

Part B – Preparing for a local government election

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1 Planning and risk management

A project management framework

1.1 Running an election is a complex logistical operation with statutory obligations and personal liability for the Returning Officer, involving considerable financial and physical resources, and delivered against extremely tight and inflexible timescales.

1.2 Due to the importance of a local government election, it is necessary to demonstrate that the systems used offer the management control that is necessary when delivering a statutory service. A project management framework enables a structured and methodical approach to be taken, including the identification, assessment and proper management of risks.

Initial planning

1.3 Before considering the particular requirements of a local government election, an essential part of project initiation is to undertake a thorough review of the effectiveness of the conduct of the last election and to consider any specific issues around any changes in legislation. The first stage of a review is most effective when done as soon as practicable after the close of poll, when most of the issues are still fresh in the minds of staff. It may be pertinent to invite some of the more experienced Presiding Officers and Poll Clerks to any discussion, along with 'first timers', in order to address all aspects of the process – from training to dealing with difficult situations during polling day. It may also be useful to survey all staff engaged at the election, perhaps through a post-election mail out, to find out any issues that had arisen at the election, including regarding the performance of Presiding Officers and Poll Clerks.

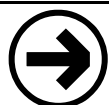
1.4 The scope of the review should cover all aspects of the election, but areas deserving particular scrutiny are likely to be polling places and polling stations, the quality of the register, the performance of contractors and suppliers, staffing, equipment and supplies, finance, security and integrity of the election, count arrangements, communications (both internal and external), and managing postal votes.

1.5 The first stage of planning is then to review all the information gathered. Learning from the experience of the previous election, even if it were not a local government election, and considering the differences required for the next election is the key starting point for a well planned election.

1.6 Even if a post-election discussion did not take place last time, it is still advisable to reflect on the previous election and revisit the situation to see if there are any issues that can be addressed in advance of the next election. Noting these down and reviewing them after these elections will show what has been learnt from the experience and what, if anything, needs to be done differently in future.

1.7 The information collected through this review can be used to compile a project plan and a separate contingency plan. These 'living documents' are management tools that can be used to ensure that all eventualities are covered.

1.8 The project plan should be task based and should provide an overview of how the election is to be managed, including clarification of roles and responsibilities, risk assessment and management, lines of reporting and mechanisms for monitoring and ensuring quality. This is indicative only, and there may be other management issues that Returning Officers will want to include. It is also advisable to have detailed plans, including all tasks, statutory and logistical deadlines, individual responsibilities, and appropriate identification and allocation of resources required.



The Commission has developed a template election planner, which is available on the Commission's website (www.electoralcommission.org.uk) in Microsoft Word format for administrators to adapt for their own use. The Commission has also developed a template contingency planner, also produced in Microsoft Word format, which is again capable of adaptation for local use, and can also be found on the Commission's website.

Roles and responsibilities

1.9 Each local authority appoints a Returning Officer, usually the Chief Executive or another senior officer of the council, who is personally liable for the conduct of the election.

1.10 While undertaking election duties, the Returning Officer, although usually a senior employee of the council, is not accountable to the local authority, but is independent and answerable only to the courts. The same position applies to the staff appointed by Returning Officers to help them run the election. Any staff appointed for the duration of the election period are under the direction and control of the Returning Officer, irrespective of their normal employment.

1.11 The Returning Officer is required to appoint a Presiding Officer for each polling station in the electoral area, and may appoint as many of the following staff as are needed to assist in the conduct of the election:

- Deputy Returning Officers (see below)
- staff for the issue and receipt of postal votes
- Poll Clerks
- counting staff
- other staff to assist with other duties as part of the election process

1.12 Further, it is important to note that Returning Officers and their staff are not responsible for monitoring the conduct of candidates, agents and campaigners. If it is alleged that the conduct of anyone involved in the election process contravenes the law, the matter should be brought to the attention of

the police. The Returning Officer and their staff must act impartially in their dealings with candidates and agents throughout the election.

1.13 Although the Returning Officer is personally liable for the conduct of the election, they may, however, appoint one or more Deputy Returning Officers to discharge all or any of the functions of the office. They may be given full powers or specific powers appropriate to the tasks they will be required to undertake. There should be a formal written appointment and acceptance, including details of the powers granted, signed by both the Returning Officer and the Deputy. If counts are to be held at different venues, a Deputy must be appointed for each venue.

1.14 It is essential that a senior officer is identified to manage both the preparations for, and day-to-day conduct of, the election. However, the ultimate responsibility and final decisions must rest with the Returning Officer.

1.15 The project plan should identify the roles and responsibilities of all those tasked with delivering particular aspects of the election, and should clearly document reporting lines. These may be quite different to reporting lines in the normal council structure. It is important that the Returning Officer ensures that election work is given the utmost priority by the council as a whole.

1.16 It is vital that each member of the election team understands their particular role and any statutory obligations associated with the work they are undertaking.

Preparing contingency plans

1.17 By reviewing the conduct of the previous election, any difficulties and problems and the measures taken to resolve them will already have been identified. In addition to this, it is essential to list all the possible risks to the safe delivery of the election, identify what can be done to ensure that such risks do not occur, and develop contingency plans with options for dealing with such eventualities if they do arise.

1.18 A contingency plan should also identify the seriousness of any risk, by reflecting both the likelihood of the risk occurring and the impact of such a risk if it did occur. For example, if the details of candidates are incorrectly printed on the ballot papers, this could have serious consequences for the integrity of any election result and therefore represents a high level of risk for the Returning Officer personally.

1.19 The key objective of identifying risks is to manage those risks. There is considerable expertise within local authorities in identifying and managing risk that could be called upon to assist with the drawing up of a detailed election contingency plan. Prevention is better than cure, and in many cases electoral law does not provide for a remedy other than by way of election petition.

1.20 In order to assist Returning Officers in the task of identifying and managing risks and developing a contingency plan, a template contingency plan is available on the Commission's website. This gives some examples of

possible risks and can be adapted to fit local circumstances, as there may be risks specific to the Returning Officer's area and circumstances, which will need to be identified and managed.

Correction of procedural errors

1.21 Returning Officers are now permitted to correct procedural errors made in connection with their functions by either themselves or by an Electoral Registration Officer, a Presiding Officer, a person providing goods or services to the Returning Officer or any Deputy or authorised assistant of any of the above.¹

1.22 A Returning Officer will not be guilty of an act or omission in breach of official duty if they 'remedy the act or omission **in full**' by taking steps under this new power.² Therefore, this new power can be used to remedy administrative errors that might otherwise have resulted in a breach of duty. It would still, however, be for the courts to decide if the act or omission had been remedied 'in full', and Returning Officers should ensure that they document clearly any problems encountered in the conduct of the election and any decisions and actions taken to remedy those situations, as this provision does not remove the risk of challenge to the election or a finding by a court of breach of duty.

1.23 It is also important to note that this provision does not allow a Returning Officer to re-count the votes given at an election after the result has been declared.³ Once a result has been declared, regardless of whether it is correct or not, it is final and only subject to challenge by an election petition, and the ability of Returning Officers to correct procedural errors does not vary this principle. Returning Officers should ensure that they properly manage the risk of incorrect declarations of results by following robust procedures during the count.

Insurance

1.24 The importance of the Returning Officer having adequate and appropriate insurance cannot be overstated. It is usual for the actions of Returning Officers and their staff to be covered by the insurance policies held by their local authorities. In such cases, a claim against a Returning Officer in respect of, for example, personal injury, injury or damage to a third party, fire and theft will be made to that insurer.

1.25 It is worth checking with the council's insurance officer whether the council's general insurance fully covers the functions of the Returning Officer. If the answer is 'yes', it is important to get this in writing and keep it safe. It is advisable to clarify the amount of any excess that could be charged in relation to a claim against the policy. If there is an excess, it is essential to identify how that excess would be met in the event of a claim being made.

¹ Section 46, EAA.

² Section 63(4), RPA 1983.

³ Section 46(2), EAA.

1.26 The indemnity policy should contain an extension to indemnify the local authority, including the Returning Officer, against:

- legal expenses reasonably incurred with the defence of any proceedings brought against the council or the Returning Officer
- the cost of holding another election in the event of the original being declared invalid

provided that these costs are as a result of the accidental breach of the provisions of the legislation or breach of any duty by the Returning Officer or any other person employed by or acting officially for them in connection with the election.



Advice from one insurer during the local government elections in England in 2006 highlighted that in the event of difficulties arising and plans having to be changed, accurate records should be kept of decisions taken and the reasons why actions were undertaken.

It was stated that these records could be very useful if decisions or election results were to be challenged at a later date. Regardless of which insurer provides the cover, it is suggested that Returning Officers adopt this approach in their normal working practices.

1.27 If a case arises where it is suggested that civil liability falls on the Returning Officer, it has been suggested that the liability remains with them and cannot or does not fall on the local authority by which they are employed.



Costs of defending an election petition

Returning Officers are personally liable and are strongly advised to ensure that they have suitable insurance cover.

Reporting methods and techniques

1.28 As indicated above, in order to ensure effective management of the election it is essential that there is central coordination of all election preparations and activities. Clear lines of communication with all levels of the election management structure at an early stage should ensure that suitable reporting structures are established and maintained by all staff engaged in the day-to-day running of the election.

1.29 The following list provides examples of reporting methods and techniques which, from experience, electoral administrators have found to be useful:

- a timetable or an election planner to check on progress
- exception reports that show where tasks are slipping behind schedule
- update reports of performance of contractors, including time, quality and cost
- regular team meetings

- structured agendas for meetings
- minutes and action points from previous meetings
- estimated spend charted against fees available
- resource plan – availability and competency of trainers and staff, and any special arrangements for the allocation of staff to polling stations, for example where there is a particular language requirement in an area where there is a large number of electors whose first language is not English
- reports on specific issues, or requiring particular expertise – for example, legal advice, security, or arrangements with the police, broadcast media and press

1.30 It is vital to agree clear arrangements for the method and frequency of reporting between the person managing the day-to-day conduct of the election and the Returning Officer, and any Deputies, at an early stage. This communication may be daily, weekly or, exceptionally, in the event of there being a major problem.

1.31 The person managing the day-to-day running of the election needs to have a sound knowledge of their team to ensure that an effective communications process is in place and is robust. It is advisable to make a point of discussing election planning with that team early in the preparation phase and on a regular basis throughout the conduct of the election.

Planning for post-election activities

1.32 The planning process should include an evaluation phase to take place soon after the election in order to review the effectiveness of its conduct as detailed above and to draw out any learning points for the future, while the experience is relatively fresh.

