

Uttlesford District Council

Review of postal voting processes

I. Introduction

- I.1 We, the Association of Electoral Administrators (AEA), were commissioned by the Leader and the Head of Human Resources of Uttlesford District Council (UDC) to undertake an independent review of how postal voting at the 4 July 2024 UK Parliamentary general election (UKPGE) was managed in the North West Essex constituency.
- I.2 Specifically, we were asked to review:
 - I.2.1 The delay in sending out the postal votes for the Chelmsford residents.
 - I.2.2 How well the council responded to rectify the error.
 - I.2.3 The public communications put out by the council when the situation became evident.
- I.3 The primary purpose of the review was to identify what went wrong and to draw learning to apply in future elections.
- I.4 Our Chief Executive, Peter Stanyon, who has over 35 years' experience of electoral administration, interviewed Peter Holt, the Council's Chief Executive and Electoral Registration and Returning Officer (ARO), and Phil Hardy, the Electoral Services Manager (ESM). The interviews both took place online on Thursday 25 July 2024.
- I.5 He also sought the comments of the eight election agents before finalising this report.

2. General background to the 2024 UKPGE

- 2.1 Provisions within the Parliamentary Constituencies Act 2020 and the Parliamentary Constituencies Order 2023 required that the next UKPGE held after 29 November 2023 would be administered using revised constituency boundaries.
- 2.2 For the UDC area, this meant the creation of the North West Essex constituency. This comprises 18 of UDC's wards and four from the neighbouring Chelmsford City Council (CCC) area. The four other UDC wards were allocated equally to the Harlow constituency and the Braintree constituency, with responsibility for the delivery of the election passed to the AROs for the respective areas.
- 2.3 On Wednesday 22 May 2024, the Prime Minister announced the general election would be held on Thursday 4 July 2024. This announcement came just 20 calendar days after the Police and Crime Commissioner elections on Thursday 2 May 2024.
- 2.4 Parliament was duly dissolved on Thursday 30 May 2024, with the Writs calling the election issued the following day. The Notice of Election for the North West Essex constituency was published on Tuesday 4 June 2024.
- 2.5 The nominations period opened at 10am on Wednesday 5 June 2024, closing at 4pm on Friday 7 June 2024. The ballot paper data was securely uploaded to the print supplier's file share site immediately nominations closed.

3. Key legal references

- 3.1 Regulation 71 of the Representation of the People (England and Wales) Regulations 2001 (RPR 2001) provides "Postal ballot papers (and postal voting statements) must be issued by the returning officer as soon as it is practicable to do so."
- 3.2 Regulation 56(1) of the RPR 2001 specifies the deadline for the receipt of applications for postal votes as "... 5pm on the eleventh [*working*] day before the date of the poll at that election." At the UKPGE, the deadline was 5pm on Wednesday 17 June 2024.
- 3.3 Regulation 78(1) stipulates the ARO may only reissue a postal ballot pack that has not been received from the fourth working day before the poll. At the UKPGE, this meant reissues could only commence from Friday 28 June 2024.

4. Production and dispatch of postal ballot packs

- 4.1 Immediately the UKPGE was announced, the ESM contacted the print supplier to agree the basic arrangements for the production of all printed matter. Over the following week, the artwork was proofed, Royal Mail licences confirmed, and data provision deadlines agreed.
- 4.2 The print supplier, who also works with many other ROs, has been contracted by UDC for the provision of poll cards, ballot papers and postal ballot packs since 2021. They are a well-respected supplier and UDC has developed a good working relationship with them.
- 4.3 It was agreed UDC would initially provide the print supplier with four separate data files for postal votes, i.e. UDC domestic postal voters, UDC overseas postal voters, CCC domestic and CCC overseas. This was to help ensure the overseas postal votes could be dispatched as the priority.
- 4.4 The fact there were several data files in existence led, in part, to the issues subsequently experienced.
- 4.5 The data files were uploaded to the print supplier's secure file sharing site on Tuesday 4 June 2024. There was however an error in the data production for the UDC domestic file, which was identified through one of the standard checks made by the print supplier.
- 4.6 9,086 records were originally included in the UDC domestic file, 2,688 in the CCC domestic file. Those totals were notified to the print supplier.
- 4.7 However, on Thursday 6 June 2024, the print supplier queried the totals, confirming receipt of only the 2,688 records. The ESM quickly identified what had happened within the electoral management software system (EMSS), where certain records had incorrectly been flagged as 'issued' when they should not have been. They were re-set and a replacement data file uploaded for the UDC domestic postal voters containing 9,273 records.
- 4.8 Immediately following the upload of the new data file, the ESM confirmed with the print supplier the totals to be printed for UDC were 9,273 domestic and 131 overseas. These figures were accurate.
- 4.9 Unfortunately, this is where the non-production issue occurred. Despite expecting separate data files for UDC and CCC electors, the print supplier understood the revised file of 9,273 domestic records to include the 2,688. The actual situation was there were two files to print, i.e. 9,273 for UDC electors and 2,688 for CCC electors.

