elections since the establishment of the Electoral Commission in 2001.

1.5 While we are not statutorily required to publish a report on the administration of local elections, we welcomed the recommendation of the Committee on Standards in Public Life, that the Commission should be statutorily required to report on scheduled local elections in England,¹ and have produced this report on the administration of the 1 May 2008 local elections in England.

1.6 Elections also took place on 1 May for the London Mayor and London Assembly and to local authorities in Wales. The Commission is producing

¹ Eleventh Report of the Committee on Standards in Public Life, 'Review of the Electoral Commission' (January 2007, CM 7006), Recommendation 26.

See www.electoralcommission.org.uk/news-and-media/our-views for the Electoral Commission's response.

separate reports on the administration of these elections which are available on our website.

1.7 This report focuses primarily on the administration of the elections, and identifies and comments on key issues resulting from the impact of the changes introduced in the Electoral Administration Act 2006 (EAA). While these are the second set of elections since the majority of the provisions of the EAA came into force, for seven local authorities this was their first experience with the new legislation at an authority-wide scheduled election. For all authorities it was the first time that electors who had registered to vote as an anonymous elector had the opportunity to vote in this way.

1.8 This report does not include details of campaign expenditure incurred by election candidates, which will be available later in 2008, after the relevant deadline for submission of candidates' statutory returns.

Sources used to inform the report

1.9 We have collected information for this report from a variety of sources including:

- A series of post-election feedback seminars held across England for Returning Officers, Electoral Registration Officers and electoral administrators.
- A database of enquiries received by Commission staff from electoral administrators, candidates, parties, etc.
- Public enquiries - including those received by the Commission's call-centre.
- Qualitative responses to a feedback form sent to Returning Officers, Electoral Registration Officers and electoral administrators.²
- Analysis of electoral data collected by the Local Government Chronicle elections centre at Plymouth University.
- Public opinion research conducted for us by ICM after the elections on the voter experience of the elections.
- Post-election meetings with Returning Officers, Electoral Registration Officers, electoral administrators, political parties, government officials, the police and prosecution authorities.
- Visits from Commission representatives to a diverse mix of local authorities during the election period to observe procedures and working practices.

² All local authorities that held elections were given the opportunity to complete feedback forms asking about their experience of and views on the elections: 55 completed forms were returned.

2 Context

About these elections

2.1 On 1 May, there were 137 elections to local authorities across all regions of England outside London. In London, although there were no scheduled local council elections (other than by-elections), elections were held for the London Assembly and the mayor; a separate report covers those elections.

2.2 The electoral arrangements for English local authorities vary: elections may be held either for the whole council, half the seats on the council, or a third of the seats on the council. The Commission estimates that around 10,000 candidates stood for around 2,800 local government vacancies across England (excluding London).³ There were also elections to 310 parish councils across the country.

2.3 There were some localised variations to the cycle of elections in some areas due to two issues. Firstly, four local authorities⁴ which normally hold elections by thirds each held an 'all out' election in order to implement updated warding arrangements following an electoral review by the Boundary Committee for England. Secondly, there were shadow elections in the new unitary authorities of Durham, Northumberland and East Cheshire & Chester and West Cheshire which will be subject to structural change in 2009.⁵

2.4 Table 1 below gives a breakdown of the locations, numbers and types of the elections that were held, not including the London Assembly and mayoral elections.

Table 1: Local elections 1 May 2008

European Parliamentary Region	Number of elections 2008	Districts with elections by halves	Districts with elections by thirds	Metropolitan authorities with elections by thirds	Unitaries with elections by thirds	Shadow elections
East Midlands	6	0	5	0	1	0
Eastern	25	0	22	0	3	0
North East	8	0	0	5	1	2
North West	30	0	10	15	3	2
South East	30	5	19	0	6	0
South West	8	1	5	0	2	0
West Midlands	17	1	8	7	1	0
Yorkshire & the Humber	13	0	2	9	2	0
Total	137	7	71	36	19	4

³ This is based upon data received from Professors Rallings and Thrasher at the Local Government Chronicle elections centre at the University of Plymouth.

⁴ These are South Lakeland; Welwyn Hatfield; Barrow-in-Furness; Basingstoke and Deane.

⁵ These were structural change orders SI 2008/493; SI 2008/494 and SI 2008/634.

2.5 Like all local elections, the conduct of these elections was the responsibility of individual Returning Officers who are senior local government officers appointed to run the elections independently of their council. The council meets the costs of the election and provides staff to support the Returning Officer, supplementing them with temporary staff and contractors as necessary. The Electoral Commission has no direct role in the conduct of elections.

3 Planning for the elections

Legislation and its impact on planning

3.1 A notable positive feature in 2008 which assisted Returning Officers in planning for the elections in May was the lack of any substantial change to electoral legislation since the last set of elections held across England in 2007. This steady state was much commented on in feedback from all involved in the elections.

Most of the issues regarding the implementation of the Electoral Administration Act 2006 have now bedded down and posed no undue problems for us during the local government elections.

Electoral Services Manager

3.2 In 2006, the Electoral Administration Act (EAA) was introduced across Great Britain and brought some key changes to the conduct of elections. Implementing the changes had meant new accompanying secondary legislation; new guidance for electoral staff; and revised briefings for candidates and agents, electoral and polling station staff. Secondary legislation was not finalised until the beginning of February 2007, only just in time for elections in May 2007.

3.3 As discussed in our report on the 2007 local elections in England, planning for those elections was greatly influenced by the timing of the legislation. Little time was available for electoral administrators to plan for the new provisions and to ensure that adequate resources were available to support them.

3.4 Following the 2007 elections, the Commission recommended that no changes be made to the legislation for local elections in 2008, and the UK Government did not propose any changes. The elections were conducted using the same legislation in place for the elections in 2007, in particular the Local Elections (Principal Areas) (England and Wales) Rules 2006 and the Local Elections (Parishes and Communities) (England and Wales) Rules 2006.

3.5 The absence of any new legislation relating to the administration of the elections this year meant that planning for the elections in 2008 was a smoother and easier process than it had been in 2007. Electoral administrators clearly benefited from the additional time available for planning, and were able to build on and learn from their experience of implementing procedures and practices introduced in 2006/07.

3.6 Seven local authorities holding elections this year did not hold elections last year and were conducting elections under the new legislation for the first time. We are not aware of these authorities having any particular problems with the implementation of the EAA.

3.7 For all local authorities these were the first set of elections at which people who had registered to vote as an anonymous elector were able to vote. The provisions in Section 10 of the EAA which introduced anonymous registrations of electors in certain circumstances came into force on 1 June 2007. The number of electors who are registered as such is minimal⁶ and did not present any issues for electoral administrators at these elections.

England-wide planning

3.8 Much of the Commission's work with electoral administrators in England is now carried out through our network of four English Offices, which between them cover all nine regions in England.⁷ The English Offices build on the success of the Commission's offices in Scotland, Wales and Northern Ireland, and their key task at this set of elections was to work with political parties, candidates, agents, elected members and police forces, as well as Electoral Registration Officers, Returning Officers and their staff.

3.9 The Commission did consider whether existing mechanisms for communication between the Commission and administrators at the regional level were adequate. For 2008, given the relatively small number of authorities holding elections, we concluded that existing mechanisms were suitable. In 2009, more co-ordination is expected to be delivered through the Regional Returning Officer structure used for European Parliamentary elections. The Commission will consider what is required moving on from 2009 in its report on the administration of those elections.

New unitary authorities

3.10 The Local Government and Public Involvement in Health Act 2007 allows for structural change to local government in England. Following invitations in 2006 to all councils to bid for unitary status and a consultation exercise, the Secretary of State for Communities & Local Government decided that nine new unitary authorities would be established from April 2009.⁸

3.11 The UK Government then proceeded to make arrangements for the implementation of these decisions, including decisions on when these new authorities would have their first elections. Some areas had scheduled elections in 2008 postponed or cancelled, while others had elections to a 'shadow' authority (covering the affected areas prior to the establishment of the new authority) scheduled for May 2008 when none had previously been planned.

