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**Report of Chief Electoral Officer into Alleged Administrative Irregularities**

I have prepared this report upon request from the office of the Secretary of State for Northern Ireland. It follows concerns raised during two BBC radio programmes which aired on the 20 and 24 December 2019. Each programme focused on one of two people referred to by the BBC as ‘whistleblowers’ who asserted that large numbers of individuals had been denied a vote at the 12 December UK Parliamentary election due to administrative failures in the Electoral Office. I can confirm that this is demonstrably incorrect.

The Electoral Office for Northern Ireland had not received a complaint from either of the two people involved. The BBC revealed the identity of the first person and in the information provided in the second programme we have reason to believe we know the identity of the second person. The EONI recruit around 6,000 people to run elections in NI.

On the evening of Wednesday 18 December I received a call to my mobile from a member of the BBC production team on the Stephen Nolan programme. This person stated that they had a ‘whistleblower’ and needed a response to allegations made by him. The BBC representative said that the person had been an agency worker on the helpline and was saying that the EONI had given the public the wrong information on deadlines. I said I was not aware of any such issue. They forwarded a considerable list of allegations and questions requiring answers by 5pm on 19 December. I later advised the BBC of the death of my father that night of the 18 December.

It was not possible to answer the full list of specific requests within the time frame demanded by the BBC. Data analysis for example was required and the staff were not able to complete matters within the hours that were available. I provided a statement to the programme which included confirmation of dates and deadlines.

The agency worker who went on air was employed through a Belfast recruitment agency that has been used before by the Electoral Office for Northern Ireland. He was trained as are all helpline staff over a few days with one to one induction, working through guidance on frequently asked questions and then being monitored. The Electoral Office always employ additional staff to assist the public during elections by phone through a helpline. It is my understanding that not all electoral bodies in the UK provide a helpline service. This agency worker was to be the first point of contact for telephone queries. All helpline staff use a Frequently Asked Questions guidance document developed over many years with the learning from multiple elections. They are required to provide information to the public as quickly as possible and to put queries through to the next stage of more experienced staff if required.

Electoral law can be different in Northern Ireland when compared with other parts of the UK and in particular we have more demanding requirements in relation to proofs which may be requested from an elector. We also have different processing requirements and different deadlines at some points in an election.

On the 5 December (not the 4 as stated on the programme) this agency worker took a call and then interrupted the call to speak to another staff member to check something. When he was advised to tell the caller that it was too late to send in evidence the agency worker swore loudly in the open plan office and was heard by other staff. He returned to the caller and was overheard by another more senior member of staff (who sits beside the helpline to oversee and assist) to say ‘… you’ve lost your vote because we didn’t process your form on time. It’s our mistake and you should take this information I’m giving you and definitely make a complaint to your local Councillor. It’s a disgrace.’

The more senior staff member asked the worker to come off the calls. She was waiting for the manager to return to deal with the matter. When asked to come off calls he again responded loudly and aggressively.

The senior staff member consulted with the manager who was in a meeting and returned to tell the agency worker that he could leave early and that the manager would be in contact with the agency. The agency worker said loudly, ‘I’m being sent home’ paused and then said. ‘I’m not going to be the one who comes out worst in this’.

When the manager returned the senior staff member was visibly upset and shaking as a result of the behaviour of the agency worker. This was an extraordinary event and staff cannot recall any such behaviour ever occurring before. The manager explained the incident to the agency who was the employer and it was agreed that the agency worker would not return.

Under UK electoral law people must apply to be added to the Register. When they apply, whether during an election or not, the EONI registration officers must match their data with the data held by the Department for Work and Pensions and Business Services Organisation registration data. We will need to ask for further evidence to prove names and addresses if no match is made.

The legislation gives cut off dates each month by which that information has to be with the EONI in order that the changes to the register for that month can be processed. During an election there is, by law also, within the timetable, prescribed cut off points for accepting applications and for making additions to the register. For the 12 December election the cut off for receipt of registration applications, across the whole of the UK was 26 November and the last date for determining additions to the register was 4 December. In respect of applications received by the deadline of 26 November I was required by law to accept additional evidence received in support of those applications received to the 27 November. The Chief Electoral Officer may exercise discretion to accept evidence between the date they are required to accept evidence (27 November) and the final date for determination (4 December). Electors were advised to get evidence back by 3 December and EONI processed everything that was received up to and including the 4 December. From that time, in accordance with the legislative requirements EONI continued to process incoming applications in order that people could be added to the Register going forward, it just was not going to be in time for the election on the 12 December. The agency worker was talking about an event which took place on 5 December which was after all deadlines.

I am given to understand that the Electoral Commission has previously advised government that legislation concerning the discretion to be applied between the prescribed day up to which evidence must be accepted and the final date of determination should be reviewed.

