

NORTH LINCOLNSHIRE COUNCIL

COUNCIL

**REFERENDUM ON THE VOTING SYSTEM FOR UK PARLIAMENTARY
ELECTIONS AND LOCAL ELECTIONS 2011**

1. OBJECT AND KEY POINTS IN THIS REPORT

- 1.1 To inform members about the arrangements for the National Referendum on the Voting System for Future UK Parliamentary Elections and for the Local Elections in May 2011.

2. BACKGROUND INFORMATION

- 2.1 On Wednesday 16 February 2011, the Parliamentary Voting System and Constituencies Act (the Act) received Royal Assent and became law. The Act provides for a referendum on the voting system for UK Parliamentary Elections to be held on 5 May 2011. The poll for the referendum will be combined with the polls for a number of scheduled elections including local government elections in England and Northern Ireland and the elections to parish and town councils in England. The referendum question has now been confirmed and is -

"At present, the UK uses the "first past the post" system to elect MPs to the House of Commons. Should the "alternative vote" system be used instead?"

- 2.2 The combined elections are being overseen by the Electoral Commission. The Act provides for the chair of the Electoral Commission to be appointed as the Chief Counting Officer (CCO) for the referendum on 5 May 2011. The CCO has also appointed Regional Counting Officers (RCOs) for the referendum under paragraph 3(1) of Schedule 1 to the Act. The Regional Counting Officer for this area is the Chief Executive of Wakefield Metropolitan District Council. Counting Officers (COs) have also now been appointed under the provisions in paragraph 2 of Schedule 1 to the Act. Counting Officers must carry out their role in accordance with a role description previously issued by the Electoral Commission. The Counting Officer for North Lincolnshire is the council's Chief Executive who is also Returning Officer for the North Lincolnshire Council elections and for elections to any Parish or Town Council in North Lincolnshire.

- 2.3 The Act gives the CCO the power to give directions to RCOs or COs and requires those directions to be complied with other than in exceptional circumstances where complying with a direction may not be possible or may pose an unacceptable risk to the delivery of the referendum or combined polls on 5 May. The CCO will monitor compliance with the directions, including by asking for confirmation that the CO has completed the required tasks through the completion of checklists at pre-determined points in the electoral process. A process has been developed in conjunction with RCOs for COs to apply for an exception to a direction. The CCO had previously set out the directions she intended to issue to COs once the Act became law and has issued a series of documents containing these directions. The CCO has now confirmed that any directions contained in the following documents are now formal directions from the CCO to COs under paragraph 5 of Schedule 1 to the Act: -

Chief Counting Officer's instructions:

- Planning and Organisation (Module 1)
- Administering the Polls (Module 2)
- Absent Voting (Module 3)
- Verification and Count (Module 4)
- After the Declaration of Results (Module 5)

These instructions have been published on the Electoral Commission's website and have now been received by all local authorities who are working to comply with them in relation to the combined elections. The detailed instructions are supplemented by a set of resources which are directly accessible through links throughout the documents and through the Electoral Commission's website.

- 2.4 In North Lincolnshire there will be a combined election including the national referendum, elections to the 17 Wards (43 seats) for North Lincolnshire Council and any Parish/Town Councils where elections are required. Planning is well under way for these elections based on the directions set by the Electoral Commission and the normal detailed arrangements for North Lincolnshire and Parish/Town Council Elections as in previous years. Clearly the task of organising the combined elections will be a complex logistical exercise requiring detailed planning and work to ensure that the outcomes required by the Electoral Commission are met. The key outcome being that the polls are effectively administered and that, as a result, the experience of voters is a positive one.
- 2.5 The timetable for the combined elections has now been produced and a copy is attached as appendix 1 for information. You will see that the Notice of Election must be published not later than Friday 25 March 2011, which is effectively the start of the election period.

2.6 The Electoral Commission have, as previously indicated, published a wealth of information and directions about how the polls should be conducted, particularly in relation to the referendum. Set out below are some of the key issues and dates which will be of interest to all members in the lead up to the polls.

