

IN THE MATTER OF THE EUROPEAN PARLIAMENTARY ELECTION 2014

REVIEW OF NORTHUMBERLAND COUNTY COUNCILS POLL CARD DISTRIBUTION PROCEDURES

ELECTION SERVICES RESPONSE & RECOMMENDATIONS

Introduction

1. On the 22nd of May 2014 the European Parliamentary Elections were held throughout the United Kingdom. Northumberland County Council was one of a number of Local Authorities that took part in the elections process. 12 Local Authorities formed the North East Region with Mr David Smith (Sunderland City Council) presiding as Regional Returning Officer. Mr Geoff Paul (Northumberland County Council) was the Local returning Officer.
2. At the material time Northumberland County Council had an electorate of 242,792. There were a total of 78,480 votes cast within their geographical boundaries with 213 ballot papers being rejected. The overall turnout for the election was 32.4%
3. It has been suggested that in the run up to the European Parliamentary Election, a number of potential electors within Northumberland County Councils area of responsibility did not receive Polling Cards. The problem appears to centre in the main around two specific locations, namely the Morpeth (Kirkhill) and Shotley Bridge (DH8) wards. There are uncorroborated reports that the difficulty may have been more widespread.
4. As a result of concerns raised by both local residents and politicians, I have been asked, by the Local Returning Officer to conduct a review of the Polling Card allocations procedures adopted by Northumberland County Council at the time the said election took place.
5. My remit is to evaluate any evidence gathered thus far and to then report my findings, accompanied by any recommendations that might assist towards promoting "best practice" in the future.

The Law regarding Poll Cards

6. The law in relation to Polling Cards can be found in **Schedule 1** of the **Representation of the People Act 1983. Rule 28** (contained within the schedule) states the following:

Rule 28 (1) The Returning Officer shall as soon as practicable after the publication of notice of the election send to electors and their proxies an official Poll Card.

Rule 28 (2) An elector's official Poll Card shall be sent or delivered to his qualifying address, and a proxy's to his address as shown in the list of proxies.

7. The statutory provisions identified in **Rule 28** apply to polling station voters, postal voters, proxies and postal proxies. The requirements of **Rule 28** are mandatory as evidenced by the use of the word "shall" within the legislation. **Rule 28 (2)** identifies both a requirement to send or deliver Poll Cards as part of the obligations on Returning Officers. However the legislation is silent on what constitutes sending or delivering and makes no reference to particular methods to be adopted. The provisions in **Rule 28** apply without modification to European Elections- see **Part 5 (The Election Process) paragraph 10-010 Schofield's Election Law Volume 1**.

8. The Electoral Commission have provided guidance in relation to the delivery of Poll Cards. **Chapter 7 of Managing a UK Parliamentary General Election in Great Britain (Guidance for Acting Returning Officers) 2009** states the following:

7.6 Distribution – *Poll Cards can be distributed by hand or by post, the method being determined by the (Acting) Returning Officer as most appropriate for the particular area concerned. If poll cards are to be delivered by a postal service provider, a written statement should be given to the service provider with each batch of poll cards, showing the number of cards and the polling districts to which they relate. Proof of posting should be obtained and, if possible, tracking of deliveries undertaken in order to assist with responding to any queries regarding possible non-delivery.*

9. It is important to note that whilst there is a mandatory requirement to send an elector a Poll Card, there is nothing in the absence of a Poll Card to prevent the relevant elector casting their vote and taking part in the election accordingly. In essence the Poll Card acts as an alert to the fact the election is taking place, but more importantly it identifies the Polling Station at which the vote should be cast.

Northumberland County Councils Poll Card procedures

10. In the first instance a data file identifying each eligible elector, their address, polling district and allocated polling station is prepared at Election Services, County Hall, Morpeth. This data file is held electronically within a secure office and its contents are collated from the Electoral Register. Once Elections staff are satisfied with its accuracy, the data file is then up loaded to a specially designed web based portal. The data is encrypted during the process which means it is sent in a secure mode that cannot be intercepted or diverted away from the intended recipient. The overall purpose being for the printing company to physically create the Poll Cards as per each elector contained on the data file received. This is a contractual relationship and is commercial in nature. The printers engaged by Northumberland County Council with regard to the European Parliamentary Election were a company named Adare. The company is located in Huddersfield, West Yorkshire. Adare have previously been instructed to print Poll Cards for Election Services and continue to do so as at today's date. There have never been any reported difficulties in previous elections surrounding the printing and issuing of Poll Cards.
11. Having received the data file sent by Elections Services, Adare would acknowledge safe receipt and then proceed to conduct the printing requirements identified. Once the Poll Cards have been produced by Adare, they are then passed to a handling company for transportation purposes. In this instance the handling agents were Adare Post, a licensed Downstream Access provider. The sole task of the handling agents is to ensure the printed Poll Cards are deposited safely with Royal Mail for future delivery by them to the registered electors. My understanding is Adare Post access Royal Mails delivery network using the wholesale arm. Once Royal Mail is in receipt of the Poll Cards, it is then their task to deliver them safely.
12. Therefore the process can be summarised as beginning at Elections Services, County Hall, whereby the relevant data is sent to the printers who then produce the Poll Cards. Once the Poll Cards are ready for delivery, the printers use a third party handling agent to transport the Poll Cards physically to the Royal Mail. Royal Mail then undertakes to deliver each Poll Card to the address contained upon it. The costs benefits of this relationship are that Northumberland County Council receives a bulk discount on postage fees. The discount comes from arrangements brokered between Adare and the Royal Mail. This is the most cost effective way of procuring production and delivery as it reduces the overall financial impact upon the public purse.

