

Report on Review of Elections

Introduction

The Panel at its meeting held on 14th June 1999 determined to examine the current and future arrangements with regard to the running of elections. The Review was to give particular emphasis on the need to increase turn out at elections in line with the Government's modernisation programme.

Method of Review

In accordance with the decision taken at the aforementioned meeting of the Panel the terms of reference for the review were subsequently drawn up by the Director of Corporate Services, in consultation with the Chair of this Panel, and details circulated to all Members of the Panel. These are set out below :-

1. To detail the statutory timetable in respect of District Elections and publication of the Electoral Register.
2. To outline the procedures adopted locally in respect of District Elections and Electoral Registration.
3. To examine local initiatives adopted for the 1999 District Elections aimed at increasing the level of turn out and identify future initiatives.
4. To identify any proposed improvements in the elections process.
5. To examine the accessibility and siting of Polling Stations, including details of the number and costs associated with the use of mobiles.
6. To identify any barriers to introducing improvements including any changes which will be necessary by Government to existing electoral law aimed at streamlining the election process and increasing turn out at elections.

The following papers were also identified as being relevant to this brief :-

1. Statutory timetable for District Elections.
2. Statutory dates re. Electoral Registration.
3. National Code of Practice on Electoral Registration.
4. Guidance notes to prospective candidates and Agents.
5. Postal votes procedure and publicity etc.
6. Audit of polling stations for accessibility and national Code of Practice.
7. Extracts of appropriate Regulations on Elections Process and electoral registration.
8. Statistics on percentage turn out at recent elections (including any statistics from neighbouring authorities - if available).
9. Working practices and flowcharts on elections process and electoral registrations.

10. District Election poll cards.

Evidence

(a) Background Information

The Director of Corporate Services prepared a comprehensive report for consideration by the Panel which provided Members with details on the following :-

1. Returning Officer responsibilities
2. Electoral Registration
3. District Elections
4. Nomination Papers
5. Receipt and Checking of Nomination Papers
6. Production and Delivery of Poll Cards
7. Printing and Publication of Public Notices and Ballot Papers
8. Absent Voting Procedures
9. Polling Stations and Accessibility
10. Increasing turn out at elections
11. Improvements for the future
12. Research Study
13. Barriers to Change

A series of supportive documentation was also appended to the report. This included details of turn out figures for District Elections in Tameside on a Ward basis for 1998 and 1999 and highlighted the five highest and lowest percentage turn outs at individual Polling Stations in May 1999.

The Panel also considered the results of the Citizen 2000 Panel relating to elections together with the findings of surveys conducted by other authorities on non voting at elections.

In addition, details of the report of the Home Office Working Party on Electoral Procedures and a summary of the results of the survey carried out by the Office of National Statistics of the Electoral Registration Officers in England and Wales on electoral registration were presented to the Panel.

(b) Persons Providing Evidence

First Cabinet Deputy

The First Cabinet Deputy reminded the Panel that the Government has a programme aimed at modernising local government. This includes Elections which has remained unchanged for a large number of years. Whilst the situation was being addressed nationally the Council was implementing changes locally and taking a lead on these matters - many of these initiatives being Member led.

In terms of modernising elections he identified the following measures:-

1. To make the registration process more user friendly.
2. To make voting more user friendly and to adopt local initiatives to improve turn out at elections. For example, keeping Primary Schools open on Polling Day which may make parents more likely to vote when dropping their children off at school in the morning or when picking them up in the afternoon.
3. Inducements to vote.
4. Modernising the administrative process including the use of available technologies.
5. Since Elections have been functioning adequately it has been viewed as a Cinderella service for a number of years, with a lack of investment. This needs to change and he made reference to proposals to acquire new computer systems, new plastic ballot boxes, improving access at Polling Stations (and their siting), utilising user friendly election material and modernising the postal voting procedure.
6. To conduct surveys of the electorate in an attempt to ascertain the reasons why people do not vote at elections - the findings of which may help to inform future measures to address the situation.
7. Making voting easier by the introduction of innovations such as changing polling hours or days, opening some polling stations in advance of polling day, mobile polling stations and electronic voting.
8. To build upon the relative success of the initiatives adopted in May 1999 which resulted in a 2.6% increase in the level of turn out compared to the District Elections in 1998.

Several of the Panel Members commented on the worrying trend of falling turn out at District Elections since 1980 when turn out figures of 45% were not unknown.

