

WEST DUNBARTONSHIRE COUNCIL

Report by the Returning Officer

Council: 28 February 2007

Subject: Elections 3 May 2007

1. Purpose

- 1.1** To provide an update on preparations for the combined Scottish Parliament and Local Government elections to be held on Thursday 3 May 2007.

2. Background

- 2.1** As well as the West Dunbartonshire Council elections, the Election team within this Council is responsible for two constituency elections – Clydebank and Milngavie Constituency (which includes 2 wards of East Dunbartonshire Council) and Dumbarton Constituency (which includes 3 wards of Argyll and Bute Council). Although this will be the third time that the Scottish Parliament and Local Government elections have been combined, significant changes will apply at this election.

3. Main Issues

Boundary Changes/Multi-member wards

- 3.1** This will be the first election since the review of local government boundaries. The Council's 22 single member wards have been replaced by 6 multi-member wards, 4 with 4 members and 2 with 3 members. The overall number of councillors is unchanged.
- 3.2** The new boundaries were not finalised until late December. This has meant that the production of the electoral register for the new wards was delayed until 1st February. This new register has now been distributed to main council offices and libraries where it is available for consultation. The ERO will make it available to serving councillors on request.

Proportional Representation

- 3.3** The Scottish Parliament Election has two ballots, the first for the Constituency MSP, elected by first past the post (FPTP) and the second for the 7 Regional list MSPs who are elected by a form of proportional representation called the Additional Member System (AMS). Our Region is West of Scotland. This is unchanged from previous elections.

- 3.4** Proportional representation by Single Transferable Vote (STV) has been introduced for Councils. There are different types of STV, but the type selected for these elections is called “Weighted Inclusive Gregory” (WIG). WIG is one of the more complex types of STV which is designed to deliver the most proportional result. Scotland will be the first country to use this type of STV.

Ballot Papers

- 3.5** At combined polls, there have previously been 3 ballot papers. However, on 3rd May, there will be only two. The ballot papers will be barcoded to permit electronic counting, instead of using the conventional numbering system.
- 3.6** Both ballots for the Scottish Parliament will be on a single ballot paper coloured lilac and light brown. Voters will vote once on each ballot with a cross (X). A sample of the draft ballot paper style is reproduced as Appendix 1 to this report.
- 3.7** The local council paper will be white. On this paper, voters will rank the candidates in order of preference – 1 for their first choice, 2 for their second choice, 3 for their third choice and so on. This ballot paper will look very different from previous local government ballot papers. A sample of the ballot paper is reproduced as Appendix 2 to this report.

Postal Voting

- 3.8** The uptake of postal voting has been increasing year on year. There are now 7,943 postal voters in the two constituencies served by this Council and this number will increase steadily in the weeks leading up to the election. The scale of the task is so extensive that, for the first time, we have agreed to outsource the issue of postal votes.
- 3.9** Voters can have lost or spoiled ballot papers replaced by the Returning Officer from the election office up until 5pm on polling day.
- 3.10** There are new provisions to permit postal voters to enquire whether their postal votes have been received. The Returning Officer must also advise enquirers whether their votes have been provisionally rejected. This means setting up a helpline and introducing new technology to read barcodes on ballot papers and postal voting statements. It will also require more ballot paper openings than previously.
- 3.11** The Returning Officer is now also obliged to prepare a marked register of postal votes after the close of poll. This is another area where additional technology will be required.
- 3.12** The new rules for postal voting have resource implications for the Council.

Observers

- 3.13** There is now official provision for observers to be able to attend all election proceedings, including the issue of postal votes (a privilege which is not available to candidates and agents). It is anticipated that a large number of foreign visitors and academics will be interested in seeing this first STV poll and count in action.
- 3.14** There is an anomaly in the legislation whereby observers for Scottish Parliament elections must apply to and receive their accreditation from the Electoral Commission, whereas observers for the local elections must obtain accreditation from the local Returning Officer. No unified provisions exist for combined polls. However, the Electoral Commission and Returning Officers will work closely together to ensure that the new provisions are implemented as smoothly as possible.

