

Elections

Scotland 2010

THE INTERIM ELECTORAL MANAGEMENT BOARD FOR SCOTLAND

Timing of the Count for the Westminster General Election: A Consultation Paper

December 2009

“there should be no overnight count of the ballot papers To achieve the highest level of confidence in the counting process, it is essential that the emphasis is on the quality of decision-making related to the count, not on the speed with which the count is conducted.We cannot expect Returning Officers to make accurate decisions when they are overly fatigued.”

**Gould Report
October 2007**

“To abandon completely overnight counting for Parliamentary elections would represent a major departure from well established precedent. I have decided that there should be no change from the current arrangements.”

**Secretary of State
for Scotland
June 2008**

1. INTRODUCTION

- 1.1 Across the UK consideration is being given to the timing of the count at the next Westminster Parliament Election. As the above two quotes show, strong views are held on this issue. A significant number of Returning Officers and election administrators are considering moving the count from the traditional overnight Thursday to a Friday morning start. This has been criticised by a number of senior political figures and some media commentators, who favour the retention of the “traditional” Thursday night count.
- 1.2 It is recognised by Returning Officers in Scotland that any move away from commencing the count after the polls close at 10.00 pm would be a major departure from existing custom and practice. This consultation paper explains why such a change is under consideration, what new factors have to be taken into account and what the risks associated with overnight counting are.
- 1.3 The Interim Electoral Management Board for Scotland is consulting on this major issue and is seeking views, in particular, from:
- the Scottish Political Parties Panel;
 - individual political parties registered to stand in elections in Scotland;
 - the Electoral Commission; and
 - the media.

**The Board recognises that the views of the public are important.
Returning Officers will examine how this is best done at local level.**

- 1.4 The principles which underpin the Interim Electoral Management Board for Scotland, approach to the timing of the count are:
- in accordance with the Gould report, putting the interests of voter first at all times;
 - restoring confidence in the democratic process, especially in the context of the criticisms which were made in 2007;
 - conducting the count accurately and securely;
 - recognising the responsibilities which Returning Officers have to candidates and agents;
 - recognising the responsibility which Returning Officers have to the public, through the media, to disseminate results; and

- the duty of care which Returning Officers have for their staff.

2. OVERNIGHT COUNTS: WHY CHANGE?

2.1 In a House of Commons Library note, published on 22 September 2009, a Sunday Times article is quoted in which it is stated that as many as one in four local authorities were considering counting on Friday at the next general election. As at 3 December 2009, the Electoral Commission had received information from 495 out of the 650 constituencies regarding their intentions for the commencement of the count.

- 282 (43%) Returning Officers said that they planned to begin counting on the Thursday evening;
- 52 (8%) said they planned to count on the Friday morning; and
- 161 (25%) said that they had not yet decided.

Nine of those who said that they were planning the count to commence immediately after the close of poll indicated that their count would take place on the day after polling day if the UK Parliamentary general election is held on the same day as the 2010 English local government elections. Three others have indicated that they may take the same decision in those circumstances. Discussions with Returning Officers in Scotland have indicated that around two thirds of the Returning Officers in Scotland who responded to a survey by the Board indicated a preference for a count on the day following polling day.

Why are Friday counts being considered?

2.2 There are two main reasons:

- new processes, particularly those associated with AVI checking, and the technology requirements needed to support them; and
- staffing considerations.

This consultation paper seeks to gather views on the significant risks associated with traditional, overnight counting as a consequence of these two factors. Specifically, as is explained later in this paper, it is estimated by Returning Officers in Scotland that the new processes might add two or three hours to the duration of the count in each constituency. There is, therefore, no “like for like” comparison with previous or “traditional” General Election counts.

2.3 The Association of Electoral Administrators (AEA) has published a detailed “issues paper” on the new challenges which have to be met in counting the votes at the forthcoming General Election. The paper was published in October 2009 and can be accessed at:

www.aea-elections.co.uk/downloads/friday_count_issues_paper.pdf.

Those responding to this consultation paper might find it helpful to read the AEA paper in conjunction with this one.

3. PROCESS CHANGES

Postal Vote Identifiers

- 3.1 The key change which will have a significant impact on count processes at the General Election relates to the treatment of postal votes.
- 3.2 Since the last General Election in 2005, new measures have been introduced by statute (the 2006 Electoral Administration Act) in an attempt to prevent postal voting fraud. Every postal voter now has to sign a statement, giving their date of birth, and return it with their postal vote. The Returning Officer must then check the signature and date of birth against those that the elector gave when applying for a postal vote. If either does not match then the vote is rejected.
- 3.3 The volume of postal votes being handled in elections has grown dramatically over the past decade, with the introduction of postal voting “on demand.”