Head of Democratic Services Unit

The Head of the Democratic Services Unit made reference to the recommendations of the Home Office Working Party on Electoral Procedures which had been published in August 1999, and which proposed changes to electoral law and in areas such as electoral registration and methods of voting (as referred to in (vii) above). Provision has subsequently been made in the Queen's Speech to introduce legislation incorporating these recommendations. The Representation of the People Bill is to also make provision for local authorities to run pilot schemes involving innovative electoral procedures.

He elaborated on the Home Office Working Party proposals and identified initiatives being adopted locally - in addition to those already identified by the First Cabinet Deputy.

The Publicity and Communications Section was discussing with Secondary Schools a proposal to hold "mock elections" in schools.

The feasibility of providing incentives to vote such as a grand draw, Council tax rebate or free use of certain Council services were also referred to - albeit existing Electoral legislation may prohibit these types of initiatives.

Democratic Services Officer (Elections)

The Panel interviewed the Democratic Services Officer (Elections) and asked him a series of questions relating to elections and electoral registration - particularly in respect of the content of the aforementioned report of the Director of Corporate Services.

Main Political Parties

The Scrutiny Panel at its meeting held on 2nd August 1999 determined that the Chair, Deputy Chair and Councillor Baines hold interim meetings with representatives of the three main political parties as part of the consultation process on the scrutiny review of elections.

Letters were subsequently sent to the three main political parties, together with a copy of the report submitted to the Panel at the aforementioned meeting.

The objective of the exercise was fourfold, namely to seek the views of the three political parties on :-

1. the level of satisfaction with the service currently provided by the Elections Section.
2. to identify any problems experienced during the Elections particularly with regards to nomination papers, Tellers, the count and completion of election expense returns.
3. to identify any potential improvements in the delivery of services provided by the Elections Section.
4. their views on possible initiatives which may increase the level of turnout at Elections.

Councillor Grantham (Conservative Party) and Mr M Custance (Labour Party) were subsequently interviewed by the 3 Members of the Panel on 18th October 1999.

Councillor Grantham considered there was a need to review the provision of Polling Stations as a means of increasing turnout at elections. He also commented on the problem of fly posting and expressed concern about the failure of some unsuccessful candidates to submit election expense returns.

Mr Custance made observations on the following activities, many of which reiterated views expressed earlier by Panel Members:-

1. Collection of Nomination Papers.
2. Registered Parties.
3. Publicity
4. Mobile Polling Stations and access to them.

5. Keeping schools open on Polling Day.
6. Advice to Tellers.
7. Electoral Registration.
8. Prosecution of Non Respondents.
9. The count.
10. Failure of candidates to submit election expense returns.

Borough Solicitor

The Chair, Deputy Chair and Councillor Baines interviewed the Borough Solicitor on 25th November 1999 to seek his views on legal aspects relating to elections and electoral registration.

These were in respect of legal advice issued by the Legal Services Division to the Returning Officer, the need for a protocol to be adopted on fly posting to ensure equity amongst all political parties and candidates and possible mechanisms being explored on the notification of non submission of election expense returns.

Research Studies

The problem of low turn out at local elections has been addressed in several research studies in other local authorities, with similar political make up to Tameside. These studies have highlighted voting patterns of voters and non voters as well as measures which may improve turn out at such elections.

The main conclusions drawn from these studies can be summarised as follows:-

1. The need for local authorities to take steps to increase awareness among the electorate of the scale and seriousness of the problem of low turnout at Local Elections in the Borough.
2. Local authorities to mount a programme of community education, at schools and elsewhere, aimed at increasing people's knowledge of the role and powers of the Council; the process of electing local Councillors and the importance of voting at Council elections.
3. All political parties to find ways of increasing the personal involvement of their candidates in election campaigns and review literature to ensure more information is provided about the candidates and the particular local issues they intend to tackle.
4. To find ways of streamlining the current postal voting application process in order to encourage greater take up of this provision.
5. The need for Government to modernise the way and time elections are conducted.

Conclusions

1. The Panel accepts that the method of canvass for electoral registration ensures a very high response

rate. However, it does question the basis by which the percentage response rate is determined.

It is acknowledged that the 1991 National Census figure is flawed as a consequence of the introduction of Poll Tax and the arbitrary adjustments made by the Office of National Statistics may not be a true reflection of the actual population figure for

Tameside. It was noted that the number on the Tameside Register remained consistent during the Poll Tax years, unlike some neighbouring authorities who "lost" in excess of 14,000 names off the Register during that period.