Internal Investigations

13. Enquiries into any potential irregularities involving Poll Cards took place internally at County Hall during the months of May and June 2014. Throughout this process representatives from Adare, Adare Post and the Royal Mail were contacted and asked to check their records and provide responses. Royal Mail representatives attended County Hall personally for a meeting with Election Services staff. This meeting was convened in an effort to identify any evidence that may support contentions that certain Poll Cards may not have been delivered.
14. Elections Services staff have re-visited their data file and can confirm that it contained all the relevant details required for the European Parliamentary Election. This notably included all the details pertaining to the two affected wards of Kirkhill and Shotley Bridge.
15. Adare have confirmed they received the data file as sent by Elections Services. They further confirm that they printed the Poll Cards as per the data file information with no issues being identified. Once completed the Poll Cards were passed to Adare Post.
16. Adare Post have confirmed that on the 14th of April 2014 they handed all the completed Poll Cards to the Royal Mail for delivery.
17. Royal Mail have made extensive enquiries with their Newcastle and Morpeth offices. They have confirmed that everything received from Adare Post was delivered as instructed.

Findings

18. As stated earlier in this review the requirement to produce and deliver Poll Cards is statutory. In this instance responsibility for that function lay with the Local Returning Officer. The reality is that each Local Authority's Elections Services Department will administer this task. In advance of the European Parliamentary Election, Northumberland County Councils Elections Services collated the correct data and stored it on appropriate equipment. The data was exported to a tried and trusted print provider in accordance with familiar business methods of delivery.
19. Adare have confirmed receipt of the data file from Northumberland County Council which contained information for 194,641 "normal" voter Poll Cards to be printed and 47,887 for Postal Voter Poll Cards. There is no evidence that any information was either missing or corrupted in the export process. The data arrived as sent and was acted upon by Adare. Their remit was to produce physical Poll Cards for later distribution which they confirm did take place.

20. Adare Post took charge of the actual delivery process to Royal Mail. They received the Poll Cards from Adare and there is no suggestion that any Poll Cards were missing or could not be produced at any stage of the process. They further confirm safe delivery of the Poll Cards to Royal Mail.
21. Royal Mail have made checks within their relevant depots. They confirm that all Poll Cards received were subsequently delivered without incident. No batches of undelivered mail have been located or identified since these matters were brought to their attention.
22. To summarise the findings in this case, it is clear that none of the organisations involved accepts fault at any stage, nor have I been presented with evidence that would point to fault involving any particular party. It has to be stressed that this report is merely a review and does not have the capacity to forensically analyse all potential evidence available. The major difficulty for any reviewing officer is that to a great extent each party's version is exactly that. It would be impossible to say with any certainty, even when supported by documentary evidence, how many batches of Poll Cards were placed on transport to Royal Mail. Likewise there is no way of knowing how many Poll Cards were taken out onto the streets of Northumberland for delivery. It should again be reiterated that this review is not designed to be a criticism of any individual organisation, on the contrary the limitations of any reviewing officer in establishing "hard facts" has to be fully appreciated.
23. In the final days running up to the European Parliamentary Election 2014 Elections Services staff began fielding calls about missing Poll Cards. It's realistic to state that at this point there would have been little logistically that the staff would have been able to do regard's furnishing replacements. A decision was taken to highlight the difficulty on the Northumberland County Councils website. This alerted residents to the fact some Poll Cards may not arrive and in their absence the right to vote was not compromised. This action was a remedy of last resort, deployed in order to ensure those affected were made aware and thus able to exercise their democratic rights without further disruption.
24. It is worthy of note that the European Parliamentary Election 2014 was hotly contested and as a result attracted extensive media coverage on most of the major television networks. Political parties were afforded the opportunity to make Party Political broadcasts to the nation via television at peak times. The point being that this was a well-publicised election and public awareness of it was heightened at the time.

Recommendations

25. In order to ensure there are no future problems with either Poll Cards or printing issues in general, a number of safeguards will be implemented by Elections Services. These procedures were in part introduced more recently in the Longhoughton By-Election (County Council) which resulted in no repetition of issues raised within this review. The measures and recommendations are not exhaustive and in some instances will be subject to contractual arrangements, allowing a more robust approach to implementation.
- a). Regular monitoring of print performance. This will involve close liaison with contractors to identify possible difficulties in advance and to ensure all contractual obligations have been met in full. This will include a numbers audit allowing for a comparison of data file figures with the numbers featuring on both the electoral roll and the number of final Poll Cards printed.
 - b). Contingency arrangements in the face of non- production. These will encompass alternative methods of print services including in-house print services at County Hall. Localised mail drops will be deployed in the event of documentation not reaching intended recipients in the run up to an election.
 - c). Introduction of contractual terms requiring paper-based receipts from all organisations involved in the production and distribution process. Receipts to show number of items produced and confirmation of safe delivery; ensuring a clear audit trail in the event of non-delivery.

Conclusion

26. It has been impossible to identify with any certainty where flaws in the production or delivery procedures might have occurred. Each organisation within the chain is highly reputable and has a track record of consistent good quality service delivery. There is no merit in speculation, save to say that there would be no advantage gained by any organisation in not fulfilling their task to completion or attempting to deflect blame.
27. The inability to pin point fault with any accuracy does not rule out culpability in itself. What it does demonstrate is that there will always be scope for unforeseen eventualities. As a reasonable and diligent Local Authority, Northumberland County Council will continue to explore any means by which they can improve their own internal and external procedures. The primary aim must always be that electors are afforded access to their entitlement to vote. Confidence in the system will only go towards enhancing the voting

experience, resulting in a transparent, professional and accurate delivery of results in the future.

28. The contents of this report will be published on the Council's web site.

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Interim Elections Manger

Northumberland County Council

Dated: 18th August 2014.