

## **BABERGH DISTRICT COUNCIL**

**FROM:** Head of Corporate Services

**REPORT NUMBER** **F73**

**TO:** Overview & Scrutiny (Stewardship)  
Committee

**DATE OF MEETING** 29 August 2006

### **DISTRICT AND PARISH/TOWN COUNCIL ELECTIONS IN 2007 – POSTAL VOTING**

#### 1. **SUMMARY**

- 1.1 The Corporate Plan states that the Council will decide whether new initiatives designed to increase electoral turnout will be tried in May 2007. This report is made in response to that and to a separate request by Councillor John Sayers that the Council consider running an all-postal pilot election in 2007.

#### 2. **RECOMMENDATIONS TO STRATEGY COMMITTEE**

- 2.1 That the report be noted and no further action taken to apply to run an all-postal election at the next District and Parish Council elections in 2007.
- 2.2 That further consideration be given to measures designed to publicise the elections in 2007.

#### 3. **FINANCIAL IMPLICATIONS**

- 3.1 The additional cost of pursuing an all-postal electoral pilot is estimated to be in the region of £30,000 - £35,000. The addition of extra measures to assist security, such as watermarking ballot papers, would entail further costs.

#### 4. **KEY INFORMATION**

##### 4.1 **Introduction**

The power for the appropriate Secretary of State and the Electoral Commission to agree to suspend normal electoral law and to substitute pilot arrangements at individual elections was included in the Representation of the People Act 2000. Initially, pilot schemes focused on changes to polling hours and polling places (e.g. voting at supermarkets instead of at the normal polling stations), as well as all-postal ballots. The ultimate aim, however, was for pilot schemes to deliver lessons from which it would be possible to plan for an e-enabled general election “sometime after 2006”.

- 4.2 In September 2005, however, the Constitutional Affairs Minister, Harriet Harman, stated in a written Parliamentary answer that the government had decided not to invite applications from local authorities to conduct electronic pilots in the May 2006 local elections. Whilst the government had not ruled out electronic voting pilots in future, it was clear that past e-voting pilots were expensive and did not deliver any significant increase in turnout. Following the adverse reaction to recent all-postal elections, there are also concerns about the security of any system where voting takes place remotely, as opposed to in person at a polling station.

- 4.3 Numerous all-postal voting elections have been approved since 2000. The largest experiment involved four Regions at the European Parliamentary Election in June 2004. As of July 2003, the experience of all-postal pilot schemes had been generally positive and the Electoral Commission was recommending that there should be a “statutory presumption that all local elections be run as all-postal ballots unless there are compelling reasons why an all-postal ballot would be inappropriate or disadvantageous for a group or groups of electors.”<sup>1</sup>
- 4.4 However, following the well-publicised security issues at the European and local elections in 2004, the Commission was reporting that, despite the delivery of a successful set of elections and improved levels of participation, all-postal voting pilots were marred by problems and it recommended that all-postal voting should no longer be pursued for use at UK elections.<sup>2</sup> This about-turn followed media reports detailing problems attendant upon the sheer scale of the European Parliamentary election pilot, which saw printers struggling to meet statutory deadlines and errors such as the wrong ballot papers being inserted into postal voter packs that necessitated re-issues as late as the weekend before polling day. Worse followed in relation to certain areas where local elections had been combined with the European election. There were allegations that pressure was exerted on individuals to vote for a particular party and that completed postal ballot paper packs had been collected on doorsteps by party workers, who then altered them in favour of their candidate.
- 4.5 By the end of 2004, the High Court had already declared one result void in Hull after electors were sent ballot papers for the wrong ward. The test case for the future of postal voting, however, concerned events in Birmingham. Judgment in the case was delivered in April 2005, just weeks before the General Election and too late for legislative changes to be made to postal voting procedures before that election. In the Birmingham case the judge heard unchallenged evidence over several days of postal votes being stolen. Electors had apparently been fooled into handing over completed postal ballot papers to party workers who, it was alleged, later opened the envelopes and used correction fluid to change the votes before handing them over to the Returning Officer. There was also evidence of postal voter packs being stolen before they reached the intended elector and of ballot papers being completed instead by party workers. The judge declared that in his opinion the existing postal vote system was “an open invitation to fraud.”
- 4.6 Acting Returning Officers were asked to be extremely vigilant when dealing with postal ballot papers at the General Election in May and the predicted polling disasters did not arise. There was, however, a general realisation that the system was flawed and needed additional security measures. On 11 October 2005 the Electoral Administration Bill was introduced into Parliament, in part to deal with these concerns. The Bill received Royal Assent on 11 July 2006 and includes the following main provisions -
- A requirement for each person registered to exercise their vote by post or by proxy to provide a signature and date of birth against which the documentation sent to accompany postal and proxy votes can be compared and verified
  - An ability for certain vulnerable people (or people living at the same address as a vulnerable person) to register anonymously
  - Enabling electors to register after an election has been called (as late as 11 days before polling day)
  - The introduction of a new offence of falsely applying for a postal or proxy vote or providing false information for the purposes of registration

