

INVESTIGATION INTO BALLOT PAPER ISSUE ERROR AT ST CHRISTOPHER'S CHURCH POLLING STATION, WARDEN HILL WARD, CHELTENHAM DURING THE MAY 2012 LOCAL ELECTIONS

Report by Marie Rosenthal to Andrew North, Chief Executive and Returning Officer
for Cheltenham Borough Council

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1. EXECUTIVE SUMMARY

1. Local Elections were held in the Borough of Cheltenham on Thursday 3rd May 2012. A polling station was located at St Christopher's Church Hall in Lincoln Avenue, Warden Hill to allow voters in that area to vote in person.
2. The Representation of the People Act 1983 sets out the statutory rules which govern the conduct of local elections in the United Kingdom. Rule 47 requires:-

“Any ballot paper ... on which anything is written or marked by which the voter can be identified ... shall ... be void and not counted”
3. A complaint was made by an Elector who had noticed that the Poll Clerk at that polling station had written her unique voter number on the back of her ballot paper before handing it to her.
4. The investigation has found that a combination of human error and failures by the polling station staff at the St Christopher's Church Hall polling station caused the error.

These included:

- a. A failure to understand the role and responsibility of the Presiding officer
 - b. A failure to instruct and supervise the work of the Poll Clerks and to have a sound knowledge of voting procedure
 - c. Failure by the Poll Clerk staff to know all the procedures for voting and how to deal with any problems
5. No malicious intent was identified as regards the error that has been found. This was a rare event; although it is noted that a similar incident involving staff employed by another authority using this same polling station took place several years ago. Nevertheless, the investigation at Warden Hill Ward has identified a small number of shortcomings in the arrangements for appointing Presiding Officers, training election staff and carrying out polling station inspections.
 6. This report makes a number of recommendations for staff training arrangements and more effective use of Polling station inspectors intended to prevent a reoccurrence of such an error in the future.

2. BACKGROUND

1. Local Elections were held in the Borough of Cheltenham on Thursday 3rd May 2012. Warden Hill Ward was one of the Wards being contested to return a Borough Councillor to serve on the Cheltenham Borough Council. There were three candidates standing in that Election.
2. The Returning Officer had arranged for two polling stations to be set up to allow Electors to vote in that Ward. One of the Polling Stations was located at St Christopher's Church Hall in Lincoln Avenue, Warden Hill, and Cheltenham. A Presiding Officer and three Poll Clerks were appointed by the Returning Officer to staff this Polling Station.
3. A complaint was made to the Election Office at approximately 4.30 pm. on polling day by an Elector who 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.
4. The Returning Officer took immediate steps to contact the Polling Station and instruct the Staff to refrain from putting voter numbers on ballot papers. The Presiding Officer was replaced as a matter of urgency.
5. At the count, on the 4th May 2012, the Returning Officer had to disallow 412 votes which had been cast at St Christopher's Church Hall Polling Station as there was writing or a mark by which the Voter could be identified contrary to the statutory rules set out in Schedule 1 to the Representation of the People Act 1983. Fortunately the number of disallowed votes did not affect the outcome of the election as the winning candidate had a majority of 460 votes.
6. On the 14th May 2012 the Returning Officer announced that he would commission an independent investigation into the circumstances surrounding the marking of the ballot papers at this Polling Station and that the Report would be published.
7. The investigation commenced on Tuesday the 15th May 2012 and was completed on 20th June 2012.

3. THE INVESTIGATION AND FINDINGS

The investigation was carried out by Marie Rosenthal, Returning Officer and Monitoring Officer at the Forest of Dean District Council, assisted by Geraldine Randall-Wilce, Electoral Services Manager at Forest of Dean District Council. Its terms of reference are attached at Annex A.

The investigators reviewed statements made by all the staff employed at the St Christopher's Church Polling Station and the Polling Station Inspector responsible for that station on polling day; met with staff of the Electoral Registration Office and the Returning Officer; interviewed the Presiding Officer; examined file notes and telephone records relating to the handling of the complaint and training material and other documents used for the appointment and training of election staff

The Investigation has made the following findings:

1. The Presiding Officer had been employed previously by the Returning Officer at that Station with no complaints. One of the Poll Clerks was an experienced Poll Clerk who had worked previously at St Christopher's Church Hall Polling Station on a number of occasions. The other two Poll Clerks were inexperienced. All of the Polling Station Staff had attended the mandatory training provided by the Returning Officer for election staff and been supplied with a personal copy of the Handbook for polling station staff issued by the Electoral Commission.
2. The Handbook is clear and comprehensive and designed to assist polling station staff working at a local government election in England and Wales. It clearly describes the procedures to be followed and how to deal with any issues that may arise. The Handbook makes it clear that whilst polling station staff will receive training, they should read the Handbook very carefully in advance of polling day to ensure they were familiar with all the processes that are described in it. Section 5 of the Handbook sets out the process for conducting the poll on polling day in clear language. **It emphasises that polling staff must not write anything on the ballot paper itself.**
3. The Handbook which is a lengthy document comprising 42 pages is supplemented with a Quick Guide for Polling Station Staff which gives page references to show where the detailed information can be found in the Handbook
4. The presentation slides and training material used by the Returning Officer's staff to deliver the mandatory training to all polling station staff is based on material provided by the Electoral Commission. It deals with the issuing of ballot papers at the polling station. There is a presentation slide which sets out in clear unambiguous language:

Do NOT write the elector number on the ballot paper!!

Write nothing on the ballot paper!!

Copies of the presentation slides are not given to Presiding officers.

5. The statements made by the poll clerks working at St Christopher's Church Polling Station in the Warden Hill Ward of Cheltenham Borough Council reveal that they did not receive any instructions from the Presiding Officer on the issuing of ballot papers when they set up the polling station on the day. The Presiding Officer organised the layout of the station and the location of the issue table and ballot box but then turned her attention to sorting and organising the polling station paperwork at the sundries table elsewhere in the station. The polling station staff were left to organise the issue of ballot papers and the marking of the corresponding number list themselves.
6. Not all the staff brought their Handbooks with them although a copy of the Quick Guide and the Handbook were available at all times at the polling station for them to refer to it. Polling station staff did not check the Handbook at this time or seek advice from the Elections Office. From an early stage all ballot papers were marked with the elector number on the back.
7. It appears from the statements that the polling station staff were challenged by at least one other voter during the day who noticed that the unique elector number was being written on the back of the ballot paper. The polling station staff say that they did consult the handbook during the day on this issue and were satisfied from reading the Frequently Asked Questions section that they were issuing the ballot papers correctly. This question asks *"Why do you need to write my elector number beside my ballot paper number? Does this mean my vote is not secret?"* *The answer relates to the marking of the corresponding number list, not the marking of the ballot paper. However it is acknowledged that the section is ambiguous. However if the other sections specifically on the issue of the ballot paper are consulted the position is crystal clear.*
8. During the afternoon one voter questioned the process and was advised by the Presiding Officer that this was correct. This voter remained dissatisfied with this answer and at approximately 4.30 p.m. telephoned the Elections office at the Municipal Offices to make a complaint as she believed the process was flawed
9. As soon as the Returning Officer had been notified of this matter, arrangements were put in hand to direct the staff to immediately stop putting voter numbers on ballot papers and for the Presiding Officer at that Station to be replaced as a matter of urgency.
10. A Polling Station Inspector had been appointed for this Polling Station. Their role is to check the layout of the polling station and that things are running smoothly and to be a point of contact for the polling station staff with the Returning Officer and his core staff. The Inspector visited the station at approximately 10.45 a.m. and found everything to be in good order. He has commented in his statement that the Presiding Officer commented to him that

she had found the training to be inadequate and cited the time it had taken her to check the box the previous day and suggested a basic run through of the exercise would have been helpful. When he revisited the station at 4.30pm he was told about the voter complaint and the instruction from the Elections office to cease writing voter numbers on the ballot papers. He observed that this was put into effect immediately.

11. The Election Agents for the Candidates taking part in the Election for Warden Hill Ward were contacted by the Returning Officer. Two out of the three agents were notified after 6.00 p.m. The remaining agent was briefed at around 10.00 p.m. at the count venue.
12. The results for the Warden Hill Ward are shown in Annex B. The Conservative Party Candidate achieved a majority of 460 votes. The 412 votes which had been marked at St Christopher's Church Hall Polling Station were disallowed and not counted.
13. The training provided by the Returning Officer is very comprehensive and meets the best practice advice and guidance of the Electoral Commission. The training focuses on the roles of the Presiding Officer and the Poll Clerk and involves some limited practical examples. Feedback from the training session is generally very positive.
14. However there is no separate planned session for inexperienced staff new to election work or for Poll Clerks being promoted to Presiding Officer. This is available on request on an individual basis. The feedback forms from two of the poll clerks working at the St Christopher's Church Hall polling station were critical, with one of the staff arriving late for the training due to alleged poor identification of training venue and the other asking for a more "thorough, i.e. "mock up " of what needs to be done".
15. A clear impression has been gained that Election staff employed by the Returning Officer at the Elections Office regard their responsibilities for running local elections with rigour and diligence.

