



Report on the Northern Ireland Assembly election on 5 May 2011

October 2011

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Foreword

The polls on 5 May 2011 provided the opportunity for Northern Ireland voters to vote in three electoral events; the Northern Ireland Assembly election, local council elections and a UK-wide referendum on the voting system used to elect MPs to the House of Commons. This report is our account on how the Assembly election was run. It also reviews the impact of combining the election with the local council polls and the referendum.

A key focus of our report is the experience of voters at the elections. Through the use of public opinion research and other research data we consider people's experience of registering to vote, public information available about the elections, and people's experience of voting.

One of the major issues that arose at these elections was the length of time it took to complete the count. Although the count for the Assembly election in fact took no longer than in 2007 or 2003 it was perceived as being slow with little information being provided to candidates and to the media. It is a matter of regret that the Northern Ireland totals for the UK-wide referendum were not declared until 2am on Saturday 7 May, four hours after the rest of the UK, and in the absence of any media presence.

The combination of three polls proved to be a significant challenge to the Chief Electoral Officer and his staff. This report looks in detail at the planning and management of polling day and the count. It also makes a number of recommendations aimed at further improving access to the democratic process and the administration of elections.

On behalf of the Electoral Commission, I would like to thank all those who have provided us with assistance and information in compiling this report, including the Chief Electoral Officer and his staff at the Electoral Office for Northern Ireland, political parties, candidates and their agents, and electoral observers, as well as voters in Northern Ireland.

This report also marks my last as Electoral Commissioner for Northern Ireland. Since I took up the post I have been most impressed by the commitment and determination made to ensure that voters are given the highest standard in electoral services in Northern Ireland. In particular I would like to commend the staff at the Electoral Commission and the Electoral Office, political parties and their representatives, and those working in the voluntary and community sector who seek to ensure that the voter always comes first.

Henrietta Campbell CB

Electoral Commissioner

Summary and recommendations

Summary

There was no security disruption either on polling day or at the counts and the elections passed off peacefully. The vast majority of voters interviewed in our public opinion survey felt that the Assembly election was well run. However, the time taken to complete the single transferable vote (STV) counts continues to be a source of considerable frustration among political parties, candidates and the media in Northern Ireland. The administration of the combined elections and referendum in Northern Ireland was a significant challenge for the Chief Electoral Officer for Northern Ireland (CEO) and his staff. The evidence suggests that the Electoral Office for Northern Ireland (EONI) had the capacity to deliver two elections and a referendum on the same day, and should be able to do so in the future – provided there is effective planning and resources in place.

Planning for the election

Planning began well in advance of polling day and our regular monitoring showed that the CEO and his senior staff put a considerable amount of time and effort into planning for the successful delivery of three polls on one day. However, it was evident that much less focus and attention had been given to planning for the counts, with Area Electoral Officers (AEOs) left to plan and manage their own counts. There was no evidence of an overall plan on how the counts should be delivered, and instructions on how to conduct the counts were very late in being sent to AEOs from the EONI head office.

Sufficient funding was made available by the government to the CEO to deliver the elections and referendum in Northern Ireland. It remains difficult to benchmark the funding of electoral services in Northern Ireland in comparison to other parts of the UK. In Great Britain, through the Electoral Commission's performance standards regime, information is collected from local authorities about the cost of electoral administration, but these standards do not apply to Northern Ireland.

Over 17,000 voters were added to the register during the period of 'late registration' and much of this can be attributed to the fact that poll cards were issued much earlier than at any previous election in Northern Ireland. The number of postal and proxy votes also increased at this election.

Candidates and agents were generally complimentary about the nominations process and the support they received from electoral administrators in advance of the polls.

AEOs were responsible for the recruitment and training of approximately 6,000 election staff. This proved to be a particular challenge and placed a considerable burden on their preparations for polling day and the count. Although feedback from the EONI evaluation of the training was largely positive, it was clear at the count that presiding officers encountered significant difficulties completing their paperwork at the close of poll.

The structure of the EONI and the combined polls highlighted the heavy reliance placed on a small number of staff within the EONI. AEOs in particular had significant workloads in preparing for polling day and the counts. There was evidence that they were overstretched and had to work long hours to get the job done. As a result, some were fatigued by the time it came to managing their counts.

Polling day

The overall conduct and management of polling day proved to be successful. The day passed off without any significant interruption and there were no reports of queues outside polling places when the polls closed at 10pm. The appointment of an additional poll clerk proved to be of particular benefit given that three ballot boxes were used at each polling station.

There was some confusion on polling day resulting in a number of voters being unable to distinguish between the Assembly and local council ballot papers. The number of ballot papers spoilt at STV elections continued to be high even though the same voting system was used for the Assembly and local council elections.

There was frustration amongst candidates and political parties about the lack of clarity and consistency regarding the right to canvass outside polling places and a desire on their part to have the matter resolved before the next election in Northern Ireland. Some parties again suggested that there was a need for an exclusion zone outside polling places where canvassing would be prohibited.

The count

The STV counts were, not for the first time, the subject of sustained criticism from some candidates, political parties and the media. The primary cause of complaint concerned slowness and the general lack of information on how counts were progressing.

As at previous Assembly elections the entire count process (verification and counting) lasted two full days. However, having to verify three sets of ballot papers simultaneously before counting began, caused significant delays in announcing turnout and first preference totals. Other factors also had an impact on the speed of the count, including staff failing to turn up at some count venues and the poor quality of paperwork returned by many presiding officers. There was also evidence of inconsistent practice and the lack of an overall plan for the Assembly and referendum counts.

AEOs were also unclear about how the referendum count totals should be collated and communicated. As a result the referendum count total in Northern Ireland was not declared until 2am on Saturday 7 May, long after the result was known in the rest of the UK.

The process of manually counting ballot papers in an election using STV is by its nature a time-consuming one and it appeared that many of those present at the count, including candidates, agents and the media, did not understand the verification and counting processes. Overall, there was a general lack of information on how the counts were progressing, and this contributed to a growing sense of frustration and tension amongst those present and in the media. This could have been avoided if better communication plans had been put in place, if regular updates through public announcements were made and through making better use of technology.

Moving forward

After the election the CEO made a commitment to carrying out a full review of the arrangements in place for managing elections and conducting counts in Northern Ireland. We welcome this initiative. The difficulties encountered at the May polls mean it is imperative that the review's terms of reference are sufficiently wide to address the shortcomings identified in this report. The review should be led by the CEO with input from experienced electoral administrators and Electoral Commission representatives. One of its outputs should be a timetabled and resourced action plan for improving the future delivery of elections and counts in Northern Ireland.

The accountability of the CEO to the electorate in Northern Ireland has been identified in previous Commission reports as an area that needs to improve. All electoral matters remain the responsibility of the UK Government and the Northern Ireland Assembly has no remit in this area. In order to enhance the confidence of the electorate, the UK Government should introduce improved accountability arrangements. These include extending to Northern Ireland the statutory framework of performance standards that apply in the rest of the UK, and considering how the people of Northern Ireland and their elected representatives can have greater visibility of, and a greater stake in, how the CEO manages electoral matters.

Currently the CEO is the only electoral officer in the UK whose performance against independent standards is not reported publicly to electors. It is therefore difficult to make comparisons about how well electoral services are administered in Northern Ireland compared to the rest of the UK. Although the structures in place for the delivery of electoral registration and elections are different, the provision of such comparative data is necessary, to benchmark the CEO's delivery against other Returning Officers in the UK and to make future improvements.

In order to address this, the CEO has committed in his 2011/12 Business Plan to working with the Commission on the development of performance standards for

elections and electoral registration in Northern Ireland. This has the potential to transform how elections and electoral registration are administered. We will work with the CEO in developing appropriate performance standards for Northern Ireland by April 2012.

Recommendations

Throughout this report we make a number of recommendations aimed at improving the provision of electoral services in Northern Ireland. These have the potential to enhance the delivery of elections from the perspectives of voters, those standing for election, and electoral administrators who manage elections and counts. Many of the recommendations in this report are addressed to the CEO and are relevant to the strategic review of elections and counts that he announced at our post-election seminar at the end of May 2011.

We will work with the CEO in ensuring that the recommendations in this report are addressed in full. We have also made a number of recommendations to the UK Government, some of which will require legislative change. We have also set out a number of our own commitments to enhance electoral services in Northern Ireland and we will work with the CEO and the UK Government to ensure their implementation.

Our recommendations to the UK Government

To enhance the experience of voters, electoral administrators and candidates we recommend that the UK government addresses the following issues in advance of the next scheduled elections in Northern Ireland in 2014:

Legislative change

- Amend the law to permit the name of the election being contested to be clearly printed on the ballot paper when elections are combined in any part of the UK.
- Amend or clarify the law in respect of the use of languages, other than English, on electoral documentation in Northern Ireland
- Amend the Electoral Administration Act (2006) so that the performance standards regime that applies in Great Britain is extended to Northern Ireland.

Policy reviews

- Review the deadlines for absent voting in Northern Ireland so that those who apply during the 'late registration window' can avail of an absent vote if they are eligible.
- Review the arrangements for postal voting in Northern Ireland to ensure that there is consistency across the UK.
- Consult with parties across the UK on the future of polling agents with a view to having their role either abolished or modified.

- Review freepost at combined elections in Northern Ireland, consulting political parties and relevant stakeholders to develop recommendations.
- Complete an equality impact assessment on candidate deposits and subscribers before making a final decision on the way forward in Northern Ireland.
- Consult stakeholders in Northern Ireland on what accountability arrangements could be put in place to enhance confidence and transparency in the CEO's decision making.

Our recommendations to the Chief Electoral Officer for Northern Ireland

To enhance the experience of voters and improve the administration of elections in Northern Ireland we recommend that the Chief Electoral Officer addresses the following issues in advance of the next elections in 2014:

Poll cards

- Issue poll cards to electors at least four weeks before polling day.
- Review the messaging on poll cards for future elections informing voters that he has a legal obligation to send poll cards to all eligible voters, including those who have permanent postal or proxy votes.

Electoral registration and absent voting

- Consider what else he could do to simplify electoral registration in Northern Ireland, without compromising the security of the system.
- Record the reasons why applications for postal and proxy votes at elections in Northern Ireland have been rejected.
- Introduce a system to give voters applying for a postal or proxy vote the opportunity to refresh their signature.

Ballot papers

- Conduct user-testing of ballot papers used at combined elections to alleviate the potential for voter confusion.

Polling places

- Clarify what parts of a polling place party campaigners can access and canvass at on polling day and ensure that presiding officers are trained consistently on this issue.
- In the absence of legislation, work with political parties in developing a voluntary code of practice on canvassing outside polling places and have this in place for the next election in Northern Ireland.

- Review the design and content of the documentation used at the close of poll with a view to simplifying it for use at future stand-alone or combined polls.

Training and management

- Review how training is organised and managed in advance of the next set of elections.
- Review the working practices of AEOs in the future management of elections and clarify their roles.

Counts

- Ensure that the verification of unused ballot papers is conducted in accordance with the law at all elections in Northern Ireland.
- Ensure that teams responsible for classifying doubtful ballot papers are trained in this aspect of the count.
- Review how new technology can be used to keep the public better informed of how election counts are progressing.
- Review the potential for conducting constituency-based counts for the 2015 Assembly election.
- Establish a broadcasters' liaison group to ensure that arrangements for media access and reporting at counts are improved.

Local elections

- Publish details of the expenditure returns received from the councils on the cost of local elections on the EONI website.

CEO strategic review

- Ensure that the strategic review of elections and counts is led by the CEO and draws input from experienced electoral administrators and Commission representatives.
- Complete the strategic review by September 2012 as outlined in the terms of reference.
- Share his final report of the strategic review of elections and the count with political parties and other key stakeholders.

Our commitments

We have given a number of commitments to enhance electoral services in Northern Ireland and we will work with the CEO, the UK Government and relevant stakeholders where appropriate, to deliver these.

- We will work with the CEO and the Northern Ireland Office to ensure that the recommendations contained in this report are addressed in full. We will report on the progress achieved in implementing the recommendations by October 2012.
- We will report separately on integrity issues arising at the 2011 polls across the UK in early 2012.
- We will report on the financial aspects of the 2011 elections in early 2012, after all campaign spending returns have been submitted.
- We will work with the CEO to consider what further action could be taken before the next election to instil greater confidence and trust in the electoral process in Northern Ireland.
- We will work with the CEO in addressing count issues in Northern Ireland with the aim of improving the effectiveness of the count model for the next set of elections using STV in Northern Ireland.
- We will work with the CEO in developing appropriate performance standards for elections and electoral registration in Northern Ireland by April 2012.
- We will work with the EONI to ensure improvements are in place for the delivery of the public helpline by the next election in 2014.

1 Introduction

1.1 On 5 May 2011 elections were held to the Northern Ireland Assembly and the 26 local councils in Northern Ireland. On the same day a UK-wide referendum was held on the voting system used to elect MPs to the House of Commons. Although some elections have been combined in recent years, this was the first time two elections and a referendum were held on the same day in Northern Ireland. The UK-wide referendum was the first held since 1975 and was the first run by the Electoral Commission, under the Political Parties, Elections and Referendums Act 2000 (PPERA).

1.2 Polling day passed off without disruption and there were no significant interruptions resulting from security alerts. However, the Assembly and referendum counts were characterised by long delays and slowness, and the management of the counts was the subject of sustained criticism from candidates, political parties and the media.

Reporting on elections and referendums

1.3 The Electoral Commission is an independent body which reports directly to the UK Parliament. We regulate party and election finance and set standards for elections and electoral registration. We are responsible for reporting independently on the administration of all major elections and referendums in the UK. While this report is primarily about the administration of the Northern Ireland Assembly election it makes reference to the local council elections and the referendum where these affected the administration and conduct of the Assembly election.

1.4 We have produced a separate report on the administration of the UK-wide referendum. We have also produced separate reports on the administration of the elections to the Scottish Parliament and the National Assembly for Wales which were held on the same day. These reports will be available at www.electoralcommission.org.uk/publications-and-research/election-reports.