⁶ Based on ONS data from the 1 December 2007 electoral register, the number of anonymous electors is 304 in England.

⁷ These are the European Parliamentary regions of England.

⁸ Although the Ministry of Justice deals with electoral administration matters, the Department for Local Government and Communities deals with changes to the structure of local government which can have consequential effects on the administration of local government elections.

Summary of elections in 2008 following creation of unitary authorities

Bedfordshire

The UK Government announced its plans for two unitary authorities in Central Bedfordshire and Bedford Borough on 6 March 2008, the same day it decided that elections in South Bedfordshire and Bedford for 2008 would be cancelled. The structural change order that gave effect to this decision was made on 27 March 2008 and came into effect on 28 March.

Cheshire

The UK Government announced its plans for two unitary authorities in Cheshire – East Cheshire & Chester and West Cheshire on 18 December 2007, and decided to call shadow elections for these authorities in 2008. The structural change order that gave effect to this decision was made on 4 March 2008 and came into effect on 5 March.

Cornwall

The UK Government announced its plans for a new unitary Cornwall authority on 5 December 2007. It subsequently decided to cancel the 2008 elections scheduled for Penwith District Council. The structural change order that gave effect to this decision was made on 25 February 2008 and came into effect on 26 February.

County Durham

The UK Government announced its plans for a new unitary County Durham authority on 5 December 2007. It subsequently decided to call shadow elections for this authority in 2008. The structural change order that gave effect to this decision was made on 25 February 2008 and came into effect on 26 February.

Northumberland

The UK Government announced its plans for a new unitary Northumberland authority on 5 December 2007. It subsequently decided to call shadow elections for this authority in 2008. The structural change order that gave effect to this decision was made on 25 February 2008 and came into effect on 26 February.

Shropshire

The UK Government announced its plans for a new unitary Shropshire authority on 5 December 2007. It subsequently decided to cancel the 2008 elections scheduled for Shrewsbury and Atcham District Council. The structural change order that gave effect to this decision was made on 25 February 2008 and came into effect on 26 February.

Wiltshire

The UK Government announced its plans for a new unitary Wiltshire authority on 5 December 2007. No elections to the current four district authorities were scheduled for May 2008.

3.12 Despite tight time-scales planning for the elections in County Durham, East Cheshire & Chester, West Cheshire, and Northumberland, they were delivered smoothly, and electoral administrators were able to draw upon their experience of implementing the changes in the EAA from 2007. However, right up until the orders were made these electoral administrators – and electors – were still faced with uncertainty about when, and indeed if, they would be made and whether they would have an election.

3.13 In areas where elections had been scheduled but then cancelled, much planning had already commenced: polling stations and count centres had been booked as well as staff and venues to train them. Upon cancellation of the election, South Bedfordshire offered compensation to schools and village halls that had lost income as a result.

3.14 The Commission has previously stated its view that the legal framework for elections in the UK is often finalised too close to critical implementation dates to allow for effective planning and delivery of electoral administration activities. The improved experience in planning for the elections in May 2008, compared with previous years, reinforces the case that there should be a six-month period between the enactment of any legislative change (including both primary and secondary legislation) and the date of any scheduled elections. We acknowledge, however, that there may be limited circumstances in which changes within any six-month period before an election date may be required and beneficial, including instances where electors' interests are clearly at issue or where minor technical amendments are required.

3.15 Although we are pleased that no legislation on electoral administration matters was passed after the period beginning six months before these elections, the Commission believes that this requirement should extend to all legislation which could have an effect on the conduct of elections. This would include structural change orders for local government, which this year came into force exceedingly late in the process. It follows that there should be better communication and co-ordination between different government departments in the planning of changes which involve the administration of elections.

Election timetable

3.16 There was a general feeling among Returning Officers that the election timetable was very tight, and in particular that there was only just sufficient time available for issuing postal ballot packs and processing returned packs. While very few reported having problems during the nomination period, a number reported that the period after the close of nominations in which to finalise the design of ballot papers and postal ballot packs and to get them printed and despatched to electors was very tight, particularly given the increasing numbers of electors who choose to vote by post. Two comments from electoral administrators, which reflected views that were expressed by others, were that:

The whole election timetable is one big pressure pad for those administrators who have limited resources available.

Electoral Services Manager

Coped with the timetable, but never have enough time.

Deputy Returning Officer

3.17 The timetable for local government elections is fixed at 25 working days, but the timetable for elections to the UK Parliament is only 17 working days. In our 2003 report *Electoral Timetables in the UK* the Commission recommended that the timetable for UK parliamentary elections should be standardised at 25 working days – the same as that for all other fixed elections (except elections for the Mayor of London and members of the London Assembly).⁹ **In light of comments we have received from electoral administrators about increasing pressures during the time available for printing and processing postal ballot packs, the Commission again recommends that the UK Government should increase the UK Parliamentary election timetable to 25 days, to provide consistency across all elections.**

Preparing for the elections: guidance from the Commission

3.18 The Commission published guidance and support materials for Returning Officers and their staff and for candidates and agents. The materials were supplied to them free of charge and included:

- A guidance manual for Returning Officers, to assist in managing all aspects of the electoral process.
- A handbook for polling station staff detailing polling station procedures for Presiding Officers and poll clerks.
- A guidance manual for candidates and agents to assist them in complying with electoral law and meeting standards of good practice.
- Guides for adjudicating doubtful ballot papers at the count.
- Additional materials available for download from the Commission's website, such as an election project plan and Frequently Asked Questions for frontline staff.
- Briefing sessions for Returning Officers and electoral services staff.
- Individual advice and enquiry service.

⁹ The timetable for these elections is 30 working days, including an additional five days after close of nominations to allow for the production and distribution of an information booklet on the Mayoral election candidates.

3.19 Through its English Offices, the Commission delivered a range of pre-election events across England, either in a seminar format or in more intensive small group sessions throughout February. These sessions covered areas of interest to those attending, including nominations, absent voting and the count. These events were attended by nearly all administrators who held elections. Feedback from Returning Officers, their staff, political parties and candidates and agents on the materials and briefings was very positive.

3.20 The Commission will continue to work with those who run and those who stand for election to produce guidance materials that meet identified needs and are suitable for the purpose.

4 Electoral integrity

Commission activity

4.1 Preventing electoral malpractice is a priority for the Commission. We have been working with Electoral Registration Officers, Returning Officers, political parties, Royal Mail, the Association of Chief Police Officers (ACPO) and the Crown Prosecution Service to promote electoral integrity and to make sure that elections are safe and secure.

4.2 In partnership with ACPO we issued a revised version of *Guidance on preventing and detecting electoral malpractice* to the 43 police forces in England and Wales in January 2008. A separate edition was produced covering elections to the Greater London Authority (GLA). This guidance forms part of the Commission's commitment to provide more information and support for police forces on this specialised area of the law.

4.3 Police forces were generally better prepared this year, especially in terms of directing resources in proportion to perceived risk, presenting a more visible policing presence and carrying out significant prevention activity, including attendance at candidate and agent briefing sessions.

4.4 The Commission also produced an updated edition of the pocket guide, *Guidance on policing elections in England and Wales*, jointly with ACPO. This details electoral offences and suggested actions to take. More than 50,000 copies were distributed to beat officers and these were well received.

4.5 In conjunction with the political parties, the Commission agreed to carry forward the 2007 *Code of conduct on the handling of postal vote applications and postal ballot papers*. We also produced a credit card size quick guide, *Postal voting – a quick guide for party workers*. These plastic coated cards were produced as a pilot and issued to political parties and some Returning Officers. The feedback we have received has been very positive.

4.6 As in previous years, we issued guidance to Returning Officers and Electoral Registration Officers on the steps that should be taken to promote electoral integrity at local level as part of our guidance manual for Returning Officers. We continue to advise and support them, and the police and prosecutors, when any new issue arises.

