

The Brighton & Hove City Council Elections
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All Postal Ballot Pilot Analysis

Jason P Kitcat

Founder & Co-ordinator, The Free e-democracy Project
www.free-project.org

Introduction

Brighton & Hove Council applied for and received permission to conduct the local council elections as an all-postal ballot, at an estimated additional cost of £50,000. This report will detail how this ballot was conducted before drawing some conclusions over how well postal ballots meet the basic requirements of free and fair elections.

Details

Subsequent to the notice of election on 17th March 2003 the council began a concerted publicity drive to ensure voters were aware of the new voting method. This publicity included an information leaflet sent to each entry on the electoral roll, advertising in council publications and posters on city buses.

From Monday 14th April the ballot papers were posted to voters. It is at this point that problems became apparent. The problems reported to me via email, in person or discovered through my own discussions with voters will be divided into sections covering delivery, the ballot papers themselves, the return of the ballot and the count.

Delivering the Ballots

Through various channels has become clear that some did not receive their ballots. What cannot be ascertained is whether this was due to the postal system or loss at the ballot's destination. Blocks of flats seemed particularly vulnerable to not receiving their voting papers.

Others admitting losing or binning/recycling their ballot either unintentionally or intentionally. Those wishing to regain the opportunity to vote found it extremely difficult to do so due to their own work commitments and the hours of the election office and its helpline (8.30am-6.00pm). To gain a new set of ballot papers complainants had to visit the Town Hall in person. Again work commitments made this next to impossible resulting in some very angry disenfranchised voters who felt that a better arrangement, such as hand delivery of replacement papers, should have been in place.

Particularly in the last week of the election when voters would need to visit a town hall to cast their vote it was difficult for many to manage amidst their work and family commitments. The result is that these lost/discarded ballots would not be marked as invalid by the returning officers and could in fact be counted. A large number of people could have had access to votes in blocks of flats or recycling centres, for example, which they could have untraceably used to boost their preferred party's vote. The same could also have happened in sheltered and care homes where people of a reduced capacity but still able to vote could have had their ballots cast by an administrator without their knowledge.

The Ballot Papers

While Electoral Reform Services managed and run most aspects of the ballot it is my understanding that the council actually designed the papers itself – it showed. There were instructions printed on a separate enclosed leaflet and both sides of the ballot paper. Unfortunately they were not identical, but had similar content, causing confusion as to whether they were in addition to or just re-iterating each other. Many people commented on the number of times they had to read the instructions before they understood the actions required of them.

The ballot paper itself did not fit easily into the internal envelope (labelled A), in fact it required several folds before it could be secured inside. This was an issue even raised in The Times (April 19, 2003) and not only made the average voter question whether they were 'doing it right' but made voting significantly more difficult for those

with physical disabilities. There were also many misunderstandings about the number of votes people had and how this would be counted. This was not explained in the literature except that the voter had up to 'x' votes. With the growth of new voting systems in devolved assemblies some voters thought there might be a form of preference voting in place for this election. Clarification on this point was often needed before voters felt comfortable enough to continue.

Envelope A's dimensions were not only unsatisfactory for storing the ballot but its sealing flap was miniscule and inadequate, a few millimetres of a sorry glue strip at best. This made securely closing the envelope next to impossible, further undermining people's sense of privacy which was already damaged by the postal vote's very introduction. Confidence had been damaged so much that the Chief Returning Officer (and council Chief Executive) was forced to write a letter to the local paper (The Argus, March 20th) reassuring readers about the procedures in place. Not only did voters feel that people in a position of authority could easily examine the vote and signed declaration with no impediment but many voter's circumstances prevented them from being able to vote in private, without coercion, in their homes. I personally spoke to several ladies who stated that their husbands would make them vote a certain manner when they preferred to vote for a completely different party – only a polling booth allowed them to do so.

The outer envelope containing both the ballot paper and signed declaration did not seal well either. It carried clear indication of the ward it referred to making strategic interception in the post much more likely and untraceable unless carried out in huge numbers. Even though the digests of votes received did show if a citizen's ballot had been received there was no guarantee of vote receipt due to the timing and delays in drawing up the digests and the low likelihood that voters would check. The digests were primarily aimed at helping parties get their vote out, they did not have the resources to verify that each entry on the electoral roll had indeed had their vote's receipt noted by the returning officers.

Returning the Ballot

As mentioned in the previous section there were clear problems with the ballot papers and the outer envelope which risked the integrity of the ballot. There was little to stop ballots being intercepted in the post, particularly when so clearly marked. Preventing the successful delivery of ballots for counting is a highly effective attack which would be a virtually untraceable exploit, whereas completing other people's ballots at least risks detection through the discovery of fraudulent signatures.