CONCLUSIONS AND RECOMMENDATIONS

The investigation has found that a combination of human error and failures by the polling station staff at the St Christopher's Church Hall polling station caused the error. It has also identified a very small number of shortcomings in the arrangements for training election staff and carrying out polling station inspections.

These included:

- Failure to understand the role and responsibility of the Presiding Officer
- Failure by the Presiding Officer to instruct and supervise the work of the Poll Clerks and to have a sound knowledge of the voting procedure
- Failure by the Poll Clerk staff to know all the procedures for voting and how to deal with any problems
- Failure by the Polling Station Inspector to spot the incorrect issue of the ballot papers
- A need to review the learning and teaching techniques used for training election staff

All the polling staff had attended the mandatory training session arranged by the Returning Officer for staff working on the May Elections. This training uses Electoral Commission training material. It involves the trainer working through a lengthy power point presentation to a large group of individuals, many of whom are already experienced election staff. It has few practical demonstrations or hands on activity.

It is generally recognised that each person prefers different learning styles and techniques. Learning styles group common ways that people learn. Everyone has a mix of learning styles. Because of this it is recommended that the Returning Officer reviews the current training and encourages trainers to use a range of learning and teaching techniques when training election staff. It is suggested that this include a “mock up” of a polling station and a physical demonstration of how to issue a ballot paper and mark the corresponding number list.

No malicious intent was identified as regards the error that has been found. Indeed the polling station staff believed their actions would improve vote security.

The Polling Station Inspector has an important role to play in providing an independent check that everything is running smoothly at the polling station. It is recommended that the Returning Officer consider making it an explicit part of the Polling Station Inspector’s role to ask the polling station staff to explain the ballot paper issue process to them during their visits to the polling station.

This was a rare event; although it is noted that a similar incident involving staff employed by another authority using this same polling station took place several years ago.

Recommendations

- 1. That the Returning Officer:**
 - a. Requires trainers to use a range of learning and teaching techniques when training election staff. It is suggested that this include a “mock up” of a polling station and a physical demonstration of how to issue a ballot paper and mark the corresponding number list.**
 - b. Supplies Presiding Officers on request with a hard copy set of the training presentation as a further aide memoire to their role.**

- c. **Considers providing separate training sessions for inexperienced poll clerks.**
 - d. **Considers providing a separate training session for Poll Clerks being promoted to the role of Presiding Officer.**
- 2. **That the Returning Officer considers making it an explicit part of the Polling Station Inspector's role to ask the polling station staff to explain the ballot paper issue process to them during their visits to the polling station.**
- 3. **That the Returning officer contact the Electoral Commission to ask them to review the text used in the FAQ section at page 39 of the Handbook for Polling Station staff.**

Marie Rosenthal
Returning Officer
Forest of Dean District Council

20 June 2012

Annex A - Terms of Reference

Independent Investigation into the marking of Ballot Papers at the St Christopher's Church Polling Station, Walden Hill Ward, Borough of Cheltenham

Aim

To conduct an independent investigation to provide a report to Cheltenham Borough Council Returning Officer and Chief Executive into the marking of ballot papers by Election Staff during the 2012 local elections, to establish the facts surrounding the error and to make any recommendations for the improvement of systems in the future.

Background

The Returning Officer is responsible under the provisions of the Representation of the People Act 1983 to conduct properly run Elections.

Scope of Investigation

The investigation should include:-

- A review of training, core processes and controls in relation to the issue of ballot papers at a Polling Station
- A review of the Management supervision and inspection arrangement at the St. Christopher's Church polling station

Conduct of the Investigation

The Independent Investigator will:-

- Have access to all relevant legislation, guidance and documentation
- Be supported by the Senior Electoral Registrations Manager from the Borough Council and
- Have access to all staff for personal interview

Outputs

The final report will be presented to the Returning Officer who will publish the report to Cheltenham Borough Council's Scrutiny Committee. It should at a minimum, cover the following:-

- Reasons for the error, identifying as far as possible whether the error was attributable to human error, breakdown in systems or processes or malicious action
- Any recommendations for improvements to current electoral systems and processes.