Agency staff are not expected to understand electoral law. Their task is to act as a first point of contact for the public. They are required to advise people of the position of their application and share FAQ answers, escalate other queries and ensure that they make clear the urgency of returning any evidence required. I understand that many electoral administrators across the UK employ temporary staff at elections.

Depending upon the number of applications received, applications may not necessarily be processed on the day they are received.

The person who spoke on the programme clearly misunderstood the registration process and the requirements to check every application. Had he made any manager aware of his concerns other than shouting across the office that day staff could have further explained the legislative structure to him. The requirements in legislation mean that sometimes the EONI must provide people with the opportunity to give evidence even if it is at a point when we think that it is very unlikely that they will be able to return it in time. Where on line applicants have submitted an e mail contact address the EONI can use that for communication, but otherwise we must use post.

On the registration deadline of 26 November for the UK Parliamentary election 2019 the EONI received 13,775 applications. This was an unprecedented figure. By way of comparison, in a planned election the Electoral Office received 335 on the last day of the Local Council elections just a few months prior to the Parliamentary election. Data now shows 84,434 applications for the UK Parliamentary election compared to 49,272 for the Local Council (which was itself considered an increase earlier in the year). The most telling piece of data perhaps of all is that 46% of all those applications for the Parliamentary election were received in the last six days. This compares to 15% of all applications in the last six days of the Local election which totalled 7,199 compared to over 40, 000. This huge ‘rush’ at the end was unprecedented for Northern Ireland.

I understand that there were severe difficulties in processing applications across the UK. I can confirm that with our increased numbers of processors and our highest performance rates to date, in Northern Ireland the Electoral office processed every application received within the deadlines as outlined above.

Some people complained in the programme that they received poll cards for one address but then were unable to vote at the polling station allocated on that card. Poll cards issue as early as possible after the election is called by Government. That means that the cards are issued on the data available for the Register at that time and it remains possible that a person could subsequently apply at another address after the poll card data has gone to print. Therefore, it can and does happen that people receive a poll card for one address that is not the address that will be on the Register on the day of poll. That is what happened to four people attending at the Downpatrick station which the BBC referred to later. A poll card is not proof of being on the register and is not required for voting. Where an additional poll card has been printed in error that will not entitle any person to vote or lead to their name being on the register twice.

Prior to the UK Parliamentary election we had very few people wishing to be on the Register at two addresses. Students’ main engagement with the EONI would have been around securing absent votes. Although we cannot extract data purely relating to students, there seems to have been a change in need with students now wishing to register at two addresses (term time and family home) and we will be working with student representative bodies as well as those operating Register to vote Gov.UK to consider how to make the system as accessible as possible whilst maintaining the integrity of the administration of elections under law. Young people do report difficulty in providing the proofs required by law. We will seek developments from universities in Northern Ireland to deliver services as per their counterparts in England and Scotland to facilitate registration as part of administering application by a student to the University. We have met in this regard with the National Student’s Union and are taking work forward with them. They stated that they believed around 100 students may have experienced difficulty.

For other members of the public who may seek to change address during election periods and particularly during unplanned elections we have been liaising with the Electoral Commission to consider how to ensure awareness of the processes required.

Reference was made in the programmes to absent voting. There were no systemic problems in this processing of applications which was carried out in a different building to the one in which this agency worker operated over his weeks. There is no evidence of the failings to which he refers. The absent voting data on applications accepted and refused is published on our website at each election.

There was reference made to an absent vote being processed after the election but from further investigation this would appear to have been an application for a permanent absent vote which was received out of time. As this absent vote was a permanent application it was processed and granted for the duration of the university course. The elector who had submitted out of time for the UK Parliamentary election was advised on 16 December that the permanent absent vote had been granted.

At five minutes to five on the 23 December the BBC issued an e mail to a staff member at the EONI requesting further information, making allegations of issues at polling stations and they then aired a programme on Christmas Eve.

A person identifying themselves as a polling station manager at a three box station in Downpatrick said that they had received many requests for ballot papers from people who were not on the register. Indeed, they said this happened hourly. The person also said that they gave out ballot papers to people not on the register.

The EONI was not aware of any staff in polling stations providing ballot papers for those not on the register other than by the process outlined in law to check for any clerical error. Issuing a ballot paper when the person is not on the register is an offence. The legislation permits that up to seven o’clock on the evening of Poll, staff at polling stations can contact the Electoral Office to authorise a remedy for any perceived clerical errors. Checking records on clerical errors remedied on polling day shows less than a hundred required changes.

The EONI employs over 600 polling station managers. Training is provided. Many have worked through years of elections. As part of that training polling station managers are advised how to check electors against the register, what to do if they cannot find the name and also every polling station manager is required to complete a log book. We note in the records made by staff at the station referred to, that the manager makes no mention of attempting to call this office or indeed of issuing ballot papers as he described on air but rather in a summary page on the front of the log he records the number ‘four’ against a request for information on the number of persons trying to vote at the station who were not on the register. He does not record, as would be expected, any further data on those other than to note in a few words that he found it difficult to search the register.