1.33 It would also be beneficial to alert candidates and agents to your plan to conduct a review, and to invite their comments.

1.34 In addition, the provision of feedback forms for polling station staff and electors, to indicate if there were any problems or issues with the polling station venues, can provide valuable information for future planning. A similar approach to the arrangements for dealing with postal votes and the count may also be helpful.

Electoral forms and equipment

1.35 Elections require a substantial amount of election-specific and general stationery and equipment. Reviewing the previous election should enable the Returning Officer to determine the effectiveness of materials and equipment used, and to audit current supplies of key items, such as polling booths and ballot boxes. This information can then be used to inform estimates for re-ordering stationery and replacement election equipment.

1.36 It should be noted that the Welsh Language Act 1993 places a responsibility on Returning Officers in Wales to provide bilingual election material to electors.

2 Managing contractors and suppliers

Roles and responsibilities

2.1 The Returning Officer can outsource particular work required to deliver a local government election, but not the responsibility for ensuring compliance with the rules and regulations. The duties and obligations for the effective conduct of the election remain those of the Returning Officer. We strongly advise that the Returning Officer and their staff come to their own independent view of the statutory requirements for any outsourced work.

2.2 To operate effectively, the administration of an election needs to be properly resourced with well-trained staff who have a sufficient level of knowledge and expertise, both of the statutory requirements of election management and of procurement and contract management procedures. It is vital for the statutory requirements and their implications to be fully explained wherever contractors are used, in order to avoid any misunderstandings later.

Procurement

2.3 The review of the previous election, together with any recently arising circumstances, will inform the decision to outsource a particular function or task. The risks of outsourcing should be clearly identified and documented, with contingency built into the procurement and contract management process.

2.4 The earlier that any decisions to outsource are taken, specifications prepared and appropriate companies invited to tender for the work (if required), the better. As more electoral work is outsourced, the more quickly the suppliers of such services become booked up and reach their total capacity. Given the inflexibility of the election timetable, suppliers should be identified and engaged as far in advance as possible.

2.5 It should be made clear to contractors that they should be producing work according to the specifications set by the Returning Officer. In some instances, electoral offices have asked contractors what is acceptable and should be done, or have been told that something cannot be done when requested. Any query about the design of ballot papers or other electoral materials should be concluded by the electoral staff themselves, by reference as necessary to the relevant legislation and Commission guidance, by contacting the Commission or by reference to other experienced electoral staff. It should be noted that any failure by a contractor to comply with electoral legislation is the personal responsibility of the Returning Officer.

2.6 The local authority will have adopted standing orders or regulations relating to contracts and procurement. A number of councils now use e-procurement to order and pay for their goods. It is advisable to take advice on the procedures to be followed, although it should be noted that any order placed or contract entered into should be with the Returning Officer and not the local authority.

2.7 It is generally agreed that it is good public procurement practice to obtain three written quotations. Some councils may, however, have a standing list of approved contractors who have already been through the tendering process and, in some instances, it may be more effective and economical to use such existing contractors and systems.

2.8 As a minimum, it will be necessary to draft a detailed specification of requirements, providing clear instructions as to the necessary statutory obligations in relation to the particular work or services to be undertaken. This specification should be provided to all those companies invited to tender for the work. The successful company must be able to meet all the requirements of this specification.

2.9 In arriving at a decision as to the selection of a company to deliver the work, the Returning Officer should ensure that they understand and have evidence of the level and nature of the experience and suitability of the company to undertake the work being outsourced. It is recommended that formal references are taken up, and examples of previous electoral work are provided and reviewed. It is also essential that appropriate checks are made against the company's statements relating to such matters as insurance, contingency planning and capacity, quality control, security, health and safety, etc.

2.10 Additionally, it is vital to be aware of whether the company being considered for the work will be using sub-contractors to deliver any aspect of that work. This will create another level of risk and additional communication lines. The Returning Officer will need to be reassured that the sub-contractors are capable of delivering the work and that appropriate quality assurance processes are in place.

2.11 Obtain a final quotation from the company selected, including every aspect of the work as detailed in the specification. Any variations agreed with the company should be in writing and accepted by both parties. There may be a need for a formal contract to be prepared, and advice from the council's legal services or procurement unit may be beneficial.

2.12 The final price of the contract should not be the only consideration in choosing a contractor. Electoral work must be completed on time and to a high standard, and the Returning Officer should therefore make a full consideration of what each bid offers.

Outsourcing the production of postal ballot packs

2.13 In terms of outsourcing the production of postal ballot packs, Returning Officers should ensure that any proposed stationery complies fully with the requirements of the legislation, including the postal voters list, prescribed form of ballot paper, postal voting statement, official mark and envelopes to be

used.⁴ The rest of this section outlines some of the key issues for consideration.

2.14 A postal ballot paper must be the same as a polling station ballot paper. All ballot papers should be produced on paper of a sufficient quality to prevent the voters' marks, including those made with pens etc., being seen, particularly during any postal vote opening sessions when the ballot papers must be kept face down.

2.15 The design of the ballot paper must follow that set out in the election rules.⁵ The EAA introduced several key changes that printing companies should be made aware of and be able to deliver.

2.16 Ballot papers should no longer be printed with a counterfoil; a corresponding number list must now be used instead.

2.17 All postal ballot papers must contain an appropriate security marking (known as the 'official mark') and another unique identifying mark. If the Returning Officer so wishes, the official mark used on postal ballot papers may be the same as that used at the polling stations, but it does not have to be. The official mark does not have to be a perforation added at the time of issue of the ballot paper: it could be the printing of an emblem or mark or a special printing device such as a watermark. If, however, the Returning Officer does not choose to use a printed mark such as a watermark or an underprint, the ballot papers may be stamped with a perforating official mark. The regulations do not, in our view, stipulate at what time the mark must be applied. Returning Officers should, however, ensure that the secrecy of the official mark is maintained. Whatever form of official mark is used, the mark must be appropriate to ensure security and prevent copying. Once a mark is used, it cannot be reused for another five years in the same principal area.

2.18 In addition to being numbered, all ballot papers, including those to be issued at polling stations, **must** bear a further unique identifying mark, which must be unique to each individual ballot paper. This mark can be letters and numbers and could, for example, be the ballot paper number with the addition of a prefix or suffix. An example may be 'L ATC 1', to indicate a local government election (in case it is combined with another type of election) in the A(ny) T(own) or C(ity) ward, with the ballot paper number 1 being printed as a suffix. It should be noted that the use of the number 1 is in addition to the printing of the number 1 in the ballot paper number section of the ballot paper. Also, a unique identifying mark can be, but does not have to be, a barcode.

2.19 Decisions on what to use as the official mark and unique identifying mark should be made at an early stage in the preparation process.

2.20 When outsourcing postal vote production, all data, including the unique identifying mark, should be included in separate fields in the data file. Every

⁴ Rules 16(2), 18 and 22 and Appendix of forms, Schedule 2, LEPAR 2006; Regulations 66, 72 and 74, RPR 2001.

⁵ Rule 16, LEPAR 2006.

separate piece of information (remembering that the unique identifying mark and ballot paper number are two separate pieces of information) should be a separate field or column in the data file. Electoral administrators should ensure that their software is able to produce a data file that their printers can easily use to produce material to the specification required.

2.21 Sample data, including the data headings, should be provided to printers at an early stage in the process, well in advance of 'live' data being submitted, in order that the data format can be worked on. This will also enable pre-proofs to be developed so that it is clear which part of the data should go where on the ballot paper or envelope.

2.22 There must be two separate envelopes in the postal ballot pack:

- an envelope that must be marked with the letter **B** for the return of the ballot paper envelope and postal voting statement
- a ballot paper envelope that must be marked with the letter **A**, the words 'ballot paper envelope', and the number of the ballot paper

2.23 The form of the postal voting statement, which has replaced the declaration of identity, is prescribed,⁶ and so the Returning Officer should consider whether they need to deviate from the wording and format of the prescribed form for a legitimate reason before doing so.

2.24 In addition to the ballot paper, postal voting statement and envelopes, Returning Officers may include such information as they think appropriate about how to obtain:

- translations into languages other than English and, in Wales, Welsh, of any directions to or guidance for voters sent with the ballot paper
- a translation into Braille of any such directions or guidance
- graphical representations of any such directions or guidance
- the directions or guidance in other forms (including audio)⁷

Contract management

2.25 It is essential that there is a formal, written contract or agreement for the work, as this can be used to ensure that quality assurance is carried out effectively. As discussed earlier in this section, local authorities have formal procedures for procurement and the letting of contracts, which the Returning Officer may utilise and/or adapt. Experienced managers in these fields can be used to ensure that appropriate and rigorous contract management procedures are followed, thereby minimising risk.

2.26 The timescales for the company to undertake and deliver the work should be confirmed in advance. All stages of the process should be well documented and continuous communication is important for both parties.

⁶ Rule 22 and Appendix of forms, Schedule 2, LEPAR 2006; Form 3, Local Elections (Principal Areas) (Welsh Forms) Order 2007.

⁷ Section 199B, RPA 1983.

2.27 Ensure that there are specific provisions within the contract for the Returning Officer, or other nominated member(s) of staff, to visit the company's premises (including those of sub-contractors, if appropriate) so as to be present while the work is being carried out, and to be able to quality-check the ballot papers, postal ballot packs or other work. In addition, contractual provision should be made to allow for Commission representatives and officially accredited observers to attend the company's premises to observe the process.⁸

2.28 Ensure that there are specific provisions within the contract relating to secrecy – the appropriate notice as to secrecy⁹ should form part of the contract, with a requirement that the company provides this notice to all staff. This must include any sub-contractors used to deliver the work.

2.29 Ensure that the Returning Officer remains in control of the process and that the company contracted to do the work does not make any decisions without their full understanding and authorisation. Any variations from the agreed specification could result in a breach of statutory rules and regulations, and therefore potentially a breach of duty. Any variations should therefore be formally documented and signed off by or on behalf of the Returning Officer.

2.30 In order to assist contractors and suppliers in delivering the work on time, it is essential to keep to agreed timescales for providing the information or data they need to do the job. If there is slippage, for example because of the time required to process bulk last-minute postal vote applications, there will be a need to advise the contractors straight away.

2.31 Document all stages of the procurement and production processes. In particular, keep a formal record of the production process in order to be able to demonstrate that it was undertaken in accordance with the law.

