

**Fair and Free? Electoral Administration in the 2016 EU Brexit Referendum<sup>1</sup>**

Dr. Alistair Clark (Newcastle University, UK)

[Alistair.clark@ncl.ac.uk](mailto:Alistair.clark@ncl.ac.uk)

&

Dr. Toby James (University of East Anglia, UK)

[T.S.James@uea.ac.uk](mailto:T.S.James@uea.ac.uk)

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## **Abstract**

The EU Brexit referendum of 2016 may become one of the most significant electoral events in contemporary British political history. Like many recent contests in established democracies, however, the poll was surrounded by concerns about the integrity of the electoral machinery, especially in relation to the prospect of electoral fraud. This article provides the most detailed picture of the quality of electoral administration at a British electoral event to date by evaluating the electoral machinery. It reports findings from a survey and qualitative interviews conducted with the electoral officials responsible for managing the referendum across the UK. The findings are that the referendum was largely well run with a sound legislative framework, few warranted suspicions of electoral fraud or maladministration with appropriate management structures in place. There was evidence of challenges with last minute legislation, an inefficient electoral registration system that affected participation and difficult processes involved in absentee voting. There are therefore lessons about the robustness of Britain's electoral machinery and those designing institutions in other electoral democracies around the world.

Key words: electoral integrity, electoral management, voter turnout, Brexit, British politics.

## **Introduction**

On the 23rd June 2016 a referendum took place on whether the UK should remain or leave the European Union. This was a hugely significant electoral event that would have a major impact on the governance of Britain, party politics and public policy. It would also profoundly affect Britain's position within the world, the future of the European Union and was heralded as part of a dramatic turn towards nationalist populism across the West. It gathered coverage from across the world ensuring that Britain's electoral machinery was under intense public scrutiny.

The context of the referendum was one in which concerns had been raised about the integrity of the electoral process. These concerns map onto wider concerns that have been raised about the functioning of Britain's electoral machinery in recent years (REFS). They are also present in many other electoral democracies, such as the US where Presidential candidate Donald Trump made claims that the election would be 'rigged' against him before Election Day (Gabriel 2016). A new literature has therefore sought to examine electoral malpractices or maladministration (Norris, Frank, and i Coma 2014; Norris 2014; Birch 2011; Norris 2016, 2015, 2013). Through a survey and interviews with the electoral administrators responsible for delivering the referendum result, this article assesses whether Britain's electoral machinery did function well under considerable pressure.

The first part introduces the political context surrounding the referendum and the electoral machinery, while also describing the managerial structures that were in place. The second section outlines the concerns that have been raised about electoral administration in recent years. Four hypotheses are developed about the type of problems that might have been expected at the referendum are identified by drawing from the broader comparative literature on electoral integrity. The third part briefly describes the data and methodology. The fourth part provides an analysis of the data, before the final section returns to the hypotheses.

## **The context of the referendum**

Against most expectations, Britain voted to leave the European Union in June 2016 by a margin of 51.9 to 48.1 per cent. The context of the referendum, however, was one in which concerns had been raised about the integrity of this electoral machinery. The EU referendum was regularly troubled by concerns about whether the electoral machinery would work properly. Two days before the referendum, one poll reported that 28% of people thought it was 'probably true' that the poll would be rigged – a figure that was 46% amongst those intending to vote to leave the EU. A social media campaign was started, reportedly by the leave campaign, to encourage voters to take pens to polling stations to mark that their ballot papers so that election officials could not change their vote afterwards (pencils are provided) (Fitzgerald 2016). Warnings were made that 'millions could miss out' because their name was not on the electoral register (BBC News 2016) and the government's voter registration website crashed on the deadline for applications (Syal 2016). There were regular reports about things such as postal vote ballot papers being sent to the wrong people, being printed incorrectly and so on. UKIP leader Nigel Farage, within minutes of the polls closing, seemed to concede defeat and imply that integrity of the result could be questionable after a decision made to extend the registration deadline. The authors understand that one right-wing tabloid has already pre-prepared a front page raising questions about the result. The poll came in a heightened political climate, coming shortly after the murder of Jo Cox, the Labour MP for Batley and Spen in her own constituency by a far-right terrorist.