The Panel is however of the opinion that a canvass of 99.2% was unlikely given that this only represents a non response figure of 1,200.

2. Irrespective of the actual number of non responders there are a small number of individuals who fail to comply with the legal requirement to register.

Whilst 90% of authorities warn non responders that they might face prosecution and a fine only six of the 403 authorities in England and Wales reported to have actually prosecuted non responders in 1996.

The Panel is of the opinion that conflicting messages are given to non responders over the very limited number of prosecutions - and none being taken forward locally. Examples were given by Panel Members of persons who were allegedly not registered.

3. The findings of the study conducted by the Office of National Statistics of the 403 Electoral Registration Officers in England and Wales identified that fewer than one tenth of ERO's said they did not carry forward any names of non responders at all from one year to another on the Electoral Register.

Forty per cent carried forward names, provided there was good information from other sources. However only 15% of metropolitan districts, including Tameside, followed Home Office practice of carrying forward names for only one year with 49% retaining names indefinitely.

4. The study also identifies six procedural factors which were associated with increasing canvass response rates:

- using several methods to warn householders that they risked prosecution and a fine if they failed to respond to the canvass;
- using personal canvassers at some stage to contact all non responders;
- having at least three reminder stages;
- providing a personal briefing session to new canvassers;
- paying canvassers by the number of forms they collected, or a bonus (or fine) for results above (or below) a specified level;
- instructing canvassers to make follow up calls at different times of the day, if their first call

was unsuccessful.

5. The Council has adopted each of the above measures for a number of years. However, the Panel is disappointed that no prosecutions have actually been taken against non responders. It supports the view of the Borough Solicitor of prosecuting a small number of non responders as part of a range of positive measures aimed at improving the level of Registration.
6. The Panel welcomes the proposals of the Home Office Working Party to enable homeless people to register where they have a significant link with the locality. It also supports the right for electors to remove their name and details from registers made commercially available - given the new and powerful electronic database search vehicles which may allow individuals (and in particular those fleeing violence and protected under the Witness Protection Scheme) to be identified through the Electoral Register.
7. The Panel supports the need for more high profile and targeted publicity during the canvass for electoral registration and election time - particularly the availability of postal votes.
8. There is a need to acknowledge the fact that not all the electorate can read and a number suffer from sight impairment. Consideration should therefore be given to using the Talking Newspaper and the Learning Disabilities Advocacy Forum as other medias to publicise electoral registration and elections.
9. The procedure for postal votes is in need of modernisation and the proposal of the Home Office Working Party for absent voters (postal and proxy votes) to be available on demand will go some way to improve the situation.

The deadline for the receipt of such requests will, however, need to be more responsive to the needs of the electorate whilst acknowledging the administrative arrangements which are required to be carried out with absent voters.

10. The Panel is disappointed that the programme of adaptations to school buildings used on polling day - to make them more accessible for people with disabilities - has been discontinued. These buildings are used throughout the year by pupils, staff, parents and visitors. The Panel therefore calls upon the Education and Leisure Services Department to consider, as a matter of urgency, the reinstatement of the adaptation programme, particularly in the light of the Disability and Discrimination Act.
11. The Panel considers there is a need to introduce a procedure which will notify all candidates and agents (together with the Cabinet Deputy responsible for Elections) of those candidates who fail to submit an Election Expense return form by the deadline for their receipt.

The procedure will need to be included in any revised material to be issued with the nomination packs.

12. Fly posting is a perennial problem at election time and formal procedures need to be in place to regulate the situation.

Whilst Members feel that regulating a facility to allow for the display of election material outside the

provisions of the Town and Country Planning Act may engender greater interest in elections the overall opinion of the Panel is one of "zero tolerance".

It therefore calls upon the Council to consider implementing such a procedure with the possibility of the Council recharging the cost of the removal of fly posting material to an Election Agent - which they would then need to show as an election expense - in the event of the Agent failing to remove such material within a short time period. Fly posting on Polling Day should not be tolerated and removed immediately.

Again, any such procedure would need to be included in the nomination pack and drawn specifically to the attention of candidates and agents.

13. In view of problems experienced with the receipt of admittance cards to the count by political parties in May 1999, due to their late delivery by the Post Office, it is suggested that the existing arrangements be reviewed.

It is acknowledged that existing Electoral Regulations require Election Agents to supply in writing details of persons attending the count in the capacity of Counting Agents to the Returning Officer 5 working days before Polling Day. Under these circumstances it is not permissible to supply a set number of "unnamed" admittance cards to Election Agents.