2.32 Specifically, it is recommended that contracts should include clauses which allow for the following quality assurance measures, in addition to those contained within the printer's own procedures:

- There should be full disclosure of any sub-contractors and their role. This should include full access to all sub-contractors during the production process.
- Clear lines of communication should be maintained between any contractor, any sub-contractors and the Returning Officer and their staff.
- All senior and supervisory staff who will be involved in the process should attend a briefing session at least seven days prior to printing and issuing.
- The Returning Officer and their nominees should have access at all times to all parts of the printing, collation and packaging process, and should be able to carry out quality checks on print runs, collations and completed materials.
- The Returning Officer should be provided with proofs of all items to be included in the ballot pack to sign off before printing begins. The proofs

⁸ Sections 6A to 6F, PPERA.

⁹ Section 66, RPA 1983.

should be provided both electronically and in hard copy format. Should the proofs not be acceptable at any point in the process, revised proofs should be prepared within a set number of days to be specified in the contract.

- There should be provision for an adequate number of replacement ballot packs to be produced and a fixed date for these to be delivered to the Returning Officer.
- There should be no direct communication between the contractors and Royal Mail without the knowledge and involvement of the Returning Officer; printers should only communicate with the Returning Officer or their authorised representatives (which could include Royal Mail at the discretion of the individual Returning Officer).
- Contractors should seek permission from the Returning Officer before releasing any ballot packs to Royal Mail and should follow the handover procedures prescribed by the Returning Officer. The Returning Officer or nominee should be present at the handover.

2.33 Electoral register data held by the contractors should be destroyed following the handover of ballot papers to Royal Mail. A written undertaking should be signed by the contractors to accept that information from the full electoral register cannot be disclosed at any time, confirming that they will not disclose data to any unauthorised party and that, upon completion of the processing, they will return any discs and paper records provided to them and destroy any other electronic or paper copies of the data.

2.34 If it is problematic to find a suitable contractor, then the British Printing Industries Federation (BPIF) may be contacted for assistance:

British Printing Industries Federation
Farringdon Point
29–35 Farringdon Road
London EC1M 3JF

Tel: 020 7915 8319

Working with Royal Mail

2.35 Returning Officers are advised to contact their Royal Mail Account Manager as soon as possible, and to ensure that they have an up-to-date copy of Royal Mail's best practice guidance on postal voting, *Managing postal voting*.

2.36 When using Royal Mail it is important to get any licence numbers and Business Reply numbers from your Account Manager as soon as possible in order to avoid any delay at the time when the postal ballot packs are to be distributed to electors.

3 Election finance

Returning Officer's charges

3.1 All expenditure properly incurred by a Returning Officer in relation to the holding of an election to a principal area shall be paid by the council. However, expenditure must not exceed any scale which has been fixed by the council.¹⁰ At the request of the Returning Officer, the council should advance a reasonable sum in respect of expenses at the election.



At a parish or community council election, any expenditure properly incurred shall be paid by the principal area council and, where there is a scale fixed by the principal area council, expenditure should not exceed that scale. The principal area council may, however, require the parish or community council to repay such expenditure.¹¹

3.2 When paying bills for premises used for polling or counting votes, rent cannot be charged for local authority or grant-aided premises – only heating, lighting, cleaning and caretaking costs.¹²

3.3 In some areas the scale of fees is fixed on a county-wide basis for local authorities within that county. The Electoral Commission has no role in the fixing of fees for local government elections, nor is there any legislation on how accounts should be prepared. The latest fees and charges order for national elections could be used as a helpful guide, particularly given that the hours of poll are now the same for national and local elections.¹³

3.4 It is for each Returning Officer to prepare their own election accounts as determined by the local authority. However, some suggested guidelines for completing the accounts are given below. These are consistent with the guidance issued by the Election Claims Unit in respect of the completion of accounts for UK Parliamentary elections.

3.5 Before the election it is important to consider how to prepare the accounts, for example whether the election management software has a suitable programme or whether spreadsheets of payments are needed. Planning in advance can avoid the time-consuming task of sorting through piles of invoices and vouchers which have accumulated in no particular order.

Receipts

3.6 Returning Officers will need to obtain a receipt for every payment made. The original copy of the receipt should be submitted with the account forms.

¹⁰ Section 36(4), RPA 1983.

¹¹ Section 36(5) and (5A), RPA 1983.

¹² Rule 20, LEPAR 2006.

¹³ Parliamentary Elections (Returning Officers' Charges) Order 2005.

3.7 For staff payments, the original signed copy of a P528 constitutes a receipt. Gross staff payments must be shown on the claim forms. If a P528 is not used and computer lists or wage books are produced instead, these can be used as a receipt, provided that the payees have signed them.

3.8 Where it is not possible to produce original receipts, photocopies can be used, but these should be certified as true copies by the Returning Officer or a Deputy with full powers. Bank statements or 'paid' cheques can also be submitted as receipts.

Information

3.9 An essential part of the process is knowing what information is needed to complete the accounts. Gather all the information together and keep it safe so that it can be found when needed. The following list may be helpful. It is not exhaustive, but does give an indication of the volume of material to be collated:

- the electorate as at the election
- a list of polling stations and their electorates
- the number of poll cards issued
- the number of postal voters, including the number of postal voters on the register at each polling station
- the number of proxy voters
- the number of replacement postal votes issued
- all staff payments
- all invoices relating to polling stations, buildings used for postal voting processes and ballot box collation and count venue(s)
- printing invoices
- original receipts for all payments made

Vouchers

3.10 In order to complete the accounts, it will be necessary to develop a voucher system, which should be kept as simple as possible. A voucher is the actual individual receipted document that should be attached to account forms.

3.11 Each voucher has to be individually and uniquely numbered. These numbers have to be referred to on the account forms. The vouchers must be attached to the account forms in the same order that they are listed.

3.12 If a voucher covers several items of expenditure, the original should be attached to the account form that relates to the first item of expenditure. Copies of the voucher should then be attached to the subsequent account forms to cover the other items of expenditure, but with a reference to where the original voucher can be found.

4 Equal access

4.1 Equal access to elections is an essential part of a healthy democracy and is necessary to ensure high levels of voter participation. It is therefore very important that all electors have the same opportunity to cast their votes. The purpose of this section is to provide Returning Officers with an overview of legislative requirements covering accessibility and to offer guidance on good practice.

4.2 Access issues should be taken into consideration for all electoral procedures, when planning for an election, on polling day itself and during the electoral registration process. It is important for Returning Officers, Electoral Registration Officers, electoral administrators and polling station staff to use their own judgement and common sense when resolving access issues. With the diversity of local authorities and types of access issues encountered, it is very difficult to provide 'one-size-fits-all' guidance.

Planning for access

4.3 Forward planning is essential if maximum accessibility is to be achieved. This should include not only access to polling stations and the count venue, but also access to the entire electoral process, voter information and polling day.

4.4 Reviewing the last election will provide learning points to feed into future planning. It may be that an unforeseen access issue did occur on polling day. If so, steps should be taken to prevent it reoccurring in the future.

4.5 In such a review, the Returning Officer may wish to consider the following points:

- All reports returned by Presiding Officers should be considered and any problems identified.
- It is also important to consider what practices were successful and where these can be used elsewhere.
- Feedback from electors can highlight any issues that may have occurred. Questionnaires with a predetermined checklist could be made available at polling stations for use by electors.
- Feedback from candidates, agents and political parties may also help to highlight any issues or examples of good practice. Candidates, agents and their supporters have much and varied contact with electors throughout the election period and may receive feedback which they can subsequently feed back to the Returning Officer and the election team.

4.6 An action plan should be drawn up to overcome any barriers to access in time for the next election.

Legislation

The Disability Discrimination Act 1995

4.7 Electoral procedures are not specifically mentioned in the Disability Discrimination Act 1995 (DDA 1995). The Commission, however, supports the view that the voting process is a public service. In its response to *Voting for change*, the UK Government stated, 'We take the view, as does The Electoral Commission, that the Disability Discrimination Act 1995 applies to the provision of the facilities for polling.'¹⁴ As a result, it is our view that Returning Officers must not discriminate against disabled people by providing a worse service to a disabled person than they would to a non-disabled person.

4.8 Since December 1996, it has been unlawful for a service provider to discriminate against a disabled person. Discrimination includes:

- refusing to provide any service to disabled people that it provides to non-disabled people
- providing a worse standard of service to disabled people than it provides to non-disabled people

4.9 Since 1 October 1999, service providers have had to change practices, policies and procedures that make it impossible or unreasonably difficult for disabled people to use a service. What is 'reasonable' will be decided by the courts, but until there is a body of case law, this will be difficult to define.

4.10 From 1 October 2004, service providers have had to make reasonable adjustments to the physical features of their buildings to overcome physical barriers to access. This covers many of the buildings used as polling stations, as they are in use for a wide variety of other functions. The provisions in Part III of the DDA 1995, which cover access to goods and services, apply to electoral services. It is debatable whether the postal vote system would be considered a 'reasonable alternative' to direct provision of election services.

4.11 The DDA 1995 has now been amended by the Disability Discrimination Act 2005, which places a duty on all public sector authorities to promote disability equality, and required councils to publish a disability equality scheme by 4 December 2006.

4.12 The disability equality duty, which came into effect in December 2006, places a duty on all public authorities, when carrying out their functions, to have due regard to the need to:

- promote equality of opportunity between disabled persons and other persons
- eliminate discrimination that is unlawful under the Act
- eliminate harassment of disabled persons that is related to their disabilities

¹⁴ *The Government's Response to The Electoral Commission's report: Voting for change – An electoral law modernisation programme*, www.dca.gov.uk/elections/govresp-vfc-cm6426.pdf.

- promote positive attitudes towards disabled persons
- encourage participation by disabled persons in public life
- take steps to take account of disabled persons' disabilities, even where this involves treating disabled persons more favourably than other persons

4.13 Local authorities should consider taking these issues into account when considering access to the democratic process. Returning Officers will want to have regard to their authority's disability equality scheme in approaching these issues.

Race Relations Act 1976

4.14 The Race Relations Act (RRA) 1976 gives local authorities various duties in respect of race equality. The general duty set out in Section 71(1) of the Act and the statutory Code of Practice on the Duty to Promote Race Equality¹⁵ is to have due regard to the following three objectives:

- eliminate unlawful racial discrimination
- promote equality of opportunity
- promote good relations between people of different racial groups

4.15 Councils are required to publish a race equality scheme. This lists the functions and policies assessed as being relevant to promoting race equality. The scheme also includes an explanation of arrangements for monitoring policies and services, consulting on them and assessing their impact on race equality, and for monitoring the workforce and key employment practices. Local authorities should consider taking these issues into account when considering access to the democratic process. Returning Officers will want to have regard to their authority's race equality scheme in approaching these issues, and include reference to it in instructions to polling station and count staff.