4.7 We also issued guidance to candidates and agents which covered issues around integrity and included the Code of conduct for political parties, candidates and canvassers on the handling of postal vote applications and postal ballot papers. The police and electoral administrators have been encouraged to refer allegations of electoral malpractice by party workers to their party in the first instance, which has been helpful in resolving problems caused by a few over zealous supporters.

Single Points of Contact in police forces

4.8 Single Points of Contact (SPOCs) were created in each police force to deal with electoral issues and are now well established. These officers act as a point of contact for both police officers and electoral officials in relation to electoral malpractice and allegations of offences.

4.9 Most forces were represented in January at the third National Seminar for election SPOCs in Birmingham. This was primarily a training event that focussed on the guidance document, examples of recent cases, highlighted the support that was available and tackling scenarios based on actual cases.

4.10 In February 2008, in conjunction with West Yorkshire Police, the Commission for the first time organised a regional seminar for the North of England, in Leeds. We will consider holding similar events around the regions prior to the next elections.

Public confidence

4.11 Our public opinion survey shows that 59% of the public considered that electoral fraud was not a very big problem/problem at all. This is the same percentage as earlier this year but eight percentage points higher than for the elections last year. Furthermore, 74% were not very/not at all concerned about fraud in these local elections. Of the 25% who were very/fairly concerned, 14% felt that the voting system was open to abuse, 11% that postal voting open to abuse and 7% were concerned about getting the wrong result. Voting in a polling station was also seen by all respondents as being safer than voting by post (89% versus 51%).

Election petitions

4.12 English local elections can only be challenged through the issue of an election petition by the High Court. Following the local elections this year the High Court received three election petitions although none of these related to electoral malpractice. A petition in Warrington was not valid because the petitioners failed to pay the surety to the court within the prescribed period. Two petitions are currently before the court. One relates to challenging the result in a close contest at Stoke-on-Trent and the other in Bradford where a candidate alleges that the West Yorkshire Police unlawfully detained him and prevented him from canvassing. The latter petition also makes allegation against the Returning Officer who would not allow him to see the rejected postal voting statement.

Reports and allegations of malpractice

4.13 The information currently available suggests that the scale and volume of offences during the elections in May 2008 are down on 2007. Some police investigations are still going-on and serious allegations may still come to light. The Commission will be publishing a detailed report on the nature and outcome of allegations in September 2008.

5 Registering to vote

Registration levels

5.1 The main focus of electoral registration activity is the registration of electors within households which is undertaken annually in the autumn (commonly known as the 'annual canvass'). Individuals may also register or amend their existing details at any time of the year, usually as a result of moving home or having missed the annual canvass.

5.2 As discussed in our report on the local elections last year, the EAA placed a duty on Electoral Registration Officers to proactively take steps to increase registration rates. Overall in England, an additional 371,461 electors were added to the electoral registers published by 1 December 2007 compared to 12 months previously, an increase of around 0.97%. This includes 304 electors who chose to register anonymously.

5.3 In the months leading up to the election, a number of Electoral Registration Officers undertook additional activity to promote electoral registration for the 1 May elections. Activities to increase registration included placing adverts in local magazines and newspapers, posters in public places such as bus shelters and hospitals; writing to all non-respondents to the canvass in wards with elections; and printing reminders to register in council payslips¹⁰. Targeted advertising such as adverts in Asian magazines and discussions with students were also taken in some areas to target black and ethnic communities and young people.

5.4 There also appeared to be a greater effort by Electoral Registration Officers this year to remove people who should no longer be on the electoral register by undertaking a cleansing exercise early in 2008. This included going through the process to remove people who were registered at properties where council tax records showed that no-one lived there and writing to all registered electors to confirm registration details.

Latest date to register to vote

5.5 A significant change introduced by the EAA was to move the latest date for registering to vote to 11 working days before polling day. In 2008, potential voters could register after the formal start of the election period with the last date for registration for these elections being 16 April 2008 (just over two weeks before polling day): around 58,500 electors registered to vote between 10 March, which would have been the latest day prior to the EAA, and 16 April.¹¹

5.6 Feedback suggests that the majority of Electoral Registration Officers did not find processing applications overly burdensome. Overall, the volume of

¹⁰ The council in this particular area is the largest employer.

¹¹ Professors Rallings and Thrasher at the Local Government Chronicle election centre at the University of Plymouth based on returns from 112 local authorities.

queries about electoral registration and the number of new registration applications up to the deadline of 16 April were not difficult to manage, although concerns were expressed about the possible impact of receiving the larger volume of late registration applications expected at a UK General Parliamentary election.

Performance standards and electoral registration

5.7 Following the Electoral Administration Act 2006, the Commission developed a clear vision for quality electoral services which would form the basis of a performance standards framework for Electoral Registration Officers (EROs) in Great Britain. The Commission has published, for the first time, a complete set of baseline performance information for electoral registration and is consulting with practitioners and relevant stakeholders on a set of draft performance standards for EROs. We have developed the standards by using the information that we have collected as well as feedback from the electoral community. The final standards will be published by the end of July 2008 and EROs will return their first self assessment against the standards in January 2009 after the 2008 annual canvass.

The Commission's public information campaign

5.8 The Commission's public information campaign in the run-up to the 1 May local elections in England and Wales aimed to encourage people to register to vote, building on the success of our 2007 campaign with the key message 'If you want to vote, make sure nothing stops you'.

5.9 A series of television, radio, press and online adverts (bilingual in Wales) were used to communicate the date of the election and that, in order to be able to take part, individuals were required to register to vote by 16 April. A second phase of activity, including radio and online advertising, reminded people about the election date and polling station opening hours. The campaign directed people to the Commission's voter information website www.aboutmyvote.co.uk and a freephone telephone helpline.

5.10 With only 137 local authority areas in England with scheduled elections (compared with 312 in England in 2007), a key challenge for this campaign was to target only those areas with elections. A regional media strategy ensured that the campaign was delivered equally to all areas with elections while avoiding wastage and confusion for those without elections. This campaign also allowed for small-scale tests of additional media, including press advertising in the West Midlands, and advertising in pubs and bars in several key cities in England. The latter provided a discrete pilot of a text response mechanism, with individuals sending a text message to request a registration form.

5.11 The campaign was reinforced by additional activity to reach key under-registered groups. Field marketing teams encouraged students and people from black and minority ethnic communities to fill in voter registration forms. Our annual mailing to recent homemovers was also sent out in advance of the elections; in 2007 this activity helped over 90,000 people to register to vote. Information was also sent out to members of the Armed Forces and to British Embassies and Consulates abroad.

5.12 To support electoral administrators in their efforts to promote participation in the elections, the Commission provided a range of free practical materials, advice and guidance via its Do Politics Centre (www.dopolitics.co.uk), such as press release templates, posters and registration leaflets.

5.13 Detailed evaluation of the campaign is under way to assess its effectiveness, but initial results suggest it was effective. There were over 4,800 calls to our local elections hotline, and over 242,000 visits to the aboutmyvote.co.uk website with an average of 34,600 visits per week during the campaign. Almost 23,000 registration forms were downloaded from England and Wales (excluding London). Nearly 300 texts were received requesting registration forms, a positive response to a small-scale test, while 2,100 registration forms were filled in as a direct result of our field marketing activity.

5.14 Quantitative public opinion research was also conducted to evaluate recall and perception of the campaign. Overall, 56% of respondents recalled seeing at least one of the adverts, with 64% agreeing that the adverts reminded them 'that if you're not registered you cannot vote', while 57% agreed that the key message was 'how important it is to register if you want to vote'. Spontaneous awareness of the fact that elections were taking place more than doubled from 32% before the campaign to 76% after, with 93% aware that there were elections for their local council. Attitudes towards registering to vote were very positive following the campaign, with 87% of respondents agreeing that 'even if you are not interested in voting now, it's important to register so you can in the future' and 83% agreeing that 'registering to vote gives you the opportunity to have your say'.

6 Standing for election

6.1 The Commission estimates that approximately 10,000¹² candidates stood for around 2,800 local government vacancies in England (excluding London) on 1 May. Political parties who wish to field candidates to elections in England must be registered with the Electoral Commission, which maintains and publishes registers of political parties.