	Referendum	North Lincolnshire Poll	Town/Parish Polls
Colour of Ballot Papers	Light Grey (As specified by the Electoral commission)	White	Yellow
Polling Stations	122 Stations spread across the electoral area. Each station will have either 1, 2 or 3 ballot boxes. Each box will be colour coded to match the colour of ballot papers. A full list of polling stations is available on request.		
Poll Cards	Arrangements are being made with the printers and Royal Mail for the delivery of poll cards/letters to commence from Monday 21 March, 2011. These are based on the Chief Counting Officer's templates. By law poll cards for the referendum and principal area elections i.e. North Lincolnshire elections can be combined. By law, the referendum poll card cannot be combined with the poll card for a parish/town election.		
Postal Votes	<p>Postal Vote packs will be combined as recommended by the Electoral Commission. The packs will contain either 2 or 3 ballot papers. 1 for the referendum, 1 for the North Lincolnshire election and, depending on where there are parish/town elections, a ballot paper for these.</p> <p>The first issue of approximately 24,000 postal vote packs will take place on Friday 15 April, 2011. The second issue of postal ballot papers will take place on Tuesday 19 April, 2011.</p> <p>The last day to issue replacement, spoilt or lost ballot papers will be not later than 5.00 p.m. on Thursday 5 May, 2011.</p> <p>The opening of postal votes will take place on 20, 21, 26, 27 and 28 April and 3, 4 and 5 May 2011 in Function Room 1 at Pittwood House. Further details will be available nearer the time.</p>		

Staffing and Training	<p>Arrangements are in hand to appoint staff to polling stations based on ratios as directed by the CCO. All staff will be required to attend a detailed training session. In response to a number of issues raised in 2010, an additional telephone line has been installed in the elections office, together with software which will inform those calling the office that calls will be dealt with as soon as possible. The software includes a queuing system which will inform callers where they are in the queue. This is the same software used by the council's contact centre. Additional staffing resources will also be available in the office to ensure that all calls are dealt with as quickly and efficiently as possible.</p>
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- 2.7 Attached as appendix 2 to the report is a copy of the relevant details issued by the Electoral Commission in relation to campaigners, candidates and their agents. The key points to note are that the appointment of referendum agents, election agents and polling agents must be notified to the counting officer/returning officer by noon on Thursday 7 April 2011. In addition, counting agents must be appointed by Tuesday 26 April 2011 for their appointment to be in force for the count. Postal voting agents are permitted by law to observe the opening of returned postal votes. The law requires that the Counting Officer/Returning Officer or his staff must be given the name and address of any postal voting agents before the start of any particular session that the agents are seeking to attend. Equally the Counting Officer/Returning Officer must legally give referendum agents 48 hours notice of any postal vote opening session.
- 2.8 The Electoral Commission will be starting a national public awareness raising campaign in April, 2011 which it is understood will include the delivery of booklets to every household in the country as well as media coverage about the referendum. All local authorities will also be required to provide information about all the polls including encouraging the participation of electors in the elections and referendum. To meet those requirements each authority must have in place a written public awareness strategy, covering internal and external communication. Work is ongoing in relation to this in consultation with the Head of Communications.
- 2.9 The venue for the count is the Ancholme Leisure Centre. The verification and counting arrangements for ballot papers for the referendum, the North Lincolnshire election and any parish/town election are as follows -

Referendum/District Council/Parish/Town Council - Verification - **Evening of 5/6 May 2011** following the close of polls.

Count for the District Council Election - **Evening of 5/6 May 2011**.