---

<sup>1</sup> The Electoral Commission, “The Shape of Elections to Come”, July 2003

<sup>2</sup> The Electoral Commission, “Delivering Democracy? The Future of Postal Voting”, August 2004

- The introduction of a marked register of postal votes returned (requiring the barcoding and scanning of returned postal vote envelopes)
- A requirement that Returning Officers regularly review polling stations to ensure their accessibility by people with disabilities
- Allowing accredited observers access to polling stations
- A reduction in the minimum age of candidacy at all elections from 21 to 18
- The removal of Maundy Thursday from the list of days that are disregarded for the purposes of the electoral timetable
- A change in the design of ballot papers to replace the counterfoil with a corresponding number list (which the voter will also have to sign), to allow two columns of named candidates and to include a barcode as well as a number on the reverse
- The introduction of a framework for the Co-Ordinated Online Register of Electors (CORE) to support national electronic access

4.7 Much of the detail has or will be included in secondary legislation. This legislation incorporates measures to standardise polling hours at UK elections so that the hours of poll at Mayoral elections and at Referendums is increased to 7 a.m. – 10 p.m. By further Regulations, the hours of poll at all local government elections have also been extended from 8 a.m. – 9 p.m. to 7 a.m. – 10 p.m.

#### 4.8 **What would the Council be seeking to achieve from an all-postal election?**

In the early days of all-postal pilot elections, the main impetus for Councils was to increase the turnout. Of all the types of pilot scheme tried so far, only all-postal elections have had the effect of raising turnout. The turnout at the latest Babergh elections in 2003 (counting only the wards that were contested) was 33.44%, compared to the English national average of 33.7%. In 2003 there were 59 electoral pilots, 32 of which were all-postal schemes. The results were similar to those for earlier pilots:

- All-postal pilots showed a significant boost to turnout (15%, on average)
- Telephone, text message and internet voting proved largely reliable but resulted in only a tiny increase in participation
- Early voting and weekend voting did not achieve high take-ups
- Ballot fraud and problems with identification were matters for concern in relation to postal voting

#### 4.9 **The Additional costs of postal voting**

Assuming that the anti-fraud measures in the Act are successful, another major consideration in running a pilot scheme is the cost. Voting by post will require a ballot paper, a Postal Voting Statement (which replaces the old Declaration of Identity) and a set of three envelopes (one small envelope for the ballot paper, a medium-size envelope for sending back the ballot paper envelope and the completed Statement, and one large envelope to contain everything that is sent to the voter). For security reasons both the small ballot paper envelope and the Statement have to bear the number of the ballot paper issued to the particular voter. The Statement also has to bear the voter's signature and date of birth. In order for a postal vote to be valid, when the documents are returned the number on the back of the ballot paper must match the number on the accompanying ballot paper envelope and on the Statement and the signature and the date of birth on the Statement must match the signature and the date of birth shown on the postal voter's original application to vote by post.