6.2 The Commission again published *Guidance for candidates and agents*, distributed through Returning Officers and political parties: it was widely used and welcomed.

6.3 Many Returning Officers held briefing meetings with candidates and agents to iron out potential difficulties in advance of the elections. However, a minority of Returning Officers reported that attendance at their briefing sessions was patchy, which they felt was then reflected in the relative understanding of candidates in aspects of the electoral process. They reported that dealing with queries from candidates was very time-consuming.

6.4 The Commission received feedback that many election agents and candidates with years of experience did not want to devote valuable time otherwise spent on campaigning to attending briefing sessions where they were already familiar with the issues. Small changes in election procedures and between different types of election, however, can catch out even the most experienced. The additional value of attending briefing meetings to build working relationships is also lost where candidates and agents fail to attend.

6.5 We believe there is great value in Returning Officers holding briefing meetings on standing for election and the value to candidates and agents attending these, in order to avoid problems and minimise individual queries, and we will continue to reflect the benefits of such briefings in our guidance to returning officers.

Early publication of notice of election

6.6 A number of local Returning Officers published notices of election in advance of the deadline of the 25th working day before polling day (27 March 2008). The purpose was to extend the candidate nomination period to its maximum, because Returning Officers are able to commence the receipt of nominations on the same day that the notice of election is published. As well as assisting with the volume of nominations to be received, an extended nomination period also provides a longer period for informal checks to be made on nomination papers before they are finally submitted to the Returning Officer.

6.7 However, there was uncertainty amongst potential candidates and electoral administrators about the effect of the early submission of nomination papers on the date a nominated person officially became a candidate.

¹² This is based upon data received from Professors Rallings and Thrasher at the Local Government Chronicle elections centre at the University of Plymouth.

The Commission issued additional guidance on the issue as a result of the number of queries received.

6.8 A person does not officially become an election candidate, even if their nomination papers have been submitted, until the last day for publication of notice of election, at the earliest.¹³ In local authorities where notice of election was issued early, the practical effect was that a person could submit a nomination paper from 20 March, have the nomination accepted as valid by the Returning Officer, but not become a candidate for the purpose of their election campaign and expenses until 27 March.

6.9 Becoming a candidate in a local government election means that election expenses are regulated from that time. It also means the candidate is entitled to a free copy of the full electoral register for the electoral ward s/he is contesting¹⁴ and a copy of the list of absent voters (and proxy voters) for the area¹⁵. The electoral register and the absent voters list are used by candidates for election campaigning purposes. The electoral register is also used by candidates to assist in completing their nomination papers, which must be signed (subscribed) by 10 registered electors from the ward in which the candidate is standing. The subscriber's electoral number, available only from the electoral register, must also be included on the form.

6.10 As well as the impact on the date of candidacy, a further complication arises from the early publication of notice of election in relation to the use of registered descriptions by candidates standing on behalf of a political party. This issue is covered in more detail below.

6.11 The Commission will give advice on the effect of early publication of notice of election on candidacy in future editions of our *Guidance for candidates and agents*, and will continue to monitor the practical implications for candidates and political parties. We also note that the UK Government has recently published its white paper on party finance and expenditure in the UK, which includes proposals on the regulation of candidates' spending and when candidates' spending limits begin.

Access to the electoral register: independent candidates

6.12 Becoming a candidate in a local government election means that election expenses are regulated from that time. It also means the candidate is entitled to a free copy of the full electoral register for the electoral ward they are contesting¹⁶ and a copy of the list of absent voters (and proxy voters) for the area.¹⁷ The electoral register and the absent voters list are used by candidates for election campaigning purposes. The electoral register is also used by candidates to assist in completing their nomination papers, which

¹³ Section 118A(3), Representation of the People Act 1983.

¹⁴ Regulations 104 and 108(1)(c), Representation of the People (England and Wales) Regulations 2001.

¹⁵ Regulation 61, 2001 Regulations.

¹⁶ Regulations 104 and 108(1)(c), Representation of the People (England and Wales) Regulations 2001.

¹⁷ Regulation 61, 2001 Regulations.

must be signed (subscribed) by 10 registered electors from the ward in which the candidate is standing. The subscriber's electoral number, available only from the electoral register, must also be included on the form.

6.13 Registered political parties are entitled to request copies of the full electoral register on publication. Therefore, candidates standing on behalf of a party are able to access a copy of the full register well in advance of the majority of independent candidates, who are not able to access the register until after the last day for publication of the notice of election. Only independent candidates who are seeking re-election to the authority would have access to the electoral register at the same time as political parties.

6.14 We are aware that some independent candidates, who were not existing councillors, have raised concerns about what they perceived as a disadvantage to their election campaign in the effect of these provisions. Candidates were not entitled to a copy of the electoral register to assist in completing their nomination papers until the date they became candidates on 27 March. However, political parties are entitled to a free copy of the full electoral register at any time throughout the year. In practice, therefore, a candidate representing a political party is likely to have the assistance of their party in order to identify 10 registered electors. Only independent candidates who are already existing councillors would have access to the register in the same way as political parties. Some party candidates would, therefore, have been validly nominated a week ahead of those independent candidates who were reliant on obtaining a copy of the electoral register to identify their potential subscribers.

6.15 The Commission believes that those seeking nomination as independent candidates (and who are not seeking re-election to the authority) should be able to access a copy of the full electoral register for the purpose of completing nomination papers, on the same terms as candidates standing for election on behalf of a registered political party. We recommend that the UK Government should review the provisions relating to the supply of electoral registers to candidates in order to ensure equality of treatment for independent candidates.

Registered party descriptions

6.16 Political parties may register up to 12 descriptions in addition to their registered party name with the Commission. These descriptions may be used by their candidates on the ballot paper. A party may delete or amend any of its registered descriptions up to the day before the date of publication of notice of election for any particular election. Where a Returning Officer in one local authority area publishes a notice of election early, the possibility exists that a candidate may submit a nomination paper with a description that is subsequently amended or deleted by the party. The nomination paper would be valid, but that same description would not be valid for candidates from the same party in other local authorities where notices of election were published later.

6.17 The complications that arise from the early publication of notice of election occur in local government and devolved elections but not in UK Parliamentary general elections and European Parliamentary elections, where dates are fixed.

6.18 In practice the potential complication with party descriptions did not arise at these elections. However, the Commission has received feedback that some Returning Officers would not initially accept the registered party name as the description of the candidate as it was not one of the 12 descriptions that had been registered with the Commission, despite the fact that the legislation and the Commission's guidance on this is clear, this is permissible.

6.19 In addition, the Commission has recently formally consulted on *The registration of party descriptions*,¹⁸ including the process for registering and amending and deleting descriptions during the candidate nomination period, was completed in June 2008. We will make public our conclusions, which may contain findings on independent candidates, in autumn 2008.

Submission of nomination papers

6.20 Nominations again proved a difficult time for prospective candidates and electoral administrators alike, with candidates reporting difficulty completing the nomination forms.

6.21 Some Returning Officers have implemented a number of measures to facilitate the nomination process with the aim of helping candidates and reducing errors. For example, some ran an appointment system for the receipt of nomination papers which enabled candidates to amend any errors such as spelling mistakes or incorrect numbers, while others checked draft papers throughout the formal nomination period and developed forms to help candidates with the accurate completion of their nomination paper. Following the EAA, Returning Officers also have the power to correct minor errors in nomination papers.¹⁹

6.22 The Commission received a number of queries and comments regarding the disqualification of prospective election candidates. A person is disqualified from being elected or being a member of a local authority if he or she holds any paid office or employment in the local authority, including those who hold paid office on joint boards or committees on which the local authority is represented²⁰. Furthermore, a number of posts are politically restricted, such as Heads of Service or Statutory Chief Officer, or other managers or staff who regularly advise elected members. Holders of such posts are disqualified for election to any local authority in England.²¹

¹⁸ The consultation closed on 13 June 2008.

¹⁹ Rule 10, Local Elections (Principal Areas) (England and Wales) Rules 2006.