- 4.10 It is worth noting the proofing of the final postal ballot packs was done at the ARO's office rather than on-site at the print supplier. The checks were randomised so the fact none of the CCC postal ballot packs had been included was not identified.
- 4.11 In summary, the total to be issued from that first production run should have been 11,961 postal ballot packs, not 9,273.
- 4.12 It is clear this error was caused by poor communication between UDC and the print supplier. However, further opportunities to identify the discrepancy earlier were missed.
- 4.13 It was originally planned to dispatch the postal ballot packs on or around Wednesday 19 June 2024. However, the print supplier was able to produce them sooner, and they were dispatched on Friday 14 June 2024.
- 4.14 The print supplier emailed the ESM at 2:54pm on Friday 14 June 2024 stating "Just to confirm, your postal votes have been released." They were collected from the print supplier by the Royal Mail for delivery first class.
- 4.15 However, no confirmation was given, or indeed sought, as to the total number of postal ballot packs collected by Royal Mail. It was simply assumed the 11,961 postal ballot packs had been posted. Had a posting docket or receipt been supplied, the error would immediately have been clear, i.e. that the 2,688 postal ballot packs for the CCC area of the constituency had not been dispatched.
- 4.16 The deadline for receipt of applications to vote by post was 5pm on Wednesday 17 June 2024. The additional data for both the UDC and CCC areas was uploaded to the print supplier immediately following the close and the postal ballot packs dispatched on Monday 24 June 2024. An additional 2,079 postal ballot packs were collected by the Royal Mail, 1,609 UDC and 470 CCC.

5. Identification of potential issue

- 5.1 For information, the first postal votes opening session took place on Monday 24 June 2024. Those sessions continued daily throughout the remainder of the election period.
- 5.2 The first indication there appeared to be a problem was in an email to the ESM from the North West Conservative Association at 3:58pm on Tuesday 25 June 2024, "Our team ... have had multiple reports from postal voters

that their ballot papers have yet to arrive. Brook Hill and South Street were particular areas of concern.”

- 5.3 The ESM advised he was not aware of any issues, confirming around 7,000 of the original dispatch had been received back, and there had been no appreciable upsurge in queries from electors in either the UDC or CCC areas of the constituency. However, he did raise a query with the Royal Mail that evening, who confirmed they would investigate the matter.
- 5.4 The ARO was updated as to the situation throughout this period.
- 5.5 It was incorrectly assumed at this stage any issues were because of Royal Mail delivery problems. It was understood delays in delivery in the affected areas were reasonably common.
- 5.6 The ESM contacted the print supplier to re-confirm all postal ballot packs had been dispatched. It was advised they had, on Friday 14 and Monday 24 June 2024. Crucially, the totals dispatched were again not confirmed.
- 5.7 On Wednesday 26 June 2024, concerns were raised by the CCC electoral services team that the number of ‘reissue’ requests for electors in the area given to UDC were now giving them cause for concern, suggesting “... something isn’t quite right with the deliveries.” 14 of the 25 requests they had received at that point were from the North West Essex constituency.
- 5.8 The North West Conservative Association continued to raise further concerns as to reports of non-deliveries over the next couple of days.
- 5.9 Between 9am and 10am on Thursday 27 June 2024, the ESM contacted the print supplier again to confirm the numbers of postal ballot packs sent out in each issue. It was at that point it became clear the original 2,688 CCC domestic postal ballot packs had not been dispatched.
- 5.10 The print supplier had presumed the replacement data file of 9,273 records uploaded on Thursday 6 June 2024 had included the CCC records. The original CCC data file of 2,688 had therefore been quarantined as they were assumed to be duplicates.
- 5.11 The lack of effective communication between UDC and the print supplier and the subsequent non-clarification of totals to be printed directly led to the error and the subsequent delays in identifying it.