An inspector calls at all polling stations throughout polling day and the inspectors log for this station records nothing from the polling station manager about the complaints made on air regarding people being given ballot papers without being on the register.

We were able to move through all the data for this station to see that five ballot papers were provided at that station to people who were not on the register. None of these names had been manually added to the register by the polling station staff as they should have been to indicate a change to the register being made. We were however able to identify four electors during investigation. Two were a couple who appeared to have moved out of the family home and sought to change address during the election period but failed to provide evidence of their new address. The second two were also a couple who appeared to have moved house and failed to complete in the same way. None of those four completed the change of address process or responded to our requests for evidence. None of those should have legally appeared on the register and none of them should have been given a vote.

After every election we review all polling station logs in order to better understand the experience of the election and learn lessons with a view to continuous improvement in our service. The first phase of this is complete and the only systemic issues emerging were that more phone lines would help and a request to make the Register easier to read.

I have made these logs available to the Electoral Commission as would always be the case.

We had received under 200 complaints in relation to the UK Parliamentary election, fewer than at previous electoral events. This is for an eligible electorate of around 1.3 million.

Comments were passed on the programme about our phone system and I can advise that the EONI has been waiting to set up a new telephone system for some time. The number of unplanned elections in the last three years interrupted this work but now that we believe we have a period between elections which will enable us to do the work on the phone system we are currently awaiting contractors who will as part of their work put more lines in to the office. During one day in the lead up to the election BT phone lines were down in part of Belfast. This was an issue with BT and not the EONI. We followed best advice during those hours which involved using mobile devices.

On the afternoon of Friday 31 January 2020 a member of staff received an e mail from the production team for the BBC show saying that they had a letter from the EONI to a member of the public dated 12 November showing the wrong date for the return of evidence. They required a reply by close of business on Friday 7 February.

We reviewed letters from that date and found a typographical error which inserted the late registration deadline of 26 November into the text as an evidence deadline. This letter was sent to those applying to go on the register whose details could not be proven by the data matching process referred to above. From further searches it would appear that letters with that error were issued among other correspondence from 8 to 20 November. The effect of the error was that an elector had from 19 to 7 days to provide the necessary additional evidence if email was used (which it was for the majority) or 17 to 4 days if responding by post. The letters in the main were e mailed. Regardless of typographical error EONI processed everything received up to and including 4 December.

When comparing data for those required to provide documentary evidence at the Local Council election to the Parliamentary election, we can see no reduction in rates of additions to the register and therefore eligibility to vote. In fact, 65% of documentary evidence letters required a reminder letter during the UK Parliamentary election processing compared to 80 % in the Local Council election - even though the volumes of applications in the UK Parliamentary election outweighed the volumes in the Local Council elections. This relates to those who were required to provide documentary evidence and had not provided the required documentary evidence by the time of the election and were therefore not added to the register for the specific election. This therefore shows no reduction in access to the register for the UK Parliamentary election, but rather a reduction in the overall proportion of people that required a reminder letter in the UK Parliamentary election.

In small random samples of those who received the letter with the typographical error we can see that, of those who replied, about half did so after the 26 November and were still added to the register i.e. they sent in evidence regardless of the typographical error.

The system automatically generates these letters based on an initial template. From investigation we see that the error was spotted and letters altered on 21 November. The amendment was made by someone who did not realise that earlier letters may have had the error and it was not escalated. We believe this oversight may have occurred due to the fact that the electronic management system automatically generated the letters and they were then in bulk passed for post or had been emailed directly out from the system. Additionally, there were unprecedented numbers of hundreds of thousands of correspondences during the unplanned UK Parliamentary election given the very high application figures and the workload was extremely heavy.

This error should not have occurred and the EONI is contacting political parties to advise them of our error, to apologise and to advise of further improvement steps being taken including with new developments in the electronic management system.

I reported the matter to the Electoral Commission on the afternoon of 31 January passing on the communication from the BBC and was told that the Electoral Commission was advising government that the unplanned nature of the election has resulted in clerical errors across the UK.

For completeness, the four tracked ballot papers for the Downpatrick station did not have letters with the typographical error.

The EONI by law could have stopped accepting evidence on 27 November, which was one day later than the typographical error states. The use of the discretion meant that the electorate in Northern Ireland was given the absolute most time in the UK to return evidence possible, seven days extension in total.

We are also reviewing all our correspondence and website information as well as the process to update same to ensure it is as accessible to the public as possible going forward.

The Electoral Commission, which oversees the administration of our elections and is due to report on the UK Parliamentary election of 12 December 2019 has not indicated any particular concerns in relation to how the election was administered in Northern Ireland. They have confirmed that they have received only a very small number of complaints about the Electoral Office administration of the election to date which they have already passed to our office.

Virginia McVea

Chief Electoral Officer

7 February 2020