²⁰ Section 80, Local Government Act 1972.

²¹ Section 1(1), Local Government and Housing Act 1989.

6.23 We issued further guidance in relation to the specific question of when local authority employees need to resign their position if they wish to stand for election to the local authority. The Commission's view is that a person consenting to be nominated to stand for election must qualify to be elected on the day of nomination and on the day of the election – not just on the day they take up office, if successful. This means that a person cannot be validly nominated as a candidate at an election to that authority unless they have resigned and served any notice period before the date of nomination.²²

6.24 There was also a lack of clarity among some potential candidates about which posts in external bodies on which the local authority is represented would disqualify postholders from standing for election, as well as which posts in non-local authority services are politically restricted.

6.25 The Commission will review its *Guidance to candidates and agents with a view to clarifying the advice on disqualification of prospective election candidates.*

Local authority publicity during an election period

6.26 Although we are not aware of evidence of any problems during the May 2008 local elections in England, we note in our report on the 2008 local elections in Wales that there were a number of queries and comments about publicity for election candidates who were also incumbent local authority councillors.

6.27 We have recommended that the Welsh Assembly Government should consider strengthening the Code of Recommended Practice on Local Authority Publicity in Wales. We suggest that the Department for Communities and Local Government should consider the outcome of any review by the Welsh Assembly Government in relation to the code which it has issued in relation to local government elections in England.

²² See details in The Electoral Commission Circular EC02/2008.

7 Absent voting

7.1 In 2007, new requirements for absent voting were introduced in England and Wales. All absent voters must provide their date of birth and signature as a security measure at the time of application. Those who vote by post must then reproduce these 'identifiers' on their postal voting statement which is sent back with the ballot paper.

7.2 Under the Representation of the People (England and Wales) Regulations 2001 (as amended), where an applicant is unable to provide a signature, they may request that the Electoral Registration Officer waive the requirement for a signature to be provided. The regulations also make it a requirement for EROs to request electors to submit fresh signatures at five-yearly intervals.

7.3 Upon receipt of the returned postal ballot packs, Returning Officers must check (a) that both fields of the postal voting statement have been completed and (b) that the identifiers supplied match those supplied at application. In part (b), the law requires that Returning Officers check at least 20% of returned postal voting statements; however, the Commission recommends that this should be extended to mandatory 100% checking of returned identifiers. We also believe that the system of identifiers should be introduced in Scotland with mandatory 100% checking from commencement. We are pleased that for these elections virtually all Returning Officers checked 100% of postal voting statements.

7.4 An elector may also appoint a proxy to vote for them. Under the EAA all electors appointing a proxy must provide the ERO with their date of birth and signature. As with postal voting, they may request that the requirement for a signature is waived.

Evaluation of the introduction of absent vote identifiers

7.5 On 20 February 2007, the Commission was directed by the Secretary of State for Justice to review the implementation of postal vote identifiers in England and Wales.²³ The Commission published a report in July 2007 in response to his direction²⁴, which examined the implementation of the new requirements in detail and made a number of recommendations. The UK Government responded to this report in December 2007.²⁵ The Commission has continued to pay close attention to the implementation of absent voting identifiers.

²³ 'Review of the introduction of personal identifiers for absent voting', letter from Bridget Prentice MP (Parliamentary Under Secretary of State for Constitutional Affairs) to Sam Younger (Chair of the Electoral Commission), 20 February 2007.

²⁴ The Electoral Commission (2007) *The introduction of absent voting identifiers in England and Wales*.

²⁵ *The Government's response to the Electoral Commission's recommendations in its evaluation report 'The introduction of absent voting identifiers in England and Wales'*.

7.6 We were pleased that the UK Government made no changes to the legislation for absent voting identifiers, ahead of the 1 May elections as we recommended. This has enabled Electoral Registration Officers and Returning Officers to refine their procedures and consider the necessary processes. Now that one year has elapsed we suggest that some enhancement is needed to the legislation for England and Wales, as well as for Scotland:

- **Reconsideration of the signature waiver provisions.**
- **Granting Returning Officers the ability to check an identifier on a postal vote statement against more than one control where more than one is available, and subsequent provisions for the sharing of additional control identifiers between Electoral Registration Officers and Returning Officers.**
- **Empowering Electoral Registration Officers to renew or refresh their absent voting identifier record at any time, and to use more than one control element for each identifier.**
- **Returning Officers should be required to advise Electoral Registration Officers of those electors whose postal votes were rejected due to a mismatch of identifiers for follow up action by the Electoral Registration Officer.**
- **Provide for access to data on rejected postal voting statements to allow Electoral Registration Officers to write to all electors whose postal votes are rejected due to a mismatch of identifiers inviting the provision of new identifiers.**
- **Returning Officers should be enabled to write to any elector where a Returning Officer believes that their postal ballot was used in error by someone other than the elector, advising of the correct process and the possible penalties for malpractice.**

7.7 We shall convene discussions of representative organisations, including Returning Officers and electoral administrators, to consider practical proposals on these issues by the end of 2008. In particular, we will identify those areas which may be addressed through revised guidance, and those which may require further legislative change.

7.8 Some Returning Officers reported concerns about software compatibility in respect of sharing identifiers across constituencies that cross local authority boundaries in the run up to the next UK Parliamentary election and the 2009 European Parliamentary elections. Clearly, this did not occur in the local elections this year, as all elections were contested within local authority boundaries.

7.9 We continue to press the UK Government to move to a mandatory national standard for the storage, maintenance and exchange of absent voting identifiers.

The voter's experience

7.10 In 2008, 15.3% of electors were issued with a postal vote compared to 12.8% last year. Indeed, this election saw the highest percentage of postal votes issued since the introduction of postal voting on demand in 2000.

Table 2: Proportion of electors issued with a postal vote since 2000²⁶

Election	% of electorate issued with a postal vote
UK general election 2001	4.0
English local elections 2002	4.9
UK European Parliamentary and local elections 2004	8.3
UK general election 2005	12.1
English local elections 2006	13.6
English local elections 2007	12.8
English local elections 2008	15.3

Source: Professors Rallings and Thrasher at the Local Government Chronicle election centre at the University of Plymouth. The 2008 figure is based on data received from 2,219 wards.

7.11 Although the number of people who were issued with a postal vote was higher at these elections, a fewer number than previously returned them. In 2008, 71.2% of people returned their postal vote compared to 74.9% in 2007. Turnout among postal voters was also lower than in both Wales (72.4%) and London (71.9%).

7.12 Those who voted by post were satisfied with the overall experience (93%). The proportion of postal voters who thought it was very or fairly easy to understand how to complete and return their postal vote was very high, at 91%. Ninety-three per cent of respondents said they found it very or fairly convenient, slightly less than the 96% who had thought this in May 2007. Furthermore, over half of respondents who voted by post said that being able to vote by post had encouraged them to vote. Of these, 58% felt that they would not have voted otherwise.

7.13 Our public opinion research shows that 51% of respondents thought that postal voting was very/fairly safe from fraud or abuse; an increase of 10 percentage points from last year. 30 per cent considered postal voting to be fairly/very unsafe, and 10% neither safe nor unsafe. Confidence in the security

²⁶ Postal voting on demand is not available in Northern Ireland.

of postal voting was undoubtedly higher among those who voted by post with 81% who thought it was very/fairly safe from fraud or abuse compared to 43% of those who voted in the polling station. Furthermore, there has been a steady increase in the number of postal voters who rate it as being safe from fraud and abuse.

The management of absent voting

7.14 The technology required to verify signatures and dates of birth had been the single factor which dominated the administration of postal votes at the 2007 elections. Then, there had been significant problems with the supply and installation of the necessary computer software and hardware by a small number of private contractors to local authorities across England. Late delivery, stretched technical support from suppliers, and a need for last-minute 'patches' to software meant that acceptance testing was last-minute or not possible to the extent that it was planned, for both the collection and checking phases.