Language

4.16 Nomination papers and ballot papers are prescribed and must only be produced in English.¹⁶

4.17 All other documents that are required to be displayed or provided to voters for the purposes of the election may, if the Returning Officer thinks appropriate, be translated into:¹⁷

- Braille
- languages other than English and, in Wales, Welsh
- graphical representations of the information contained in the documents

¹⁵ Commission for Racial Equality, May 2002.

¹⁶ Section 199B(3), RPA 1983. Nomination papers and ballot papers at elections in Wales may also be produced in Welsh.

¹⁷ Section 199B(2) and (2A), RPA 1983.

- other means of making the information contained in the documents accessible to persons who might not otherwise have reasonable access to the information (including audio)

General issues – good practice

4.18 When considering access to electoral procedures, it is vital to think about the demography of your own area and the access needs of voters. For example, are there large numbers of older voters? Are there specific groups of minority ethnic electors and, if so, what languages do they speak?

Communities vary significantly throughout the UK, with different groups of minority ethnic electors and age profiles. It is also important to consider the geography of the area, including whether it is urban or rural. It is very important that any changes with regard to access issues benefit everyone, rather than a few at the expense of others. Access issues should be seen in the context of the election as a whole.

4.19 When considering access issues, it is always helpful to talk to local organisations of disabled people, older people and minority ethnic groups. They may have first-hand experience of electoral procedures and may be able to suggest alternative venues for polling stations or ways in which election literature can be improved. It is important that there are channels available for voters to contact election staff directly, so that they can put forward their views for consideration. It can also be useful to speak to disabled employees forums, where they exist in individual local authority areas. Professional advice can be obtained from an access auditor.

4.20 Guidance on promoting access issues and making information accessible is included in Section 8, 'Publicity and the media'.

Guidance and advice

4.21 Guidance and advice on access issues are available from a variety of organisations, some of which are listed below. In addition, local groups for disabled people and those from minority ethnic communities may also be able to offer advice and assistance.

Equality and Human Rights Commission

4.22 The Equality and Human Rights Commission opened on 1 October 2007. The new Commission brings together the work of the Equal Opportunities Commission, the Commission for Racial Equality and the Disability Rights Commission and also takes on responsibility for the other aspects of equality: age, sexual orientation and religion or belief, as well as human rights. Further information is available at www.equalityhumanrights.com.

Plain English Campaign

4.23 The Plain English Campaign is an independent pressure group whose aim is for public information to be written in plain English, that is, language that the intended audience can understand and act upon from a single reading. The Campaign offers editing services as well as the Crystal Mark for approved documents. Further information is available at www.plainenglish.co.uk

RNIB

4.24 The Royal National Institute of Blind People (RNIB) offers information, support and advice to people in the UK with visual impairments. RNIB has produced clear print guidelines to improve access for blind and partially sighted people. A summary of the guidelines is as follows:

- Clear print documents should use a minimum of 12 point, although RNIB strongly recommends 14 point to reach more voters with sight problems.
- Stick to typefaces like Arial that people are used to and avoid highly stylised or ornamental ones. Use bold or semi-bold rather than lightweight.
- Align text to the left and keep spacing even.
- Ensure good colour contrast (e.g. black type on white or yellow paper).
- Use non-glossy paper.

4.25 RNIB can also offer guidance on producing tape recordings, Braille, e-text and accessible websites. Further information on these issues is available at www.rnib.org.uk

RNID

4.26 The Royal National Institute for Deaf People (RNID) represents deaf and hard of hearing people in the UK. It can provide information on communicating with deaf people. More information is available at www.rnid.org.uk

Scope

4.27 Scope is a disability organisation, whose aim is for disabled people to achieve equality. Scope runs the Polls Apart campaign, to make elections accessible to disabled voters. Reports have been produced on every UK Parliamentary general election since 1992, plus the pilot schemes held in May 2002, 2003, 2004 and 2006. Further information is available at www.scope.org.uk

Electoral registration

4.28 Being able to register as an elector is fundamental to the whole election process. People may experience difficulties in completing electoral registration forms for a variety of reasons. They may not be able to see the writing on the forms or understand the forms. This includes people with low levels of literacy, as well as those who do not speak or cannot read English. These people may need extra help in completing forms or to have guidance produced in an alternative format, if possible.

Rolling registration forms

4.29 Where possible, all registration forms should:

- be written in clear, precise English
- give details of a helpline number that people can ring if they require assistance – it is also helpful to provide a textphone number, website address and email address
- offer help with completing the registration form
- be printed in a clear font and using a minimum of 12 point whenever possible, although 14 point is more accessible
- preferably be printed in black ink on a white background
- be available in alternative formats on request

4.30 It can be useful to provide guidance notes explaining how to complete forms. This can be helpful to all electors and may make it possible to reduce the amount of text on the actual form. Any guidance should be written in plain English and should include symbols and pictures. This will help all electors, including those with low levels of literacy or who have limited understanding of the process.

4.31 Alternative formats should be made available where possible, and these should be advertised on the form. Electoral Registration Officers could also offer help to those electors who are having difficulties completing electoral registration forms.

4.32 The Commission produces forms for rolling registration, available in a variety of languages and formats. These are available as downloadable PDFs on the Commission's website and can also be ordered as hard copies.

Access to the poll

Poll cards

4.33 Poll cards are one of the most important means of communication with electors. In some cases, electors may be unaware that an election is actually taking place until they receive a poll card. This being the case, it is important that poll cards are made easy to read, while containing as much information as possible.

4.34 It is now necessary to produce poll cards not only for those who are entitled to vote in person at a polling station, but also for those entitled to vote by post or by proxy.

4.35 Although the content of poll cards is prescribed,¹⁸ the following are some aspects of good practice you may wish to consider when producing poll cards:

- Poll cards should be produced in clear, large print, using a minimum of 12 point font size.
- Include a helpline number and an email address that people can use if they have any enquiries.
- Maps showing the location of the polling station can be helpful on poll cards for electors or proxies entitled to vote at the polling station, particularly if the location has changed since the last election, but any map should not be so small that electors have difficulty reading it.
- Include access details on poll cards for electors or proxies entitled to vote in person at the polling station (such as highlighting the availability of the device for enabling voters who are blind or partially sighted to vote without assistance or informing people that a temporary ramp will be in place), taking into account the size of the poll card to be used.

Postal and proxy voting

4.36 Although many people, including disabled people, prefer to vote in person, others find it more convenient to vote by post or to appoint a proxy to vote on their behalf. Postal voting is now available on demand and anyone can choose to vote by post without the need to supply a reason for selecting to vote in this way.

4.37 Additionally, there is now legislative provision allowing people who become disabled between the closing date for new applications to vote by proxy and 5pm on polling day to apply for an emergency proxy on the grounds of disability.

4.38 There should be adequate publicity surrounding postal and proxy voting to make people aware of these provisions and to inform people as to how to apply and the deadlines for doing so in respect of the 1 May 2008 elections. Application forms should be located in a variety of public places so that people have easy access to them. Absent voting applications could also be produced in a variety of formats in order to make it easier for people to successfully complete the forms.

4.39 The Electoral Commission produces postal voting application forms in a number of languages and formats, including audio tape, Braille and large print. All foreign language leaflets are bilingual. These leaflets are available to order free of charge and are also available as downloadable PDFs on the Commission's website.

¹⁸ Rule 25 and Appendix of forms, Schedule 2, LEPAR 2006.

Polling places and polling stations

4.40 The RPA 1983 places an obligation on councils, so far as is reasonable and practicable, to designate as polling places only places that are accessible to disabled people and to give all electors within their area such reasonable facilities for voting as are practicable in the circumstances.¹⁹ Following the introduction of Section 16 of the EAA, Returning Officers are required to seek the views of people who have particular expertise in relation to access to premises or facilities for people who have different forms of disability when carrying out reviews of polling places.

4.41 Guidance on accessibility at polling stations is given in Section 5, 'Venues for election activities'.

4.42 Once in the polling station, there are a number of other features that are designed to facilitate access to the electoral process. These include:

- A large-print sample of each ballot paper must be displayed in each polling station.
- An enlarged, hand-held sample copy of each of the ballot papers must be provided for the assistance of voters who are partially sighted.
- Notices giving information for voters can be printed and laid out in any format that clearly presents the information, and must be displayed inside and/or outside every polling station.
- The 'guidance for voters' notice for display in every polling booth may be produced in a graphical form or in any other way that makes the information accessible to persons who might not otherwise have reasonable access to the information.
- A device to enable visually impaired voters to vote without assistance must be provided at each polling station.
- All voters, on the grounds of blindness or other disability, and those voters who cannot read, can have a companion to assist them when voting or can require the Presiding Officer to assist them.

Access for candidates, agents and observers

4.43 As well as voters, candidates, agents, representatives of the Electoral Commission and accredited observers may have specific access needs. They may need any guidance produced in large print or another format, such as Braille, audio, or in a language other than English. Any briefing sessions held for candidates and agents should also be accessible.

¹⁹ Section 18B, RPA 1983.

5 Venues for election activities

5.1 Locating sufficient and appropriate venues for election activities is not always straightforward. The review of the previous election should include all such premises.

5.2 It is a good idea to contact the managers of all premises used as polling stations and count venues at least six months before the election date to alert them to the election and to make provisional bookings. When contacting the managers of premises, it is worthwhile asking them to complete a pro-forma confirming the availability of the premises, caretaker/contact details and cost, and to provide a pre-paid envelope for its return.

5.3 This activity, done at an early stage in the planning process, should highlight where premises are no longer available or are not suitable. This will then allow sufficient time to act on the information and to identify solutions.

Briefings

5.4 It is good practice to arrange a meeting with representatives from political parties and other possible candidates and agents, if known, prior to the start of the election process, to provide them with information about the elections. Any such briefings should be held in accessible venues.

Polling places and polling stations

5.5 It is the responsibility of the relevant council to designate polling places within their area and to keep these under review. Following the commencement of Section 16 of the EAA on 1 January 2007, a review of polling districts and polling places must take place in 2007 and at least every four years after that. In undertaking this review, local authorities will be required to seek the views of people who have particular expertise in relation to access to premises or facilities for people who have different forms of disability. The Returning Officer must also make representations to the authority.