- 4.10 In 2003 the provision of this volume of documentation to all electors was expensive reflecting, as it did, a system that was designed as an exception to normal voting procedures. Since there were fewer concerns about fraud at that time, in many of the pilot areas it was decided to dispense with some of these requirements, most notably the Declaration of Identity. Obviously the removal of security measures is no longer an option and the new provisions in the Electoral Administration Act require the Returning Officer to compare signatures and dates of birth. This will undoubtedly increase the overall costs of the exercise compared to earlier pilots.
- 4.11 It should also be noted that, at the combined General and County Council election in May 2005, there were 5,555 electors registered to vote by post in South Suffolk (8% of the electorate). The packs for these voters were assembled in the office but there is no capacity for producing more than that number in-house and, since the number of persons indicating that they wish to vote by post continues to grow, it is inevitable that the production of postal voter packs will need to be outsourced at future elections.
- 4.12 In 2003, 20 of the 27 Babergh District Council wards were contested along with 18 Parishes/Towns. If there were a similar pattern to the elections in 2007, it would be possible to purchase sufficient postal voter packs (addressed and numbered as required but without the ballot papers included) for approximately £20,000. On top of that, staff would be needed to insert the correct ballot paper into the appropriately numbered pack. There would also be a need for additional staff to cope with the opening and checking processes, a central venue for counting the votes (instead of at a variety of local centres) and the cost of publicity, which, at the very least, would need to consist of an explanatory letter sent to every person eligible to vote at the election.
- 4.13 Set against this, there would be no rental charges for polling stations, no requirement to deliver polling screens, possibly no poll cards (although the Electoral Administration Act specifically requires the equivalent of a poll card to be sent also to postal voters) and no fees or travelling expenses to pay to presiding officers and poll clerks. The savings on these items could amount to approximately £34,500 (or £21,500 if poll cards were needed).
- 4.14 However, the cost of the packs (£20,000), the additional postage both outward and inward (say, £19,500 based on a 68% turnout) added to the additional cost of a single venue for the count over two days (£1,000), the extra staff needed to insert ballot papers before dispatch and to check those papers that are returned (£5,000) and publicity (£12,000) would increase the overall cost of the election by between £23,000 and £30,000. There could be some marginal savings on copying costs and Deputy Returning Officers' fees but there is every prospect that the higher turnout anticipated by an all-postal election would also require additional counters. Under the circumstances it would perhaps be prudent to budget for an increased cost of £35,000.
- 4.15 There would be a need also to consider the following matters –
- Fallback arrangements in the event of disruption to Royal Mail services
  - As the elections would be combined with Parish/Town elections, would the District Council be prepared to pay the additional costs of running those elections on an all-postal basis?
  - The fact that a poll conducted by the Electoral Commission in June 2006 revealed that still only 37% of voters regarded postal voting as safe from fraud

#### 4.16 **Other arrangements**

In 2003, the results at all the parish and district elections bar one had been declared by midnight. It might be possible, under an all-postal election, to commence counting earlier than normal as there would be no single polling day, as such. Given the likely increase in turnout, however, and the new checks of signatures and dates of birth that the Electoral Administration Act demands, there would be good reason to undertake the checks during the Thursday but to count the votes and declare both the District Council and Parish Council results on the following Friday. On 24 July 2006 the Democracy Minister, Bridget Prentice, indicated that she accepted that this could be a consequence of the requirements placed on Returning Officers by the new Act irrespective of whether a pilot election were involved.

#### 4.17 **Advantages and Disadvantages of All-postal Voting**

The advantages of all-postal voting can be summarised as –

- A method that almost invariably increases turnout
- Convenient for voters
- Overcomes problems relating to access to polling stations

The disadvantages are –

- Continued concerns about fraud and secrecy of the ballot
- Bureaucratic and Babergh does not have the in-house capacity to cope with the numbers involved
- Reliant on the postal service
- Significantly more expensive than a traditional election

#### 4.18 **Evaluation**

If Babergh were to apply to run an electoral pilot, details of how it intended to evaluate all the processes involved would also have to be submitted. There are five statutory evaluation criteria –

- Was the pilot successful in facilitating voting?
- What was the effect on voter turnout?
- How easy were the procedures for voters?
- Were the procedures effective in countering malpractice and fraud?
- What was the extra cost of running the pilot?