Count for any Parish/Town Council Elections - **12 noon on Friday 6 May 2011.**

Count for the Referendum - **4.00 p.m. on Friday 6 May 2011. (As directed by the Electoral Commission).**

- 2.10 The Electoral Commission have directed that all used and unused ballot papers will need to be counted as part of the verification process. When the ballot boxes and ballot paper accounts are delivered by Presiding Officers to the count, arrangements will also need to be made for the sacks containing the used and unused ballot papers to be readily available to be counted. The Electoral Commission have indicated that Counting Officers/Returning Officers need to be mindful of this direction and the lengthy process it will entail, together with the need to allocate additional staff to deal with the process. The number of spoilt ballot papers will also need to be verified. In addition the Commission has also made it very clear that everything will need to be counted twice. For example when a counting assistant unfolds ballot papers and counts them into a bundle, they must then be passed to another counting assistant for re-checking.
- 2.11 Any postal votes received from a combination of those deposited at polling stations during polling day and as part of the final sweep by Royal Mail on that day will also need to be opened, checked, scanned and counted during the verification process.
- 2.12 Members should be aware that these requirements, and particularly the need for checking and re-checking everything, will add a significant amount of time to the overall process, especially given that it is proposed to verify the North Lincolnshire election, the referendum and any Parish/Town Council elections on the night, followed by the North Lincolnshire count. The whole process will be lengthy and time consuming.
- 2.13 Members will be aware that those candidates who are successfully elected to the council are required to sign a declaration of acceptance of office. This year successful candidates will be asked to sign their declaration of acceptance of office in the presence of the Chief Executive on the night of the count. Further details will be available in due course.

3. OPTIONS FOR CONSIDERATION

- 3.1 There are no options associated with this report.

4. RESOURCE IMPLICATIONS (FINANCIAL, STAFFING, PROPERTY, IT)

- 4.1 Financial

The council's approved budget contains a sum of £180,000 for the district council elections. In relation to the referendum element of the polls this will be paid for by central government.

4.2 Staffing

Arrangements are being made to appoint staff for all the activities related to the polls in line with the directions issued by the Electoral Commission. There are no other staffing implications.

4.3 Property

All polling stations have now been booked for the polls along with the required accommodation at Pittwood House to deal with postal votes etc. The venue for the count has also been booked.

4.4 IT

Officers are working with IT to ensure that all the requirements of the polls in relation to IT are being dealt with. This includes additional telephone line in the elections office and the provision of a dedicated queuing system to ensure that all calls to the office are properly dealt with.

5. **OTHER IMPLICATIONS (STATUTORY, ENVIRONMENTAL, DIVERSITY, SECTION 17 - CRIME & DISORDER, RISK AND OTHER)**

5.1 Statutory

The combination polls are being dealt with in accordance with all the legislation currently in place including the Parliamentary Voting System and Constituencies Act.

5.2 Section 17 - Crime and Disorder

All security issues are being considered as appropriate and the police single point of contact (SPOC) has been informed of the polls taking place on 5 May 2011.

6. **OUTCOMES OF CONSULTATION**

6.1 The Electoral Commission are consulting on and directing the management of the election process. No other consultation is required.

7. RECOMMENDATIONS

- 7.1 That the arrangements for the combination polls on 5 May 2011 be noted.

CHIEF EXECUTIVE

Pittwood House
Ashby Road
SCUNTHORPE
North Lincolnshire
DN16 1AB
Author: Mel Holmes
10 March 2011
Reference: MH/LMK

Background papers used in the preparation of this report - Parliamentary Voting System and Constituencies Act.