1.5 This report provides an assessment of how the Northern Ireland Assembly election was administered. It reflects the views and experiences of voters, candidates, political parties, the media, and the electoral administrators who delivered the elections. We have drawn on evidence from a number of sources to inform our report, including public opinion research, a survey of candidates and agents, the views of electoral administrators, the media, our direct observations from polling day and the counts, and evidence presented at our post-election seminar. The report makes recommendations for improving the administration of elections in Northern Ireland.

Observers

1.6 Electoral observation is an essential element underpinning confidence in the electoral and democratic process. We were pleased that many people applied to the Commission to be accredited as observers and volunteered to observe the elections and referendum in Northern Ireland. Of the 134 accredited observers for the UK, 25 were based in Northern Ireland (see www.electoralcommission.org.uk/elections/electoral_observers). Although not required to report their observations, some observers provided feedback which has helped inform this report.

Background

1.7 In Northern Ireland all electoral matters are 'excepted', meaning they are not devolved to the Northern Ireland Assembly and are the responsibility of the UK Parliament. The Secretary of State for Northern Ireland is responsible for all electoral law and policy and for maintaining the legal framework necessary for all elections in Northern Ireland. He is supported in this role by a Minister of State based at the Northern Ireland Office (NIO).

1.8 Although electoral law is broadly similar across the UK, there are differences in how electoral registration and elections are managed in Northern Ireland compared to England, Scotland and Wales. These include:

- A centrally-administered electoral process led by the Chief Electoral Officer (CEO) who is both the Electoral Registration Officer and Returning Officer for all elections in Northern Ireland. The CEO is independent of Government and occupies a full-time salaried position. The CEO is appointed for a five-year term of office, and the maximum he can serve is 10 years. The CEO is funded for his activities through the NIO.
- People have registered to vote on an individual basis since 2002. This system replaced 'household registration', which continues to be used in the rest of the UK. There are plans to implement individual electoral registration in Great Britain from 2014.
- Voters are required to show specified photographic identification at polling stations in Northern Ireland.
- Voters have to give a valid reason when applying to the Electoral Registration Officer for a postal or proxy vote.

Electoral law in Northern Ireland

1.9 The Northern Ireland Assembly (Elections) Order 2001, as amended, governs the administration of Assembly elections including rules on candidate spending and donations to candidates. PPERA regulates party campaign

expenditure and donations to political parties, and requires parties to submit expenditure returns to the Electoral Commission after the election.

1.10 The law on local elections in Northern Ireland is set out in the Electoral Law Act (Northern Ireland) 1962. Under Section 11(1) of the Act, elections to local councils should be held every four years. Elections had been scheduled to take place in 2009 but, at the request of the Northern Ireland Environment Minister, were postponed by the UK Government until 2011. No specific date in 2011 was given in the Postponement Order, which became law in February 2009. The postponement was to enable the Northern Ireland Executive to complete work on reducing the number of local councils from 26 to 11. However, when no agreement was reached by the Executive, the Minister of State at the NIO announced on 15 October 2010 that legislation would be introduced to hold elections to the existing 26 local councils on 5 May 2011, the same day as the Assembly elections.

1.11 The CEO and the Commission were consulted about the proposed contents of the draft Local Elections (Northern Ireland) Order 2010. The Order was laid in the UK Parliament on 18 October 2010 and became law on 15 December 2010. As well as specifying the date for the elections, the Order made amendments to the Electoral Law Act (Northern Ireland) 1962 and the Local Elections (Northern Ireland) Order 1985. This updated local council electoral legislation to bring it in line with that applying at UK and European Parliamentary and Assembly elections in Northern Ireland. It meant, for example, that the same forms of photographic identification are now applicable at all elections in Northern Ireland.

1.12 The Order also included provisions to introduce controls on donations to candidates at local elections, which had not previously applied. While these controls were new for local council candidates, the political parties were familiar with them as they had previously applied to candidates standing for election to the Northern Ireland Assembly and the UK and European Parliaments. We produced guidance for candidates and agents participating in the local elections and outlined the changes at our pre-election seminars.

The management of elections and referendums in Northern Ireland

1.13 The CEO in Northern Ireland is supported by 52 full-time staff in the Electoral Office for Northern Ireland (EONI), serving an electorate of just over 1.2 million. In addition to a head office based in Belfast, there are eight area electoral offices across Northern Ireland and each is headed by an Area Electoral Officer (AEO). The AEOs manage the electoral register in the constituencies for which they have responsibility and act as Deputy Returning Officers (DROs) for either two or three constituencies each at both the Assembly and UK Parliamentary elections. They also support the CEO in the management of the European Parliamentary elections in Northern Ireland and provide advice to local council chief executives in their role as DRO at local council elections.

DROs are full time staff of the EONI and are legally appointed as DROs by the CEO for elections.

1.14 The chief executives of the local councils act as DRO for local council elections in Northern Ireland. Following a recommendation made in our statutory report on the 2005 combined UK Parliamentary and local elections in Northern Ireland, the government introduced a power of direction through the Local Elections (Northern Ireland) Order 2010. This gave the CEO the power to direct DROs in the delivery of local elections. For example, he was able to direct council chief executives when to start their local election counts.

1.15 Where a referendum is confined to Northern Ireland under PPERA the CEO is the Chief Counting Officer (CCO). However, for a UK-wide referendum the CEO acts as the Counting Officer (CO) for Northern Ireland under the direction of the CCO for the UK as a whole. At the UK-wide referendum on the voting system the CCO was Jenny Watson, the Chair of the Electoral Commission. She appointed Max Caller CBE, an Electoral Commissioner, as Deputy CCO.

1.16 The CEO reports annually to the Secretary of State for Northern Ireland on how he has discharged his functions generally. The statutory report is laid in both houses of the UK Parliament by the Secretary of State. Since 2006 the CEO's report must include an assessment of how he has met statutory electoral registration objectives as set out in the Northern Ireland (Miscellaneous Provisions) Act 2006. The CEO is the only Returning Officer in the UK whose performance is not monitored and reported on publicly against standards set by the Electoral Commission.

Combining elections in Northern Ireland

1.17 The Parliamentary Voting System and Constituencies Act 2010 (PVSC Act), which governed the running of the referendum, also provided for the combination of the polls in Northern Ireland. The CCO at a UK-wide referendum has the power to give general or specific directions to COs relating to the discharge of their functions in the referendum. The CCO's power of direction also applied to any election-related functions which were conferred on the CO. The CEO was the CO for Northern Ireland and therefore had a legal duty to comply with the CCO's directions. Schedule 8 of the PVSC Act covered combination issues in respect of Northern Ireland and included such things as the design of forms and notices, the combination of poll cards and the management of the referendum count.

1.18 Before agreeing with the proposal by the UK Government that the Assembly, local council elections and the referendum be combined we informed the UK Government that this should only take place in circumstances where:

- the conduct rules for the referendum were clear six months in advance of polling day
- the referendum and elections were formally combined
- robust planning for the referendum and elections was in place

- adequate provision was made to inform voters about how to take part in the polls
- adequate funding was provided to run the polls effectively

1.19 On 10 November 2010 we announced publicly that we were satisfied that the UK Government had made enough progress to enable the combined polls to proceed. We also said that we would continue to monitor progress and would highlight to Government any concerns we had about the delivery of the combined polls.

2 Voters' experience

2.1 In this chapter we look at the voter experience on 5 May 2011 and consider what improvements could be made for future elections.

Key facts and figures

- The electoral register used for the polls on 5 May contained the largest number of people registered to vote at an election in Northern Ireland since individual electoral registration was introduced in 2002.
- The earlier distribution of poll cards, from as early as 28 March, helped increase numbers registered.
- The number of postal and proxy votes applied for also increased.
- We ran a large-scale public awareness campaign from 25 March to polling day. It was supported by a telephone helpline which handled over 27,000 calls.
- Turnout at the Assembly election continued to decline, with just over 7% fewer people voting than in 2007.
- No problems were identified with voters having to produce photographic identification in polling stations.
- Overall, four in five voters interviewed for our public opinion survey said they were confident that the Assembly election was well run.

Informing electors

Public awareness campaigns

2.2 To increase public awareness of the elections and referendum we launched a multi-media public awareness campaign at the end of March 2011. This comprised television, radio, press, outdoor and online advertising. Although the campaign was designed and planned on a UK-wide basis it was amended where necessary to reflect the differences in Northern Ireland. For example, the campaign materials used reminded voters that photographic identification had to be presented at polling stations in Northern Ireland. The overall aims of our campaign were to ensure that electors:

- were aware that elections and a referendum were taking place on the same day
- knew what the elections and referendum were about
- had all the information they needed to be able to understand how to vote

2.3 The focal point of the campaign was the delivery of an information booklet to all 750,000 households in Northern Ireland. The booklet contained information about the elections and referendum, as well as key voter information on

registering to vote, absent voting and the forms of photographic identification acceptable in polling stations.

2.4 The campaign ran over two distinct phases. The first phase, which started on 25 March, alerted people to the fact that an information booklet was being posted to their home and that they should watch out for it. The second phase commenced two weeks before polling day, on 21 April, and reminded voters about the information booklet and what photographic identification they needed to bring with them to their polling station.

2.5 Research conducted after the campaign showed that two out of three adults had recognised some element of the campaign and that awareness of the elections and referendum increased as the campaign progressed towards polling day. For example, awareness of the Assembly election increased from 54% before the campaign launched to 93% after the campaign concluded. There were similar increases in awareness of the local council elections (63% vs. 96%) and the referendum (49% vs. 76%). Our campaigns coincided with increased media coverage of the May polls and the distribution of campaigning material from candidates and political parties. These activities will also have contributed to increasing awareness of the elections and referendum.

Helpline

2.6 Our public awareness campaign was supported by a helpline which was operated on our behalf by the EONI. For the first time a single dedicated helpline number was used on all advertising material. At previous elections the Commission and the EONI had used separate helpline numbers and the rationale for this had been questioned by some voters and political parties. The agreement to use one number on all campaign material was taken to lessen any potential confusion.

2.7 The helpline received a high volume of calls. From 21 March until polling day it received 27,886 calls of which 9,269 calls were made during the first week. The average daily number of calls dealt with by the helpline was 962. The number of calls was about the same as the number made in the run-up to the 2010 UK Parliamentary election when 26,413 calls were received.

2.8 The proportion of calls handled by the EONI was significantly in excess of the number handled by the Commission's call centre in Great Britain. It is unclear why so many people called the helpline. However, the fact that there were three polls on the same day, that poll cards were issued on the 28 March and that their distribution coincided with the delivery of our information booklets may have influenced the number of calls.

2.9 The largest proportion of enquires related to electoral registration, which accounted for 8,492 calls. This was followed by 6,700 relating to absent voting. The EONI reported that a large proportion of calls about absent votes were from people querying why they had received a poll card when they were on a permanent postal or proxy voter list. Although all electors legally should be sent

a poll card, the practice at recent elections in Northern Ireland has been to not send poll cards to permanent postal or proxy voters as it was assumed they would not be visiting a polling station. Given the number of calls to the helpline from permanent postal or proxy voters, we recommend that the Chief Electoral Officer (CEO) reviews the messaging on poll cards for future elections informing voters that he has a legal duty to issue a poll card to everyone eligible to vote.

Table 1: Enquires made to Northern Ireland helpline 21 March–5 May 2011

Nature of call	Number of calls
Electoral registration enquiry	8,492
Absent vote enquiry	6,700
Miscellaneous enquiry	4,159
Call abandoned	2,602
Poll card not received	1,089
Electoral ID card enquiry	988
Transfer	849
Staffing enquiry	805
Other enquires/hang-up/wrong number	2,202
Total	27,886

2.10 Not everyone who called the helpline got through first time and 2,602 calls were abandoned. The majority of these (1,456) were made during the first week of the campaign. Around 15% of the total calls received (4,159) were categorised as miscellaneous; the EONI advised us that the task of categorising all calls correctly was difficult because of the sheer volume of calls received. To cope with the increased demand the EONI requested additional resources from us and these were made available after the first week of the campaign. Within a couple of days the EONI had recruited two additional members of staff to cope with the demand and the problem was alleviated.

2.11 From a customer service perspective we recognise the importance of all calls made to the helpline being answered first time. We were therefore sorry that in the first week of the campaign so many callers could not get through because of demand. We will work with the EONI to ensure improvements are made for the next election. This will ensure that voters receive a high-quality service and the number of calls having to be abandoned is significantly reduced.

Party election broadcasts and media coverage

2.12 Section 11(3) of the Political Parties, Elections and Referendums Act 2000 (PPERA) specifies that the BBC must have due regard to the views of the Commission when determining policy on party political or election broadcasts. Section 333 of the Communications Act 2003 places a similar duty on the Office of Communications (Ofcom). The BBC sought our views about its planned allocation of party election broadcasts (PEBs) for the May polls, including those for the Northern Ireland Assembly.

2.13 The BBC and UTV agreed the allocation of PEBs in Northern Ireland through the Broadcasters' Liaison Group.¹ Parties in Northern Ireland currently qualify for a broadcast if they contest the election in three or more of the 18 constituencies. Consideration is also given to the level of past and/or current electoral support.

2.14 The Democratic Unionist Party, Sinn Féin, the Ulster Unionist Party and the Social Democratic and Labour Party were each allocated three broadcasts and the Alliance Party two. The Traditional Unionist Voice, the Green Party, UK Independence Party, the British National Party and the Socialist Party were each given one. This represented a decrease from the 2007 Assembly elections when the four largest parties were allocated four broadcasts each. The reduction for this election brought the parties in Northern Ireland in line with the number of PEBs allocated in Scotland and Wales. It also recognised that the main parties now receive a party political broadcast to coincide with their annual conference.

2.15 Both the BBC and UTV dedicated a significant proportion of air time to the elections and both held a number of question and answer sessions with candidates at different venues across Northern Ireland. They also hosted a leaders' debate with the main parties close to polling day. The audience share for both debates was reported as being low. Coverage from these set piece events tended to focus on issues to do with the Northern Ireland Assembly and there was not much discussion about local council issues or the referendum.