4.19 In addition, it might be helpful to attempt to assess how successful the publicity measures were. In order to meet the evaluation criteria it would be necessary to make arrangements to collect and share the data and to allow the Electoral Commission access to key personnel for as long as may be necessary.

#### 4.20 **Options**

If it were decided to prepare an application for permission to run an all-postal election in 2007 (assuming the DCA will consider such applications) it is likely to be necessary to include other elements that add value by broadening the practical experience of administrative measures designed to increase accessibility or combat fraud. In the context of an all-postal election such measures could include –

- Allowing postal voters to apply for replacement ballot papers up to 5 p.m. on polling day (with proof of identity)
- Providing guidance to voters in a variety of languages and enhanced voter education and awareness material, perhaps including freepost election communications for candidates
- Improved security markings on ballot papers, using watermarks or security printing and barcodes in place of numbers

4.21 The government made it clear that it did not intend to conduct all-postal pilots in 2006 and did not seek applications for that type of scheme. The government has not ruled out such pilots for the future but believes that the new security measures included in the Electoral Administration Act should be introduced first in order to tighten security for remote voting.

4.22 The Secretary of State is nevertheless obliged to consider any application from a local authority but would need to be satisfied that –

- The pilot fits with the government’s general vision for electoral modernisation
- There is learning value to be gained from conducting the pilot
- The pilot will maintain public confidence in the electoral process and that key risks have been identified and managed
- Any innovation is at least as secure as conventional electoral practices and is robust and attracts public confidence
- There are sufficient resources and effective management arrangements in place both within the Council and the DCA to deliver the pilot
- The pilot offers value for money

4.23 An alternative to all-postal voting may be to run a publicity and awareness campaign. Publicity is an essential part of any election, although there is seldom a dedicated budget for effective promotion and turnout at elections is unlikely to be so significantly affected by publicity as by genuine engagement of the electorate, which is a continuous process between elections. There may, nevertheless, be ways of raising the profile of the elections locally to dovetail with the media campaigns that will be run by the Electoral Commission. Some of these could possibly be achieved at relatively low cost, such as: -

- Small notices or posters (carrying the same branding) placed in public areas and, perhaps, sub-post offices, local shops, church and village halls, day centres and clubs’ and societies’ premises
- Outgoing mail franked with an appropriate message
- Promotion via the website, e-mail and Babergh Matters
- Advertisements on refuse vehicles
- Specially designed activities and events for particular groups

More expensive options could include: -

- Press, TV or radio advertising
- Advertisements on commercial hoardings
- Advertisements on the sides of buses (or in trains or train stations)
- The distribution of a leaflet to all residents
- Investment in exhibition/display boards

4.24 It would be necessary to be realistic about the expectations that such measures might have on the turnout and some post-campaign research would be valuable for providing evidence as to what worked and what did not. Nevertheless, it would be appropriate to consider the options in further detail and to establish a target turnout figure for the next elections accordingly.

4.25 **Conclusions**

Running an all-postal election in 2007 will only be possible if the Electoral Commission and the DCA agree that it will deliver benefits by way of valuable information. Assuming that there will be any pilot schemes in 2007, an application would probably need to be made by mid-November 2006. It has been usual for the government department to publish a prospectus a month or so before, describing the types of pilot schemes that it would like to see. All-postal voting would be more expensive, both for the District Council elections and for any Parish/Town Council elections that may be held and it would be appropriate to consider whether the District Council should meet any additional expenditure that would otherwise be charged to the Parish/Town Councils involved. Alternatively, an investigation could be made into the options for mounting a public awareness campaign. A bid under the Service and Financial Planning process would have to be made at the appropriate time in order to progress either option.

5. **APPENDICES**

None

6. **BACKGROUND PAPERS REFERRED TO:**

None

**CONTACT: RAY AMESBURY**

**DIRECT LINE: 01473 825891**