5.6 In designating the polling places, the council must therefore have regard to their accessibility for disabled voters. It is then for the Returning Officer to provide a sufficient number of polling stations within the designated polling places.²⁰ The designation of venues for polling stations can be an extremely difficult exercise, because on occasion there are no suitable premises within the polling district.

5.7 In terms of good practice, Returning Officers should work closely with people who have particular expertise in relation to access to premises or facilities for people who have different forms of disability, to ensure that the best solution for all voters is recommended to the council. It should be

²⁰ Rule 23, LEPAR 2006.

demonstrated as part of the required review and any additional review undertaken that a proper assessment has been conducted of all the polling stations to be used in the election, and, where access problems exist, documentary evidence of any action taken should be retained.

Accessibility at polling stations

5.8 Despite the increase in postal voting, the majority of electors still vote in person at polling stations. Therefore, one of the most important aspects of equal access is to ensure that polling stations are as accessible as possible.

5.9 In an ideal world, electoral administrators would have the choice of a range of fully accessible buildings, conveniently located for electors in the area, with owners willing to hire them out for polling station use at low cost. Unfortunately, in practice, this is often not the case and, in many areas, there is very little choice available. Equally, it is not desirable to close down large numbers of polling stations and deprive electors of convenient local polling stations because there are access issues.

5.10 In many areas, it is recognised that significant improvements have been made by electoral administrators to premises used as polling stations, to make them more accessible.

Choosing buildings for polling station use

5.11 Traditionally, polling stations tend to be located in buildings such as schools, village halls and community centres. However, there is no reason why they should not be located in alternative buildings that have good access and have a suitable space that allows electors to vote in private. Premises as diverse as fish and chip shops, pubs, hotels, temples and supermarkets have been successfully used as polling stations. Whatever the case, it is essential that the premises identified provide sufficient space for voting to take place, including the space potentially required to accommodate polling agents and accredited election observers.

5.12 It is worthwhile remaining vigilant for any new buildings which may provide alternative locations for any polling stations that present access problems. It may be that a new community building or hall is built in the area that would prove to be the ideal polling station. Close liaison with accessibility experts will help to ensure that the best possible buildings are identified.

5.13 When initially choosing buildings to be used as polling stations or when reviewing existing polling stations, the following factors should be taken into consideration.

Location of the building

5.14 The location of the building is important when considering whether or not it should be used as a polling station. If possible, it needs to be close to where voters live and to be fully accessible. Questions to ask are:

- Is it located close to where most of the electors in the polling district live?
- Is it at the top or bottom of a steep hill?
- Does it have suitable access from a road?
- If there is a pavement, does it have a dropped kerb close by?
- Are there any convenient public transport links?

Parking facilities

5.15 Many electors drive to the polling station, including disabled people, so provision of parking spaces at polling stations is important. Points to consider include:

- Are there adequate parking facilities close to the entrance of the building?
- If not, is there anywhere close by that could be used for parking just on polling day?
- How far do electors have to walk from the car park to the polling station?
- Is there a designated disabled parking space, or could one be provided?
- Is there a dropped kerb from the parking area to the polling station?
- Will there have to be temporary parking restrictions introduced that allow poll staff to park nearby and voters, especially disabled voters, to park for a period to allow voting?

Pathways

5.16 The approach from the road and car parking space should have a hard, smooth, non-slip surface, without steps, potholes, broken slabs or similar; should not have any severe gradients; and should be well lit. Gravelled surfaces can present difficulties to wheelchair users.

Entrance

5.17 When assessing access to the main entrance to the building, the following should be considered:

- Does the building have a level entrance?
- Are there any steps to the entrance of the building?
- Are the stairs highlighted in any way?
- Is there a handrail by the steps?
- Is a permanent ramp provided?
- If not, could a temporary ramp with a suitable gradient be provided safely, or is there another entrance that disabled people or other electors could use?
- Is the door wide enough for a wheelchair user to gain access?
- How heavy are the doors for a frail or elderly person to open? Would they need to be propped open?

Inside the building

5.18 When assessing access inside the building, the following should be considered:

- Are there any internal steps or barriers for electors to negotiate?
- Are doormats level with the floor? If not, can they be removed?

- Are there any other trip hazards?
- Is there a suitable non-slip floor covering? Would the floor become slippery when wet?
- Are there any corridors which may be difficult to negotiate for any electors using wheelchairs or those who find walking difficult?
- In terms of the layout of polling equipment in the room to be used as a polling station, is there enough space in the room for staff, polling equipment and a number of electors, including a wheelchair user?
- Is there adequate lighting in the room (switch on all the available lights to test this), or is there any need for additional lighting?
- If the premises have movable mats, heavy curtains trailing on the floor, a mix of carpet and wooden flooring with edging lips in between, or highly polished floors – all of which can be potential hazards – can anything be done to remove or improve them?

Portable polling stations

5.19 Sometimes, there is no other option but to use a portable polling station, such as a Portakabin. Accessibility is a matter that should be discussed with suppliers of such accommodation. It is also advisable to contact several different suppliers to compare what they can offer.

5.20 Loud generators that are sometimes used at portable polling stations can cause difficulties for deaf people when they vote, as well as being unpleasant for polling staff and people in neighbouring properties. Use of generators should be avoided if at all possible.

5.21 There are several other considerations that will need to be planned for if portable polling stations are to be used, including making road closure orders if necessary to accommodate the stations, providing toilet facilities for staff, connecting an electricity supply if generators are not used, and accurately describing the position of the polling station on poll cards and on street signage.

Action to improve polling stations

5.22 Once any problems have been identified, it is important that action is taken to overcome them.

5.23 We recommend that electoral administrators prepare an action plan to identify improvements and ways of making them. Permanent improvements to buildings can benefit users throughout the year and not just at election times. Permanent improvements, however, inevitably cost money, and it can be argued that it should not be the responsibility of the Returning Officer to pay for improvements to a building which is used as seldom as once every year or every few years for elections, but is used continually throughout the year for other activities.

5.24 Some councils have provided access grants to bodies that own buildings used as polling stations, on condition that they allow the premises to be used on polling day.

Polling station equipment, notices and supplies

5.25 As well as considering polling places and polling stations, it is also important to consider the equipment used inside the polling station well in advance of polling day.

5.26 Each polling station should be equipped with a low-level polling booth for use by wheelchair users.

5.27 Some local authorities provide magnifying glasses for electors to use when voting, and this can be useful to assist those electors with visual impairments. It is also helpful to place white or luminous strips around the slots on the top of ballot boxes, in order to make it easier for people to see where to place their ballot papers.

5.28 Each polling station must be supplied with a copy of the tactile voting device.²¹ These should be ordered well in advance of polling day. It is good practice to display such devices on the Presiding Officer's table in order to increase awareness of their existence.

5.29 At least one version of the large-print ballot paper must be displayed prominently at each polling station.²² Indeed, it is helpful to supply more than one large-print ballot paper for display in clearly visible locations in the polling station.

5.30 It is also a legal requirement to provide an enlarged, hand-held sample copy of the ballot paper (which must be clearly marked as a sample) for the assistance of voters who are partially sighted.²³ If this copy is laminated, it will help to prevent it getting torn or dirty, and again, it might be helpful to supply more than one copy for issue to voters.

5.31 In addition, if the Returning Officer thinks it appropriate, all election notices and documentation except for the ballot papers may be translated into Braille, languages other than English and, in Wales, Welsh, graphical representations and/or other means of making the information accessible to persons who might not otherwise have reasonable access, such as audio.²⁴ For example, a Returning Officer might choose to display a graphical version of the 'guidance for voters' notice, or have that notice translated into other languages widely used in the community.

²¹ Rule 26, LEPAR 2006.

²² Rule 26(5)(a), LEPAR 2006.

²³ Section 199B(6) and (7), RPA 1983.

²⁴ Section 199B(2) and (2A), RPA 1983.

Booking polling stations

5.32 The cooperation of the owners of premises is important in ensuring that polling stations are accessible. When booking polling stations, it can be helpful to remind the owners of premises of the following access issues:

- Any temporary ramps or other access facilities should be put in place for polling day.
- If there is a separate entrance to the building for disabled people, this needs to be well signed and kept open for polling day.
- If the polling station has a polished floor, this should not be polished before polling day, in order to minimise the risk of voters slipping or, at least, slip mats should be in place.

5.33 It may be helpful to ask owners if they are aware of any particular access issues with the premises which may cause difficulties on polling day.

Issue, receipt and opening of postal votes

5.34 This is a critical area of activity in the delivery of any election. As a result, the process of issuing postal ballot packs in many areas is increasingly being outsourced, creating new risks and management challenges.

5.35 Returning Officers intending to conduct the issue and opening processes in-house may need to evaluate the previous arrangements and venues for suitability in order to be able to deliver a scaled-up operation.

5.36 Any venue used for the issue, receipt or opening of postal votes should be accessible to all those entitled to be present. Accredited observers and representatives of the Electoral Commission may now observe the entire process, including the issue of postal ballot papers.

5.37 In addition, there will need to be sufficient space available to undertake the checks of personal identifiers that are now required and for recording received postal voting statements in order to produce a marked postal voters list. It is likely that the requirement to check personal identifiers may lead to a greater number of candidates, agents and accredited observers attending, so additional space may be necessary. If automated methods are used, sufficient power and network points should be in place to accommodate the necessary technology.

Count venue

5.38 An effective count will rely on a suitable venue. The evaluation of the previous election should highlight any learning points as to the suitability of the venue used previously, and should produce a clear set of requirements for the selection of a count venue. At local government elections, depending on the area, all counts may be held in the same venue or counts for different wards may be held in different venues. In the latter case, suitable local venues will need to be found.

5.39 In choosing a venue for the count, there will need to be sufficient space for all aspects of the count process. It is essential that sufficient space is made available to open the postal votes returned to the count by Presiding Officers or from the Royal Mail sweep, and that the venue has adequate facilities to cope with the verification of postal voting statements.

5.40 Any venue used for the count should be accessible to all those entitled to be present at, and to observe, the process, which now includes accredited observers and representatives of the Electoral Commission.

5.41 Facilities for the media at the count are usually arranged on a local basis. Returning Officers may wish to consider providing a separate area for the media. While accommodating the media, it is essential that any media presence does not interfere with the effective conduct of the count.