7.15 This year, however, there were few significant problems as most local authorities who held elections had the experience of 2007 to draw on, they had more lead-in time to plan for the elections (no last-minute legislation etc.) and, in any event, there were only around half the number of elections than in 2007.

7.16 Although the systems ran smoothly this year, a number of Returning Officers still found the technology slow. This was often attributable to the speed and number of scanners as well as the number of postal votes requiring manual adjudication which led to inputting delays and slowed down the processing system.

7.17 The Commission welcomes the fact that virtually all Returning Officers this year checked 100% of the postal vote identifiers, despite only being required by law to check a minimum of 20%. The ability to achieve 100% however is largely dependent upon how well the scanners and software performs on the day. Indeed, where Returning Officers reported issues with technology such as scanners not reading the barcodes, which could not be resolved, they had used manual or semi-automated checking and reported only being able to check the required minimum of 20%.

7.18 In the event, 2% of authorities checked their postal vote statements manually; 25% used a combination of manual counting and computer software and 73% were fully automated²⁷. In all instances where signatures and/or date of birth did not match these were checked manually, either on screen or using the original application.

²⁷ Professors Rallings and Thrasher at the Local Government Chronicle election centre at the University of Plymouth. This is based upon data received from 113 local authorities.

Printing and despatch of postal ballot packs

7.19 In the main, the process of printing and despatching the postal ballot packs to electors appeared to run smoothly. Returning Officers adopted different approaches to printing and despatching their postal vote packs. Some chose to produce packs in-house, while others outsourced part of or all of the process.

7.20 For some authorities who had chosen software packages for absent vote identifiers these came bundled with other services, such as outsourced ballot paper printing and postal ballot pack production. In some areas, printing problems resulted in delays in the despatch of postal vote packs. Even though a reputable company may have been contracted, sometimes parts of the contract were sub-contracted out to other smaller companies.

7.21 A problem occurred in one area where the Returning Officer relied on a proof of a postal voting statement provided by a printer that omitted the instructions to return the statement. This resulted in the Returning Officer having to re-issue all the postal vote statements along with an accompanying explanatory letter and a further pre-paid reply envelope to postal voters. In order to minimise the impact of the omission, the Returning Officer ensured that the requirement to return the statement was publicised as widely as possible through the local media and also kept candidates and agents fully informed. As a result of the additional publicity, although the number of rejected votes due to mismatched ballot papers and statements was slightly higher than at previous elections, the overall level of postal votes returned was also higher. It is important that in designing postal voting stationery, Returning Officers remain aware that the postal voting statement is a prescribed form and that care should be taken to ensure that the prescribed wording is used.

7.22 The responsibility to produce a legally compliant postal voting pack remains with the Returning Officer, even if parts of the process are contracted out. Systematic control through checking of the production of the pack is required at every stage of the process to ensure that the printing and issue of postal voting packs runs smoothly.

7.23 Where possible, electoral administrators ensured that postal ballot packs were despatched in plenty of time before the election; in some cases up to two weeks prior to polling day. Plenty of time was available for voters to complete their postal ballot pack and to send it back. This had a knock on effect of postal votes being sent back in advance of polling day so that the majority of postal vote statements could be verified before polling day.

Verifying the signature and date of birth identifiers

7.24 Although the process of checking signatures and dates of birth proved to be more straightforward than in 2007, some Returning Officers still felt that the verification process took longer than expected. The software often took longer to install than anticipated and referred more postal statements to be manually

adjudicated by the Returning Officer, or his/her deputy, than was felt necessary. Furthermore, a lot of time was often taken deliberating whether or not a signature matched. The process is often seen as being burdensome and labour intensive; this point has been made by electoral administrators who consider that they are essentially running two separate elections – the postal voting election and an in-person polling station election.

7.25 In view of the potential for large numbers of postal votes being received on polling day and the need to check signatures and dates of birth, a number of Returning Officers made the decision in advance of the election to commence the count later on the Thursday night or on Friday morning; however, most Returning Officers collected postal votes from polling stations throughout Thursday so they could be dealt with as soon as possible.

7.26 Some Returning Officers carried out final verification of personal identifiers at the count venue while others continued to use the same venue as they had used at previous postal vote opening sessions. Difficulties were reported with the transfer of technology to remote locations which not only delayed the process and the count as a whole, but often meant that only the minimum 20%, or in some cases less than 20%, of postal votes could be verified.

Rejected postal vote statements

7.27 The percentage of postal votes rejected as a percentage of the number returned was 3.0%, the same as at the 2007 English local elections. This compares to 4.5% in Wales and 4.8% in London. As shown in table 3, the plurality of postal votes were rejected due to failure to match a person's signature (30.0%), while a fifth (21.1%) were due to mismatched dates of birth. Voters were also more likely not to sign their postal vote statement than omit their date of birth (16.4% compared to 6.4%).

Table 3: Reasons for postal vote rejection in England

Rejected for	% rejected postal ballots 2008	% rejected postal ballots 2007
Want of signature	16.4	18.8
Want of date of birth	6.4	10.7
Want of both	14.1	12.8
Mismatched signature	30.0	26.6
Mismatched date of birth	21.1	22.4
Both mismatched	12.1	8.6

Base: The 2008 data is based on data received from 113 local authorities.

Source: Professors Rallings and Thrasher at the Local Government Chronicle election centre at the University of Plymouth.

7.28 A common error among those postal vote statements that contained the incorrect date of birth was where electors had filled in the date on which they had signed their postal vote statement, rather than their own date of birth which had been provided on their postal vote application. Some Returning Officers sought to prevent the insertion of the date of completion by pre-printing the number '19' at the beginning of the year on their forms (i.e. DD/MM/19--), but we are aware that some electors crossed through this and nonetheless wrote in the date of signing their ballot.

7.29 Returning Officers suggested that the main reason for mismatching signatures was that electors had got married and changed their surname in the intervening period between completing their postal vote application and signing the postal voting statement. The signature would therefore not match. Some administrators sought to reduce this problem by writing to all electors who reported a name change offering them the opportunity to update their signature.

7.30 Where both signatures and dates of birth were completely dissimilar to those on the corresponding postal vote applications, Returning Officers told us that this typically appeared to be because of postal vote statements swapped in error between spouses or other family members at the same address.

7.31 Concerns were also raised by Returning Officers that older and younger generations' signatures were likely to differ over the period of five years. This could be alleviated by giving Electoral Registration Officers the power to refresh the absent voting record at any time, which the Commission first recommended in our 2007 report on absent voting identifiers, and we continue to press the UK Government to introduce this.

7.32 Feedback from electoral administrators and the Commission's own observation of postal vote verification suggests some inconsistency in terms of rejecting and accepting signatures. While several Returning Officers would reject a postal ballot outright if the surname was not the same as that on the application form, others said that if the handwriting was the same and it was obvious that person had changed their name, then they would accept it.

7.33 The Commission's view is that if the Returning Officer is satisfied that a statement was duly completed then it can be accepted. It is clear that signatures do not have to be identical but need only satisfy the Returning Officer. The Returning Officer is not necessarily confined to making the determination on the two signatures and two dates of birth. The legislation allows the judging of the signature and date of birth as part of the determination, but the use of the word 'part' means that other sources can also be used. It would be acceptable to include any additional information a Returning Officer has in making their decision, although complete absence of a signature (where the elector has not been previously granted a waiver) or a date of birth in all cases must lead to an unsatisfactory statement and

rejection. Any judgment to reject a postal voting statement should be made on its merits and on a case-by-case basis.

7.34 Absent vote identifiers were introduced by the EAA as a safeguard against electoral malpractice, as part of a series of measures designed to strengthen the integrity of elections. Our guidance manual for Returning Officers advises that if any Electoral Registration Officer or Returning Officer has concerns about fraudulent applications, suspicions of fraudulent activity, or receives any allegations about possible absent voting fraud, these should be reported to the police for further investigation.