2.16 Media coverage of the May polls in Northern Ireland is reflected in the findings from the public opinion survey. Altogether, 80% of those interviewed said they had enough information to make an informed decision about how to vote at the elections. The corresponding percentage for the rest of the UK was 68%. Seventy per cent of people in Northern Ireland agreed 'there was a lot of media coverage about the elections'; the percentage of their counterparts saying this about the elections in Great Britain was 49%.

2.17 In total, 57% of those interviewed in Northern Ireland said they knew 'a great deal' or 'a fair amount' about the referendum compared to 67% in the rest

¹ For more information on the role of the Broadcasters Liaison group go to www.broadcastersliaisongroup.org.uk.

of the UK. Seventy per cent of people in the rest of the UK felt there was a lot of media coverage of the referendum; in Northern Ireland the percentage was lower at 59%.

Voting materials

2.18 The Chief Counting Officer (CCO) used the power provided by the Parliamentary Voting System and Constituencies Act to specify modifications to certain statutory voter-facing forms and notices to make them easier for voters to use or understand. The relevant forms and notices which were able to be modified included poll cards, postal voting statements, and guidance for voter notices inside polling stations. This meant that separate notices did not have to be duplicated and displayed for each election and the referendum.

2.19 For each of these forms and notices the CCO specified the wording to be used and provided printing specifications covering format and style requirements. These modifications were specified in line with the Electoral Commission's published 'Making your Mark' good practice design guidance for voter materials,² which was based on research conducted with voters and existing good practice for accessible communication.

2.20 The CEO decided to produce a combined poll card rather than have a separate one for each election and the referendum. Although slightly constrained by the space required for a map, showing the location of the elector's polling place, the poll card produced by EONI largely followed the CCO's template.

Early dispatch of poll cards

2.21 Poll cards were dispatched to those on the electoral register on 28 March and this action was instrumental in increasing the number of people registered to vote (see paragraph 2.35). This represented a significant departure from previous EONI practice as poll cards had previously been dispatched around 10 days before polling day. At these elections, the CCO for the UK-wide referendum issued a direction that all Counting Officers should issue poll cards by 28 March.

2.22 An important benefit of the early issue of poll cards was that electors were able to contact the EONI to notify them of a name or address change and have this new information included on the electoral register used on polling day. It also prompted those not on the electoral register in a household to take action to register in advance of polling day. The early dispatch of poll cards was also useful for alerting electors to the deadline for applying for a postal or proxy vote. Information about postal or proxy votes was not previously included on poll cards in Northern Ireland as by the time poll cards were issued the deadline for applying had passed.

² Available at www.dopolitics.org.uk/making-your-mark.

2.23 The early issue of poll cards presented a challenge to the Area Electoral Officers (AEOs) who were responsible for checking that the poll card maps were accurate for their constituencies. This activity coincided with the start of the nomination process for candidates and the AEOs were concerned that this would put them under additional pressure. While initially sceptical about the benefits of the early dispatch of poll cards the majority of AEOs interviewed after the elections acknowledged that this had benefited voters and in some respects had made their own jobs more manageable.

2.24 The CEO confirmed that 720 people were removed from the register after they had received a poll card. In most cases this resulted from the elector informing the EONI that they had changed address (as a result of the poll card being sent to their old address) but failing to provide sufficient documentary evidence of their new address before the registration deadline of 14 April. These voters had to be removed from the register and were unable to vote.

2.25 People were asked for their views about the early issue of poll cards. Sixty-one per cent expressed no great preference for receiving a poll card either early or late. Twenty-two per cent preferred receiving it some weeks in advance because it was a timely reminder of the upcoming election or it gave them additional time to apply for a postal vote. Sixteen per cent said they would have preferred to receive their poll card about a week before polling day as had previously been the case in Northern Ireland, saying this would have allowed less time to lose it and that it would have been a more immediate reminder that the elections were about to take place.

2.26 In general the main political parties supported the early dispatch of poll cards, particularly as it encouraged people to check if they were on the electoral register in advance of the registration deadline.

Ballot papers

2.27 The ballot papers used for Assembly and local council elections are prescribed in legislation. For the May polls the Assembly ballot paper was white, the local council paper buff and the referendum paper light grey. Although the Commission adopted user-testing with voters for the referendum ballot paper the paper was not tested alongside the Assembly and local council ballot papers.

2.28 Observers and party representatives who attended the Commission's post-election seminar said that on an individual basis the ballot papers were clear and easy to read. However, when the Assembly and local council ballot papers were placed side-by-side and viewed under poor-quality or fading light they were more difficult to tell apart. At future combined polls it is recommended that the CEO conduct user testing of the proposed ballot papers to alleviate the potential for any confusion. The Commission will do likewise in circumstances where we have responsibility for the polls.

2.29 The number of ballot papers spoilt at the Northern Ireland Assembly election was 12,369, almost double that when compared to the previous

Assembly election in 2007 (6,382). One possible explanation for this increase was the lack of information on the Assembly and local council ballot papers about which election the ballot paper related to. This caused confusion for some voters and a number were observed asking which ballot paper related to which election.

2.30 This omission appears to have resulted in preferences for the same party candidates being made across both ballot papers. For example, some electors marked 1, 2, 3 on the Assembly ballot paper and 4, 5, 6 on the local council ballot paper and vice-versa. This resulted in a significant number of ballot papers being rejected because no first preference was indicated. In our survey, 23% of those interviewed said they found it confusing which ballot paper to use, compared to 8% in Great Britain.

2.31 There is no provision in law to show on the ballot paper the name of the election being contested. In circumstances where elections are combined it would be helpful to the voter to have the official name of the election stated on the ballot paper. We recommend that the law be changed to permit the name of the election being contested to be clearly marked on the ballot paper when elections are combined.

Printing error on ballot paper

2.32 The Assembly ballot paper for the Lagan Valley constituency was printed with an incorrect emblem for an Assembly candidate standing for the Democratic Unionist Party. Before the mistake had been raised with the EONI, over 1,200 incorrect postal ballot papers were issued. The CEO informed the party of the printing error as soon as the problem was identified. He also advised all the candidates standing in the constituency that he intended to reissue a new postal ballot paper and apologised for the error.

2.33 The Democratic Unionist Party was critical of the EONI and was concerned that the error could have had a detrimental impact on the prospect of its candidate being elected given that elections using single transferable vote (STV) are sometimes decided by a small margin of votes. The CEO issued new Assembly ballot papers and a declaration of identity to those affected. The local council and referendum ballot papers were unaffected by the error. At the opening of postal ballot papers for Lagan Valley it was discovered that 65 of the ballot papers returned were those with the incorrect emblem. These had to be rejected as the ballot paper was invalid. The mistake had no effect on the outcome of the election (at which the Democratic Unionist Party candidate was elected).

Registering to vote

Registering close to polling day

2.34 A complete and accurate electoral register underpins all elections as inclusion in the register of electors is essential for people to be able to vote.

2.35 The deadline for registering to vote for the elections and referendum was Thursday 14 April 2011, 11 working days before polling day. People who registered between 10 March and 14 April (the 'late registration window') were required, in line with the usual provisions in Northern Ireland, to provide additional supporting evidence to support their application. If they applied during this period they were not able to apply for a postal or proxy vote as the deadline for absent vote applications was Monday 11 April 2011. Some potential voters continue to be disadvantaged by this provision. We believe that in the interests of participation in elections, the UK Government should review the deadlines for absent voting in Northern Ireland so that those who apply during the 'late registration window' can have an absent vote if they are eligible.

2.36 Altogether, 17,124 changes were made to the register before polling day comprising approximately 11,500 new registrants and 5,623 updates of information such as address or name changes. At the UK Parliamentary election in 2010 the equivalent number of additions and changes to the register during the period of 'late registration' was 8,136. At the European Parliamentary election in 2009 it was just over 5,600. The increase in 2011 is likely, in part, to be explained by the fact that poll cards were issued earlier and gave people more time to register or to update their registration details. In order to maximise numbers registered before polling day and to alert voters of the forthcoming election we recommend that the CEO, at all future elections, issues poll cards to electors at least four weeks before polling day.

2.37 In total, 1,631 people applied to be registered after the deadline for registration had expired. In most cases their names were added to the June 2011 register. On polling day presiding officers recorded a total of 691 people who tried to vote but were unable to do so because they were not registered. Those unable to vote were given an electoral registration form in the polling station and were asked to complete and return it to the EONI so that they did not miss their chance to vote at future elections.

Who could vote and numbers registered

2.38 To be eligible to vote in the Northern Ireland Assembly and local council elections a person had to be registered to vote, be aged 18 or over on polling day and be a British, Irish, qualifying Commonwealth³ or EU citizen. Citizens of EU member states (other than the UK, Republic of Ireland, Cyprus and Malta) could also vote in the Assembly and local council elections.

2.39 The total number of people eligible to vote was 1,210,009. This was an increase of 94,038 from the 2007 Assembly election and an increase of 114,458 from the 2003 Assembly election. It represented the largest number of people

³ Qualifying Commonwealth citizens are those who have leave to remain in the UK or do not require such leave.

registered to vote at an election in Northern Ireland since individual electoral registration was introduced in 2002.

2.40 A total 40,825 names had been added to the register from that used at the UK Parliamentary election in May 2010. The constituency with the largest eligible electorate was Upper Bann with 77,905 and the smallest was Belfast East with 61,263. The numbers registered to vote at each of the 18 Assembly constituencies are outlined in Appendix B.

2.41 The eligible electorate in Northern Ireland for the referendum was 1,198,966 and the franchise used was the same as that used for elections to the UK Parliament. This meant that overseas electors who could vote in UK and European Parliamentary elections could also vote in the referendum but not in the Assembly or local council elections. Citizens of EU member states (other than the UK, Republic of Ireland, Cyprus and Malta) could not vote in the referendum.

2.42 The register contained the names of 17,641 18-year-olds and demonstrates the success of the on-going schools initiative embarked on by the EONI following the introduction of the Representation of the People (Northern Ireland) Regulations 2008. This gave the CEO the power to require secondary schools to provide him with the name, address and date of birth of any pupil aged 16 years or over.

2.43 The introduction of the Representation of the People (Northern Ireland) (Amendment) Regulations 2010 extended this provision to cover institutions of further education from 2010. These changes in the law, which have facilitated data-matching under individual electoral registration, have been effective in addressing the decline in the numbers of young people registered. At the other end of the scale there were 230 people aged 100 or over on the register used for the Assembly election.

2.44 Seventy-seven per cent of those surveyed in our post-election survey said they were satisfied with the procedure for getting their name added to the electoral register in Northern Ireland.⁴ This was a reduction from last year when just over 82% expressed satisfaction following the 2010 UK Parliamentary election. We recommend that the CEO considers what further he could do to simplify electoral registration in Northern Ireland without compromising the security of the system.

⁴ It should be noted that no door-to-door canvass of electors has taken place in Northern Ireland since 2006, and therefore knowledge and recall of the procedure used for registering to vote is likely to have declined.

Absent voting

2.45 In Northern Ireland a person must give a valid reason when applying for an absent (postal or proxy) vote. Valid reasons include inability to attend the polling place due to illness, physical incapacity, absence on the day of poll due to work commitments or holiday arrangements. All applications are checked against the personal identifiers provided at the time of registration including date of birth and signature. The EONI managed the entire postal and proxy voting process for the Assembly and local elections and referendum.

2.46 The EONI issued 22,836 postal ballot packs, which represented 1.89% of the eligible electorate in Northern Ireland. Because a reason has to be given for why a postal vote has been applied for, the number issued in Northern Ireland was considerably lower than elsewhere in the UK. At the Scottish Parliament election 558,202 postal ballot packs were issued, representing 14.1% of the registered electorate. In the election to the National Assembly for Wales 394,191 packs were issued, representing 17.0% of the electorate.

2.47 While there has been no demand from the public or the political parties to make the absent voting system more accessible in Northern Ireland there has been a demand for more time to be given to apply for an absent vote. Given that postal voting on demand is available in Great Britain and individual electoral registration will be implemented there from 2014 it is recommended that the arrangements for postal voting in Northern Ireland are reviewed by the UK government with a view to ensuring consistency across the UK.

Applications rejected

2.48 Unlike at previous elections the EONI did not keep a full record of the total number of applications which were rejected or the reasons for this. However, a record was kept of the number of applications considered potentially fraudulent because the signature did not correspond with that given at the time of registering to vote. The CEO reported that 248 applications were rejected on this basis, up from 90 at the 2010 UK Parliamentary election. Full details of the number of postal and proxy applications rejected and the reason for their rejection provide important information for monitoring the postal voting process. We recommend that the EONI should record this information at future elections.

2.49 The rejection of postal vote applications because the signature did not correspond is a cause for concern. We were given anecdotal evidence at this election that some applications made by older people were rejected because their signature did not correspond with that provided when they registered to vote. The former CEO previously suggested that this was more likely to affect younger people because their signatures tended to change as they got older. Regardless of who is most disadvantaged by this we recommend that the CEO introduces a system whereby electors' signatures can be refreshed at a regular interval.

Number of postal votes issued

2.50 The number of postal votes issued for the Assembly election was 22,836 representing 1.89% of the eligible electorate. Of these, 17,723 (73%) were included in the count. This is an increase from the 2010 UK Parliamentary election when 16,001 were issued (1.37%) and the 2007 Assembly election when 19,846 (1.79%) were issued.

2.51 There was a considerable variation between constituencies in terms of the number issued. Fermanagh and South Tyrone again recorded the highest number (3,294) while Antrim East had the lowest (590). At the local council elections the number of postal votes issued was 22,778 (1.88%) while in the referendum, 22,815 (1.9%) were issued.

Number of proxy votes issued

2.52 There were 4,827 proxy voters appointed for the Assembly election (1,169 permanent and 3,658 temporary) which was almost in line with the number appointed in 2007 (4,820). The comparable figure for the referendum was 4,449 (1,150 permanent and 3,299 temporary). This equated to approximately 0.4% of the eligible electorate. The number appointed in Northern Ireland was just over double the percentage issued in Great Britain. The number of proxy voters almost doubled from the 2010 UK Parliamentary election when 2,109 were appointed (0.2%).