6. Immediate response

- 6.1 Immediately the error was identified, the print supplier was instructed to produce the 2,688 postal ballot packs. It was agreed they would be available for dispatch on Friday 28 June 2024.
- 6.2 The Royal Mail was informed it was not a problem committed by them, and arrangements were agreed to ensure the postal ballot packs would be collected from the print suppliers on Friday 28 June 2024 for delivery by no later than Monday 1 July 2024.
- 6.3 The ARO was notified of the actions taken. It was further agreed to inform the ESM at CCC, UDC's Communications Manager, the Electoral Commission and the agents for the eight candidates standing for election. The customer services team and the council's website were updated and a joint UDC/CCC communications message agreed and released.
- 6.4 To facilitate the return of completed postal votes from the affected area, which is a 45-minute drive from the Uttlesford council offices, the decision was taken to site a ballot box at Chelmsford Town Hall. It closed at 4pm on polling day. 15 postal votes were returned through this method.
- 6.5 In addition, where any postal voter contacted either UDC or CCC to advise they would not receive their postal voting pack because, for example, they were leaving on holiday before their post normally arrived, replacement packs were hand-delivered. This affected 40 postal voters. In addition, those delivering the postal ballot packs were equipped to collect and return the completed postal votes to the ARO, but none of the postal voters chose to do so.
- 6.6 The Royal Mail's response throughout should be commended. The ARO gave consideration to hand-delivering the 2,688 delayed postal ballot packs, but it was clear the Royal Mail were much better placed to make such deliveries as quickly as was realistically possible. The Royal Mail also undertook additional sweeps of its sorting offices to ensure the return of as many of the delayed postal votes as possible.

7. Communications

- 7.1 The fact the cause of the issue was only identified a week out from polling day limited the effect of reactive communications. The delayed 2,688 postal ballot packs were in the Royal Mail's hands by Friday 28 June 2024 and in voters' hands by Monday 1 July 2024.
- 7.2 This meant the messaging focussed on how to return the postal votes in time for them to be counted rather than the cause of the issue.
- 7.3 Several local and national news articles were published following the ARO's appearance on BBC Radio Essex, where the focus was on his response to a question as to whether he should consider his position. His response of "Honestly, yes", however well intended, was unhelpful in focussing more attention on an issue that was being addressed.
- 7.4 He subsequently clarified the situation when stating "... I'm relieved and chastened and honestly so grateful ... for all the hard work ... to make sure that, having spotted the problem, we almost entirely fixed it."

8. Outcome

- 8.1 The ARO sought reassurance as to the potential effect of the late delivery of postal ballot packs immediately the issue had been identified and measures put in place to resolve it. In effect, he wished to understand whether the delayed delivery was having an adverse effect on the numbers of postal votes being returned from the CCC area.
- 8.2 Following discussions with the EMSS, a report was identified that was able to provide a geographical breakdown of returned postal voting statements. This report was run on a regular basis throughout the week of the election, i.e. immediately the delayed postal ballot packs had been dispatched. This showed a reassuring response in the CCC area of the constituency.
- 8.3 Post the election, the report calculated that of the delayed 2,688 postal ballot packs, 2,076 were returned by the close of poll. This equated to a return rate of 77.23%. By way of comparison, 394 of the 470 dispatched in the same area on the second run were returned (83.83%). Across the entire constituency, of the 14,040 postal ballot packs issued, 11,581 were returned (82.49%).

- 8.4 On Friday 5 July 2024, 16 postal votes were received back by the ARO, too late to be counted. Two related to the CCC area. In the period to Friday 12 July 2024, 126 postal votes were received back, 43 relating to the CCC area.
- 8.5 The successful candidate polled 19,360 votes, 2,610 more than the second-placed candidate. The total number of postal votes issued in the CCC area not returned totals 668.

9. Comments from election agents

9.1 We contacted the election agents for the eight candidates standing for election. We specifically asked:

- 9.1.1 Do you consider you were kept appropriately informed of the emerging situation and remedial actions once the delays were identified? In addition, do you consider the remedial actions to have been timely, effective and appropriate?
- 9.1.2 Do you consider any approaches you made to the council prior to and after the delays were identified were treated appropriately?
- 9.1.3 Do you have any other general or specific comments as to what occurred and how you consider such situations might be avoided at future elections?