7.35 It is notable that the increased percentage of checking of absent vote identifiers and more rigorous application of the checking process at the elections in 2008 resulted in very few reported referrals to the police for investigation of potential malpractice. This very low incidence could mean that the introduction of absent vote identifiers, along with the pro-active approach to preventing electoral malpractice that we outlined earlier, had a deterrent effect. To reach definitive conclusions, however, will require further analysis of the reasons why signatures were rejected and the decisions taken by Returning Officers on whether or not to refer issues to the police.

7.36 We will continue to monitor postal vote rejection levels based on the available research, in consultation with Returning Officers and electoral administrators. We will continue to work with Returning Officers to discuss and share best practice on managing absent vote identifier verification.

Proxy voting

7.37 Data collected by Professors Rallings and Thrasher on behalf of the Commission show that 13,488 electors chose to appoint a proxy. The Commission is not aware of any issues associated with proxy voting.

Postal services

7.38 In the main, Returning Officers reported that the Royal Mail performed well. We have received reports of exceptional service in areas where print delays had set back the originally agreed despatch time. Most of the Returning Officers we have heard from reported being satisfied with their local account manager at Royal Mail, and the central team's support was swift and appreciated when needed. We are aware that in some areas poll cards were not delivered, which in areas that hold partial elections could give the impression to electors that an election is not taking place this year.

8 Voting in polling stations

The voter experience

8.1 Overall, polling day appeared to run smoothly. Our public opinion research showed that of those who voted at a polling station, 96% were very/fairly satisfied with the whole experience and 92% found it very/fairly convenient. Ninety-four percent classed it as very or fairly safe from fraud or abuse and 96% classed it as very or fairly good at allowing people to vote in secret.

8.2 The age group who were least likely to vote at polling stations were those aged over 65 (59%) compared to the 25-34 year olds who were the most likely (78%).

Information for voters

8.3 Feedback from Returning Officers and electoral administrators suggests that there are an increasing number of voters who seek basic information about how to vote and about what to expect at polling stations. This includes not just those having recently reached the age of eighteen but also older age groups who have not voted before or not voted for some time.

8.4 For example, Returning Officers report increasingly being asked about tellers, who work for political parties and record the elector numbers of voters at polling stations, in order to ascertain numbers voting. The increased number of queries may ironically result from the decreased number of tellers in polling stations compared with several years ago, to the extent that voters are unused to seeing them there. Anecdotal evidence from Returning Officers also suggests that voters ask about issues such as bar coding on ballot papers or other identifying marks and ballot paper numbers. These are security measures and provide an audit trail in the event of a challenge to an election in the courts.

8.5 In conjunction with Returning Officers we will continue to review our voter information provision to consider how information suitable for first-time voters or those who have not voted for some time can best be made available.

Ballot papers: administrative issues

8.6 In 2007 we reported on some problems with the new requirement to produce a 'corresponding number list' to record the issue of ballot papers. This list replaced the ballot paper counterfoil and, like the previous counterfoil, is the only place where the ballot paper number and the elector number appear together. Its purpose is to allow for subsequent investigation of electoral malpractice should a court order it.

8.7 In areas where a single poll was taken, this process worked well and no problems were reported. However, in many areas, combined elections to both

local authorities and parish councils did take place. Electoral administrators reported that the requirement for the use of a single corresponding number list at a combined election caused difficulties. Different electoral administrators adopted differing practices to deal with, for instance, voters who only requested one ballot paper, or who voted in one election at one time and then returned to vote in the other later in the day. Some Presiding Officers, Poll Clerks and electoral administrators found the rules confusing to apply in practice.

8.8 The Commission provided guidance for Returning Officers on the use of a corresponding number list at a combined election. It was reinforced that it is not acceptable for only the principal area ballot paper numbers to be printed on the list provided to polling stations and for the polling station staff to then add the parish ballot paper numbers to the list as the ballot papers are issued. Returning Officers were advised to consider how they manage this process in practice, particularly where the parish area was not coterminous with the principal area boundary. We recommended that one possible solution to this issue could be to use separate sheets of paper for each poll, which are then joined together in some way (for example, by a staple). This would satisfy the requirement of having a combined list which is to the same effect as that prescribed in the election rules.

8.9 On polling day we received very few reports of difficulties experienced by polling station staff. However we are aware of an instance where the Presiding Officer wrote elector numbers on the back of approximately 100 ballot papers instead of using the corresponding list. Such instances highlight the need for Returning Officers and electoral administrators to ensure that polling station staff have received appropriate training.

8.10 The rules on corresponding number lists still have the potential to cause difficulties in practice at larger-scale combined elections. We will work with the UK Government on the applicability of rules for corresponding number lists at combined elections, in particular the forthcoming European Parliamentary election which may be combined with local elections.

Accessibility

8.11 Accessibility of polling stations has been a significant issue in the past and one on which the Commission has reported before. Following the Commission's recommendations, the EAA introduced a number of measures to improve accessibility, including enabling electoral documents to be made available in Braille, languages other than English, and in graphical, audio and other accessible formats.

8.12 The EAA also made it a requirement for local authorities to review their polling districts and the accessibility of polling places every four years, commencing with a review in the 12 months from 1 January 2007. The Commission issued guidance on the conduct of these reviews.

8.13 Observations undertaken by Commission staff suggest that there continues to be a gradual improvement in the accessibility of polling stations, with positive and conscious steps being taken by local authorities and polling station staff. Efforts have been made to improve access in communities where choice of public buildings is limited, particularly in rural areas. Low-level polling booths and ballot boxes are increasingly the norm.

8.14 Nevertheless, there remains some way to go before all polling stations are accessible for wheelchair users, elderly people with impaired mobility and parents with children in buggies. In some areas, temporary polling stations continue to be used where there are few suitable and accessible buildings. These cases are, however, a minority in an otherwise positive and improving overall picture.

8.15 The Commission's *Polling Station Handbook*, made available to Returning Officers across the county, contains guidance on polling station procedure and a checklist on polling station accessibility. It was on hand for use by staff in the vast majority of polling stations across England. However, written guidance needs to be reinforced by verbal briefings and training of polling station staff in advance of an election.

8.16 We continue to recommend that Returning Officers should provide training or briefing for all polling station staff that includes improving accessibility for all voters. The Commission will consult on draft performance standards for Returning Officers in autumn 2008, including standards relating to the accessibility of elections.

Polling station incidents

8.17 We had limited reports of problems with tellers in 2008.²⁸ The Commission will again discuss the guidance as it stands with relevant stakeholders in advance of the 2009 elections.

8.18 The Commission is aware of a small number of isolated incidents in and around polling stations which may have had an impact on voters. There were also a limited number of other last-minute problems at polling stations of the type that occur at every election and that prove a challenge for electoral administrators to resolve, but which have only a limited impact on voters.²⁹

8.19 However, this year we again received some reports of large crowds gathering outside polling stations, particularly in some metropolitan areas, with the apparent aim – and effect – of discouraging or encouraging electors to vote for a certain candidate as they enter the polling station.

²⁸ Tellers are members of political parties placed outside polling places to record the elector number of voters after they have voted, with the aim of informing their campaigning activities.

²⁹ These types of problems include issues associated with the facilities at the polling place, such as the key-holder turning up late or the lights not working, and the discovery of incomplete or incorrect polling stationery at the venue.

8.20 Prior to these elections, the Commission undertook discussions with the major political parties on campaign activities in the environs of a polling station. The parties concluded that a code of practice that would have the agreement of the political parties was neither achievable nor required. The Commission will continue to monitor activities in the environs of polling stations, and will return to the issue of a code of practice if we are aware of further evidence to suggest that such incidents have a serious impact on electors.

Election observers

8.21 This was the second set of elections at which there was provision for officially accredited observers to attend postal vote issues and openings, polling stations and the count. The Commission is responsible both for accrediting observers and for producing guidance for Returning Officers and observers. Once observers receive their accreditation and have signed the relevant declaration (undertaking to respect the secrecy of the ballot), they are able to attend any postal vote issue and opening, polling station or count in England, Wales and Scotland (except for local government elections).

8.22 A total of 127 observers were accredited for the May 2008 elections across England and Wales, including the London elections. Electoral Commission representatives were also accredited and could attend polling stations and the count, as well as observing other processes and the working practices of the Returning Officer and Electoral Registration Officer.