2.53 The increase in the number of postal and proxy applications may be accounted for by the earlier issue of poll cards and the inclusion, for the first time, of information on the poll card about how to apply for a postal or proxy vote.

Voting

Turnout and participation

2.54 Altogether 673,260 people voted at the Northern Ireland Assembly election on 5 May, representing 55.64% of the eligible electorate. This continued the trend of a declining turnout at elections and represents the lowest turnout to date for an Assembly election. In 2007, turnout was 62.9% and in 2003, it was 63.9%. Turnout at the local elections was 55.7% and for the UK-wide referendum it was 55.8%.

2.55 It is likely that turnout at the local elections and the referendum was boosted by holding both on the same day as the Assembly election. Twenty-three per cent of voters surveyed in our public opinion research indicated they would not have voted in the referendum if there had not been an election on the same day.

Table 2: Turnout at elections in Northern Ireland

Election	Turnout (%)
Northern Ireland Assembly 2011 (combined)	55.6
Local council 2011 (combined)	55.7
UK Parliament 2010	57.8
European Parliament 2009	42.8
Northern Ireland Assembly 2007	62.9
UK Parliament 2005 (combined)	63.5
Local council 2005 (combined)	62.9

2.56 As in previous elections turnout across the 18 Northern Ireland constituencies varied significantly. Highest was Fermanagh and South Tyrone (67.6%) and lowest was North Down (45.2%). At the local elections turnout also varied with, for example, Erne East in Fermanagh council area recording 76.1% and Abbey in North Down council having the lowest at 41.1%. Turnout by Assembly constituency is set out in Appendix B.

Photographic identification in polling stations

2.57 In Northern Ireland all electors must present a valid form of photographic identification at the polling station before being issued with a ballot paper. The identification does not have to be 'current' but the presiding officer must be satisfied that it is the identification of the person voting. For the first time the valid forms of photographic identification were harmonised for all elections.

2.58 There have now been eight elections in Northern Ireland since the introduction of photographic identification in 2002 and awareness levels remain high. While voters understand the requirement for photographic identification, they need to be consistently reminded to bring it with them on polling day. Although no official record was kept of the different types of photographic identification used, there was little evidence of voters being turned away for producing an incorrect form of identification. Some AEOs reported that a small number of voters produced a disabled parking 'blue badge' or a work pass. However, in most cases they were able to produce another form of identification that was acceptable.

2.59 Before polling day a Portuguese national living in Northern Ireland sought an application for leave to apply for a judicial review in respect of the requirement that photographic identification is required at polling stations in Northern Ireland. He claimed that the current requirements were discriminatory and breached European Treaty Regulations. He sought a ruling that would allow EU nationals to use their home nation identity card as proof of identification.

2.60 The judge refused the application on the grounds that no arguable case had been made. He said the applicant appeared to be seeking more favourable treatment than other voters living in Northern Ireland. He also commented that

the defendant had had the option of applying for an electoral identity card but had chosen not to do so.

Voter and non-voter views about the May polls

Voting

2.61 Findings from the public opinion survey revealed that the most common reason given for voting in Northern Ireland related to civic responsibility. This included such things like 'it is important to vote' or 'people have a duty to vote'. Over two-thirds (69%) of voters gave a 'civic' reason for voting, compared with 61% in Great Britain. Other reasons given for voting included being 'able to express a view on issues' (35%) and 'creating change' (10%).

2.62 The most common reason given by non-voters in Northern Ireland (37%) for not voting related to specific circumstances, such as 'being too busy to vote'. This response was more common among non-voters in England (53%), Scotland (58%) and Wales (53%). The next most common reason for not voting related to 'a lack of interest' or 'not being bothered' (30%). Respondents in Northern Ireland were more likely to express this view than their counterparts in England (19%), Scotland (16%) and Wales (20%).

Confidence

2.63 Overall, four in five voters (80%) were confident that the Assembly election was well run and non-voters were less likely to say they were confident (59%). The percentage of voters expressing confidence decreased from the 2010 UK Parliamentary election when 86% expressed confidence. The equivalent figure for how well the elections were run in England in 2011 was 88%, in Scotland 93% and in Wales 90%. More voters at polling stations in Northern Ireland thought that it took them too long to vote compared to voters in Great Britain (6% compared to 3%).

2.64 Altogether, 73% of voters in Northern Ireland expressed confidence that the referendum was well run, although when non-voters were included in the percentage figure it fell to 64%. The equivalent percentage among voters and non-voters in England was 72%, in Scotland 75% and in Wales 73%. The lower levels of voter satisfaction recorded in Northern Ireland are likely, in part at least, to have resulted from the media coverage of the counts which focused on their overall management and slowness. This issue is addressed in detail in Chapter 3.

Access to polling places

2.65 Three-quarters (76%) of those surveyed in Northern Ireland said that voting at a polling place is convenient. They were more likely to report convenience than those in Great Britain (71%). Nearly everyone (99%) interviewed in Northern Ireland said it was easy for them to get inside their polling station to vote.

Electoral fraud

2.66 Our post-election survey asked people for their views about electoral fraud. Seventy-seven per cent of those surveyed considered that voting in

general was safe from fraud or abuse, while 6% considered it unsafe. The findings are broadly similar to those recorded at the UK Parliamentary election in 2010.

2.67 Respondents were also asked specifically if they were concerned that fraud took place at the Assembly or local council elections in Northern Ireland. A quarter (26%) said they were either very or fairly concerned that it did. When respondents in Great Britain were asked about their elections a similar proportion (23%) expressed this view.

2.68 Although perceptions of electoral fraud have decreased in Northern Ireland over the last decade, there are still a significant proportion of voters who perceive levels of electoral fraud to be high. We will work with the CEO to consider what further action could be taken around instilling greater confidence and trust in the electoral process in Northern Ireland.

Comments received by EONI

2.69 The EONI had comment cards in all 1,424 polling stations. They received 1,091 comments highlighting a number of issues relating to polling day. There were 463 compliments about the voting experience; around half (229) of these made favourable comments about staff. Altogether 249 adverse comments were made about the voting experience. The majority (101) were about the ballot papers being confusing while others related to inadequate facilities for disabled/older people (39) and the location of polling places (20).

3 Delivering the election

3.1 This chapter gives an overview of the planning involved in combining and delivering three elections on the same day. It considers how well things were managed and what lessons can be learnt for future elections.

Key facts and figures

- Planning and managing three polls on 5 May presented a major challenge to the Chief Electoral Officer (CEO) and his colleagues in the Electoral Office of Northern Ireland (EONI).
- Altogether, 1,424 polling stations were used and around 6,000 part-time staff were recruited and trained to work on polling day and at the counts.
- Polling day passed off without any security interruptions and there were no queues outside polling places at the close of poll.
- Although the Assembly counts took no longer than usual they were criticised for their slowness and the length of time it took to announce turnouts and the first preference totals.
- The referendum count was badly managed and the Northern Ireland total was not announced until 2am on 7 May.

Planning and organisation

Elections and Referendum Steering Group

3.2 The Commission established an Elections and Referendum Steering Group (ERSG) to coordinate and monitor the planning and delivery of the 2011 elections and referendum. It provided a forum for raising and considering issues of common concern and ensuring that, as far as possible, a consistent approach to delivery of the elections and referendum was adopted across the UK.

3.3 The group comprised the UK's 11 regional Counting Officers (COs) and the CEO as the CO for Northern Ireland; the Electoral Commission; and representatives from the UK Government, the Welsh Government, and the Association of Electoral Administrators. It was chaired by the Commission's Chief Executive, and met monthly between September 2010 and April 2011. The terms of reference of the ERSG can be found at www.electoralcommission.org.uk/elections/elections-and-referendums-working-groups.

3.4 The steering group was supported by the Elections, Referendums and Registration Working Group drawn from members of electoral service teams across the UK. Its terms of reference included:

- providing advice and support in the development and delivery of referendum and election instructions, guidance and resources
- responding to issues raised by the ERSG
- articulating the needs of electoral administrators in the UK and
- enabling effective communication between the Commission and the Chief Counting Officer (CCO), and those involved in planning and delivering the May polls

3.5 Although invited to send a representative to this group the CEO decided that his attendance at the ERSG should be sufficient.

Northern Ireland Elections Planning Group

3.6 To ensure local delivery the CEO set up an elections planning group to oversee the management of the elections and referendum in Northern Ireland. As well as senior staff in the EONI it comprised representatives from local government and the Northern Ireland branch of the Society of Local Authority Chief Executives and Senior Managers (SOLACE). Representatives from the Electoral Commission also attended in an observer capacity. Among the issues addressed were allocation of costs and the arrangements for polling day and the count.

Northern Ireland Communications Sub-Group

3.7 At our request the CEO established a communications sub-group to consider key communication issues ahead of the elections and referendum. The group comprised representatives from the Commission, the EONI and a representative from the Northern Ireland Information Service, who provided media and PR support to the CEO. Setting up the group helped the CEO and his colleagues understand our public awareness strategy for the May polls, including management of the helpline. It also provided a local forum whereby the CEO, in his role as CO for Northern Ireland, would have an understanding of how the Northern Ireland referendum totals were to be collated and communicated to the central count venue in London.

Performance monitoring

3.8 We also set up a monitoring framework to review the CEO's plans for the elections and to ensure that the CCO's directions for the referendum were complied with. The directions covered a number of areas including planning and organisation, administering the polls, absent voting, verification and the count. The aim was to ensure consistency of approach across the UK. The CEO also provided us with a copy of his project plan and risk register. Both documents were updated by the EONI on a regular basis and we reviewed them fortnightly at monitoring meetings with the CEO.

3.9 Compliance with the CCO's directions was monitored over a five week period in the run up to the polls. The monitoring covered all the areas set out in

the CCO's directions. It required the CEO to provide information on a range of issues, including the numbers of count and verification staff to be deployed, the date that poll cards were issued, the printing of ballot papers and the arrangements for storing ballot boxes overnight. The CEO co-operated in the monitoring process and returned the information requested to the CCO in a timely manner.

Training for the May polls

Delivery of poll staff training

3.10 The Commission and the EONI jointly produced a polling station handbook and a 'quick guide' for use by poll staff. These were handed to staff at the end of the training events that Area Electoral Officers (AEOs) organised across Northern Ireland. The 'quick guide' was also included in each presiding officer's pack of information for use on polling day. We also produced a pictorial guide to assist staff in the adjudication of doubtful ballot papers for both the elections and referendum.

3.11 Each AEO was responsible for delivering training in their geographical area. They also trained their own staff on the nominations process, the processing of absent vote applications and the count. Altogether AEOs conducted 171 training sessions in the run-up to polling day and trained almost 5,000 staff to work as presiding officers and poll clerks. In most cases presiding officers and poll clerks were trained separately.

3.12 AEOs were responsible for developing the training material, which included a tailored PowerPoint presentation, a written test for presiding officers and an evaluation form for completion at the training. This was the first time that a test had been developed for presiding officers in Northern Ireland. Candidates were asked 25 multiple choice questions based on the PowerPoint presentation and were graded according to their score. Those achieving less than 50% were considered not to have met the standard for presiding officer but were offered poll clerk positions.

3.13 The maximum fee payable to a presiding officer on polling day was £295. However, the CEO decided that the full fee should only be paid if four essential tasks were completed properly on polling day. These were the safe return of the marked register and the corresponding numbers list, a fully completed polling station log and a correctly completed ballot paper account. It later transpired the layout of the ballot paper accounts used at training was different to that actually used on polling day. At the training AEOs informed the attendees that the poll clerk fee (£207) would be paid to presiding officers who failed to complete the four essential tasks in a satisfactory manner.

3.14 Those attending training sessions were asked to complete a simple evaluation form about their experience and what they had learnt at the training. The majority of those who attended rated the content of the training as good with only a small proportion rating it as either average or poor. Positive aspects of the training included the practical completion of forms and documentation,

the use of hand-outs and the question and answer session. Suggestions for improvement included a greater emphasis on role play, the need for smaller and more focused training sessions and posting out written material in advance of the training session.

Rehearsal for the referendum count

3.15 As the CO for the referendum the CEO was expected to take part in a UK-wide rehearsal on 8 April. The purpose of the rehearsal was to ensure the effective collation of referendum totals across the UK. The date had been agreed at a meeting of the ERSG of which the CEO was a member. After the date was agreed we were advised by the CEO that AEOs were unable to take part because the date coincided with the close of candidate nominations. On the day of the planned rehearsal the CEO also had to withdraw following a threatened judicial review in respect of a local council candidate's nomination. In the absence of the CEO and AEOs the rehearsal was managed by EONI's Information Officer.

3.16 A key objective of the rehearsal was to ensure that the channels of communication, including email, telephone and fax all worked satisfactorily from each count venue. While this aspect of the rehearsal was successful the CEO acknowledged that it was artificial in that AEOs were not directly involved, that the information was conveyed by staff who would not be working at the counts and, in reality, count totals would be sent to the regional hub at the King's Hall rather than the EONI head office where the rehearsal took place. Given these shortcomings and to mitigate against problems arising at the counts the CEO gave the Commission an undertaking that all issues in respect of the collation of the referendum count totals would be addressed with AEOs in advance of polling day.

3.17 Following the rehearsal on 8 April, Electoral Commission staff met the CEO and EONI staff on two occasions at the King's Hall. This was to ensure that all the necessary IT equipment worked and that there was a good internet connection to receive verification and count totals. The CEO did not arrange a separate rehearsal with the AEOs in advance of 5 May although he liaised with them on an individual basis.

Polling day

Issues arising on polling day

Polling stations

3.18 The CCO directed that no polling station across the UK should have any more than 2,500 electors allocated to it. In terms of staffing the ratio was to be one presiding officer and one poll clerk for up to 750 electors. An additional poll clerk was to be appointed for stations with up to 1,500 electors. In Northern Ireland the CEO allocated one presiding officer and three poll clerks to each polling station. This was to ensure that all three polls could be managed effectively and to alleviate any possibility of queues developing at busy times.