Election	Percentage of Scottish Electorate Receiving a Postal Vote
1999 European Parliament	1.2%
2001 UK General Election	2.7%
2003 Scottish Parliament	3.6%
2004 European Parliament	4.7%
2005 UK General Election	8.1%
2007 Scottish Parliament	11.2%
2009 European Parliament	11.7%

This represents a significant volume of papers. In this year’s European elections Aberdeen, Aberdeenshire, Edinburgh, Fife, Glasgow, Renfrewshire and South Lanarkshire each saw more than 20,000 postal votes issued to their electorate, more than 70% of which were returned for processing. Because of the volume of postal votes that are now processed in any election it is impractical for the new identity checks to be undertaken manually. The checks are generally carried out using dedicated IT systems, which scan the statements and compare the signatures and dates of birth electronically.

- 3.4 The rules allow for postal ballot papers to be returned to any Polling Station in the constituency or direct to the Returning Officer at any time up to the close of the poll. Most Returning Officers in Scotland also commission polling day “sweeps” by the Royal Mail, which retrieve any postal votes in the mail systems at the close of poll.

- 3.5 Before any postal votes can be counted, the accompanying statements from voters need to be checked. Those received well in advance of polling day can be processed on receipt and held securely, ready for the Count.
- 3.6 Increasingly at recent elections, a significant proportion of postal votes were only received on the day of the poll. Those received from polling stations on the night of the poll or from the Royal Mail sweep still need to be checked before they can be counted. This process takes time – envelopes need to be opened, voters' statements prepared for scanning and then each must be checked.
- 3.7 This is a process that cannot be completed before the close of poll. The majority of the postal votes processed tend to come from the Royal Mail sweep. To maximise the chance of a vote being included in the count this sweep is done after the last collection from post boxes, which means that the votes are not delivered to the Returning Officer until 9pm or later.
- 3.8 In addition, to minimise moving votes between locations, most Returning Officers process postal votes at the count venue. To do this the opening and scanning processes must be halted for a period while the IT equipment is taken to the count venue, set up and tested. There is therefore a gap during which it will not be possible to open and process votes even if they were to be available.

The Impact on the Count

- 3.9 To process postal votes received on the day of the poll a new, important and substantial set of procedures must be inserted into the Count process, with a consequent impact on the time taken to conclude the Count.
- 3.10 An initial analysis has been undertaken by Returning Officers to identify the consequence of this signature checking on the time that will be needed to complete the count. The analysis assumes that the various IT systems all operate well and that efforts (including daytime collections from polling stations) are taken to minimise the number of postal votes that require to be collected at the close of poll.
- 3.11 In areas with multiple UK Parliamentary constituencies, it has been estimated that the Count will take up to an additional 3 hours to complete compared to 2005. Where there is a single constituency, the estimate is for the count to take an additional 2 hours. Consideration has been given by Returning Officers to ways in which the additional time to process postal votes might be mitigated by the application of additional resources. This is a key point which is currently being researched. It might be possible to limit the amount of additional time required at the Count by employing more staff and introducing parallel working processes, although this would introduce additional risks which will need to be analysed further. In any case, space constraints at count centres may prevent such measures from being implemented. .

- 3.12 Valuable experience in dealing with the new postal vote procedures and operating the relevant systems was gained in Scotland at the European Elections in June. However, there was no impact then on count timings as votes were not counted until the Sunday, following polling day on the Thursday.

4. CONCERNS OF RETURNING OFFICERS

- 4.1 Aware of the potential impact of the duty to check postal vote identifiers, in September 2009 the Interim Electoral Management Board for Scotland circulated a questionnaire to all thirty two Returning Officers to gain an understanding of the consequences for the conduct and completion of the count.
- 4.2 Responses to the survey identified a range of concerns related to the pressures that will be faced due to the need to process postal votes immediately prior to the count. The issues faced by each Returning Officer vary due to factors such as the geography of the count area, the size of the count venue and the proximity of the mail centre where sweeps are undertaken. The key general concerns are explained below.

Timing

- 4.3 Returning Officers are aware that on the night of the poll they will be facing two distinct processes: the checking of postal votes **and** the counting of votes. The count cannot be completed until all the postal votes are processed. For those areas in Scotland which counted overnight in 2005 results were delivered between 11.59 pm and 4.35 am. All things being equal, and taking account of the time to be allowed for processing postal votes, it is now estimated by Returning Officers that results at the next General Election will be announced 2 or 3 hours later than in 2005 i.e. between 2.00 am and 5:30 am for the mainland constituencies, with the majority of results being declared around 4.00 am. This would be a significantly longer count process than previously.