Electronic Counting

- 3.15** To make it easier to count votes in a WIG based STV system, it has been decided to introduce electronic counting Scotland-wide. Both the Scottish Parliament and the Council polls will be counted electronically.
- 3.16** The look of the count will be quite different. No longer will ballot papers be emptied out on to the counters' tables. The calculations will be carried out electronically, so there will be no physical separation of ballot papers into bundles which stack up for each candidate. Instead, ballot papers will be fed through electronic scanners which will capture the images of the ballots and relay them to pc terminals. Candidates and counting agents will be able to see images of the ballot papers on screen as they are adjudicated by staff and the result will be calculated by the electronic machinery.
- 3.17** Scanning itself is a lengthy process and there will be no consequent saving in time for the declaration of the Scottish Parliament results. However, manual counting of STV, particularly the complex WIG system, would take at least two days, so there is a considerable time saving for the local government results.
- 3.18** A pre-condition was that the Scottish Parliament results had to be given priority over the Local Government results. There were three options for counting, as follows:-
- 1) A Combined Count - to continue through the night until both election counts were complete, scanning the ballot papers from both counts together but prioritising the processing of the Scottish Parliament count.
 - 2) Separate Counts - to carry out separate counts, with the Scottish Parliament Count taking place overnight and the local government count taking place on Friday 4 May. This option requires the manual rummaging of the ballot

boxes to ensure that none of the Scottish Parliament ballot papers fail to be included in the overnight count.

- 3) A Hybrid Count - to scan the ballot papers for both counts through the night, but prioritise the declaration of the Scottish Parliament and to come back the next day to adjudicate the local government ballot papers and announce the results. This eliminates the need for a manual rummage but increases the time taken to scan the ballot papers overnight.

3.19 Returning Officers have to decide which option best suits their local circumstances and the number of constituencies and wards they have to count. I have chosen the second option – separate counts for each of the polls, for the following reasons:

- a) This Council is responsible for two constituency counts each with overlapping areas with another local authority. This gives us ten wards to process rather than six and increases the complexity of the count.
- b) The separation of the counts prevents the Local Government counts from being overshadowed by the Scottish Parliament results. It gives the Local Government elections and results the place and the respect they deserve.
- c) The transparency of the counting process will be accentuated because it will be possible to admit more local government counting agents if the count is taken on its own. The counting agents present on the day will be able to see every part of the process from registration and verification to adjudication and the declaration of the results. A combined count would restrict the numbers to be admitted, while for a hybrid count, only those agents who were admitted to the overnight session would see every process involved.
- d) The Scottish Parliament Count will be completed more quickly if the Local Government papers are scanned separately. This will give staff the opportunity to rest before undertaking the more complex adjudications of the new STV ballot papers and the explanations of the different stages leading to the results. Senior election staff will have been on duty since 6.30 a.m. on polling day and it is very important that they are alert through all stages of the count proceedings. The same issue arises for candidates and counting agents, many of whom will have been present at polling stations from the opening of the poll.

- e) The combined and hybrid counts do not eliminate the need to handle the ballot papers and order them for scanning. The papers have to be transferred from the ballot boxes and placed neatly in cardboard trays for processing. This will in itself be a time consuming process which is unlikely to be considerably less onerous than carrying out a manual rummage; and
- f) there will be time saved by not having to pass the Local Government ballot papers for East Dunbartonshire and Argyll and Bute through the scanners to separate them from the Scottish Parliament ballot papers. After the manual rummage, these ballot papers will be resealed in their boxes and sent on to their respective count centres for scanning and counting.

3.20 Counting will take place in the Play Drome, starting at 10pm. on 3rd May with the scanning of the postal votes. The Scottish Parliament votes will be counted overnight, with the counting for the Local Government elections taking place the next day, starting at 11a.m.

3.21 Electronic counting will require a different training régime for staff. It will also be a steep learning curve for candidates, election agents and their counting agents. A briefing session for candidates and agents at which they will be able to see the equipment in operation on a test basis, has been arranged for 4pm on Tuesday 1st May.

Legislation

3.22 Extensive new legislation has been introduced which will affect every aspect of the election. The main elements of this new legislation have been introduced by the Electoral Administration Act 2006 (EA Act) and the Local Elections and Registration Services (Scotland) Act 2006 (LEARS) and their associated Rules.

3.23 There have been serious delays in preparing the legislation which have in turn delayed preparations for the elections including the finalisation of guidance for candidates by the Electoral Commission and the production of electoral management manuals for election staff.