3.19 In total, 623 polling places were used on polling day comprising 1,424 polling stations and 4,272 ballot boxes. This equated to an average number of electors allocated to each polling station of around 843. No polling station had in excess of 1,500 electors allocated to it. The polling station with the largest number of electors was in Belfast North (1,313) and the lowest was 89 on Rathlin Island in the North Antrim constituency. Around 2 million ballot papers were issued on 5 May.

Canvassing outside polling stations

3.20 On polling day and at the post-election seminar a number of political parties and candidates raised the issue of canvassing outside polling places and sought clarification from the CEO. At some polling places canvassers were allowed to stand outside the door of the building while in other areas they were not permitted to enter the grounds at all. Confusion seems to have arisen from the 2010 UK Parliamentary election when the previous CEO defined the polling place as the rooms being used for voting and not the entire building. There was inconsistency in how presiding officers interpreted this, resulting in party workers becoming frustrated at the ambiguity of interpretation. We recommend that the CEO clarifies this matter for the next set of elections and ensures the issue is addressed in presiding officer training.

3.21 At the post-election seminar the need for an exclusion zone around polling places was raised by some parties. This would prohibit parties and candidates canvassing within the zone on polling day. In its report on the 2003 Assembly election,⁵ the Office for Democratic Institutions and Human Rights at the Organisation for Security and Co-operation in Europe (OSCE) recommended that campaign activities should be restricted on polling day and be prohibited within a certain distance from the entrance of a polling place.

3.22 The CEO supports the idea of an exclusion zone and intends raising it with the government with a view to having the law changed. While no evidence was brought directly to the Commission that this was an issue for voters on 5 May, it had been highlighted by some groups in the past as an area of concern. In the event that the law remains unchanged we recommend that the CEO work with the political parties in developing a voluntary code of practice on canvassing outside polling places and have this in place for the next election in Northern Ireland. We would be happy to facilitate the political parties and the CEO in developing a code of practice.

Polling Agents

3.23 The function of a polling agent in the UK is to identify the electoral offence of personation and to bring it to the attention of the presiding officer. Polling agents are legally entitled to be present in the polling station to aid in the detection of personation. To assist in this polling agents mark off on their copy of the register voters who have been issued with ballot papers. Agents leaving

⁵ The full report is available at www.osce.org/odihr/elections/uk/19324.

the polling station during the hours of polling must leave their copy of the marked register behind to ensure that the secrecy of the poll is not breached.

3.24 The behaviour of some polling agents at elections in Northern Ireland has been highlighted in previous Commission election reports as being an impediment to the smooth running of the polls. It has also been alleged that some polling agents, on occasions, have transmitted information outside the polling place on who has voted. This information is then used by party workers at a local level to encourage potential supporters to turn up and vote.

3.25 The requirement for photographic identification in Northern Ireland has largely made the role of polling agents redundant. We are not aware that any polling agent raised concerns about the identity of voters with presiding officers at the polls on 5 May. Although present at a significant number of polling stations, we received no complaints directly about their behaviour; the EONI received seven adverse comments about polling agents on polling day. However, there is ample anecdotal evidence that many voters perceive their presence as unhelpful and unnecessary.

3.26 Given that photographic identification is a legal requirement for use at elections in Northern Ireland we recommend that the UK Government consult the parties across the UK on the future of polling agents with a view to having their role abolished or modified.

The counts

The process of verification

3.27 There are two stages to the counting of votes at elections and referendums. The first stage is known as verification and this is followed by the actual counting of the ballot papers. Verification is the process used for checking that the number of used and unused ballot papers matches the number of papers recorded on the ballot paper accounts. If the number of used or unused papers does not match, the variance must be identified and explained. The process of verification has two separate parts. The first involves checking the unused ballot papers against the returned ballot paper account to ensure there are no discrepancies and that the paperwork has been completed correctly. The second part involves checking the used ballot papers against the ballot paper account and again explaining any discrepancies. This process is essential for ensuring transparency and confidence in the count. It also safeguards the integrity of the count in the event of a legal challenge.

3.28 The ballot papers for the Assembly, local councils and the referendum were verified together as set out in legislation. It was therefore imperative that verification was completed in its entirety before any count commenced. In Northern Ireland no counts started until verification of all three polls was completed.

Timing and location of counts

3.29 Following consultation on the timing of the referendum count the CCO issued a UK-wide direction in respect of verification and the count. It was determined that the verification stage of the referendum count should be completed by 1pm on Friday 6 May and that the count should start across the UK at 4pm. No time was specified for completing the count but the expectation was that it would be concluded by around 10pm on 6 May.

3.30 The arrangements for the referendum count were agreed on the understanding that the Northern Ireland Assembly count would take place as usual the day after the election and that the referendum count would not hold up the Assembly counts. The CEO had directed that the local election counts should start on Monday 9 May.

Eight count venues

3.31 After taking advice from experienced AEOs the CEO decided that counts in Northern Ireland would be managed from eight count venues as had been the case at the 2010 UK Parliamentary election and at previous Assembly elections. The only venue that was different from 2010 was the count for Foyle and East Londonderry, which was moved from the Templemore Sports Complex to Lisneal College. This change followed a security review by the Police Service for Northern Ireland (PSNI) after disruption had been caused at the 2010 count when a bomb exploded outside the complex and another device was found inside the premises at a later date. We had asked the CEO to consider counting the Northern Ireland referendum totals at a central location. However, following discussion with the AEOs and confirmation from them that they could cope as long as they had the necessary resources, the CEO agreed the eight count venues as the preferred option.

Exemption to the CCO's direction

3.32 To meet the CCO's timings the CEO decided that the unused ballot papers would be verified overnight on 5 May and that verification of the used ballot papers would start at 8am on 6 May. However, after reflecting on the size of some venues, the potential for security issues to arise and the number of people who would require access, the CEO applied to the CCO for an exemption to the 1pm deadline for completion of verification. He was satisfied that if he had more time to verify the referendum count in Northern Ireland it could start at 4pm.

3.33 The CEO wrote to the CCO on 14 March requesting an exemption from completing verification in Northern Ireland by 1pm on 6 May. He explained in his application that the reason he needed an exemption was because space restrictions would make it difficult to meet the 1pm deadline at some venues. In his letter of application the CEO outlined the steps he would take to comply with the CCO direction including verifying the unused ballot papers overnight, starting verification of the used ballot papers at 8am on 6 May and maximising the number of staff to complete the process.

3.34 Following consideration of the application the CCO granted the exemption on 14 April 2011. In her response the CCO noted that although the request for the exemption related to Northern Ireland as a single voting area, the additional material provided in support of the application stated that the potential problem was limited to a number of count venues. Those highlighted as problematic by the CEO were Lisneal College, Banbridge, Newtownabbey and Omagh.

Table 3: Count Venues used at the May 2011 polls in Northern Ireland

Constituency	Count venue
Belfast East North Down Strangford	Ards Leisure Centre, Newtownards
Belfast North East Antrim South Antrim	Valley Leisure Centre, Newtownabbey
Belfast South Belfast West	King's Hall Complex, Belfast
East Londonderry Foyle	Lisneal College, Londonderry
Fermanagh & South Tyrone West Tyrone	Omagh Leisure Centre, Omagh
Lagan Valley South Down	Lagan Valley Leisureplex, Lisburn
Newry and Armagh Upper Bann	Banbridge Leisure Centre, Banbridge
North Antrim Mid-Ulster	Seven Towers Leisure Centre, Ballymena

Verification of unused ballot papers

3.35 Verification of the unused ballot papers in a systematic manner was first introduced in Northern Ireland at the 2010 UK Parliamentary election. Prior to this the usual practice was for unused ballot papers to be checked only where a specific problem arose during verification. AEOs and some count controllers were of the opinion that full verification of the unused ballot papers served no meaningful purpose and delayed the start of the count.

3.36 Complete verification requires that both the used and unused ballot papers are verified and is a legal requirement at all UK elections. It ensures that the integrity and transparency of the count is maintained and is an integral part of completing an accurate count. We recommend that the CEO continues to ensure that full verification is conducted as the law dictates at all elections in Northern Ireland. Count staff should also be trained to understand why verification of the unused ballot papers is an integral part of the count process.

3.37 The overnight verification of the unused ballot papers at most count venues took much longer than planned and a number of reasons have been put

forward for this. At the close of poll presiding officers were responsible for completing a ballot paper account for each poll. They had to put all other official documentation into specified envelopes and package up other material including used and partially used corresponding number lists, used tendered, unused and spoilt ballot papers. AEOs reported that in many cases the documentation for each poll, which should have been kept separate, was put together and was sometimes mixed with waste materials from polling stations. This necessitated staff at the count venues having to spend a long time sorting out the returned material. In addition, some unused ballot books for the local elections had fallen apart, making the reconciliation of ballot paper accounts a more difficult and time-consuming task.

3.38 Despite these difficulties the majority of AEOs completed the task of verifying the unused ballot papers overnight and were ready to make a start on verifying the used ballot papers in at least one of their constituencies by 8am on Friday 6 May. However, in the King's Hall staff did not get the overnight verification completed for any constituency and the verification of the unused ballot papers was not completed until 10:30am on 6 May. The reason for this was that not enough staff had been deployed to complete the verification of the unused ballot papers overnight. Some of those tasked with this responsibility had to leave to get some sleep as they had been working since 6am on polling day. The delay in starting the verification of the used ballot papers in the King's Hall had a significant knock-on effect on starting the Belfast South and Belfast West counts. This delay and the failure to explain it created frustration for many party representatives, candidates and agents, who had been told to be there for an 8am start to the count.

Verification of used ballot papers

3.39 Verification of the used ballot papers is a key part of the count process and it must be completed in an open and transparent manner. This means that those entitled to be present can observe the proceedings from start to finish. To facilitate this, the CEO considered the capacity at each venue and a health and safety audit was conducted at each. In seven of the eight venues he concluded that the verification process should be completed consecutively on a constituency by constituency basis. The exception was the King's Hall, which had sufficient floor space to verify concurrently. The timetabling of the verification process at the count venues allowed room for all candidates, agents and others to attend the verification for their constituency.

3.40 This arrangement worked better in some count centres than others and there were reports of queues developing outside some venues at 8am. A number of candidates and agents expressed disappointment that they missed the start of the count. This problem was later addressed by starting the checking of those entitled to attend well in advance of the next constituency's verification process starting.

3.41 Verification started in most count venues at 8am on 6 May, or shortly after, but it took much longer to complete than anticipated. As a result, counts in many venues did not get underway until late in the afternoon or early evening. For example, the count in the King's Hall did not start until 6:30pm and in the Seven Towers Leisure Centre until 6pm. Banbridge Leisure Centre and the Valley Leisure Centre were the only count venues that met their estimated time for completing verification. The exemption granted by the CCO to complete verification after 1pm on 6 May did not extend to the actual counting of votes in the referendum. The CEO, in his role as CO, was still expected to start the referendum count at all venues at 4pm in line with the rest of the UK. The table below outlines the estimated time of completion and the actual time taken to verify the ballot papers.

Table 4: Estimated time and actual time of completion of verification at each count centre

Count centre	Constituencies	Estimated time of completion	Actual time of completion
Ards Leisure Centre, Newtownards	North Down	10:00	10:45
	Strangford	11:45	13:00
	Belfast East	13:15	16:15
Banbridge Leisure Centre, Banbridge	Upper Bann	10:30	10:45
	Newry & Armagh	13:30	13:45
Kings Hall, Belfast	Belfast West	12:00	18:30
	Belfast South	12:00	15:50
Lisburn Leisureplex, Lisburn	Lagan Valley	10:30	11:00
	South Down	13:45	13:45
Lisneal College, Londonderry	Foyle	10:30	11:30
	East Londonderry	14:00	15:00
Omagh Leisure Centre, Omagh	West Tyrone	11:00	12:30
	Fermanagh & South Tyrone	15:00	16:45
Seven Towers Leisure Centre, Ballymena	North Antrim	11:00	13:30
	Mid-Ulster	14:30	18:30
Valley Leisure Centre, Newtownabbey	East Antrim	10:30	11:00
	South Antrim	13:00	13:30
	Belfast North	15:30	15:45

3.42 There was evidence that a large number of ballot paper accounts were not completed accurately. At the King's Hall 16 referendum ballot boxes were returned to the count centre without any documentation attached to the front of them. This had implications for the time taken to complete the verification and count in the King's Hall.

3.43 Most presiding officers appointed to work on polling day claimed on their evaluation form that they would be capable of applying the knowledge learnt at training. Evidence from the verification process suggested otherwise and a significant proportion of presiding officers had not completed the ballot paper accounts properly, nor had they followed the instructions about what to do at the close of poll.

3.44 AEOs who managed the counts estimated that up to a third of ballot paper accounts had errors. AEOs attributed some of the difficulties to the design and volume of the paperwork that had to be completed at the close of poll. Given these difficulties we recommend that the EONI review the design and content of the documentation used at the close of poll with a view to simplifying it for use at future single and/or combined polls.

3.45 Although there were significant errors in the paperwork the CEO decided not to reduce the fee paid to any presiding officer for failing to meet the four essential tasks for which they had received training (see paragraph 3.13). He based his decision on the fact that the layout of the ballot paper account used at the training was not the same as the one used on polling day and also that there were three polls to manage on the same day. He concluded it would have been unfair to penalise them.

Count staff

3.46 The number of staff allocated to each count venue was left to the discretion of the AEOs. There was limited input from the CEO on the optimum number of staff to use, primarily because numbers were determined by the size of the venue and the number of people who could be safely accommodated. At future elections it would be important for the CEO to review each AEO's plans for the count thereby ensuring a consistent approach is adopted for staffing counts.

3.47 Almost 200 staff were used at the eight venues to oversee the arrival of the ballot boxes and to verify the unused ballot papers for the elections and referendum. On 6 May 1,585 staff were used to verify and count the used ballot papers at the eight venues. Staff numbers varied with those counting more than two constituencies having more staff. For example, the Valley Leisure Centre, which was used to count three constituencies, had 263 staff whereas the King's Hall had 180 staff for counting two constituencies.