9.2 Three agents responded. In two cases, no concerns were raised in response to the questions.

9.3 In the third case, the following statement was made:

“I don’t have much to comment on regarding the postal vote debacle at Uttlesford. I trust that the council took measures to correct the situation and get the postal votes to the electorate, and to take the papers back in once the issue was identified.

While I had concerns that the delay in distributing papers would have an effect on the outcome, my worries were allayed with the percentage of postal votes taken in.”

10. General findings

10.1 It should be recognised the 2024 UKPGE was administered in extremely challenging circumstances:

- There were only 20 calendar days between the May elections and the announcement of the general election
- The elections were administered using new constituency boundaries, the first changes since those introduced at the 2010 UKPGE
- This was the first UKPGE administered using the EMSS across the four constituencies falling within the UDC area, with the increased complexity of sharing data with three neighbouring local authorities (giving away to two and receiving from one)
- This was the first UKPGE at which the significant changes introduced by the Elections Act 2022 took effect, including the requirement for electors to show ID at polling stations, the introduction of the online absent vote applications portal, verifying the identity of absent vote applicants, expansion of the provision for British citizens living overseas to register to vote, and changes to processes for the return of postal votes by hand.

10.2 The volume of change introduced significant pressure to AROs and their electoral services teams, and we consider influenced the delivery of the election in Uttlesford.

10.3 It must however be recognised the election was generally administered well, with the error having no effect on the eventual outcome. We therefore wish to make the following statement before moving to our specific recommendations:

10.3.1 We have found no evidence of actual or attempted electoral fraud, or of any breaches of electoral law.

10.3.2 We are satisfied the situation that evolved in Uttlesford in respect of the delayed delivery of 2,688 postal ballot packs was a result of human error, defective checking processes and poor communication.

10.3.3 The electorate, candidates and agents should have confidence the result announced by the ARO is legitimate and was not affected by the error.

- 10.3.4 Once the error came to light, appropriate procedures were followed in respect of ensuring the immediate production and delivery of the 2,688 postal ballot packs. At no stage were 'knee-jerk' actions taken, only considered and sensible resolutions.
- 10.4 The communications response to the developing situation was commendable. There were no obvious flags until the North West Conservative Association raised some initial concerns at 3.58pm on Tuesday 25 June 2024. As soon as the issue was identified, the response was appropriate and delivered efficiently.
- 10.5 All stakeholders we would expect to be informed were done so, and the joint statement agreed by the UDC and CCC communications teams was clear and concise.
- 10.6 The agents who responded to our feedback request were satisfied with both the immediate response to the issue and the communications that accompanied it.
- 10.7 There were however issues with the media response to the statements made by the ARO to BBC Radio Essex on Friday 28 June 2024.
- 10.8 We are satisfied the comments were made with the best of intentions. They may have been slightly 'clumsy', but the intent was clear – 'we have a situation, we are addressing that situation and that must be the priority. We will then undertake a review.'
- 10.9 Despite the subsequent reporting, we find it commendable the ARO wished to give open and honest answers, and to take ownership of, and responsibility for, the issue.
- 10.10 It is however for UDC to consider whether the ARO/Chief Executive should receive refresher media training.

11. Comments and recommendations

11.1 UDC is not a large organisation, with just over 300 employees. However, it is reassuring to note elections are 'jointly-owned', with a corporate commitment to deliver quality services clear.

11.2 The ARO recognises the need to consider contingency arrangements going forwards and the need to build resilience to ensure single points of failure are identified and mitigated against.

Recommendation 1

An internal review of the challenges faced in the delivery of electoral processes should be undertaken. The review should identify and understand potential single points of failure and include consideration of the core team establishment size alongside available corporate support. It should also identify what resources and support will be required to mitigate risk in future.

11.3 It is generally held the 2024 UKPGE was called unexpectedly. It was known the election would be held some time prior to Tuesday 28 January 2025, but the announcement made on Tuesday 22 May 2024 came as a surprise to many.

11.4 Planning for an unscheduled poll is always problematic. There is only so much that can be done in advance, and the fact the election was generally administered successfully in Uttlesford is testament to the hard work and dedication of all involved. However, we believe more should now be done to mitigate against similar situations in the future.

11.5 The next three rounds of elections in the UDC area are all scheduled, i.e.

- Essex County Council – Thursday 1 May 2025
- Uttlesford District Council – Thursday 6 May 2027
- Essex Police and Crime Commissioner – Thursday 4 May 2028.