Increasing Electoral Awareness

3.24 In terms of the new legislation, Returning Officers now have a duty in the case of Scottish Parliament elections and a power in the case of local government elections to take measures to increase electoral awareness. Measures taken by the Council include the following:

- (a) the inclusion of an Electoral Commission information leaflet in the council tax mailings;
- (b) articles in the Council newspaper and staff magazine

- (c) regular press releases for the local media
- (d) articles on the web portal and intranet
- (e) participation in Community Day
- (f) the promotion of the elections by means of posters and fliers with the branding “Your Vote – Their Future”
- (g) the Depute Returning Officer and members of the election team have been making presentations to senior citizens’ and other community groups on the new electoral system and how it will work in practice. A presentation will also be made to the Community Participation Committee on 21st March.

Main Dates

3.25 The main dates for the election are as undernoted:-

Publication of Notice of Election	Thursday 22 March
Close of Nominations	Wednesday 11 April at 4pm
Deadline for applications for postal votes (receipt by ERO) or to make changes to existing absent votes	Wednesday 18 April at 5pm
Deadline for applications for proxy votes (receipt by ERO)	Wednesday 25 April at 5pm
Deadline for notification of polling and counting agents	Thursday 26 April
Day of poll	Thursday 3 May 7am to 10pm
Count	Thursday 3 May/Friday 4 May

3.26 The main changes in the timetable are as follows:-

The deadline for submission of new applications for postal votes and for changes to existing postal or proxy votes reverts to 11 working days before the poll (previously 6 working days).

Spoiled or lost postal votes can be replaced up until 5pm on polling day (previously 5pm on the eve of poll)

There is now a provision to grant proxy votes in emergency cases (hospitalisation etc), up to 9pm on polling day; and.

Clerical corrections to the register can be made up until 9pm on polling day.

4. Personnel Issues

- 4.1 Any election requires the employment of a large number of casual staff for the poll and the count. It will be possible to employ a second clerk at polling stations because of the complexity of the poll. This year a new polling place post of "Information Officer" has been created to guide voters and to help answer their queries about the new electoral system.
- 4.2 A large number of additional obligations have been placed on Returning Officers at this election, particularly in relation to postal votes. This will increase the burden on the core election team and will inevitably result in reduced service in some areas, including turnaround time for the preparation of minutes, delays in the processing of licence applications and of correspondence, and progress in developing business continuity.

5. Financial Implications

- 5.1 The cost of running the combined poll is split 60/40 between the Scotland Office and the Council. An advance payment of 80% of the estimated cost will be made to the Council in March/April this year, with the remainder to be paid after the accounts are cleared.
- 5.2 The entire cost of the electronic count will be split between the Scotland Office and the Scottish Executive, with councils paying only for staffing to their own count and for incidental additional expenditure.
- 5.3 Additional provision was made as part of the Council's Grant Aided Expenditure (GAE) for 2006-2007 and for 2007-2008 for innovations in relation to the Electoral Administration Act, including increasing electoral awareness and funding the new provisions in relation to postal voting. Part of this funding has been earmarked for the introduction of new software systems to implement new requirements for postal voting.

6. Risk Analysis

- 6.1 As with any major project, the identification and management of risk is an important feature of election administration. The Electoral Commission has provided guidance on carrying out specific risk analysis and their template will be used in preparing for the election.

7. Conclusions

- 7.1 Significant changes have been introduced to election systems for May 2007. These changes have major resource implications in terms of staffing and funding. The extent of the changes increases the pressure on staff and systems, increases the risks to the process and requires the imposition of additional monitoring and controls.

- 7.2** Further changes will be introduced at subsequent elections, including major anti-fraud measures such as the introduction of Personal Identifiers for postal voters and the requirement for all voters attending polling stations to sign for their ballot papers.
- 7.3** The impact of the changes goes beyond the management of the elections in that the new STV voting system will require the introduction of new systems to deal with members' caseloads and to assist in the management of the new multi-member wards.
- 8. Recommendations**
- 8.1** It is recommended that the Council notes the new arrangements for the elections on 3 May.

.....
David McMillan
Returning Officer
Date: 20 February 2007

Officer to contact: Anne Laird, Manager of Administrative Services,
Council Offices, Garshake Road, Dumbarton
Tel: 01389 737514
E-mail: anne.laird@west-dunbarton.gov.uk

Background Papers: Electoral Administration Act 2006
Local Election Administration and Registration
Services Act (Scotland) Act 2006

Wards affected: All wards