Guidance issued by the Electoral Commission

North Lincolnshire Council

Unitary Authority & Parish Council Elections and Referendum

Thursday, 5 May 2011

Election Timetable

Notice of Election:	To be published not later than	Friday 25 March 2011
Delivery of nomination papers: During normal office hours on any day after the date of publication of the Notice of Election	Commencing on -	Monday 28 March 2011
Last day for delivery of nomination papers:	Not later than noon on -	Monday 4 April 2011
Publish Statement as to Persons Nominated	Not later than noon on -	Wednesday 6 April 2011
Last day for notice of appointment of election agents:	Not later than noon on -	Thursday 7 April 2011
Last day for withdrawal of candidature:	Not later than noon on -	Thursday 7 April 2011
Deadline for applications to be included on the register of electors to be used at the election		Thursday 14 April 2011
Last day for new applications to vote by post or to change existing absent vote details (e.g cancellation, redirection or ballot papers etc)	Not later than 5pm on -	Thursday 14 April 2011
Earliest possible first issue of postal ballot papers:	At discretion of the Returning Officer	Friday 15 April 2011
Last day for new applications to vote by proxy	Not later than 5pm on -	Thursday 21 April 2011
Publish Notice of Poll		Thursday 21 April 2011
Last day for notice of appointment of counting agents (and polling agents):	Not later than -	Tuesday 26 April 2011
Last issue of postal ballot papers:	At discretion of the Returning Officer	Tuesday 26 April 2011
Publish notice of alteration as result of late applications		Tuesday 26 April 2011
First day of requests to replace lost postal ballot papers		Wednesday 27 April 2011
Last day for new applications to vote by proxy on grounds of medical emergency	Not later than 5pm on	Thursday 5 May 2011
Last day to issue replacement spoilt or lost postal ballot papers:	Not later than 5pm on -	Thursday 5 May 2011
Last day to make alterations to the Register to correct a clerical error or to implement a court (registration appeal) decision		Thursday 5 May 2011
Opening of postal votes (if any) brought by POs to the Count		Thursday 5 May 2011
Polling Day	(7am to 10pm)	Thursday 5 May 2011
Last day for the receipt of return of election expenses (assuming declaration of the Result before midnight)		Thursday 9 June 2011

North Lincolnshire Council
Pittwood House
Ashby Road
Scunthorpe
North Lincolnshire
DN16 1AB

Simon Driver
Returning Officer and Counting Officer

7 Campaigners, candidates and their agents

Directions

Brief local referendum agents who have contacted you or who have been appointed for your voting area on local arrangements for the referendum.

Ensure that all appointed agents are given a copy of the relevant secrecy requirements.

When determining the maximum number of counting agents, each referendum agent must, as far as possible, be permitted to appoint sufficient numbers to enable full and proper scrutiny of the verification and count processes.

Referendum campaigners and agents

7.1 Anyone can campaign for a particular outcome in the referendum as long as they do not spend more than £10,000. Anyone spending more than £10,000 must register with the Electoral Commission as a 'permitted participant'. Only the following types of individuals or organisations can register as permitted participants:

- An individual who is resident in the UK or registered on a UK electoral register.
- A UK-registered political party.
- A UK-registered company which is incorporated in the EU and carries on business in the UK.
- A UK-registered trade union.
- A UK-registered building society.
- A UK-registered limited liability partnership which carries on business in the UK.
- A UK-registered friendly, industrial, provident or building society.
- A UK-based unincorporated association that carries on the majority of its business or other activities in the UK.

7.2 You will be able to access the register of permitted participants from the Commission's website.

7.3 Once registered, permitted participants have access to the electoral register for campaigning purposes. The Commission has developed forms for campaigners to use for requesting copies of the electoral register and absent voters' lists.

7.4 Permitted participants must register someone as a 'responsible person'. This person will be responsible for making sure that the permitted participant complies with rules on spending and donations under PPERA.

7.5 Permitted participants also have the right to appoint a referendum agent.

Referendum agents

7.6 A permitted participant can appoint one referendum agent per voting area. Referendum agents carry out a similar role to election agents, but they are not responsible for campaign spending. Referendum agents can appoint people to attend postal vote openings, polling stations and the counting of votes.

7.7 If a permitted participant wishes to appoint a referendum agent, the 'responsible person' for the permitted participant is required by law to give you notification of their appointment of a referendum agent by no later than noon on 7 April 2011. Forms for the notification of appointment of a referendum agent have been produced by the Commission.

7.8 If you are notified that a permitted participant has appointed a referendum agent, you are legally required to publish a notice giving the name and address of the referendum agent and the name of the permitted participant as soon as practicable.