It was not communicated to voters that to ensure that their vote was received and counted they needed to post it, at the latest, by the evening of Monday 28th April. Otherwise they would need to take their completed ballots to a town hall. It was unclear what the opening hours for these special delivery points were but it was strange that they were only available from 28th April until 1st May. Several voters expressed a desire to personally take their ballots to a town hall to be sure of delivery and so did not understand why they had to wait if they were passing a town hall earlier during the voting period.

The one other method of returning votes that became available was handing them to party representatives as they 'knocked up' to ensure their vote got out. This became somewhat controversial, especially with Patricia Hewitt and Labour candidates being investigated by the police in Leicester for collecting postal votes. National election agents from several parties and Brighton & Hove City Council had all agreed with canvassers collecting votes as long as there was no coercion involved. However many activists reported discomfort when collecting votes, particularly when citizens decided to vote then and there to give to the caller for return to the council. Certainly there was significant room for abuse and it seems clear that the Electoral Commission wants to prevent such activities occurring in the future.

The Count

There was an evident lack of transparency in the procedures between receipt of the ballots and their count on the night of 1st May. While party and council officials were invited to observe the envelopes being opened on one occasion, generally there

were large periods of time when ballots were opened and stored without scrutiny by officials.

Confidence in this process was undermined by Ken Bodfish's poorly worded letter to Labour party activists implying access to the ballots beyond what could be reasonably expected in a free and fair election. This event damaged faith in the impartiality and secrecy of the electoral process and was widely reported, raising questions in many voters' minds.

While the count itself could be properly scrutinised in the Brighton Centre, minimal verification was made of the signatures on the witness counterfoil, only a signature's presence was sufficient for a ballot to be accepted for counting. The council did compare a small random sample of signatures against their electoral register records, the results of which are unknown. Thus council claims on the leaflet accompanying the ballot papers that "...we will be carrying out a number of checks to guard against electoral fraud..." were shown to be primarily deterrent and in reality probably meaningless.

Conclusions

For an election to be regarded as being free and fair it needs to have the following characteristics:

- Secure
- Verifiable
- Private

The security of the system in all postal ballots can be called into question through the uncertain nature of the delivery of ballots to and from voters. Furthermore the arrangements for opening the ballots and verifying their source were unsatisfactory and not properly scrutinised. This made verification of the result virtually impossible - there was no way to be sure that votes had been cast by who they claimed to be unless every single vote was paired with the signed declaration and the declaration

was then compared with another sample signature, this was only done for a small random sample. It is unclear how the signatures are stored on the electoral roll, how this sample fared in the test and if a problem had been found whether a complete audit would have been feasible.

The privacy of the system came under attack from several different directions. Firstly home or workplace voting can make it difficult to maintain privacy, particularly if family members or care staff wish to coerce people into voting a preferred way. The all postal ballot makes it easy for those in a position of power to ensure others have voted 'the right way'. The British voting system, in breach of several treaty commitments, is not currently truly anonymous through the inclusion of a unique number on the ballot tying it to a voter. Nevertheless the addition of a signed declaration with a vote, even if in separate envelopes, undermines the perception of privacy for voters particularly when the inner envelope was so poorly designed.

The primary motivation for an all postal ballot was to boost turnout. This election saw a city-wide average turnout of 45.96% (from 37.9% and 30% in previous elections) a relatively significant increase, though it was not uniform across the wards. Some wards still saw turnout in the 30s. This could be a hint that the method of voting was not the most important factor regulating the turnout. Certainly comparing this election's turnout with previous election results is fraught due to the new ward boundaries, reduced council size and changed political circumstances. The entire nation has been through a very politicised debate over the Iraq conflict which has seen significant direct action in Brighton. Thus a large number of anti-war posters, media coverage and campaign activities had 'primed' the electorate who were also being warmed up by the not insignificant publicity surrounding the all postal ballot pilot. Prof. Michael Thrasher at the Plymouth Election Centre, amongst others, questions the long term positive effect of postal ballots, thus the current turnout boost may merely be a short-lived bump. Nevertheless I would concede that some of the increased turnout could be attributed to the ease with which ballots could be cast – however this was at a cost to the legitimacy of the election and its result by undermining the fundamental attributes of free and fair elections.

Does the government and Brighton & Hove City Council believe that increasing turnout through technical measures, such as postal and electronic voting, is a valid ends in itself? It would appear so considering the large sums of money (£30 million alone on e-voting trials for 2002-5) being committed to their implementation. I would argue that the challenge is actually to improve political participation by re-evaluating and reforming our constitutional makeup, democratic institutions and processes. If successful such difficult but necessary work will be indicated through figures such as increased turnout, and not the other way around.

In the final analysis, is it worth spending significant sums of taxpayers' money on methods which risk the validity and legitimacy of elections and do not address the fundamental challenges facing those fighting to re-invigorate democratic participation?

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