



POST ELECTION REPORT
UNITED KINGDOM GENERAL ELECTION
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SDAI Election Observation Mission Post-Election Report

INTRODUCTION

Sustainable Development Assistance International (SDAI) is a small, independent, non-profit, non-governmental organization, based in eastern Canada. It's main focus is on community empowerment and capacity building in the areas of democracy support, education, livelihood, health, human and gender rights, rule of law, and governance.

SDAI sent a limited short-term mission to observe the United Kingdom parliamentary election on 12 December 2019 (see Annexe B). The mission comprised a core team and short term observers. Long-term analysis was not conducted. Observation was made with regard to the UK Electoral Commission's guidance to Returning Officers, and more general expectations as to democratic, free and fair election practice. This report covers the activities of Voting and Counting (including verification) and makes recommendations for future elections.

SDAI wishes to thank the UK Electoral Commission and the constituency returning officers for their assistance and cooperation.

MISSION OVERVIEW

The mission included 12 teams from Canada, France, Germany, Greece, Ireland, Poland, UK and United States of America. Observation was conducted in England, Wales and Northern Ireland (N.I.). Observers worked in 24 of the 591 constituencies in England, Wales and N.I. Voting was observed at 148 PSs (PS). Counting was observed in 11 constituencies. (See Annex A). No teams were

deployed to Scotland, North of Leeds and Liverpool in England, to the South West of England or wider East and South East beyond London.

ELECTORAL ADMINISTRATION

Electoral law in the UK is based on some 50 pieces of primary legislation or Acts, the first of which, the Act of Settlement, dates back to 1700. Since then, it has become increasingly complex and fragmented and, according to the UK Electoral Commission, does not reflect modern electoral administration. In light of this, the Commission recently embarked on a project aimed at simplifying the legal framework; their final report is due to be published in early 2020.

The overall administration of elections is at the parliamentary constituency level and is the responsibility of a Returning Officer (RO), usually a senior local government official. Polling Stations (PS) are open 0700-2200 and are run by a minimum of 2 staff appointed by the RO. Unusually, compared to many other countries, ballots are verified and counted centrally in each constituency. At the end of voting, ballot boxes are taken, unopened, to the counting centre. Postal ballot papers that were previously received and opened under the RO's control are brought to the counting centre in sealed ballot boxes.

SUMMARY

SDAI observers reported that generally, electoral processes and procedures worked very well, and followed accepted practices and commitments to international electoral standards.

Much of the UK election process appears to rely upon a foundation of trust, and SDAI believes there is scope to tighten up procedures and to foster greater public confidence in the system, with particular regard to i) checks and balances in the processes of voter identification and registration, especially for proxy and postal voting, and ii) the custody and transit of ballot papers.

OBSERVATIONS

VOTING

Observers

PS staff were generally cooperative but some seemed surprised by the existence of observers, especially from international NGOs. There were some instances of PS staff not understanding the rights of observers, usually in effect before our observers had spoken with the Constituency Returning Officer.

In one instance an observer in London was told by an Electoral Services manager that they should also register separately with the local authority. This was despite the observer having already received Electoral Commission accreditation. Another London team were denied access to some PSs until after the Returning Officer had explained to staff that they were permitted to observe.

Three teams (London and Leeds) reported that staff rarely or never recorded visits by observers.

Photography

Permission for photography by observers was an issue.

The Electoral Commission informed us that, by law, photography was not prohibited (subject to not compromising the secrecy of the voting); however their guidance to ROs was to not allow photography. In N.I. there is a legal prohibition on photography inside PSs. In several of the PSs, there were signs relating to the presence of CCTV cameras on the premises.

Voter Registration

Some voters did not appear on the electoral list due to registration issues. On-line registration to vote was complex.

In Leeds some people had not correctly completed registration; we observed some students being turned away because they had not completed it properly. At Cardiff University, the lack of a full address (rather than just general student accommodation address) caused a problem.

In North Down, a party supporter expressed concern to one of our observers about political parties running voter registration campaigns. He was particularly concerned about political interference when the political parties encouraged postal voting and proxy voting.

Voter Lists

In N.I., we observed voter lists which were neither in numerical nor alphabetical order, thus making it difficult for PS staff to find a voter's name. In North Down a common problem in many PSs was that of voters having their correct ID and voter card, but not appearing on the voter list. Reports from PS staff indicated that they were receiving varying instructions from the Electoral Commission. This happened in PSs in Newtonards, Greyabbey, Donaghdee, and Bangor, where problems were dealt with inconsistently in different PSs. For example, in some PSs, voters were allowed to vote, but in other PSs, they were not.