9 The count

9.1 In May 2008, there were a variety of different arrangements in place across England for counting the elections. These varied in three ways: when the counts took place; whether the counts took place in central locations or on a devolved basis; and in the methods used to count votes. Despite the variety, the vast majority of election counts ran smoothly and feedback from the main political parties, candidates and Commission observers was very largely positive. There was no single type of arrangement that clearly worked better than others.

Timing of the count

9.2 In advance of the elections, there was some discussion and uncertainty, including in the press and media, about the timing of election counts. Because of the necessity of verifying personal identifiers of postal votes that are handed in on polling day during the election count itself, it was feared that this would cause delay to count procedures. Some election officials were concerned it would not be feasible to count during the night.

9.3 The local elections rules state that the count must take place 'as soon as practicable' after the poll.³⁰ Practicability is a matter for individual Returning Officers to decide. In the event, around 66% counted overnight with the remaining 34% commencing on Friday morning.

9.4 The Commission continues to stress that it is paramount for a count to be accurate, with results that are accepted rather than declared quickly, and believe that how and when this is best achieved is genuinely a matter for local decision.

9.5 Feedback from Returning Officers suggests that the decision to count on Thursday night was influenced by political pressure; media interest; the availability of staff; and the anticipation of a low turnout. We also received reports that in areas where they were electing by thirds, capacity was not a significant issue.

The count took place on Thursday night after the close of poll. It might be different if we had whole council elections with all our parishes out at the same time, but for elections by thirds it is manageable in a reasonable time... It is also likely that there would be political concern if we wished to delay to the Friday.

Head of Administrative Services

9.6 Returning Officers reported that the decision to count on Friday morning was largely due to the anticipated level of postal votes being returned to polling stations during polling day and the need to verify the postal vote statements before the count could start. The availability of staff and locations

³⁰ Paragraph 44, Schedule 2 to the Local Elections (Principal Areas) (England and Wales) Rules 2006, SI 2006/3304.

to hold counts and the fact that staff would have already completed a full day's work were also key determining factors.

Postal votes at the count

9.7 Most Returning Officers considered that a key factor that delays the counting of votes on a Thursday night is the need to process postal votes which were handed in at polling stations. These had to be opened and postal vote identifier checks completed before the postal votes could be included in the count. They also commented on the large numbers of postal votes handed in to polling stations during the day.

9.8 Not all found that dealing with such votes slowed down the count. This was often because they had collected unopened postal votes handed in at polling stations throughout the day. Where such arrangements had been made, typically small numbers of unopened postal votes came in from each polling station after the close of poll, and that volume was manageable, with dedicated staff allocated to process them at the count.

9.9 However, such arrangements were not always practicable, particularly in rural areas or geographically spread local authorities, where polling stations are sometimes a considerable distance from where postal vote opening sessions were held.

9.10 In view of the complicating factor of dealing with postal votes handed in to polling stations on polling day, some electoral administrators have called for a deadline to be introduced by which postal votes should be handed in, for example by 5pm on election day. However, we believe that despite the administrative complications, it is crucial that every person who wants to vote has the opportunity to do so and that the recent standardisation³¹ of polling hours at 7am – 10pm for all elections, which we had called for, should continue to apply without restriction.

Verification of ballot papers

9.11 As some Returning Officers planned to verify ballot papers on Thursday night but not count them until Friday morning, there was some concern in advance of the election about handling of ballot papers at the verification stage. The legislation on this point for local government elections is clear – ballot papers must remain face up at all times throughout the verification and counting process. Concerns were raised with us that by verifying the ballot papers face up, candidates and agents attending the verification process would be able to forecast election results before they were counted.

9.12 This is in direct contrast to European Parliamentary elections where at the verification of votes, which is generally carried out separately from the rest of the count process, the rules require that ballot papers must be verified face down. Although the poll in the UK traditionally takes place on a Thursday,

³¹ Applying to all elections held from May 2006. E.g. Rule 1, Local Elections (Principal Areas) (England and Wales) Rules 2006.

polls in other EU Member States take place on different days until 9pm on Sunday, when the polls are closed across Europe.

9.13 Ballot papers in all other elections are verified face up, in order to ensure that no voter might be identified from the number or other unique identifying mark on the reverse of the ballot paper.

9.14 In practice, the impact was difficult to assess. As illustrated, there were a variety of different arrangements in place across England for verifying and counting votes. Practice in managing election counts has evolved in part to manage much increased volumes of postal votes. It is arguable that the election rules presume a uniformity of approach to verifying and counting votes that no longer applies.

9.15 We will continue to monitor the practice of verifying ballot papers face up in the light of evolving practice on the separate timing of the verification and the counting of votes.

Management of the count

9.16 Overall the election counts appeared to run smoothly across England. However, the Commission is aware of some instances where this is not the case. The main political parties continue to point out to us that transparency is often not fully considered when arrangements are being made for count centres, and this was borne out by what some representatives of the Commission observed at various election counts across England.

9.17 In some areas, communication of what is happening at each stage of the count appeared to be patchy. While some authorities are very good and make use of public announcement systems to announce where boxes are being counted and what stage the count is at (i.e. verification or actual count), others don't. In addition there is still an issue as to how well-briefed count supervisors are as to what they communicate to candidates and agents. For example, in some cases they are not communicating what ballot box they are counting, what the verification stage actually means, and when they are moving on to the actual counting of votes.

9.18 In 2007 we held a workshop to review verification and count practices with a view to building on and sharing existing best practice. The practice points raised at this workshop were considered and incorporated into the Commission's revised guidance for Returning Officers and other Commission training and guidance materials. Additionally, we developed for the first time a template script for announcements at the count, including a sample form of words for the declaration of results.

9.19 We will consult on draft performance standards for Returning Officers in autumn 2008, including standards relating to election counts.

Declarations of results

9.20 A point was raised at the post election seminars relating to the form in which Returning Officers may declare election results. The relevant election rules state that, in declaring the election result, the Returning Officer must give notice of 'the name of each candidate' elected.³²

9.21 The wording of the rule is in contrast to provisions elsewhere in the rules, which expressly enable candidates to use a 'commonly used name' on their nomination form and ballot paper. There was concern that the rules could require that a candidate's full name should be used in declaring the election result. In some cases, this would have the effect that the candidate declared to have won the election would not be one that voters recognised from the name on the ballot paper.

9.22 We will review our guidance and the legislative provisions on candidates' commonly used names with a view to ensuring a consistent approach to the use of candidates' names throughout the election process.

Website publication of results

9.23 The main political parties commented on the very variable provision of local election results on local authority websites across England. Some local authorities did this as near as possible 'live', posting results quickly on their websites. Others did so much more belatedly and on some websites it was difficult for electors to find out the election results.

9.24 We agree with the parties that publication of election results on local authority websites at the earliest possible time is a significant source of public information, and that the local priority given to the election and results service can also convey a sense of relative importance of the election to voters and potential voters.

9.25 We recommend that Returning Officers and electoral administrators, as part of their election planning and with appropriate specialist support, review the election results provision on their local authority websites with a view to making declared results as speedily and readily available as practicable.

³² Rule 50, Local Elections (Principal Areas) (England and Wales) Rules 2006.

Turnout

9.26 In the event, 35.8% voted at the local elections on 1 May - fewer than the previous year (37.4%). This compares to 43.8% who voted in the local elections in Wales and 45% who voted in the GLA elections.

9.27 While turnout figures for different socio-demographic groups are not officially recorded, election surveys can provide us with useful estimates. Our public opinion research showed that 46% of 18-24 year olds claimed to have voted, compared to 34% of those aged 25-34; 43% of 35-54s; 47% of 55-64s and 53% of the over 65 year olds. Men were also more likely to vote than women (48% compared to 42%).³³

³³ It should be noted that because this research into voter behaviour sought a fairly equal number of voters and non-voters (ending up with 45% of the sample having voted, and 55% not having done so), turnout estimates should only be seen in relative rather than absolute terms.

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