Recounts

- 4.4 Concerns have been expressed by Returning Officers over the impact of any potential recounts. Overnight counts generally rely on count staff remaining in place until the count has been concluded. With an overnight count, recounts would have to be undertaken by tired staff, potentially commencing around 4.00 am. In such circumstances, if a Returning Officer has concerns that the accuracy of the count may be impaired, re-counts might need to be delayed until later in the day and be staffed by fresh personnel.

The Count Venue

- 4.5 Decisions also need to be taken about where postal votes received on the night of the poll are processed. If done at the count centre, IT equipment will

need to be set up. Moving scanning equipment from Council premises to the count venue would add a further and significant element of risk. Most suppliers recommend that scanners are moved as little as possible and that when they must be moved they are cooled first. In some venues, an additional facility for AVI checking would limit the space available for the count itself and impact on the speed at which the result can be generated.

- 4.6 If postal votes are not processed at the count centre there would be additional delays, and security issues, in transporting them between the checking venue and the count centre.

New Processes and Workflows

- 4.7 Postal vote opening and AVI checking must be undertaken before the verification of votes can be completed. This is an absolute limiting factor new to these elections. Doing this under pressure overnight, when staff and supporting infrastructure are less easily available and considerably more expensive, means that it could be more difficult to implement contingency plans should anything go wrong with the postal vote and AVI checking processes.

Reliance on IT equipment

- 4.8 The checking of identifiers on postal votes, coupled with a substantial increase in postal voting in recent years, has introduced an absolute dependence on IT infrastructure and technical support. Any system failure would place a huge stress on the process which would be more difficult to resolve overnight. Software or equipment failure would prohibit the production of the result.

Cross Boundary Issues

- 4.9 In many constituencies Returning Officers have to deal with cross boundary issues where papers are received from a neighbouring constituency. There is potential for full postal packs or part packs such as Postal vote statements (PVSs) to be delivered to the wrong count centre. With an overnight count there may be little that could be done to get misplaced votes to the correct count centre. For example, Dundee receives about a quarter of their ballot boxes from stations in Angus and a Presiding Officer could inadvertently put postal votes for the Angus Constituency in with Dundee count materials. On discovery it may be too late to transfer the documents to colleagues in the other count centre. Returning Officers are anxious to follow Gould in putting the interests of the voter first, but with the pressure of an overnight count there would be little scope to correct cross boundary errors and ensure that votes are counted. This would impact adversely on the confidence that electors have in the process.

5. STAFFING

- 5.1 The prospect of an overnight count, preceded by the processing of postal votes, has given rise to concerns among Returning Officers with respect to their staff:
- although it varies from place to place, in some areas the recruitment of staff for overnight counts is already a challenge. With a shift that might last an additional 2 – 3 hours, finishing as late as 5.00 or 6.00 am, recruiting suitably skilled and motivated staff could be even more difficult.
 - the need to process postal votes will be an additional pressure on staff and supervisors, many of whom will have been working since 6.00 am on Thursday morning;
 - there could be long periods where staff have little or no work to do, while waiting for the postal vote checking to be completed. This will be frustrating for staff, candidates and counting agents;
 - Returning Officers have a duty of care for their staff and the health and safety of staff is a major consideration. Risks to their health through excessive hours or unreasonable stress need to be assessed and responded to; and
 - Gould stated in 2007 that overnight counts place an unreasonable demand on a small pool of key senior staff. These pressures have increased since then.
- 5.2 Experience in overnight counts is that the efficiency of staff diminishes as the night progresses. As the length of the count is extended, as it will inevitably be with an overnight count based upon new processes, there is a risk to the accuracy of the result from human error due, primarily, to staff tiredness.
- 5.3 The alertness of observers may also suffer as the length of count increases. Their role is a key factor in assuring the integrity, accuracy and transparency of the count process. Like senior staff, candidates and agents will have been on duty throughout election day and the days previously and so will also be subject to fatigue. In addition, parties may experience difficulty in recruiting observers if counts extend until 5 or 6 am, particularly if observers have jobs to go to the next day.
- 5.4 Due to the parallel processes of postal vote opening and vote counting it may be difficult for the political parties to provide sufficient observers to monitor the whole democratic process. This will be a particular problem for smaller parties with limited resources.

