

**Statement to the Council meeting on Monday 14 May 2012
by Andrew North in his capacity as Returning Officer for the 2012 Local Elections**

I have been asked by Councillors to make a statement to this Council meeting about a problem which occurred in the Warden Hill ward during the local elections on 3 May. I am happy to do so.

At approximately 4.30pm on polling day, the elections office at the Municipal Offices were telephoned by a resident who informed the office that she had just visited St Christopher's Church Hall in Lincoln Avenue, Warden Hill to vote and she had noticed that the poll clerk had written her unique voter number on the back of her ballot paper before handing it to her. This voter had questioned the process but had been told by the presiding officer that this was correct. The voter telephoned the elections office because she continued to believe that this process was flawed.

This voter was absolutely correct to be concerned and the elections office immediately contacted the polling station and instructed the staff to refrain from putting voter numbers on ballot papers. Next the elections office contacted me and I directed that the presiding officer be replaced by another experienced presiding officer as a matter of urgency. In conjunction with the election team I considered what (if any) remedial action might be taken to permit votes cast in this way to be counted. After consideration it became clear that I would have no alternative as returning officer but to disallow any such votes at the count. The statutory rule is set out in Schedule 1 to the Representation of the People Act 1983 rule 47. The operative words say: -

“any ballot paper ... on which anything is written or marked by which the voter can be identified ... shall ... be void and not counted”.

On reaching this conclusion I attempted to contact the election agents for candidates taking part in the election for Warden Hill ward. I was successful in speaking to two out of three agents shortly after 6pm. I explained the problem which had occurred, and told them that I would have to disallow ballot papers with unique voter numbers written on the reverse though it was my intention to

examine those ballot papers which were rejected so as to give certainty as to whether the result of the election had been affected by the presiding officer's error. I asked these agents to let their respective candidates know the position.

I spoke to the remaining agent at around 10pm at the count venue to provide the same information (this being the earliest time I was able to speak to this agent).

In the event 413 votes which had been cast at St Christopher's Church Hall polling station were disallowed owing to the error described. Having extracted the 413 votes my staff worked with the election agents to ascertain how (if they had been counted) those 413 votes would have been distributed between the three candidates. In doing this we sought to ensure that the secrecy of the ballot was preserved so far as possible so that the way the voter had voted on the front of the ballot paper could not be linked to the voter's number on the reverse of the ballot paper.

In the event I (and I believe all of the agents and candidates) were satisfied that the result of the election (in terms of who was elected) was not affected by the error though obviously the majority was affected.

I find it difficult to explain to Council why a presiding officer should feel it appropriate to put a unique voter's number on the back of a ballot paper, it so clearly being a breach of the fundamental principle of our election system that votes should be secret.

In common with other returning officers I implement procedures which should safeguard against such errors occurring.

- We only employ people who are experienced (at least as poll clerks) to be presiding officers.

- We issue to all presiding officers and poll clerks the electoral commission's handbook for polling station staff along with a quick guide for polling station staff. We expect such materials to be read.
- We maintain a presence in the elections office during polling hours so that any presiding officer can contact the elections office to obtain clarification on procedures.
- We require presiding officers and poll clerks to attend training sessions prior to any election.
- We appoint polling station inspectors to visit every polling station on polling day to ensure that processes are being correctly carried out.

Obviously on this occasion these processes failed - seemingly because of human error. However as a number of councillors have asked for an enquiry I have decided to ask Mrs Marie Rosenthal, the Returning Officer for the Forest of Dean District Council, to carry out an independent enquiry and to advise us on what happened and whether any further steps should be taken to safeguard against such problems occurring in the future. This enquiry will be at no cost to this council.

In closing I would like to repeat apologies which I have already made through the media to voters in Warden Hill who sought in good faith to cast their votes and which were then disallowed through no fault of theirs. I would also apologise to the candidates in the Warden Hill election for whom this problem must have come as an unpleasant shock.

My intention is to inform councillors of the findings of the enquiry as soon as reasonably possible.