Voter Identification

In accordance with the usual custom in England and Wales, voters were not asked for proof of identity. In N.I., identification is required from voters; passport and driving licence were the most common forms of identity proof.

Observers were often told that people know each other at PS and someone would notice if voter impersonation was attempted or a voter trying to vote twice. It was argued that this local knowledge was protection against voter fraud. For example, a voter reported to one of our observers a case of a person in Belfast being able to vote for two friends who were unable to return from work in Limerick, by presenting their voter cards and despite no proxy vote arrangements being in place.

Proxy Voting

A high level of proxy voting was observed in N.I. This raises the question of whether there are adequate controls over voter secrecy and impersonation. In Foyle, observers reported that up to 50 proxy voters were cast in some PSs.

PS Arrangements

In general, voting was well-regulated in all the PSs we observed. Voting centres were well laid out, electoral staff helpful and voters were able to move smoothly through the process. Only 3.5% of our observations reported overcrowding.

In Rugby, the RO had focussed on not using schools for the General Election and PSs were located in other facilities such as village halls and community centres. This generally seems to have worked well; however, 2 PSs were co-located in a portakabin, which was barely adequate, resulting in temporary overcrowding at one stage.

In four PSs (in different constituencies), observers recorded cases of family voting.

Teams in London and Leeds noted that the Presiding Officer did not call out the name and address of a voter, as required under new EC rules.

Accessibility

All PSs observed provided good access and support for voters with disabilities or mobility difficulties.

PSs displayed a large print copy of the ballot paper for reference by voters, and a tactile voting device for visually impaired voters.. However, the tactile voter tool appears poorly designed and a user still requires assistance from a sighted person in order to vote. Two observer teams in N.I. noted that the tactile voting device does not provide the voter with the candidates names. The device only provides the candidates' position on the ballot. The voter would still require someone to read the candidates' names and name order to them. In addition, the tool could potentially be misplaced on the ballot paper, leading to a mismarked or doubtful ballot.

Signage

PSs were generally clearly identified, although some PSs were not adequately signposted from the street. However, there was some confusion by some voters about where to vote since some PS were not in their usual locations. For example, in Groomspoint, N.I., the local Spar had a handwritten sign telling voters where to go to vote due to voter confusion. Similar confusion about location of changed PSs also occurred in Liverpool. In London, there was some early removal of signs from the street.

Logistics

In North Down, observers received a series of reports from electoral workers in different PSs that there was a lack of clarity and misinformation about where voting materials were to be collected, by whom, and where the ballots and extra electoral materials were to be returned after voting. For example, PS workers received confusing instructions via letter and email from the Electoral Commission/Returning Officers.

Secrecy of the Vote

Notwithstanding that PS were usually well organised, some voting booths were poorly designed and inappropriately close to the PS staff table, with a lack of assured secrecy for marking the ballot paper. Some PS had circular voting booths with four screens in the centre of a room; this compromised the potential secrecy of a voter's choice by permitting passersby to see voters' ballots. For example, one PS official reported that a booth was moved after a person with disability complained about the possibility of being watched while voting.

The use of a pencil for marking the a ballot and also by PS staff for marking a voter's name on the list is vulnerable to potential adjustment later.

Chain of Custody of Ballots.

Of great concern is the lack of an assured and transparent chain of custody of ballot papers. We observed that it was common practice for ballot papers and other materials to be in the sole custody of one election staff person. For example, at the end of Election day, some ballot boxes were taken by only one person from the PS to the counting centre. These aspects bring into question the assurance of an appropriate chain of custody for ballot papers from the start of the process until the count.

Observers in Foyle and East Londonderry noted that some ballot boxes had no identification marks other than the card label hanging from its front and two security tags to hold the lid closed. A third tag was added at the end of the day when the boxes were sealed, after which an envelope with identification documents was stuck to the lid.

Tellers.

Tellers were present in at least 10 PSs observed by SDAI. Two observer teams in London considered the tellers activities in requesting information from voters to be aggressive and/or intimidating, and polling staff in Wales reported similar concerns.

There were rules posted at some PS that permitted tellers to approach voters either as they arrived or as they departed. However some tellers felt that it was a matter of principle not to approach voters until after they had voted, so that the voter's primary relationship to the voting station had nothing biasing or persuading them one way or another.