6. A FRIDAY COUNT?

- 6.1 Faced with these concerns, around two thirds of the Returning Officers in Scotland who responded to a survey by the Board indicated a preference for a count on the day following polling day. Others indicated that in the interests of promoting consistency across Scotland they would be prepared to count on a Friday should that be the consensus position.
- 6.2 The election rules provide that the Returning Officer is required to conduct the count “*as soon as practicable*” after the close of poll. Concerns over the new processes, the risks that they introduce and the associated pressures on staffing have led to questions being raised about whether it is *practicable* to undertake the count overnight. It is in the light of this analysis that consideration is being given to undertaking the count commencing on the Friday morning. There is precedent for not counting immediately following the close of poll, for example with local government elections.
- 6.3 Counter to the assumptions of some commentators, counting on the Friday would not mean that nothing would be done at the close of poll, with work being deferred until the following day. Indeed, a substantial team of staff would be working into the night processing postal votes and preparing them for the count.
- 6.4 At the close of poll the polling day processes would be properly completed and all ballot boxes, statutory documents and stationery returned and logged by the Returning Officer. The final postal votes would be processed, any cross boundary issues resolved and final preparations made for the count start. All this could be undertaken without the pressure of a count process being underway at the same time. Similarly, boxes from more distant areas could be received for checking in and secure storage, without the pressure of readying them for immediate counting. Returning Officers have considerable experience of the secure storage of election materials. It is likely that arrangements similar to those for the recent European Parliamentary Elections, where the boxes were stored between the close of poll on the Thursday evening and the count on the Sunday, would be implemented.
- 6.5 Returning Officers could focus on two distinct processes – processing of postal votes overnight **and then** the count on the Friday morning. This would maximise staff resources and create a calmer, more efficient process. Key staff would be better rested and alert, optimising their capacity and ability and minimising the risk to the process from human error.

Tradition

- 6.6 As noted at the beginning of this consultation paper, moving the count from overnight Thursday to Friday morning would be a substantial shift from tradition. Reacting to the debate politicians and commentators in the media have raised numerous arguments in favour of the “status quo”. Returning Officers, who carry the personal responsibility for managing the election

process, would also favour retaining the traditional position if it were practicable to do so.

- 6.7 However, there is no "status quo" since the election rules have changed substantially since 2005 due to the increased volume of postal votes as a result of postal voting on demand and the new security checks needed for all postal votes processing. Whether the count is conducted overnight or on the day following the poll, no results will be produced as speedily as at previous General Elections.
- 6.8 The debate on the timing of the count is well underway. An election must be held on or before 3 June 2010 and planning for that event is already far advanced. Returning Officers across Scotland need to make a decision regarding the timing of the count to allow these plans and all the associated risk management contingencies to be finalised.
- 6.9 It is the intention of the Interim Electoral Management Board for Scotland to issue a position statement on a proposed timing of counts by the end of January 2010. This will take account of the advice already issued by the Electoral Commission, the views of Returning Officers and the responses to this consultation.
- 6.10 While each Returning Officer has the freedom to conduct the count at the time they choose – within the rules – there is a general desire among Returning Officers in Scotland that a consistent and uniform approach should be adopted across the country if at all possible.

7 PREPARING FOR AN OVERNIGHT COUNT

- 7.1 This paper has set out the key factors and risks which need to be taken into account in determining the timing of the count at the next General Election. The regulations around elections have developed significantly in recent years, particularly with respect to postal voting and the checking of personal identifiers, substantially adding to the tasks that must be completed on polling day and immediately following the close of poll. Shifting the main part of the count to the following day would allow these duties to be completed overnight before the Returning Officers and their staff turn their attention to the count the following day, when fresh and rested.
- 7.2 However, it is recognised that this would be a major decision and a departure from historical practice and could well be resisted by some stakeholders. As noted earlier in this paper, numerous commentators and politicians have already made various arguments in favour of the "status quo".
- 7.3 This paper has identified a series of very real concerns regarding the pressures that will arise on an overnight count, given the current legislation. Should they decide to maintain the current practice of overnight counting, it is essential that Returning Officers take note of these concerns and approach their planning within a strong risk management context, supported by contingency planning arrangements. Other stakeholders, including the media and candidates and

agents in particular, need to be made fully aware of these issues and the potential impact on the count processes and timing.

Contingency Planning

7.4 This paper has commented on a number of issues relating to the count which may be affected by the pressures of new processes. These risks have been identified and it is essential that Returning Officers put in place measures to manage these risks, whether the count is overnight or on the day following the poll.

7.5 The table below suggests some ways of managing these risks but it will be necessary for each Returning Officer to review their own particular circumstances as part of their planning process. Some of these actions might incur additional costs.