Accessibility

5.42 Although the count is not open to the public in the same way as polling stations are, access issues should still be taken into account when deciding on a count venue, as candidates, agents or observers may be disabled or have other access needs. The following factors should be taken into consideration when choosing a count venue:

- the location of the building
- parking facilities
- the entrance and how accessible it is
- any internal steps or barriers to those attending
- floor coverings

Getting equipment to the polling stations and count venue

5.43 Any agency or contractor used to deliver polling booths or other election materials should be informed of the date of the election at an early stage in the planning process. Delivery schedules and comprehensive contract specifications need to be worked out with the agency or contractor in advance so that arrangements can be made to ensure that key-holders are able to be present to provide access to the premises.

Use of schools and rooms by candidates

5.44 Local education authorities are required to maintain a list of rooms in school premises that candidates are entitled to use for election meetings. Similarly, local authorities must maintain a list of other rooms maintained at the public expense that are available to candidates to be used for election meetings.²⁵

²⁵ Section 96 and Schedule 5, RPA 1983.

5.45 Candidates and their election agents are entitled to inspect the lists at all reasonable times in the period between the publication of the notice of election and the day before the poll.

6 Staffing

Returning Officer's staff

6.1 The Returning Officer must appoint Presiding Officers, Poll Clerks and count staff, and staff to handle the issue and receipt of postal ballot papers, and may appoint other staff to ensure the efficient running of the election.

6.2 Returning Officers frequently employ local authority staff to carry out these functions. In this capacity, the local authority staff are under the direction of the Returning Officer and not that of the local authority. Local authorities can permit their staff to work on the election, but they are not required to do so. The Returning Officer will need to agree all such arrangements with the local authority.

6.3 It is a requirement that any member of the Returning Officer's staff must not be employed by, or on behalf of, a candidate 'in or about the election'.²⁶ This requirement should be highlighted at briefing sessions of polling staff or staff to be engaged at the issue or receipt of postal votes or at the count. Many Returning Officers also secure a written confirmation of this from anyone they are intending to appoint.

6.4 On appointment, all staff should be provided with a formal notice, with a copy of the agreement or acceptance form for them to sign and return to indicate their acceptance. This notice might usefully include the relevant secrecy provisions,²⁷ in addition to the confirmation referred to in paragraph 6.3.

Effective recruitment and induction of staff

6.5 An early assessment of the performance of Presiding Officers and other key staff at the previous election may lead to the decision to schedule further recruitment and specific training activity at an early stage in preparations for the election.

6.6 Additionally, this assessment should highlight the availability of staff on the date of the election. Having staff in reserve is crucial to ensuring sufficient cover.

6.7 It is advisable to ensure that the methods used to identify, recruit and employ staff are robust and would withstand scrutiny by an auditor.

6.8 Well-trained and helpful staff are the most important resource at a polling station. Polling station staff are often recruited from council staff and retired staff members. Where appropriate, efforts should be made to employ polling station staff who can communicate in one or more appropriate languages used within a community. This can be helpful in providing assistance to electors who do not speak English. This may mean employing recruitment

²⁶ Rule 24(1), LEPAR 2006.

²⁷ Section 66, RPA 1983.

techniques designed to encourage applicants from a wide range of communities. Similarly, there may be disabled people who would welcome the chance to do polling duty.

Returning Officer's fees

6.9 The Returning Officer can claim a fee for their services in conducting the election in respect of each local government electoral area for which they act, if this is included in the scale of fees.

6.10 Superannuation contributions may be made for Returning Officers.

Working Time Directives

6.11 The European Working Time and Young Workers Directives (The Working Time Regulations 1998) have the basic aim of ensuring that workers have a measure of protection to prevent the working of excessive hours. The regulations restrict the number of hours a worker works each week and requires employers to allow minimum periods of rest.

6.12 While work for the Returning Officer is not the same as work for the local authority, regard should be had to the total number of hours that staff are working so that every employer ensures that they are monitoring the health of staff over whom they have a duty of care.

6.13 The regulations allow for certain types of work to be excluded from the normal provisions on rest periods and total hours worked. In an election period, exemptions may be applicable. These may mean, for example, that compensatory rest can be provided at the end of a busy period rather than during it. It is also possible for a worker to opt out of the rules on total working time (but not the requirement for breaks), and this could be considered for council staff working over a longer period during the election.

Asylum and Immigration Act 1996

6.14 Returning Officers must ensure that all staff employed at the election are entitled to work in the UK in accordance with the provisions of the Asylum and Immigration Act 1996. A practical way to ensure compliance is to obtain an individual's National Insurance number before employment commences and certainly before any payment is made. This will be needed in any event for the P528 payment form for HM Revenue and Customs.

National Insurance

6.15 The Social Security (Categorisation of Earners) Regulations 1978 (SI 1978/1689) provide that there is no liability for National Insurance contributions for employment as or by the Returning Officer. Therefore, National Insurance should not be deducted.

Income tax

6.16 Income tax must be deducted at the basic rate of tax except where employees are able to complete a P527 'Certificate of taxable income'. In such cases, fees can be paid gross. In addition, employees may wish to have income tax deducted from their fees at the higher rate, if applicable. In order to ensure that the procedures adopted are acceptable, it is suggested that the local Inspector of Taxes for the relevant local authority be consulted.

Staff for issue and receipt of postal ballot papers

6.17 With the increase in take-up of postal voting on demand, the Returning Officer may need to review previous staffing levels in order to ensure the success of both the issuing and opening of postal ballots within the timescales. In order to assess the likely staffing levels required, the Returning Officer should assume a reasonably high turnout and calculate the number of opening sessions likely to be needed and the number of staff required at each.

6.18 The effect of the new requirement to check the signatures and dates of birth on the postal voting statements will also need to be assessed, as will the requirement to produce a marked list of the postal votes received back and the potential need to identify and remove cancelled postal votes. Much will depend upon how much of the process can be automated, and the length of time required to validate the authenticity of postal voting statements where potential discrepancies are identified. Clearly, undertaking such checks manually will require greater staffing resource than if all or part of the process is automated. In any case, these additional anti-fraud measures are likely to require an increasing number of – probably longer – opening sessions.

6.19 Additionally, the number of postal ballots being returned to polling stations (and in some cases from Royal Mail sweeps) has increased, requiring additional staff (and space) for opening these at the count. If postal votes are collected from polling stations during the day, they could be opened at a separate session prior to the count, reducing the numbers to be opened at the count.

6.20 The Returning Officer must provide all such staff with a copy of the secrecy provisions in Section 66(4) and (6) of the RPA 1983.

Appointment of Presiding Officers and Poll Clerks

6.21 The Returning Officer must appoint and pay a Presiding Officer to attend at each polling station, plus as many Poll Clerks as are necessary for the election. Numbers will depend on how busy the Returning Officer considers the polling station will be, based on previous experience. Returning Officers should also take into account the number of applications for postal votes when allocating staff, as, in an area with a large number of postal voters, fewer electors will be attending the polling station.

6.22 For guidance purposes, the recommended staffing ratios for the last UK Parliamentary general election were as follows:

- In addition to a Presiding Officer, there should be one Poll Clerk for 1,000 voters or less.
- One additional Poll Clerk may be appointed for the next 750 electors. A third Poll Clerk may be appointed to a polling station with up to a maximum of 2,500 electors.
- Where possible, a polling station should not have more than 2,500 electors allocated to it.

6.23 Presiding Officers and Poll Clerks should be issued with the notice of requirement as to secrecy at the polling station, as set out in Section 66(1), (3) and (6) of the RPA 1983.

6.24 For any polling staff who will not be able to vote at their own polling station because of their employment, the rules allow for the Returning Officer to authorise them to vote at any polling station within the constituency in which they are registered, by means of a 'certificate of employment'.

6.25 Alternatively, polling staff may choose to apply for a postal vote, and many Returning Officers provide an application form with the preliminary letter to potential polling staff, with information as to the deadline for applications.

Count staff

6.26 The number of counting assistants appointed will depend on the venue chosen and the anticipated number of votes to be counted.

6.27 All count staff must be provided with a copy of Section 66(2) and (6) of the RPA 1983, explaining the requirements as to secrecy at the count.

Training

6.28 The training of election staff is an important ongoing function in the successful delivery of an election, and should be an integral part of the planning process. Presiding Officers and Poll Clerks are the frontline staff with whom voters come into contact; in many cases, they are the only members of the Returning Officer's staff whom the voters will meet in person. It is important, therefore, that staff are trained as fully as possible to perform their duties, and are made aware of access issues. Poll Clerks and Presiding Officers should receive training which includes information and a briefing on access issues and procedures.

6.29 It is important that the Returning Officer and their staff formulate a training plan for all election staff who will need training for the election. Initial planning should identify who will need training and what their training needs will be. Training for all staff involved in the election is recommended.

6.30 In order to support Returning Officers in providing training for election staff, the Commission is developing a range of support materials both for

training staff and for staff to use as reference materials in the delivery of key election processes. All of the following materials will be available to download from the Commission's website:

- a template risk register
- a template contingency planner/risk register
- material to support the training of polling station staff:
 - *Handbook for polling station staff* (printed copies will also be available to order)
 - a PowerPoint presentation template
 - template lesson plans
- material to support the counting of votes:
 - guidance on doubtful ballot papers (printed copies will also be available to order)
- a frequently asked questions template for other staff involved in the electoral process (e.g. call centre staff)

6.31 The best way to maximise the use of the training materials and services provided for the election is to ensure that key electoral staff are made aware of them and that the election team is fully conversant with them and capable of cascading the training.

6.32 Many local authorities have training personnel who could assist with the training process, e.g. by providing more generic training on presentation skills, to enable key election staff to cascade training to polling and other staff more confidently.

6.33 Any training plan should include methods of evaluating the training sessions and materials, in order to inform future planning.

Training on access issues for polling station staff

6.34 Some councils provide disability awareness training to all polling staff. This could be provided by the council's access officer or by local groups of disabled people who have the necessary expertise. However, as a minimum, all polling staff should be:

- trained in the use of tactile templates, which enable blind or partially sighted electors to vote without assistance
- made aware of the large-print ballot paper to be displayed in the polling station, the hand-held enlarged sample copy of the ballot paper to be made available for issue to voters, and any translations of official notices into alternative formats that the Returning Officer has deemed appropriate and will be providing to polling stations
- made aware of the importance of the layout of the polling station, how to place notices, taking into account lighting levels, and how to offer assistance to disabled people
- made aware of the provisions that allow disabled people to have a companion to assist them to vote or to require the Presiding Officer to assist them

- made aware of the importance of speaking clearly to people who have a learning disability or hearing difficulties
- given advice on how to assist voters with learning disabilities
- provided with guidance notes on access issues to refer to on polling day
- provided with a checklist for issues to consider when setting up a polling station
- if appropriate, shown how to install any temporary ramps safely

6.35 As part of the Returning Officer's election review process, Presiding Officers, Poll Clerks and count staff should be asked to complete a questionnaire to highlight any unforeseen access problems or other issues which occur on polling day and at the count, so that efforts can be made to prevent these happening again at future elections.