An observer in London reported voter confusion and voters protesting requests for information and instructions from tellers. For example, one voter protested when he was asked by a teller to open his sealed postal ballot envelope to find his voter number for the teller. In another instance, another voter, was requested by a teller to reenter the PS and ask the polling staff to look up her voter number. She did so, but was perplexed by this request.

Campaigning.

In N.I. there were campaigners outside PSs in Donaghadee and Newtonards; voters were carrying the campaign material with them into the PS and voting booth. At Newtonards, observers found campaigning material inside the PS. At every PS observed in North Down, there were campaign signs within close proximity of the PS door. There is an issue about how close to the PS is appropriate for campaigning.

In East Belfast, in several PSs, there was Protestant flute band music playing in the background. In two PSs in East Belfast, loyalist bandsmen were playing immediately outside. The staff of one PS suggested that this did not constitute political interference because the area was already predominately loyalist.

In East Londonderry, Foyle, and North Down, observers reported campaigning at PS entrances. Some campaigners were seen giving out sample marked ballot papers to voters.

COUNTING

Counting procedures were largely assessed as good to very good. There were some points that observers noted that could be considered.

Access and Security

Several observers, for example in London and Liverpool, found that details of counting centres were hard to access online or anywhere else.

Arrangements for easy entry and exit to the counting centre were generally good, but observers were not always checked upon entry and exit. This raises a question of control at the counting centre.

Transparency

Observers reported that they had adequate sight of the count. However, in North Down, observers reported spoiled ballots that had not been accounted for, and in London, a team was told by party officials of similar problems with these ballots.

In some counting centres, there seemed to be an emphasis on the need to complete the process as quickly as possible, and that speed was taking priority over ensuring that observers and candidates could effectively observe the process.

Observers in North Down reported that the verification process appeared rushed and that it was not always possible to clearly observe the reception of the ballot boxes. The rushed process and some issues with observation of ballot box reception gave cause for concern. Our observers were sometimes not allowed to stand by the entrance where the ballot boxes were being offloaded. As a result, we were unable to verify the chain of custody of the ballots.

In some cases, the observers could see the ballots being verified and counted from the location appointed for observers, but could not see the tabulation sheets to ensure that unused ballots, spoiled ballots, and counted ballots were reconciled properly. This raises a question about the transparency of the process.

Chain of Custody of Ballots and Ballot Boxes

As with the situation during the voting process, inconsistencies were also observed in the chain of custody during counting. Teams in North Down and Brecon-Radnorshire reported that plastic tags sealing the ballot boxes were not checked. In the North Down case, the given rationale was that the tags had already been checked earlier in the day at the voting centre. In Foyle and East Londonderry, observers saw a ballot box with missing identification documents. Managers recorded this, and the votes were counted twice at different tables.

This raises a question as to whether there should be a control sheet inside the ballot box to match the identification marks on the outside of the box - a common practice in other countries.

Postal Ballots

Postal ballots present a challenge in terms of chain of custody as many voters do not complete their postal ballot and there appears to be no reconciliation of the number of blank ballots issued with those returned.

We observed and were informed of issues with the automated digital checking system. Its algorithm apparently had difficulty sometimes in matching birth date,

signature and barcode. In the case of a failure of the automated system, the manual checking system was inconsistent.

Adjudication of Doubtful Ballots

On the adjudication of Doubtful Ballots, a London team gave positive reports on the adjudication process, but in N.I. observers saw ballots rejected although the voter's intention appeared to be clear.

The review of doubtful ballot papers was done so quickly that it was often impossible for observers to see the process clearly. Doubtful ballots were processed with such speed that they could not be properly examined. Ballots were quickly flipped through instead of being held up so everyone could see them. Some ballots were adjudicated without proper attention to the intent of the voter.

RECOMMENDATIONS

SDAI acknowledges that while their observation mission was limited in terms of coverage, it nevertheless believes that it is in a position to offer a number of constructive recommendations for the conduct of future elections in the United Kingdom.

Observers

1. The Electoral Commission should ensure that all Returning Officers understand that the EC accreditation alone is sufficient, and that no further local pre-registration is required of observers.
2. Returning Officers should brief all PS staff on the possibility of unannounced presence of accredited observers and train staff on the procedures for observers. This topic is mentioned only very briefly in the handbook for polling staff.
3. Rules should be developed to allow appropriate photography by observers, including within PSs and counting centres.

Voter Registration.