3.48 The number of staff used for the Assembly counts varied between 6 and 7 May. For example, the King's Hall had 132 staff on both days whereas the numbers in Lisneal College decreased from 141 to 105 for the second day, and in Omagh Leisure Centre the number decreased from 140 to 88. These reductions were planned by the AEOs given that fewer people are needed on the second day of single transferable vote (STV) counts. The number of count staff for the referendum also varied with a total of 418 used across the eight venues. The Seven Towers Leisure Centre used 31 staff for the referendum count while there were 63 in the Kings Hall and 52 in the Valley Leisure Centre.

3.49 All count staff were initially used to verify the ballot papers for the Assembly, local council and referendum. Once verification was completed, staff were split into their pre-determined numbers to count the Assembly and referendum ballot papers. At the completion of verification the local council ballot papers were returned to their ballot boxes and were removed by council staff to their respective count venue for counting on Monday 9 May. After the election some council election staff expressed the view that they were uncomfortable with the direction from the CEO not to verify their own ballot papers given that they had overall responsibility for conducting their counts. It is understood that some councils spent some time going over the verification process and paperwork before starting their counts.

Staff failing to show up

3.50 Some AEOs reported that a number of count staff dropped out on the morning of the count. For example, 45 staff failed to show at the Valley Leisure Centre and 33 did not turn up to the Lagan Valley Leisureplex. One AEO reported that 30 staff dropped out the week before the count with the result that there was insufficient time to recruit and test replacement staff. While it is unclear why so many failed to show it is imperative at future elections that steps are taken by the EONI to better manage the staffing of counts.

The counting of votes

Assembly counts

3.51 All counts for the Assembly elections got underway as soon as the verification process concluded. The only counts that did not extend into two days were those in Banbridge Leisure Centre, which concluded in the early hours of Saturday morning. The final constituency to declare was Strangford at 9:30pm on Saturday. There was no correlation between the time taken to complete the counts and the number of candidates standing. The number of stages also varied with as few as four required in some constituencies and up to 12 in another. Once the counts for the Assembly election got underway no significant issues arose that delayed the smooth running of the counts.

Table 5: Summary of votes polled, count stages and total time taken to complete the count

Constituency	Votes polled	Valid votes	Number of stages	Number of candidates	Total time taken (approx. hours)
Belfast East	32,828	32,347	11	17	19
Belfast North	34,280	33,470	7	11	14
Belfast South	32,752	32,308	5	14	17
Belfast West	35,618	34,645	11	14	23
East Antrim	29,430	29,023	10	13	21
East Londonderry	35,303	34,722	7	12	16
Fermanagh & South Tyrone	48,949	47,999	6	11	17
Foyle	39,686	38,847	7	12	19
Lagan Valley	35,842	35,487	7	11	15
Mid-Ulster	43,522	42,738	7	13	16
Newry & Armagh	47,562	46,514	6	11	14
North Antrim	40,983	40,313	9	11	23
North Down	28,528	28,098	11	13	19
South Antrim	32,652	32,164	4	10	10
South Down	42,551	41,726	9	11	16
Strangford	30,186	29,668	6	11	13
Upper Bann	43,113	42,362	7	12	15
West Tyrone	40,323	39,303	5	11	18
Total	674,108	661,734	134	218	305

3.52 While the media and others perceived that the 2011 counts lasted much longer than at previous Assembly elections the reality was that it took no longer. What was different was the time it took to complete verification, provide turnout figures and to conduct the tally of first preference votes.

Referendum counts

3.53 Although the CCO had directed the CO that the referendum count start at 4pm this did not get underway in Northern Ireland until later. This was because AEOs had not sent verification totals to the CO at the King's Hall where the eight count totals were being collated. This meant that the CO could not confirm the verification figure for Northern Ireland with the Deputy CCO as the process required. At the request of the Deputy CCO the CO phoned the AEOs and told them not to start the referendum count until they had sent through their verification total and it had been checked.

3.54 Following further contact between the CO and the Commission the CO and the EONI Information Officer between them contacted the AEOs at 4:50pm and told them to proceed with the referendum count. It was not until after 10pm when the last of the verification statements was faxed to the CO. Some AEOs were slow to react to the instruction to start the referendum count with the result

that it did not get underway in some venues until after 6pm, two hours after it should have started.

3.55 It was clear that some AEOs or the person delegated by them to manage the referendum count were unaware that they had to send their verification totals to the King's Hall by email or fax. Most were under the impression that a verbal communication was sufficient. There was also no understanding that the failure to send through verification totals meant that the announcement of the overall turnout figure for the UK referendum could not be made at the central count hub in London. When the turnout figure was announced on the night the percentage figure given had to be for Great Britain only.

3.56 It was not until 2am on Saturday 7 May that the CO was able to confirm the Northern Ireland referendum total. This was around four hours after the rest of the UK had provided their totals to the CCO. By that time the King's Hall was deserted and there was no media present to record the total being announced.

Views of the CEO and AEOs

3.57 After the events of 6 May the AEOs and the CEO identified a number of factors which they considered contributed to problems with counting the ballots for the Assembly elections and the referendum. These were:

- The EONI count manual and related paperwork, which covered both the elections and the referendum, was issued to AEOs either on polling day or a few days beforehand. This gave AEOs very little time for the contents to be read and understood.
- Staff not turning up for some counts slowed progress.
- The poor quality and lack of experience of some staff employed to work at the counts.
- The unsuitability of a number of the count venues to handle three counts on the same day.
- The poor quality of paperwork returned by some presiding officers after the close of poll and the number of errors identified, which further slowed progress.
- The quality of IT in place at some count venues slowed communications with the King's Hall.

3.58 The CEO acknowledged that the EONI count manual, which covered all three polls, was late in being sent out. The reasons for this were that staff were under pressure preparing for three polls, and that an AEO had to withdraw because of family circumstances and had to be replaced by an Assistant Chief Electoral Officer. At the same time the other Assistant Chief Electoral Officer was mentoring an inexperienced AEO who had to manage three constituencies.

3.59 At the post-election seminar local council representatives also complained that documentation from EONI for their elections was delivered too close to polling day.

3.60 The CEO said that the volume of training that the AEOs had to deliver for the combined polls placed a considerable burden on them. He concluded that this was a contributory factor in the tiredness and fatigue experienced by them on polling day and at the count. He also believed that too much reliance was placed on a small number of core staff at the election and the work needed to be better distributed. The staff group most affected by having to work long hours were AEOs, who were responsible for the delivery of every aspect of the election including training, polling day and the count. Some AEOs worked for up to 72 hours with very little sleep.

3.61 While the commitment of AEOs is commendable it is unsatisfactory that the management of the EONI permit key staff to work such long hours in what is the management of a highly pressurised and politically sensitive public event. To avoid future difficulties we recommend that the working practices surrounding the management of elections be reviewed and the role of AEOs clarified. Consideration should be given to some AEOs being assigned to performing duties on polling day and others being allocated to the management of counts – but not both.

3.62 With regards to the training of presiding officers the CEO acknowledged that training was not as effective as it should have been and there is a need for greater consistency of training with accredited trainers taking the lead. We recommend that the CEO review how training is conducted in advance of the next set of elections. Other models should be explored for delivering training including outsourcing it, using experienced senior presiding officers to assist with training smaller groups and developing online training materials.

3.63 At a number of counts, party representatives queried why election counts could not be conducted at venues within each constituency rather than holding two or three counts in venues a long distance from some constituencies. This had been raised at the 2007 Assembly election when the CEO at the time explained that he did not have sufficient AEOs to act as Deputy Returning Officers.

3.64 At the post-election seminar the CEO gave a commitment to carrying out a full review of the arrangements in place for managing elections and conducting counts in Northern Ireland. He said he intended to start the review in mid-September 2011 and have it completed within a year. He confirmed that he would explore the potential for increasing the number of count venues thereby allowing each Assembly constituency to be counted separately. We recommend the CEO include this issue in his review of the 2011 polls with the aim of having new arrangements in place in advance of 2015, when there will be two less constituencies in Northern Ireland. In the interests of transparency we recommend that the report into the strategic review of elections and the count be published and shared with political parties and other key stakeholders.

3.65 The CEO also announced at the same seminar his intention of exploring electronic counting for future Assembly elections. He intends consulting the political parties and other stakeholders on the issue. We will work with the CEO

in addressing count issues in Northern Ireland with the aim of improving the effectiveness of the count model used at STV elections.

The Commission perspective

3.66 From the Commission's perspective it was clear that a number of factors contributed to the difficulties encountered by the EONI. There was evidence that insufficient planning had gone into how the counts should be managed and this was particularly the case with the referendum count. The suggestion, from the Commission that the referendum count be conducted in a central venue under the management of an experienced electoral administrator did not find favour with a number of AEOs. The CEO's decision was taken without consideration of the wider implications of using eight count venues and this was regrettable. However, given that the CEO was relatively new to the role it was not surprising that he relied on the past experience of AEOs to guide him, albeit their experience was limited to elections and not UK-wide referendums. A number of AEOs later acknowledged that the count venues were far from ideal.

3.67 In the run-up to the May polls there was evidence of poor communication from the EONI head office. The limited input of the CEO in the UK-wide rehearsal on 8 April, though understandable, and the non-involvement of AEOs were factors in their lack of understanding of what was required of them. It was unfortunate that too little was done to compensate for the fact that the CEO and AEOs had not participated in the rehearsal. The importance of getting the referendum count started on time, verifying count totals and transmitting these to the King's Hall was not understood by AEOs or effectively communicated to them. While the late distribution of the count manual will have contributed to this, the lack of overall planning for how the referendum count would be managed was a critical factor in the length of time taken to complete the count. We expect the CEO to address all of these issues in his strategic review of election planning.

3.68 On the first evening of the count there was evidence of poor communication channels in operation between the CEO and each of the count venues. Although the CEO used his mobile phone to contact AEOs this often proved unreliable because of poor signal coverage at some count venues. All count venues had access to a landline, internet and fax. However, in some cases no arrangements were made with the venue management to access this technology. Better use of technology such as BlackBerrys or wireless internet access could have greatly enhanced communication between all of the count venues and may have alleviated some of the problems that occurred during the count.

Transparency and understanding of the count

3.69 There continued to be a lack of transparency and understanding about STV counts in Northern Ireland. This was not helped by the fact that the provision of information on the progress of counts remained inconsistent. Observers commented that some AEOs did not use the PA system to make

announcements at the start of proceedings or to explain how the verification and count were progressing. Plasma screens were strategically placed in count venues to provide information on each stage of the count but they were often not updated or were updated long after the results were known.

3.70 The issue of transparency and the provision of up-to-date information were addressed very effectively by Belfast City Council through the use of its website and social media tools. Real-time updates on each stage of the count were published on the council's website, Facebook and Twitter. There is an obligation on EONI to keep the public informed about the progress of the counts and to embrace new technology for future elections. We recommend that this issue is addressed for the next set of elections in Northern Ireland.

The media and the count

3.71 Following the election we sought the views of the two main broadcasters in Northern Ireland, the BBC and UTV, about their experiences of covering the election counts. Both were critical of the length of time taken to complete the counts and with the lack of information made available as the counts progressed. Inconsistency between how media liaison officers performed their duties and what experience they had in fulfilling this role was highlighted. Some who were recruited as freelance media liaison officers did a reasonable job in conveying information while others appeared to have no knowledge of the count process. It was claimed that some media liaison officers avoided the media so that they would not have to answer any questions about what was happening.

3.72 One broadcasting organisation claimed that some AEOs resented having to deal with the media and had no interest in their requirements. In response AEOs felt that the media had too high an expectation and had commenced their coverage of the count much too early in the day. However, some AEOs admitted to avoiding the media while others said that they attempted to update them from time to time.

3.73 The CEO said that he had informed the media that no results from the Assembly election would be available until early evening on Friday 6 May. Broadcasters commenced their election results programmes around mid-afternoon and there was little to report for a few hours. In the absence of information the media's focus turned to the slowness of the Assembly and referendum count, with broadcasters and commentators alike getting more and more frustrated as the evening passed. The first announcement of a first preference count total was made at approximately 7pm, 11 hours after verification had commenced.

3.74 During the course of the evening the CEO conducted a number of television and radio interviews and stressed that staff were working hard to complete the counts but that accuracy was more important than speed. The following day the print media was scathing in its assessment of the length of time taken to complete the election and referendum counts with the words 'shambles', 'farfical' and 'debacle' being used on the front cover of the three

main Northern Ireland daily papers to describe the count proceedings. One paper called for the management of the count process to be reviewed and modernised.

3.75 The media has a vital role in reporting key public events of which election counts are one. Given the difficulties encountered by the media there is a need for the EONI to work with broadcasters in agreeing 'ground rules' for covering future elections. We recommend that in advance of the next set of elections the EONI establish a broadcasters' liaison group to ensure that arrangements for media access and reporting at counts are improved. The EONI should also ensure that staff coming into contact with the media are trained and understand their role and that of the media. This group should also be used by broadcasters to help them better plan their coverage of elections and counts.

Spoilt ballot papers

3.76 In STV elections in Northern Ireland ballot papers are rejected and classified under the following headings:

- no official mark
- no first preference
- first preference given for more than one candidate
- voter can be identified
- unmarked or void for uncertainty

3.77 The total number of ballot papers rejected at the 2011 Assembly election was 12,369, representing 1.84% of the total votes polled. The equivalent figure for the local elections was 13,513 (2%) and for the referendum the figure was 7,062 (1.05%). The evidence from previous combined elections suggests that the number of spoilt ballot papers increases when more than one election and different voting systems are used on the same day. On 5 May 2011 the same voting system was used for the Assembly and local council elections yet the number of spoilt ballot papers was high for both elections. A possible explanation for this is discussed in paragraphs 2.28–2.29.