7 Electoral integrity

Secrecy provisions

7.1 Secret voting has been a feature of elections in the UK since 1872. The concept of a secret ballot is enshrined in the First Protocol to the European Convention on Human Rights, now part of UK law through the Human Rights Act 1998. At a practical level, the legislation makes it clear that:

- the poll shall be taken by ballot
- the official mark shall be kept secret and the same official mark shall not be used again at elections for the same principal area for five years²⁸
- in any legal proceedings relating to the election, no person shall be required to state for whom they voted
- the voter shall secretly mark their ballot paper and fold it so as to conceal the vote (the requirement for folding applies only to those voting at polling stations and not to those voting by post)

7.2 Section 66 of the RPA 1983 provides for secrecy of voting and to that end requires that the various persons concerned with the conduct of the election shall not communicate:

- the names of persons who have or have not voted
- the elector numbers of voters
- the official mark
- the candidate for whom a voter has voted
- the number or other unique identifying mark on the reverse of a ballot paper

7.3 All persons attending a polling station (other than for the purpose of voting or persons under the age of 18 years accompanying a voter), staff involved in the issue of postal votes, and all persons attending the opening of postal votes and the count, must be provided with a copy of the secrecy provisions as set out in Section 66 of the RPA 1983. This can conveniently be done by printing the relevant details on admission documentation issued to candidates, election agents, polling agents, counting agents, representatives of the Electoral Commission and accredited observers. In the case of Presiding Officers, Poll Clerks and counting staff, and staff involved in the issue and receipt of postal votes, this could be incorporated into their appointment notification.

7.4 Contravention of the secrecy requirements is an offence, and on summary conviction, an individual found to be in breach is liable to a fine not exceeding £5,000, or imprisonment for a term not exceeding six months.²⁹

²⁸ Rule 18, LEPAR 2006.

²⁹ Section 66(6), RPA 1983.

Key electoral offences

7.5 There are a number of electoral offences specified in the RPA 1983 and the key offences are listed below. For a full list, please refer to the appropriate legislation.

7.6 **Undue influence:** where an individual, directly or indirectly, makes use of or threatens to make use of force, violence or restraint; or inflicts or threatens to inflict injury, damage or harm in order to induce or compel any voter to vote or refrain from voting.³⁰ This offence has been modified by the EAA³¹ to extend the effect of it to include intention and not just where an act has taken place. A person may be guilty of undue influence if they impede or prevent, or intend to impede or prevent, the free exercise of the franchise of an elector.

7.7 **Bribery:** where any individual, directly or indirectly, gives any money or procures any office to or for any voter, in order to induce any voter to vote or not to vote for a particular candidate, or to vote or refrain from voting.³²

7.8 **Treating:** where either before, during or after an election, any person, directly or indirectly, gives or provides (or pays wholly or in part the expense of giving or providing) any food, drink, entertainment or provision in order to influence corruptly any voter to vote or refrain from voting.³³

7.9 **Personation:** where any individual votes as someone else (whether that other person is living or dead or is a fictitious person), either by post or in person at a polling station as an elector or as a proxy. Further, the individual voting can be deemed guilty of personation if they vote on behalf of a person they have reasonable grounds for supposing is dead or fictitious, or where they have reasonable grounds for supposing the proxy appointment is no longer in force.³⁴

7.10 **Postal and proxy voting:** where an individual applies for a postal or proxy vote as some other person, otherwise makes a false statement in connection with an application for a postal or proxy vote, induces an Electoral Registration Officer or a Returning Officer to send a postal vote or associated communication to an address which has not been agreed by the person entitled to vote, or causes a postal or proxy voting communication not to be delivered to the intended recipient.³⁵

7.11 **False information in nomination papers:** where a person gives false information in a nomination paper or in their consent to nomination, they are guilty of a corrupt practice.³⁶

³⁰ Section 115, RPA 1983.

³¹ Section 39, EAA.

³² Section 113, RPA 1983.

³³ Section 114, RPA 1983.

³⁴ Section 60, RPA 1983.

³⁵ Section 40, EAA.

³⁶ Section 65A, RPA 1983.

7.12 False information in relation to registration: where an individual, for any purpose in connection with the registration of electors, provides false information to the Electoral Registration Officer in connection with the registration of electors, that person is guilty of an offence.³⁷

7.13 Information regarding these offences has also been included in the Commission's *Guidance for candidates and agents*.

Non-electoral offences

7.14 In addition to contravention of the secrecy requirements, and the offences outlined above, there are a number of non-electoral offences that may also be relevant in an election context. Such examples include:

- making a false statement (Perjury Act 1911)
- forgery and using a false instrument (Forgery and Counterfeiting Act 1981)
- harassment (Protection from Harassment Act 1997)
- public order offences (Public Order Act 1986)

Dealing with allegations of offences at the election

7.15 Although Returning Officers and their staff are uniquely placed to identify malpractice and should make checks using the information they have at their disposal, they have no power to investigate allegations of electoral fraud or malpractice. These are serious matters and anyone wishing to make an allegation should be expected to produce evidence and be willing to give a statement to the police in support of their allegation. Allegations should be promptly referred to the police Single Point of Contact (SPOC) for investigation.

7.16 The police should be alerted to the provision of Section 181 of the RPA 1983, which places a duty on the Director of Public Prosecutions (who is head of the Crown Prosecution Service) to undertake investigations into allegations of electoral fraud or malpractice. The Crown Prosecution Service urges the police to discuss allegations of electoral malpractice with their Special Crime Division in York or London at an early stage.

7.17 If Returning Officers need additional information or advice on the handling and referral of electoral allegations, they can contact Richard Jordan, Senior Adviser – Electoral Integrity, on 020 7271 0562 or at rjordan@electoralcommission.org.uk

Security

7.18 It is recommended that Returning Officers review previous arrangements in respect of security issues with the local police, to enable proper consideration of risk management options. This will provide a firm basis for clear communication lines should any incidents occur during the election

³⁷ Section 13D, RPA 1983.

period. This will normally include making specific arrangements for police officers to attend at polling stations, or to call in during polling day, and discussing any security issues relating to the count. Polling station staff should be given contact numbers for use in the event of problems, which should include a point of contact with the police.

7.19 As in previous years, the Commission recommends early contact with relevant police contacts. In addition to existing contacts, Returning Officers should make sure that they have the details of each force's SPOC for electoral matters. If Returning Officers have difficulties in making contact with the police SPOC, they should contact Richard Jordan at the Commission (see paragraph 7.17). The Commission recommends that Returning Officers arrange early meetings, in January or February ahead of a May election, with their police contacts to agree how guidance on fraud prevention will be applied locally, and then again for a more up-to-date briefing once nominations have closed.

Election observers

7.20 Section 29 of the EAA amended PPERA to allow for the observation of electoral proceedings by representatives of the Electoral Commission and by observers accredited by the Commission.

7.21 Representatives of the Commission are entitled to observe the working practices of the Electoral Registration Officer and the Returning Officer, as well as the proceedings at the issue and receipt of postal ballot papers, the poll and the counting of the votes. Other individuals or organisations may apply to the Commission to be accredited to observe the proceedings at the issue and receipt of postal ballot papers, the poll and the counting of the votes.

7.22 Commission representatives can ask questions of electors, registration and election staff, including at the polling station and count, and also of candidates and agents, but will not do so if this would obstruct or disturb the conduct of electoral proceedings or working practices.

7.23 Electoral observation is a legitimate and valuable part of the electoral process, and care should be taken not to hinder or obstruct the conduct of the observation. Although Electoral Registration Officers and Returning Officers are entitled to limit the number of observers who may be present at any proceedings,³⁸ the Commission advises that caution should be used in the exercise of this power. It is important to note that no officer is entitled to bar all observers from the entire process, only to limit the number of observers present at any one time. Careful consideration therefore needs to be given to the locations used for the various electoral processes, and to ensuring that sufficient space is made available for observers.



³⁸ Section 6E, PPERA, as inserted by Section 29, EAA.

7.24 In all instances, the respective officers should only seek to limit the number of observers if their presence is hindering the conduct of the proceedings or jeopardising the secrecy of the ballot.

7.25 The Commission consulted on the required Code of practice for observers,³⁹ and this was published on 31 January 2007.

7.26 Every observer will have been supplied with an observer badge produced by the Commission, which they must wear when attending proceedings. The observer badge types are illustrated in Table 1.

Table 1: Observer badge types

Observer badge type	Who are they?	Access
	Electoral Commission representative (pink badge)	Extended powers of access
	Observer registered with the Commission (silver badge)	Same as candidates and agents, plus access to the issue of postal votes

³⁹ The Electoral Commission, *Electoral observation at United Kingdom elections: consultation paper* (August 2006), www.electoralcommission.org.uk.

8 Publicity and the media

Duty to encourage electoral participation

8.1 Section 69 of the EAA introduces a new duty on Electoral Registration Officers and Returning Officers to take such steps as they think appropriate to encourage participation of electors in the electoral process. The Secretary of State has a power to reimburse any such promotional activities, but such reimbursement is at their discretion.

Planning communication activities

8.2 Having a coherent communications strategy as part of the planning process is essential, and it should include internal as well as external communications. Good communications between electoral staff at all levels are a prerequisite for a successful and well-coordinated poll. Communicating with other council staff with expertise in working with the media or specific groups such as young people or disabled people is also valuable, although this is beyond the scope of this section, which addresses external communication activities.

8.3 Any election attracts considerable interest and involves many different kinds of communication activities – from statutory notices and distribution of poll cards, to provision of information and briefings for candidates and agents, and public enquiries. In addition, there is a need to manage media relations.

8.4 Electoral Registration Officers and Returning Officers should ensure that they are aware of any possible political sensitivity around any work they initiate.

8.5 Publicity and voter education can be costly if not planned with care and delivered in a cost-effective manner. To assist electoral administrators, the Commission has developed an electoral participation toolkit called the Do Politics Centre. This online resource centre contains practical materials, advice and guidance for practitioners aiming to increase voter awareness. All materials are free to access and include case studies, event plans, campaign techniques and templates for communication materials.



Electoral Registration Officers and Returning Officers may wish to consider the feasibility of undertaking joint awareness-raising campaigns with colleagues from adjacent areas. Such an approach may lead to a more effective use of limited resources, and will also assist in the delivery of a consistent message across a wider area.

