

# **Statement of the (Acting) Returning Officer for the North East Hampshire Constituency – General Election 6<sup>th</sup> May 2010**

## **Notice given under rule 44(1) of the 1983 Parliamentary Election Rules**


The time at which counting began at the above election was 10:15am on the 7<sup>th</sup> May 2010. As this time is later than 02:00 on the 7<sup>th</sup> May 2010 the Acting Returning Officer hereby gives a public notice of the steps taken to comply with the Rule 44(1) of the Parliamentary Election Rules.

- **Recommendation made by the Gould Report**
  - The Returning Officer considered that the problems at the Scottish Parliament Election Count in 2007 were pertinent to this year's UK parliamentary count. He considered the independent report by Sir Ron Gould into the problems at that election and the count and considered the risks of disregarding the findings of the report to be too high. The RO followed the recommendations of the Gould \* report and exercised the right given to him by the 1983 Representation of the People Act and to count on a Friday at 7am.
- **Previous Experience**
  - The local experience of the County/European Count in 2009 which was very smooth and accurate suggested that there were advantages in counting the next day.
- **Venue**
  - There are no mitigating issues in respect of the venue which influenced the timing of the count.
- **Staffing**
  - The General election process requires supervision by a specialist manager and one elections officer from 06:00 on the 6<sup>th</sup> May 2010 until 17:00 on the 7<sup>th</sup> May 2010. This is working period of 35 hours during which any rest breaks would be difficult. The Returning Officer and his staff are expected to make decisions throughout this period that will impact on the future governance of the country and the district council.
  - The postponed parish elections on the 27<sup>th</sup> May 2010 will have a number of key processes that need to be completed on the 7<sup>th</sup> May 2010 and that will continue through to the 27<sup>th</sup> May 2010.
  - Any recovery time permitted by the working time directive cannot be effectively accommodated until after the 27<sup>th</sup> May 2010.
- **Geography**
  - New Parliamentary boundaries since the last election. The boundaries came into force on the 12<sup>th</sup> April 2010.
  - The rural nature of the Constituency means that ballot boxes from the outlying rural areas are not expected at the count venue until 23:20.

- The Count could not start until ballot papers were received from Rushmoor Borough Council for the area of Frogmore & Darby Green. These were not expected until 01:00 and were actually delivered at 01:30.
- **Volume and management of Postal votes across the constituency**
  - This would be the first time that cross boundary postal vote checking had been attempted. At the time of the initial decision (Dec 2009) this checking process was untested. It remained untested and unworkable until the 13<sup>th</sup> April 2010, when the software supplier provided the final fix to the system. This was just 16 days before polling day. The risks associated with attempting to commence a count immediately after close of poll with an untried system were considered to be great. The commencement of the count at 7am on Friday allowed a period from 10pm on Thursday to finalise the postal vote count.
- **Voter Engagement**
  - A desire to open up the count to the public which is offered by a daytime count and declaration. This puts electors, rather than candidates and parties at the heart of the process.
- **Consultation & Communication**
  - Whilst not required by legislation to do so, the Acting Returning Officer outlined his plans to the Overview & Scrutiny (O&S) committee of Hart District Council in December 2009. The proposal to count on Friday was endorsed by O&S.
  - In addition at the briefings for election agents held on 16<sup>th</sup> and 18<sup>th</sup> March 2010 the timing of the count was discussed openly with agents none of whom raised any concerns or objections to the count taking place at 7am on the Friday.
  - The Returning Officer has noted the views expressed by politicians about the count but felt that none of them recognised the issues identified by Gould and focused mainly on two factors “the loss of theatre” and the increased risk of fraud introduced by a delay. The RO considered the loss of theatre to be one that affected candidates and agents rather than the General public who were better served by the voter engagement points above. On the subject of fraud the RO considered the real risk of fraud being undetected in a rushed postal vote count to be greater than the risk of ballot papers being tampered with after the election.
- **Legislation**
  - The legislation requesting Returning Officers to take all reasonable steps to commence the Count of votes before 02:00 on the 7<sup>th</sup> May 2010 received Royal Assent on the 8<sup>th</sup> April 2010. By this stage the administrative arrangements for the Count which had commenced in January 2010 were so far advanced that to make major changes would have materially increased the risk that the election process would have incurred problems.

- **Summary**

- The Acting Returning Officer is of the view that after taking into account all the points identified in this notice that the course of action that would most likely result in an accurate result was to commence the count of the Parliamentary Ballot papers at 07:00 on the 7<sup>th</sup> May 2010. The result was subsequently declared at 11:45.



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21<sup>st</sup> May 2010

\*Scottish Elections Report, Sir Ron Gould. Published by the Electoral Commission on the 23rd October 2007. Commissioned due to the number of administrative issues during the election and the high number of rejected ballot papers at the count,

Gould made two observations in connection with the count:

1. Too many count related activities required immediately after close of poll
2. Unreasonable demands placed on Key Officials and Stakeholders

He recommended that in connection with the Count that if polls were to close at 10pm there should be no overnight count of ballot papers.

He reminded all stakeholders of one key principle that the speed of Count should not take precedence over the accuracy of the count and that Returning Officers cannot be expected to make accurate decisions when unduly fatigued.