Other agents at a referendum

7.9 Referendum agents can appoint agents to observe the opening of postal votes, the poll and the count.

7.10 You must ensure that all appointed agents are given a copy of the relevant secrecy requirements.

The opening of postal votes

7.11 Postal voting agents are permitted by law to observe the opening of returned postal votes and the checking of signatures and dates of birth provided on the postal voting statement. The law requires that you have been given the name and address of any postal voting agents before the start of any particular session that the agents are seeking to attend. You are legally required to give referendum agents 48 hours notice of any postal vote opening session.

The poll

7.12 Polling agents are entitled to access polling stations to make sure that procedures are being followed correctly and to detect personation. The law requires that you are notified of any polling agents that have been appointed by 26 April 2011 for their appointment to be in force for the poll. Only one polling agent may be admitted at the same time to a polling station on behalf of the same referendum agent.

The count

7.13 Counting agents can be appointed by a referendum agent to observe the counting process. The law requires that you are notified of the appointment of counting agents by 26 April 2011 for their appointment to be in force for the count.

7.14 Additionally, one of the counting agents can be designated as the agent entitled to ask you for a recount.

7.15 You are permitted by law to limit the number of counting agents but the number that may be appointed by each referendum agent must be the same and, unless there are special circumstances, must not be less than the number obtained by dividing the number of counting assistants by the number of referendum agents for the voting area.

7.16 When determining the maximum number of counting agents per referendum agent, each referendum agent must, as far as possible, be permitted to appoint sufficient numbers of counting agents to enable full and proper scrutiny of the verification and count processes. You should, however, consider any health and safety implications, including fire regulations for the count venue, when deciding on maximum numbers of counting agents per referendum agent.

Briefing referendum campaigners and agents

7.17 You must offer a briefing session to any local referendum campaigners who have contacted you and any referendum agents who have been appointed for your voting area on local arrangements for the referendum. The Commission has produced a template presentation that you should use for this purpose. Further information can also be found in the Commission's guidance for campaigners.

Election candidates and agents

Nominations process

7.18 The Commission has developed separate guidance on the nominations process for local government elections in England on 5 May 2011. This guidance includes information on receiving, checking and adjudicating nomination papers.

Election agents

7.19 Each candidate is required by law to have an election agent, and notice of the appointment must be delivered to you as Returning Officer by the latest time for delivery of notices of withdrawals, which is noon on Thursday 7 April 2011.

7.20 It is possible for a candidate to appoint themselves as election agent and, if no agent is formally appointed by the above time, the candidate is deemed to be their own election agent.

7.21 A candidate is also deemed to be their own election agent if they revoke their agent's appointment, or the agent dies, and a replacement is not appointed.

7.22 If a candidate is acting as their own election agent, irrespective of whether they became an agent by default by not appointing one or because they had given you written notice of their own appointment, they can also revoke their own appointment and appoint a new agent. By law, they must notify you as Returning Officer in writing of any such changes.

7.23 The election agent is required to have an office, and the notice of appointment must set out the office address to which, in the words of the legislation, 'all claims, notices (legal process and other) documents may be sent.' This office has to be:

- within the local government area, or
- in the constituency or one of the constituencies of which the area is comprised, or
- in an adjoining Welsh county or county borough, or
- in an adjoining London borough, or
- in an adjoining district

7.24 The election agent's office address will often be the same as their home address, but it might be that of the local political party office or an office especially set up for the election.

7.25 Where a candidate acts as their own election agent by virtue of not having appointed anybody else, the office address is deemed to be the address given on the statement of persons nominated, i.e. the one provided on the nomination paper. If that address is outside the relevant qualifying area (as defined in the bullet points above), the office address is deemed to be the address of the person named in the statement as proposer.

7.26 If the candidate gives you written notification of their appointment as their own election agent, they must give an office address within the relevant qualifying area (as defined in the bullet points above).

7.27 Upon notification of an election agent's name and address, as Returning Officer you are required by law to publish a notice setting out those details as soon as possible. The notice should be updated if any agent's appointment is revoked or an agent dies, and the new agent's details published on the revised version.