4. The registration process should ensure that incomplete registration cannot occur and aim to achieve zero cases where someone with a valid voting card is not of the voter list at the PS.
5. A unified voter list for the whole of the UK should be considered, to help prevent voting fraud and multiple voting.
6. People should be able to check online whether they are registered to vote.
7. The EC should ensure consistency of instructions and advice to PSs on updating voter lists.

Proof Of Identity.

8. Proof of identity should be required for all voters, not just for those in N.I. There should be a robust chain of identity proof from registration to voting. There should be a chain of identity proof from registration to voting, with particular regard to postal voting. Considering the various instances of difficulty with registration and the potential for fraud, the need for proof of identity throughout the UK electoral area needs serious consideration.

Voting Procedures

9. The design of voting booths to ensure secrecy for all voters should be examined
10. Engage visually impaired voters in a process to see if the tactile voting device can be improved

Chain of Custody

The chain of custody of ballot papers needs to be examined and a stronger accounting system put in place. Specific measures to consider may include:

11. A review of the extent to which ballot papers are kept with a single person at any time and whether good practice is followed;
12. Placement of a control sheet inside the ballot box, that can be checked at opening and closing stages.
13. Verification of ballot box seals throughout the process
14. A review of the transit of ballot boxes and materials from PSs to counting centres
15. Ink pens for the marking of ballots and PS documents.

Tellers and Campaigning.

16. Tellers should be limited to only being able to approach voters after their departure from PSs, and clear rules should be developed for their activities to ensure that voters have unhindered access to PSs.
17. In N.I. particularly, there may be a need to ensure that campaigning and campaigners are unable to exert undue influence on voters.

Counting Centre Procedures.

18. Information about how to find counting centres should be made more easily available, e.g., through a central register managed by the Electoral Commission.
19. The overall security at counting centres should be reviewed to develop a common standard.

Transparency in verification and counting

20. The speed of the count should not take precedence over the accuracy of the vote, the transparency of the electoral process, adherence to electoral procedures and increased likelihood of errors.

Postal Voting

21. A clearer reconciliation process for postal votes is required so that the observation of the whole postal vote process is possible by independent scrutiny.

22. The replacement of the current postal voting system with one of early voting, or a return to a system of postal votes only with justification, may alleviate problems observed with electronic checks at counting centres.

Date: _____

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ANNEX A - STATISTICAL REPORT

Observers worked in 24 of the 591 constituencies in England, Wales and N.I.. There were no teams deployed to Scotland, North of Leeds and Liverpool in England, to the South West of England, or wider East and South East beyond London.

Voting was observed at 148 PS.

Counting was observed in 11 constituencies.

CONSTITUENCIES AND NUMBERS OF PSs OBSERVED			
Constituencies	Voting Observed Number of PS	Voting Observed PS %	Counting Centre Observed
Brecon-Radnorshire	13	9.35	1
Cardiff South & Penarth	14	10.07%	1
Foyle	8	5.76%	-
Greenwich	12	8.63%	1
Kensington & Chelsea	12	8.63%	1
Leeds North West	7	5.04%	1
Liverpool Riverside	4	2.88%	1
Liverpool Wavertree	n/a	n/a	-
Londonderry	8	5.76%	-
North Down	9	6.47%	1
Rugby-Bulkington	5	3.6%	-
South West Bedfordshire	11	7.91%	-
Southport	9	6.47%	-
Walthamstow	5	3.6%	1
Bedfordshire, Mid Bedfordshire, Bootle, Chingford, East Belfast, Kenilworth & Southam, Sefton Central, Shipley, Warwickshire & Leamington, Westminster.	31	20.94%	3
TOTAL	148		11

ANNEX B - METHODOLOGY

Twelve observer teams were deployed. Eight teams observed in England (four in London, and one each in Bedfordshire, in and around Rugby, and in Leeds and Liverpool) one in Wales and Brecon-Radnorshire) and three in N.I.. Observers took part in an all-day briefing in London on 10 December (two days before election day), were deployed to their areas of observation the following day to familiarise and receive further local briefings, and returned to London for a half-day debriefing on 14 December (the day after counting was completed and the election results were confirmed). Some observers also participated in the Electoral Commission's 11 December international observer briefing.

Observers used two survey forms – one for PSs (24 questions) and one for counting centres (29 questions) – to gather the numerical and verbal information about voting procedures and activities. These forms were completed and submitted electronically and all were sent in on election day/night, usually immediately after completion. The data from the forms were complemented by information collected from phone calls to teams while observing voting and counting, written reports sent to the core team either during or after observation by observers, and in the debriefing session.