Table 6: Percentage of spoilt ballot papers at recent elections in Northern Ireland

Election	Total spoilt ballot papers	Percentage of votes polled (%)
2011 Northern Ireland Assembly (combined)	12,369	1.84
2011 Local council (combined)	13,513	2.00
2011 Referendum (combined)	7,062	1.05
2010 UK Parliamentary	4,065	0.60
2009 European Parliamentary	4,319	0.88
2007 Northern Ireland Assembly	6,382	0.92
2005 UK Parliamentary (combined)	6,166	0.85
2005 Local council (combined)	14,758	2.05

3.78 The constituencies recording the largest percentage of rejected ballot papers in the Assembly election were Belfast West (2.73%) followed by West Tyrone (2.52%) and Belfast North (2.36%). The constituencies recording the lowest were Lagan Valley (0.99%), Belfast South (1.53%) and North Down (1.5%). The total number of spoilt ballots in the UK-wide referendum in Northern Ireland was 1.05%.

3.79 We provided the EONI with guidance and materials on how to adjudicate doubtful ballots. An analysis of the statistics on the number of ballot papers rejected at both the Assembly and local elections shows that there remains inconsistency about how doubtful ballot papers are recorded and classified (see Appendix C). Proper categorisation of rejected ballot papers is an integral part of ensuring the count is accurate and transparent. In previous election reports we have said that those who have responsibility for recording and classifying rejected ballot papers should be trained in this process. Given the inconsistencies identified we recommend that those responsible for classifying doubtful ballot papers be trained in this aspect of the count.

Key partners

Royal Mail

3.80 As at previous elections in Northern Ireland, Royal Mail played a key role at the May 2011 polls. In the period from late March to polling day it delivered over 1.2 million poll cards, around 20,000 postal votes, 750,000 information booklets, 8.2 million items of candidate literature covering the Assembly and local elections and 1 million items of material issued by the 'No' campaign in respect of the referendum. We received no complaints from the public about how Royal Mail handled and distributed this large volume of election material. Nearly everyone (96%) interviewed after the election recalled receiving a copy of the information booklet.

3.81 On the evening of polling day Royal Mail undertook a 'sweep' of the Northern Ireland mail centre at Mallusk. The sweep was to identify envelopes containing postal ballot papers so that they could be retrieved and included in the count. During the sweep, 78 postal votes were identified and delivered to the relevant area electoral office before the close of poll at 10pm. This service is available to the CEO at elections but has not always been used because of the cost involved. At the May polls the Commission contracted Royal Mail to provide this service on a UK wide basis. In total 78 postal votes were retrieved in Northern Ireland at a cost of £5,132.

Police Service of Northern Ireland (PSNI)

3.82 The policing of the polls on 5 May was a continuation of a strategy first adopted at the 2003 Assembly election when roving police patrols replaced a permanent police presence at all polling stations. As at previous elections a PSNI liaison officer was appointed to act as a point of contact with the CEO. A planning group was established in advance of the election and the CEO attended meetings of the group. A command room was established to coordinate policing on polling day. In the period from 5 to 10 May the PSNI deployed 1,212 officers to police polling day and the counts.

3.83 In the run-up to polling day we liaised directly with the PSNI through the service's Single Point of Contact (SPOC). For the first time police officers working on polling day were provided with a pocket guide listing specific electoral offences and advising what they should watch out for. This guidance was produced jointly by the PSNI and the Electoral Commission and received positive feedback from officers working on polling day.

3.84 After the election the CEO referred 13 absent vote applications to the PSNI for investigation on the grounds that signatures could have been forged. We will report on integrity issues at the 2011 polls in early 2012.

3.85 The PSNI advised us that there continued to be a reduction in the number of incidents associated with elections. They attributed this to the good work carried out at a local level between the police, electoral administrators and community representatives. The PSNI commented that the running of three polls together had a significant impact on resources as count venues had to be staffed for a much longer period of time.

The funding of elections in Northern Ireland

3.86 There are different funding arrangements for elections in Northern Ireland depending on the election being contested. The cost of UK and European Parliamentary elections are met by HM Treasury while the Northern Ireland Assembly election is paid for by the Northern Ireland Executive through the

block grant allocated from HM Treasury. Local councils in Northern Ireland meet the costs of their own elections.

Northern Ireland Assembly

3.87 The Northern Ireland Assembly Elections (Returning Officer's Charges) Order 2011 specified the overall maximum amount that the Chief Electoral Officer could recover in respect of running the Assembly election. The Order specified the amounts for each of the 18 constituencies. The maximum amount recoverable was £3.3 million. The totals available to the CEO varied by constituency and depended on the number of people registered to vote in each constituency. For example, the maximum recoverable in North Antrim was £213,000 and in Belfast South was £156,500. Within the envelope of money available for each constituency the CEO allocated resources as necessary to conduct an efficient and effective election.

Local councils

3.88 Local councils in Northern Ireland are responsible for paying for their elections. When local elections are held as single elections the EONI undertakes work on behalf of the councils and charges for the use of its ballot boxes, screens and the printing of the electoral registers. Expenditure incurred by the EONI is recouped from the councils and returned to HM Treasury.

3.89 When council elections are combined with other elections the costs are apportioned between the EONI and the councils. Election expenditure returns for local councils must be submitted to the EONI within six months of the elections. For these elections the returns must be submitted before 10 November 2011.

3.90 An idea of the cost of local elections comes from the returns made at the last local elections in 2005 when the cost was £1.8 million. The EONI do not publish the costs of the local elections in Northern Ireland and information on costs must be accessed from individual councils. In order to improve the transparency of election funding it is recommended that the CEO publish details of the returns received from the councils on his website.

Referendum

3.91 Northern Ireland was a single voting area for the referendum on the voting system used to elect MPs to the House of Commons. The costs of the referendum were met by the UK Government. The maximum the CEO could spend, in his role as CO for the referendum was £2.5million. This was set out in The Referendum on the Voting System (Counting Officers' and Regional Counting Officers' Charges) Order 2011. The CEO will submit a claim to the Commission for the actual costs of the referendum by 5 January 2012.

Allocation of costs for May polls

3.92 The costs of the combined polls on 5 May were allocated between the UK Government, the Northern Ireland Executive and local councils. The Parliamentary Voting System and Constituencies Act 2011 (PVSC) allowed costs to be apportioned equally except where a cost was solely attributable to one specific election or the referendum. The CEO decided that the costs of polling day activities should be split equally between all three. However, as the local councils were responsible for paying for their own counts the cost of the Assembly election and referendum counts were split on a 50/50 basis. The CEO has provisionally estimated that combining the elections and referendum in Northern Ireland saved around £1million.

Public awareness

3.93 Information about informing the public about the polls on 5 May was paid for by the Electoral Commission. The public awareness campaigns in Northern Ireland cost around £200,000. Full details of the campaigns are set out in Chapter 2 of this report.

Freepost

3.94 A significant cost associated with the polls on 5 May was the availability of freepost (see paragraph 4.20) to all candidates standing for election to the Northern Ireland Assembly and the 26 local councils. The cost of freepost for Assembly candidates was just over £1.03 million and for local Councils was £767,000. Freepost for the Northern Ireland Assembly candidates is paid for by the Northern Ireland Executive and the local councils pay for candidates standing in the local elections.

Party Election Broadcasts

3.95 Political parties qualify for Party Election Broadcasts (PEBs) provided they meet certain criteria (see paragraph 2.12). The parties are responsible for producing their own PEBs and the main TV broadcasters in Northern Ireland (BBC and UTV) air the broadcasts at no charge to the parties. UTV estimated that PEBs were worth on average around £25,000 to the main parties if compared to standard advertising rates.

3.96 It is important that the public knows who funds elections in Northern Ireland and that information on the full costs is in the public domain. In early 2012 we will publish the full costs on our website and will do so for future elections in Northern Ireland.

4 The experience of those standing in the elections

4.1 This chapter explores the experiences of candidates and parties at the elections. It considers what worked well and where improvements are required for future elections.

Key facts and figures

- Over 1,200 candidates took part in the Northern Ireland Assembly and local council elections on 5 May 2011.
- Of the 45 political parties registered in Northern Ireland, 14 fielded candidates.
- Just over 17% (38 of the 218) Assembly candidates were female.
- The constituency with the largest number of Assembly candidates was Belfast East with 17 and the lowest was South Antrim with 10.

Number of candidates

4.2 The Northern Ireland Assembly has 108 members, six for each of Northern Ireland's 18 UK Parliamentary constituencies. Altogether 218 candidates stood for election, 39 fewer than stood in 2007. The number of political parties fielding candidates decreased from 17 to 14, and the number of independent candidates decreased from 28 to 15. There was also a decrease in the number of female candidates from 48 to 38.

Table 7: Political parties and independent candidates contesting the Northern Ireland Assembly election 2011

Political party/Independents	Number of candidates
Democratic Unionist Party	43
Sinn Féin	40
Ulster Unionist Party	29
Social Democratic & Labour Party	28
Alliance Party	22
Non-party/Independent candidates	15
Traditional Unionist Voice	12
Green Party	6
UK Independence Party	6
British National Party	4
People Before Profit Alliance	4
Workers Party	4
Socialist Party (Northern Ireland)	3
Progressive Unionist Party	1
Procapitalism	1
Total number of candidates	218

4.3 In total, 967 candidates contested the 582 council seats in the 26 local councils; 67 of the candidates were independents. Overall, the number of candidates increased from 2005 when 918 candidates stood.

The nomination process

4.4 The period for the delivery of nomination papers for candidates standing for election to the Northern Ireland Assembly and the local councils ran from Monday 28 March to Thursday 7 April (9 working days). At previous elections, the nomination period was restricted to two working days. Following representation from the former Chief Electoral Officer (CEO) the timeframe for nominations was adjusted to give prospective candidates more time to submit their nomination papers and give staff more time to manage the process. We supported this change when we responded to the Northern Ireland Office consultation paper in 2008: *Improving the Administration of Elections to the Northern Ireland Assembly*.

4.5 Nomination papers for candidates standing for the Assembly had to be submitted to area electoral offices; local council candidates submitted their papers to the relevant local council office. The longer period available for the receipt of nominations caused no particular problems for the EONI. However, some local councils were critical of this change, on the basis that they were not properly resourced to manage the receipt of nominations over a longer period of time. Both the EONI and a number of councils operated an appointment system to manage the process. Overall, the nomination process ran smoothly with 9 in

10 of those who responded to our candidates and agents survey stating that they found the process straightforward.

4.6 Two issues arose in respect of nominations; one concerned a candidate standing for the Assembly and the other concerned two candidates standing in the local council elections. In respect of the Assembly candidate the legitimacy of his nomination papers were questioned because he had provided his address in the Irish language. There is no provision in law in Northern Ireland to provide for languages other than English on nomination papers. Following consideration of the matter by the CEO the papers were accepted on the basis that there was already a precedent at recent elections for accepting addresses in Irish. To avoid future difficulties in this area we recommend that the UK Government clarify the legislation in respect of the use of languages other than English on electoral documentation in Northern Ireland.

4.7 An independent council candidate had his nomination papers accepted by a Deputy Returning Officer (DRO) and he was elected. It later transpired that he may not have been eligible to stand under Section 4 of the Local Government Act (Northern Ireland) 1972 because he was allegedly an employee of another local council. This matter has been referred to the Police Service of Northern Ireland for investigation. The candidate later resigned his seat and a by-election will be held later this year.

4.8 Before polling day the CEO received complaints about whether a candidate met the necessary qualifications to stand for election to a local council. The candidate was subsequently elected. After the election the DRO referred the matter to the PSNI for investigation.

4.9 Following a change in the law since the last Assembly election candidates could choose either to include their home address on the nomination papers or the constituency in which they resided. Just under half (96) of the 218 candidates opted not to include their full address on the ballot paper. This was around the same proportion that chose this option at the 2010 UK Parliamentary election. This option does not apply to candidates standing for local council elections who must provide address details.

Deposits and subscribers

4.10 Candidates standing for election to the Northern Ireland Assembly are required to pay a deposit of £150; those standing for election to the Scottish Parliament or Welsh Assembly are required to pay £500. In Northern Ireland the £150 deposit is forfeited if the candidate fails to achieve, at any stage of the count, one-quarter of the quota; 56 candidates lost their deposit at the 2011 Assembly election.

4.11 The deposit for Northern Ireland Assembly candidates was reduced from £500 in 2001. However, it was not reduced for candidates standing for election to the Scottish Parliament or the National Assembly for Wales and remains at

£500, the same as that for the UK Parliament. Candidates standing for local councils in the UK are not required to pay a deposit.

4.12 The amount of work involved in processing deposits by the area electoral offices is significant. The total amount received from the 218 candidates was £32,700, of which £24,300 was subsequently returned; the balance was returned to HM Treasury. At previous Assembly elections some political parties questioned the value of the deposit system on the basis that it was not a deterrent to 'frivolous' or 'joke' candidates and acted more as an administrative burden. After the 2007 Assembly election one party suggested that if deposits were to be retained then the system should be streamlined, with deposits being paid centrally by a party on behalf of all its candidates.

4.13 Candidates standing for election to the Northern Ireland Assembly and local councils had to have their nomination papers signed by a proposer, a seconder and eight other electors registered to vote in the constituency or relevant District Electoral Area. Eligible electors can sign up to six sets of nomination papers. There is no requirement for candidates at Scottish Parliament elections to have subscribers; candidates at National Assembly for Wales's elections require only one subscriber, or can subscribe themselves.

4.14 Although the longer nomination period now allows more time for candidates to gather subscribers, and for election staff to check subscriber details, the value of the subscriber requirement has again been raised by the CEO and some political parties. Following the 2007 Assembly election the NIO sought views on the issue of deposits and subscribers as part of a wider consultation on improving the administration of Northern Ireland Assembly elections. Respondents were largely in favour of retaining or increasing the deposit but wanted the subscriber system abolished. The government's response to the consultation stated that the issues of deposits and subscribers were linked in that they both served to discourage nominations from frivolous candidates. However, the government believed there were equality implications of raising the deposit and that an equality impact assessment would be required before proceeding. We understand that the equality impact assessment has yet to commence and would recommend that it be completed before a final decision on deposits and subscribers is taken.