Other agents at a local government election

7.28 Candidates at a local government election can appoint agents to observe the opening of postal votes, the poll and the count.

7.29 You must ensure that all appointed agents are given a copy of the relevant secrecy requirements.

The opening of postal votes

7.30 Postal voting agents are permitted by law to observe the opening of returned postal votes and the checking of signatures and dates of birth provided on the postal voting statement. The law requires that you have been given the name and address of any postal voting agents before the start of any particular session that

the agents are seeking to attend. You are legally required to give candidates 48 hours' notice of any postal vote opening session.

The poll

7.31 Polling agents are entitled to access polling stations to make sure that procedures are being followed correctly and to detect personation. The law requires that you are notified of any polling agents that have been appointed by 26 April 2011 for their appointment to be in force for the poll. Candidates can appoint up to four polling agents, or such greater number as prescribed by you as Returning Officer, to attend at a particular polling station, although only one polling agent may be admitted at the same time to a polling station on behalf of the same candidate.

The count

7.32 Counting agents can be appointed by a candidate to observe the verification and counting processes. The law requires that you are notified of the appointment of counting agents by 26 April 2011 for their appointment to be in force for the count.

7.33 You are permitted by law to limit the number of counting agents but the number that may be appointed by each candidate must be the same and, unless there are special circumstances, must not be less than the number obtained by dividing the number of counting assistants by the number of candidates.

7.34 When determining the maximum number of counting agents per candidate, each candidate must, as far as possible, be permitted to appoint sufficient numbers of counting agents to enable full and proper scrutiny of the verification and count processes. You should, however, consider any health and safety implications, including fire regulations for the count venue, when deciding on maximum numbers of counting agents per candidate.

Briefing local government election candidates and agents

7.35 You should offer a briefing session to candidates and agents at the local government election, and the Commission has produced a template presentation that you can use for this purpose.

7.36 All briefing sessions should highlight the importance of following the election rules. In particular, you should provide a briefing on the nomination process including deadlines, submission rules, the use of commonly used names, and the use of party names, descriptions and emblems. You should also outline any security arrangements that have been put in place in consultation with the police.

7.37 The briefings should allow for the fact that there may be people who have little or no knowledge of election rules and procedures or who have not involved themselves in elections for some time.

7.38 You may choose to hold a further briefing session once the list of candidates has been confirmed after the close of nominations in order to cover in more detail matters such as the arrangements for the opening of postal votes, the poll and the count.

7.39 Further information for candidates and agents can be found in the Commission's guidance for candidates and agents at a local government election in England.

Death of a candidate

7.40 The possibility exists of a candidate dying during the course of an election campaign. The procedure to be followed at local government elections depends on the time when you are notified of the death of the candidate. It is the time when you are notified of the death that is important, not the actual time of death.

7.41 Should you receive proof and be satisfied that a candidate has died after accepting their nomination as valid but before the deadline for the withdrawal of nominations, you should wait until that deadline has passed. Then, if the number of validly nominated candidates, including the deceased, is more than the number of people to be elected, the poll must be countermanded. If the number of validly nominated candidates, including the deceased, is the same as or fewer than the number of people to be elected, then all are deemed elected and you will have to arrange a by-election for the deceased candidate's seat (once requests for an election have been received) and any other remaining vacancies.

7.42 If proof of the death of a validly nominated candidate at a contested election is received before the opening of the poll, the notice of poll is countermanded and the poll does not take place.

7.43 If proof of the death of a validly nominated candidate at a contested election is received after the opening of the poll but before the declaration of result, the poll is abandoned and will have to be re-run. However, in this case, because the poll will have started, the documentation (i.e. issued and un-issued ballot papers, etc.) has to be returned to you and sealed up in the normal way.

7.44 The death of a candidate at a local government election will not affect the poll at the referendum.

New election

7.45 Where a new election is required after the abandonment or countermanding of a poll due to a candidate's death, you must select a new day for the poll, which must fall within 35 working days of the day fixed for the first election. Candidates already validly nominated do not have to be nominated a second time.