Statutory and other notices

8.6 The legal requirements for posting public notices in relation to a local government election are that the Returning Officer must post any notice required 'by or under' the RPA 1983 in 'some conspicuous place or places in

the constituency'. The Returning Officer may also decide to give notice 'in such other manner as he thinks desirable for publicising it'.⁴⁰

8.7 It is advisable to review all locations previously used for statutory and other election notices in order to ensure that they are placed in sufficiently accessible locations for the public. In addition to more traditional locations, an extremely helpful place to post the official notices is on the council's website. Considering the requirement to make reasonable adjustments in service delivery for disabled electors, the internet is now a vital tool which, with the accessibility tools that most users have, can help to make information more accessible.

8.8 The Commission therefore recommends that any notice which must be posted (including the notice of election and statement of persons nominated) should also be put on the council website as soon as possible after the physical notice has been given. We would also recommend that during the election period the council has a link from its front page to the election information section.

Managing public enquiries

8.9 The days leading up to the election and polling day itself are notable for the considerable volume of enquiries from voters, both in person and by telephone. Setting up a dedicated team (or re-training front reception staff) to deal with the likely high number of enquiries received within a relatively short timescale can bring real benefits to both the public and the electoral services staff.

8.10 Such provision needs to be planned carefully and, if delivered effectively, will ensure that voter enquiries are dealt with promptly and escalated to more experienced staff when necessary, while taking the pressure of routine enquiries away from the electoral services office.

8.11 The Commission will be producing a frequently asked questions template for staff involved in dealing with enquiries from electors, such as persons staffing any election helpline set up by the local authority, which will be available to download from the Commission's website.

Specific voter awareness issues

Changes to polling places and stations

8.12 In addition to the statutory notice, it is advisable to inform electors clearly of any changes to polling station locations. This can be done by including additional information with the poll card, such as a simple map and bold text informing of a change of venue, drawing the electors' attention to the new arrangements. The statutory wording for the poll cards must, however, still remain.

⁴⁰ Section 200(1A), RPA 1983.

Access issues

8.13 Any facilities or provisions for disabled voters, those with low levels of literacy and those for whom English is a second language need to be publicised if people are to know that they are available. Any such publicity will also need to be in a format that is accessible to its intended audience.

8.14 The Electoral Commission has published independent research into the range of activities undertaken by UK local councils to promote electoral issues. This report, *Making an impact*,⁴¹ recommends that good promotional materials should aim to achieve the following:

- be clear at whom they are aimed
- use language that is appropriate for the audience
- be produced in a format that is accessible to the audience
- convey a clear message
- be attractive or eye-catching
- encourage action on the part of the audience

8.15 It is important to remember that different localities and communities retain distinct characteristics, which means that the same promotional activities or materials can work well in some areas and with some groups and not so well in or with others.

8.16 The following are examples of how to provide useful and practical information on access:

- Information about electoral services and the facilities available to assist disabled people could be provided on the council's website.
- An elections helpline could be provided, with a dedicated number and an email address.
- A leaflet on what to expect at polling stations could be published specifically for disabled people.
- Information could be given on other methods of voting, i.e. postal and proxy voting, for people who may prefer to vote in this way.
- Leaflets, posters and articles for newspapers can be distributed to a variety of organisations working with specific groups of the community, so that they can effectively disseminate information through their networks – for example, Age Concern, Talking Newspapers and groups for people from minority ethnic communities.
- A simple, plain English guide on completion of postal votes could be produced, which could contain symbols to explain how to complete and collate the necessary paperwork.
- Publicity and advertising strategies should take account of the range of local communities. Publicity through the spoken word has been found to be the most effective strategy, with local radio and local television popular options. Particularly with the advent of digital and cable broadcasting, there may be minority language radio or TV stations in areas with large minority ethnic communities.

⁴¹ The Electoral Commission, *Making an impact* (2002), www.electoralcommission.org.uk.

- Articles in local newspapers, including free and community newspapers, and translated advertisements in the minority ethnic press are all useful.

8.17 Direct contact should be made with community groups, including those for older people and disabled people. There may be an existing network of publicity and help within the communities that could be built upon.

8.18 Returning Officers should be aware of the different communities and languages in their area and target resources and information appropriately.

Postal and proxy voting

8.19 Although many people, including disabled people, prefer to vote in person, others find it more convenient to vote by post or to appoint a proxy to vote on their behalf. This being the case, there should be adequate publicity surrounding postal and proxy voting, so that people are aware of these provisions and know how to apply. Application forms can be left in a variety of places so that people have easy access to them. Absent voting forms can be produced in a variety of formats in order to make it easier for people to apply.

8.20 The Commission produces postal voting application forms. The leaflets containing the forms have been produced in a number of languages and formats, including audio tape, Braille and large print, and are available free of charge. All foreign language leaflets are bilingual. Postal voting leaflets and application forms are available to download from the Commission's website or to order in hard copy.

8.21 An increasing number of people vote by post, due to the fact that anyone can now apply. In addition to the ballot papers, postal voting statement and envelopes, Returning Officers may include such information as they think appropriate about how to obtain directions and guidance in alternative formats. Providing information in a pictorial format is particularly useful for all voters, including those with low levels of literacy.

Managing media relations

8.22 Prior to any election, Electoral Registration Officers, Returning Officers and electoral administrators should decide how their media relations are to be handled and should put the necessary arrangements in place. The Returning Officer should clarify in advance who within their staff is authorised to speak to the press and broadcasting media and should ensure that all staff are aware of this information. Risk management issues can be addressed through rigorous procedures for the accurate and appropriate release of information relating to the election.

8.23 It is also important that the media know whom they should contact for information and are accurately directed to that contact by council staff. Returning Officers may wish to consider using the council press office as the election press office for the duration of the election. This means that the media are dealt with by media-trained people and allows administrators to get

on with administering the election, and also ensures consistency of message on behalf of the Returning Officer to all press enquiries received.

8.24 The media can assist in the administration of the election in many ways, for example by promoting awareness of the election and seeking to engage the electorate. The media can be extremely helpful in getting a message out to voters in the event of any incident requiring new or revised arrangements to be communicated, or to inform specific community groups of arrangements that may benefit them, for example accessibility information. Advance planning of any media strategy is important in order to identify all of the key dates in the election administration process that could be used to highlight the election itself.

8.25 Returning Officers will find it helpful to have current contact details of all the relevant media in their area.

Briefing packs

8.26 Providing the media with a briefing pack, which gives useful information and contacts, will save election teams and Returning Officers time in the long term. It also aids the media in doing their job. It is suggested that any briefing pack include the following:

- the election timetable
- election press office contact details
- media access arrangements for the verification of votes and the count
- previous relevant election results
- lists of candidates and details of their agents

8.27 Press briefing packs should be prepared well in advance so that they can be made available at the beginning of the electoral process.

Polling stations

8.28 The media have no rights to enter a polling station except as voters. They must not be allowed to film or interview voters in the polling station. If a film crew has been given permission by the Returning Officer to film outside the polling station but within the polling place, Presiding Officers must be instructed to make sure that the film crew does not hinder or harass voters on their way to vote, or obstruct the entrance to the polling station.

8.29 To avoid having to turn down requests for access to polling stations on polling day, it may prove helpful if Returning Officers consider making a polling station available to the media prior to the opening of polls, generally the day before polling day. This allows TV crews and photographers to get their footage prior to polling day, and this may often be run on the eve of the poll.

Count

8.30 Where interest is expressed by radio and/or television in broadcasting from the count, it is good practice to meet at an early stage with media representatives to discuss the Returning Officer's intentions as to how the count will proceed and also to ascertain the media's likely requirements.

8.31 The following should be considered when planning media facilities at a count:

- Contact principal broadcast organisations well in advance.
- Outline the press facilities available. Remember it is the Returning Officer and not the media who has the final say as to what is allowable at the count venue.
- Media representatives may well wish to check the count venue in advance, particularly if they intend to carry out filming on the night.
- Provide an opportunity for media representatives to inspect the count venue to identify space for interview purposes and also for parking vehicles, and to identify cable routes, assess power supplies and highlight communication requirements (such as telephone or ISDN lines).
- Make arrangements for indicating completion of the count and declaration procedures.
- Arrange for sound systems to be used for the announcement and live feed.
- Make accreditation arrangements for journalists, technicians and photographers attending the count.
- Designate an area of the count venue for media use.
- Provide media passes.
- Make those attending aware of the secrecy provisions.
- Ensure that there is a nominated media spokesperson in place for the count, and that everyone is aware who this is and that all questions should be directed to that person.
- Make sure that the media are aware of any restricted areas and procedures – for example, ensure that camera operators are aware that they must not overview sensitive information (such as close-ups of ballot papers) or obstruct count staff.

8.32 Any briefing pack prepared for the media attending the count should give details of what facilities will be made available for them at the count, and should also include information on the election, the area, and the candidates (including photographs if available) and plain English information on the count process itself.

8.33 The Returning Officer may also wish to indicate in the briefing pack the likely timetable of events on the night, with an estimate of the possible declaration times. It is advisable that Returning Officers take a few moments on the night to discuss with producers and reporters how they will indicate when an announcement is to be made. This will allow news desks to be informed, so that live feeds can be set up at short notice if desired.

9 Resources

Key contacts

Name/organisation	Contact details
British Printing Industries Federation Farringdon Point 29–35 Farringdon Road London EC1M 3JF	www.britishprint.com
Bob Toal Public Affairs Officer	bob.toal@bpif.org.uk 020 7915 8319
Equality and Human Rights Commission 3 More London Riverside Tooley Street London SE1 2RG	www.equalityhumanrights.com 020 3117 0235
Election Petitions Office Petitions Office Queen's Bench Master's Secretary's Department Room EO8 Royal Courts of Justice The Strand London WC2A 2LL	020 7947 7529
Ministry of Justice Selborne House 54 Victoria Street London SW1E 6QW	www.justice.gov.uk 020 7210 8500
RNIB (Royal National Institute of Blind People) 105 Judd Street London WC1H 9NE	www.rnib.org.uk helpline@rnib.org.uk 020 7388 1266
RNID (Royal National Institute for Deaf People) 19–23 Featherstone Street London EC1Y 8SL	www.rnid.org.uk informationline@rnid.org.uk 020 7296 8000
Royal Mail	www.royalmail.com
Scope 6 Market Road London N7 9PW	www.scope.org.uk response@scope.org.uk 020 7619 7100