11.6 Planning for those polls can commence some time out from the respective election periods commencing.

11.7 The next UKPGE must be held by Wednesday 15 August 2029. However, as the date is set by the Prime Minister, there will always be uncertainty as to the actual when. To mitigate against the issues faced in 2024, we make the following recommendation:

Recommendation 2

On an annual basis, the ARO should agree outline arrangements for a 'snap' UKPGE with all key stakeholders, specifically those relating to the format and provision of data to and from shared areas (currently Chelmsford, Braintree and Harlow), and the printing, production and proofing of all printed matter.

- 11.8 As we have already identified, we are satisfied the delayed delivery of 2,688 domestic postal ballot packs was a result of human error, defective checking processes and poor communication. We therefore make the following recommendations:

Recommendation 3

At future elections in the North West Essex constituency, consideration should be given to combining the UDC and CCC postal vote data into two files prior to upload to the print supplier, i.e. one file for domestic postal voters and one file for overseas postal voters. The supply of multiple files introduces unnecessary risk.

Recommendation 4

At all future elections, the ESM should receive confirmation of the actual number of postal ballot packs to be produced against the number expected before production commences.

Recommendation 5

At all future elections, the print supplier should inform the ESM when the postal ballot packs have been collected by the Royal Mail, and confirm the actual number collected. The print supplier should also provide the ESM with a copy of any Royal Mail receipt docket or other suitable confirmation.

Recommendation 6

Consideration should be given to reintroducing on-site proof checking of postal voting stationery by ARO staff at the print supplier's premises immediately prior to dispatch.

Recommendation 7

At future elections in the North West Essex constituency, to facilitate the safe return of postal votes, consideration should be given to siting a ballot box at Chelmsford Town Hall as a matter of course.

Recommendation 8

At all future elections, consideration should be given to facilitating the hand-delivery and potential collection of replacement postal votes as a matter of course where the Returning Officer is satisfied, because of personal circumstances, the replacements will not be received in time to enable the elector to vote.

Recommendation 9

At all future elections, checks should be undertaken at the earliest opportunity to ensure postal votes are being received back from, and across, all electoral areas. The reporting functionality of the EMSS should be maximised to provide the ARO, candidates and agents with all necessary assurances.

12. Conclusion

- 12.1 The situation that resulted in the delayed delivery of 2,688 postal ballot packs was avoidable. Basic checks were not carried out and communication between the ARO's team and the print supplier was weak.
- 12.2 That said, it must also be recognised all involved were working in an extremely pressurised environment, dealing with significant procedural and legislative changes, delivering a truly 'snap' UKPGE.
- 12.3 In summary, once the error was identified, the response was commendable:
 - 12.3.1 The steps taken will have ensured the vast majority of affected postal voters were able to participate in the election.
 - 12.3.2 The communications response was good.
 - 12.3.3 The outcome of the election is not open to question.
- 12.4 For completeness, we wish to note that entirely separate to our review, the Electoral Commission also considered this incident. Such reviews are part of the Commission's role in monitoring satisfactory delivery across the UK against its performance standards, and can result in sanctions being imposed on an ARO where significant failures are identified.
- 12.5 We note the Electoral Commission's conclusion that "Following the moderation process (including review of the error by the Electoral Co-ordination Advisory Board and a final assessment by the Director of Electoral Administration and Guidance) we have determined the error does

not require formal assessment. This brings the formal moderation process to a close.”

- 12.6 Although reached entirely independently, the Electoral Commission’s conclusion as to the severity of the error in the North West Essex constituency aligns with our own conclusions.
- 12.7 All the errors that led to the delayed delivery are simple to address. We urge the ARO and his team to fully consider and implement the recommendations made.

Peter Stanyon
Chief Executive

12 September 2024



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Summary of recommendations

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At all future elections, checks should be undertaken at the earliest opportunity to ensure postal votes are being received back from, and across, all electoral areas. The reporting functionality of the EMSS should be maximised to provide the ARO, candidates and agents with all necessary assurances.

The Association of Electoral Administrators

Founded in 1987, the Association of Electoral Administrators (AEA) is the professional body representing the interests of electoral administrators in the United Kingdom, working independently of government. Key objectives include fostering the advancement of consistent and efficient administration of electoral processes, raising the profile of electoral administrators and contributing positively to electoral reform.

With over 2,000 members, the majority of whom are employed by local authorities to provide electoral registration and election services, the AEA is uniquely placed to comment on the challenges faced by electoral administrators in delivering safe and secure electoral processes to UK citizens.