Notwithstanding this restriction, it is suggested that the admittance cards be sent to the Election Agent (either by post or to be collected by hand) rather than issued direct to individual counting agents.

14. The Panel accepts the need to provide nomination packs, including copies of the Electoral Register for the particular electoral Ward, to prospective candidates (or their representatives).

Given that sufficient copies of the electoral register are produced each year, taking into account the anticipated number of prospective candidates, and the fact the new software packages may facilitate their production on floppy disc at minimal costs, this procedure should continue - particularly since the register is required to enable the candidate to properly complete the nomination papers.

15. The proposal to produce an "Easy Guide for Candidates and Agents", is much appreciated and may help to overcome some of the difficulties experienced over the years with regards completion of nomination papers, fly posting and completion/submission of election expense returns.
16. The Panel supports the replacement of existing ballot boxes for plastic boxes which are (a) much lighter; (b) do not require the traditional sealing with tape and wax; (c) are easier to open at the count without having to resort to the use of scissors or bolt cutters; (d) do not require padlocks and (e) require less storage space as they can be stacked much easier.
17. The Panel acknowledges the need to take advantage of available technologies to streamline and modernise the election management process/electoral registration.

There is a need, however, to ensure any such systems have a facility to be upgraded on a frequent basis to keep pace with technological advances.

18. Nationally, since 1994 there has been a year on year drop in the number of people voting in local elections. There has also been a similar trend with Parliamentary Elections. For example the turn out figure for the Stalybridge and Hyde constituency have fallen from 78.6% in 1979 to 65.0% in 1997.

A series of local publicity initiatives were introduced by the Council for this year's District Elections :-

1. Revised layout of poll cards.
2. Publicity posters on lamp posts near polling stations.
3. Large banners in key locations in the Borough.
4. Book marks.
5. Publicity boards on Council vehicles.
6. Notices publicising availability of Postal vote/proxy applications

The consequence of the above actions was an overall increase in turn out within the Borough of 2.5% (27.5% compared to 25% in 1998). This was against the national trend where there was a further reduction. The relative success of reversing this trend of recent years needs to be built upon in future years.

19. Unfortunately, the level of turn out at the European Elections was very disappointing in line with the rest of the UK. This should not have come as too great a surprise as in each of the past three European Parliament Elections in 1984, 1989 and 1994, turn out has been some 5%-7% below the level achieved in the District Elections held just a few weeks earlier.

A further factor for the poor turn out at the European Elections may be attributable to the impersonal nature of voting for a party rather than a candidate - despite the fact the regional list system, under proportional representation, guaranteed that the number of seats won by any party would more accurately reflect the share of the vote it obtained. The reduction in activity by the political parties may also have contributed to the poor turn out.

20. The Council should submit an application to the Home Office to participate in the national pilot schemes involving innovative electoral procedures.

Recommendations

- (1) That the Borough Solicitor be requested to consider prosecuting individuals who deliberately fail to register their names on the Electoral Register as part of a range of other positive measures aimed at encouraging registration.
- (2) That the Council examines the possibility of Primary Schools, used as polling stations, being kept open on polling day.
- (3) That consideration be given to providing location maps of polling stations on poll cards.

- (4) That a high profile publicity campaign be undertaken to encourage greater take up of postal vote applications.
- (5) That the Director of Education and Leisure Services be requested to initiate, as a matter of urgency, the reinstatement of the adaptation programme to improve access to school buildings.
- (6) That consideration be given to introducing a mechanism on the notification of the non submission of election expense returns.
- (7) That an Easy Guide on Elections be provided for Candidates and Agents.
- (8) That a formal procedure be drawn up in respect of fly posting of election material and incorporated into the proposed Easy Guide on Elections for candidates and Agents.
- (9) That admittance cards for Counting Agents be sent to the candidates Agents as opposed to individual Counting Agents, unless otherwise requested by the candidates Agent.
- (10) That plastic ballot boxes be purchased in place of the existing metal ballot boxes.
- (11) That approval be sought for the acquisition of new computer hardware and software packages, including document imaging equipment, in respect of Elections and Electoral Registration.
- (12) That the Council submits an application to the Home Office to participate in the national pilot schemes involving innovative electoral procedures.
- (13) That consideration be given to providing facilities for Tellers, particularly at Mobile Polling Stations.
- (14) That guidance notes be issued to Residential Establishments about the completion of postal votes.