Advice and guidance

Pre-election seminars

4.15 In March 2011 we facilitated three pre-election seminars to assist candidates, agents and political parties taking part in the Assembly and local council elections. We also took the opportunity at these events of explaining the role of the Chief Counting Officer (CCO) in the UK wide referendum on the voting system and our responsibility for providing voter information at the polls. The seminars included presentations from the CEO, the Electoral Commission and Royal Mail. Over 250 people attended and feedback about the content of

the seminars was positive, with candidates standing for the first time finding them particularly helpful.

Enquiries

4.16 We produced specific guidance on campaign spending and reporting for use by candidates and parties at the Assembly and local council elections. The guidance documents gave advice about a range of topics including expenditure limits, the recording of notional expenditure, reporting deadlines and the submission of expense returns. Tailored training sessions were also offered to each of the main political parties and one party availed of the offer.

4.17 Issues such as the nominations process, the deposit and subscriber system, the role of election agents and arrangements for polling day and the count, were covered in separate guidance produced by the CEO for candidates taking part in the Assembly and local council elections

4.18 In the run-up to polling day we received over 160 requests for advice and guidance from parties, candidates, agents and electoral administrators. Over half of these related to party and election finance. Other queries related to party registration, the use of freepost and clarification of the law around elections generally.

4.19 Following the election we received a further 85 enquires relating to party and candidate expenditure and how this should be reported. All but two queries raised with us were resolved within our target response of five working days. The two not resolved required clarification on the legal restrictions applying to the content of communications from candidates when the Assembly and local elections were combined and were resolved well in advance of the deadline set by Royal Mail for the distribution of candidate election communications.

Freepost

4.20 Candidates standing for the Assembly and local council elections were entitled to send an election communication to each elector in the constituency or DEA in which they were standing. This is often referred to as 'freepost'. It covers the cost of sending the communication but not the cost of producing it. Freepost at local elections is unique to Northern Ireland and is not available to candidates at local elections in the rest of the UK.

4.21 Assembly candidates had the choice of either sending an addressed communication to registered electors in their constituency or an unaddressed communication to each address in the constituency. Most candidates (103) chose to send unaddressed mailings, 85 sent addressed mailings and 30 did not avail of the service.

4.22 Local council candidates were restricted to sending an addressed communication to each elector in their DEA. Addressed mail is used for local council elections because of the logistical difficulties that postal workers would

face in delivering unaddressed mail to very small geographical areas. For example, one housing estate in a town could be in one DEA and the rest of the town in another. If the mail was unaddressed the postal worker could deliver the wrong communication to the estate. All election communications were delivered by Royal Mail and the cost of freepost for candidates standing for the Assembly was £1.03 million and for the local elections was £767,000.

4.23 A number of issues with 'freepost' arose as a result of the Assembly and local elections being combined. Some parties were of the view that candidates from the same party, standing for the Assembly and for local councils in the Assembly constituency, should be allowed to share the same election communication. In their view this would have made better use of their limited resources by saving on production costs and would have given them the option of delivering different messages.

4.24 Legislation governing freepost entitlement for the Assembly and local councils is contained in the Representation of the People Act 1983, as applied by the Northern Ireland Assembly (Elections) (Amendment) Order 2001, and the Electoral Law Act 1962 (as amended). While the wording of the relevant provisions is similar, both stipulate that an election communication must only contain 'matter relating to the election'. This therefore had the effect of prohibiting candidates from using their freepost entitlement to issue a single election communication covering both an Assembly and local council candidate(s).

4.25 There was some confusion about this issue and a few parties contacted us for advice. Royal Mail seemed uncertain as to what the position was in respect of combined Assembly and local elections and accepted that their guidance had not addressed this. Given the issues raised by some parties we recommend that the UK Government review and consult on this issue and bring forward recommendations.

Candidate expenditure

4.26 Candidates standing for the Assembly could spend a maximum £7,150 plus 7p or 5p per elector, depending on the type of constituency they were standing in. (The four Belfast constituencies are borough constituencies and 5p per registered elector can be spent. The other 14 are county constituencies and 7p per registered elector can be spent). In the local elections candidates could spend a maximum of £600 plus 5p per elector in the District Electoral Area contested.

4.27 Many of the candidates who stood for the Assembly and local elections did so as joint candidates. A joint candidate is one who collaborates with one or more other candidates in the same constituency or DEA and shares the same election agent or issues joint campaign material. If there are two joint candidates in the same constituency or DEA the expenditure limit is reduced by a quarter and if there are more than two joint candidates the limit is reduced by one-third.

4.28 Expenditure returns from candidates standing for the Assembly election had to be returned to the CEO within the statutory deadline of 35 days (11 June). All but nine were returned on time and of these, seven were returned late. Two are still outstanding.

4.29 Candidate returns for the local council elections had to be returned to the council Chief Executive (DRO) of the relevant council. Altogether, 956 local council candidates submitted their returns by the statutory deadline of 14 June, three submitted returns late and nine did not submit. The CEO has advised us that it is his intention to refer all candidates who either did not submit a return or submitted a return late to the Public Prosecution Service. Data from the Assembly candidates' spending returns has been published on our website www.electoralcommission.org.uk/party-finance/party-finance-analysis/campaign-expenditure/2011-devolved-elections.

Party expenditure

4.30 Parties fielding candidates at the Assembly election could spend a maximum of £17,000 per constituency. A party contesting all 18 constituencies could therefore spend a maximum of £306,000. Parties were required to submit a campaign expenditure return to us outlining details of how much they spent on their campaign. Parties spending less than £250,000 had three months to submit their return while those spending over £250,000 had six months. No party in Northern Ireland spent over £250,000.

4.31 All the parties in Northern Ireland spent well below the maximum amount allowed on their Assembly election campaigns. The combined campaign spending by all the parties that contested the election and submitted a return to us was £338,490.

Table 8: Expenditure by Political parties contesting the Northern Ireland Assembly election 2011

Party	Expenditure
Alliance Party of Northern Ireland	£28,593
British National Party	£3,180
Democratic Unionist Party	£84,513
Green Party	£5,822
People Before Profit Alliance	Not submitted ⁶
Procapitalism	£95
Progressive Unionist Party	£310
Social Democratic & Labour Party	£38,262
Sinn Féin	£51,850
Socialist Party (Northern Ireland)	£1,514
Traditional Unionist Voice	£6,413
UK Independence Party	£18,175
Ulster Unionist Party	£96,495
Workers Party	£3,263
Total	£338,490

Monitoring expenditure

4.32 As part of our risk-based approach to regulating party and election finance we monitored party campaigns at the Assembly election. The purpose of this work was to promote compliance by gathering information on campaigns which could be referred to when checking statutory expenditure returns. The research included monitoring advertising, leaflets and internet activity. We will report on matters of interest arising from this work in our reporting on the financial aspects of the 2011 electoral events in early 2012. By that stage we will have received all campaign spending returns for UK electoral events in 2011, completed our checks and finalised our conclusions about spending issues.

⁶ Late submission of an expenditure return without reasonable excuse is a breach of party funding rules. The Commission is reviewing the circumstances of these cases in line with our enforcement policy.

Appendix A

Sources used to inform the report

Public opinion research

ICM interviewed a representative sample of 501 voters and non-voters in Northern Ireland by telephone on 7–23 May 2011. Across the UK, 3,691 voters and non-voters were interviewed in the same period.

Data was weighted to the known population profile in Northern Ireland and in each area of the UK. Findings are statistically significant at the 95% confidence level or above. A technical report is available upon request.

Comparisons made between the different polls in 2011 and elections held in previous years are indicative and should be treated with some caution.

Campaign tracking

GfK NOP interviewed 187 adults in Northern Ireland (1,409 adults across the UK) at the pre-wave (4 to 27 March), 102 adults in Northern Ireland (418 across the UK) at the mid-wave (2 to 4 May), and 204 adults in Northern Ireland (1,392 adults across the UK) at the post-wave (6 to 29 May). The target audience for the research was adults aged 18 and over who were eligible to vote in elections and the UK referendum in May 2011.

All interviews were conducted face to face in-home, with the sample drawn using random location sampling from Northern Ireland and across the UK. Pre and post-wave interviews were conducted using GfK NOP's Random Location Omnibus, and around 200 ad hoc top up interviews were completed in Northern Ireland, Wales and Scotland. Mid-wave interviews were conducted as an ad-hoc study. All interviews were sampled using the random location methods, and were conducted in the same way to enable them to be combined and comparisons to be made.

Media analysis

The Centre for Elections, Media and Parties at the University of Exeter captured and analysed news content across 41 outlets across the UK for a 53-day period in the run up to polling day. News outlets monitored in Northern Ireland included television news, and newspapers including the Belfast Telegraph, The Irish News and the Newsletter. A technical summary is available upon request.

Candidates and agents survey

A postal questionnaire was sent to all 218 candidates who contested the Assembly election and their election agents. Views were sought on their experience of the combined polls. In total 32 responses were received.

Post-election seminar

We hosted a post-election seminar on 19 May 2011. Over 50 delegates representing the main political parties, local councils, the Electoral Office for Northern Ireland and representatives from the voluntary and community sectors attended. The seminar included presentations from the Chief Electoral Officer (CEO) for Northern Ireland and Royal Mail.

Feedback from the CEO and Area Electoral Officers (AEOs)

Commission staff conducted a series of one-to-one interviews with AEOs. The interviews focused on the planning and organisation of the elections and referendum and provided the AEOs with an opportunity to express their views on what went well and what could be improved at future elections. The CEO also provided feedback on his experience of managing three polls on the same day.

Electoral data

The Electoral Office for Northern Ireland provided information and data to inform this report. We are grateful for the assistance given in providing this information which was received in a timely manner.

Appendix B

Numbers registered and votes polled at the 2011 Northern Ireland Assembly election

Constituency	Eligible electorate	Votes polled	Turnout
Belfast East	61,263	32,828	53.59%
Belfast North	68,119	34,257	50.29%
Belfast South	62,484	32,752	52.42%
Belfast West	61,520	35,618	57.90%
East Antrim	61,617	29,430	47.76%
East Londonderry	65,226	35,303	54.12%
Fermanagh and South Tyrone	70,985	48,949	68.96%
Foyle	68,663	38,867	56.61%
Lagan Valley	67,532	35,842	53.07%
Mid Ulster	66,602	43,522	65.35%
Newry and Armagh	77,544	47,562	61.34%
North Antrim	74,760	40,983	54.82%
North Down	62,170	28,528	45.89%
South Antrim	65,231	32,652	50.06%
South Down	73,240	42,557	58.11%
Strangford	62,178	30,186	48.55%
Upper Bann	77,905	43,113	55.34%
West Tyrone	62,970	40,311	64.02%
Total	1,210,009	673,260	55.64%

Appendix C

Analysis of spoilt ballot papers

No official mark

This was the first Assembly election where ballot papers were not perforated to indicate an official mark. Instead each ballot paper had a unique pre-printed identifier number which ensured its authenticity. As a result no Assembly ballot papers were rejected for want of an official mark. This compared to 423 in 2003 and 410 in 2007.

No first preference indicated

Altogether, 2,576 ballot papers were rejected because no first preference was indicated equating to 22.3% of the total rejected ballots. The number varied significantly, with none recorded for East Antrim, Lagan Valley, Newry & Armagh, South Down and Upper Bann. Belfast West (856), Belfast South (395) and North Down (266) recorded the highest number of ballots rejected for this reason. In the local elections just over a third (37.4%) of the 2% of ballot papers rejected were deemed invalid for this reason.

First preference for more than one candidate

Almost half (44.4%) were rejected because more than one first preference was given to more than one candidate. Numbers varied significantly between constituencies with 33 being rejected for this reason in Belfast North with Fermanagh and South Tyrone (780), South Antrim (680) and Newry and Armagh (536) recording the highest number of votes rejected for this reason. In the local elections 17.9% of spoilt ballot papers were rejected for indicating no first preference.

Voter can be identified

In total, 61 ballot papers were rejected for the reason that the voter could be identified while in the local elections the number was 194. At the 2010 UK Parliamentary election there were 113 ballot papers rejected for this reason and the corresponding figure for the 2007 Assembly election was 18.

Unmarked or void for uncertainty

Almost a third (32.9%) were rejected because they were unmarked or void for uncertainty. Again numbers varied from constituency to constituency with none recorded for Belfast West or Belfast South. However, 773 were recorded for Belfast North, 511 in Newry and Armagh, and 390 in West Tyrone. In the local

elections just over four in 10 (43.3%) of spoilt ballot paper were rejected for this reason.

Table C1: Spoilt ballot papers at the 2011 Northern Ireland Assembly election

Constituency	No official mark	No first preference indicated	First preference for more than one candidate	Voter can be identified	Unmarked or void for uncertainty	Total	% of total votes cast
Belfast East	0	78	350	0	53	481	1.46
Belfast North	0	4	33	0	773	810	2.36
Belfast South	0	395	49	0	0	444	1.35
Belfast West	0	856	117	0	0	973	2.73
East Antrim	0	0	230	0	171	401	1.36
East Londonderry	0	159	336	0	86	581	1.64
Fermanagh & South Tyrone	0	151	780	4	7	942	1.92
Foyle	0	198	433	0	208	839	2.15
Lagan Valley	0	0	114	16	225	355	0.99
Mid Ulster	0	141	358	1	284	784	1.80
Newry & Armagh	0	0	536	1	511	1048	2.20
North Antrim	0	132	361	0	177	670	1.63
North Down	0	266	64	0	100	430	1.50
South Antrim	0	63	270	0	164	497	1.52
South Down	0	0	680	20	125	825	1.93
Strangford	0	118	316	0	84	518	1.71
Upper Bann	0	0	46	0	705	751	1.74
West Tyrone	0	195	416	19	390	1020	2.53
Total	0	2,756	5,489	61	4,063	12,369	1.83

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We are an independent body set up by the UK Parliament. Our aim is integrity and public confidence in the democratic process. We regulate party and election finance and set standards for well-run elections.

Democracy matters