Risk	Impact	Potential actions to contain the risk
Timing	Due to the need to process postal votes received on the day of poll, the count may take longer and declaration times be later than in previous elections	<ul style="list-style-type: none"> • ROs to develop a communications strategy to ensure all stakeholders are aware of the potential length of the count. • Sweep(s) of polling stations and Royal Mail to be undertaken during the day to retrieve as many postal votes as early as possible • ROs to consider revised or augmented staffing arrangements to cope with increased volume of postal votes and need for AVI checking
Recounts	Given additional length of count, important recounts could be undertaken by tired staff, very late in the count	<ul style="list-style-type: none"> • ROs to develop a communications strategy to ensure all stakeholders are aware of the potential length of the count. • ROs to consider procedures to set a time limit on recounts (e.g. any recounts called for after 3:30 am to be delayed until the next day) • ROs to identify reserve staff to be called on to undertake recounts

Risk	Impact	Potential actions to contain the risk
Count Venue	The count venue either needs to be able to accommodate postal vote processing or arrangements made for secure transport of votes between AVI processing centre and the count	<ul style="list-style-type: none"> • Accommodation planning needed around new requirements for count centre • Transport planning needs to take account of location of AVI checking • Security arrangements for transporting votes is essential
New Processes and Workflows	AVI checking must be completed before count can be completed. This may require new work processes eg second count commencing before verification	<ul style="list-style-type: none"> • ROs to develop and test revised workflows and counting processes.
Reliance on IT equipment	High volumes of AVI checking make IT system essential. Any system or scanner failure might put the timing of the result at jeopardy. Equipment or software failure may be more difficult to resolve under pressure overnight.	<ul style="list-style-type: none"> • ROs to test processes and systems on location well ahead of election • ROs to consider back up arrangements
Staffing	Overnight count places a heavy (Gould stated an “unreasonable”) demand on a small pool of key staff. Other count staff also face potential risks through excessive hours and stress, potentially impacting on accuracy of count and health of staff	<ul style="list-style-type: none"> • ROs to consider additional support for election core team, releasing them from duties on polling day, and allowing them to enter count fresh and rested • Additional staff teams may be needed to relieve staff who are becoming tired and working excessive hours, should the count continue longer than expected. • Reserve teams needed in case the count is postponed until the following day (for example to accommodate a recount)

8. QUESTIONS FOR CONSULTATION

8.1 The views of stakeholders are now sought on the following questions.

Q1: Do you agree that the principles outlined in para 1.4 are appropriate?

Q2: Are there other principles which should be considered for inclusion in this list?

Q3: Para 2.2 identifies two principal reasons for considering change. An assessment of the impact of these issues is given in the paper. Do you:

- accept the analysis of the issues in relation to processing returned postal votes? If no, please set out your analysis of the issues
- agree that the range of risks identified with counting the votes is appropriate? Are there other risks not included and what is your assessment of these?
- consider that the explanation of staffing issues adequately explains the concerns? Are there other issues to be taken into account in relation to employing staff to deliver the election safely?

Q4: Given the analysis of the issues identified and any others that you have noted, which Count start time (overnight or the morning after the close of the poll) do you consider would be most likely to achieve the principles outlined in para 1.4?

Q5: If the Count takes place immediately after the close of the poll:

- what impact would the potential delay in announcing results arising from the postal vote checking requirements have for you?
- if party volunteers/ staff are aware that results could be delayed compared to 2005 is this likely to lead to recruitment problems for you?

Q6: If counts did not start until the morning after polling day, with results available around lunchtime:

- what impact would counting the votes on the day after the poll have on you? (e.g. in terms of costs, staff or volunteer resources, audience, etc)
- would it improve or reduce your organisation's capacity to fulfil its role in the count? Please explain.

9. RESPONSES

9.1 In formulating your responses you may wish to review the related material prepared by the [Electoral Commission](#), the [AEA](#) and the [Houses of Parliament](#).

9.2 If you have any questions about the issues raised in this consultation or require clarification of any of the points made, please contact:

Alex Thomson (Senior Depute Returning Officer, City of Edinburgh Council and advisor to the Interim Electoral Management Board) on 0131 529 4550 alex.thomson@edinburgh.gov.uk; or Chris Highcock (contact details below).

9.3 Please forward your responses to these questions, **by 25 January 2010** to:

Chris Highcock
Secretary to the Interim Electoral Management Board for Scotland
c/o City of Edinburgh Council
(2/7) Level 2
Waverley Court
East Market Street
EDINBURGH
EH8 8BG.

0131 469 3126

Responses may be sent by email to chris.highcock@edinburgh.gov.uk