The UK has a different legal and management framework for the conduct of referendums to that of normal elections. The Political Parties, Elections and Referendums Act (PPERA) 2000 specifies that the Electoral Commission Chair, or someone they appoint, must act as the Chief Counting Officer (CCO) and is responsible for certifying the outcome of the referendum. The CCO is also responsible for

appointing Regional Counting Officers (RCOs) for each electoral region. These 11 RCOs are responsible for ‘co-ordinating the planning and administration across their electoral region and for managing the collation of the local to totals into a total for the electoral region’.<sup>2</sup> The CCO can also issue directions to all 382 Counting Officers (COs) who were responsible for the voting process in their local government or electoral area.<sup>3</sup> In mainland Britain, the CO was the Returning Officer for the local authority. In Northern Ireland, the Chief Electoral Officer for Northern Ireland (CEONI) was the CO for the whole of Northern Ireland.<sup>4</sup> The referendum was otherwise run in accordance with the system of Britain’s electoral laws set by Parliament and the electoral register used for Parliamentary elections, which is maintained by electoral registration officers in local authorities (or in Scotland, in Valuation Joint boards (VJBs)). This management structure is therefore still relatively new. The only prior UK-wide referendum with the Electoral Commission in this role was the 2011 AV referendum. Difficulties were noted with that system (James 2016), meaning that the EU referendum would also be an important test of electoral management structures.

### **The quality of electoral administration and management in Britain**

Electoral administration and management (as opposed to electoral systems, franchise legislation, and party finance) have become relatively newly established parts of the electoral cycle for researchers to focus on. Electoral administration refers to the ‘administrative systems through which the electoral register is compiled, and votes are cast and counted’ (James 2010, 369). Electoral management involves a focus on the ‘the people and organisations involved in the implementation elections’ which involves a focus on ‘the organisational relationships, use of policy instruments and resources amongst the stakeholders involved in the delivery of elections’ (James 2016, 3).

Four problems are commonly reported both in established and consolidating democracies, all of which have been claimed to be present in Britain in recent years. A first problem is that integrity of the polling and registration process can be undermined by *cases of and opportunities for electoral fraud* by citizens or party agents. Scholars have focussed on how electoral laws have been broken by, for example, stuffing ballot boxes, personation in the polling station or casting bogus postal votes. Some studies have sought to estimate or measure the number times electoral laws are broken (Ahlquist et al. 2014; Christensen and Schultz 2014), while others, noting the difficulty in measuring cases of electoral fraud, have argued that particular voting procedures, that are enshrined in national laws, undermine electoral integrity by having an insufficient security provisions (Lehoucq 2003).

In response to this, some advocate increased security provisions, such as voter identification requirements, removing convenience voting provisions such as mail-in ballots or asking citizens or the use of election monitors (Fund 2008; Sobolewska et al. 2015; Kelley 2012). Critics, however, argue that actual cases of electoral fraud are few and far between and do not warrant the type of policies prescribed (Minnite 2010; Levitt 2014) and data from the perceptions of electoral integrity index suggest that this is not the most serious issue in most countries (Norris et al. 2015b). Restrictive procedures are therefore commonly thought to be unnecessary.

A deep rooted history of problems in nineteenth century elections in Britain, such as treating and bribery, is well documented (Butler 1963; Seymour 1915; James 2012). These were widely thought have been fixed by reformers that introduced measures to ensure ballot secrecy but recently concerns have re-emerged. New Labour governments introduced postal voting on demand in 2001 (James 2011) but there have been cases involving electoral fraud. One judge presiding over the case of local elections in Birmingham in 2004 declared that the levels of fraud ‘would disgrace a banana republic’ (Mawrey 2005). The same judge also famously found the Tower Hamlets mayor guilty of ‘corrupt and illegal practices’ including personation and other acts of electoral fraud (Mawrey 2015). Sobolewska et al. (2015) found that ethnic-kinship networks in Pakistani- and Bangladeshi-origin communities in England had a ‘range of vulnerabilities, which may make them susceptible to becoming victims of electoral fraud’. Some have therefore advocated increased security provisions, such as voter identification requirements, removing convenience voting provisions such as mail-in ballots (Wilks-

Heeg 2009, 2008; Electoral Commission 2014; Sobolewska et al. 2015). In a report commissioned by the government, former local government secretary Sir Eric Pickles support to introducing voter identification to combat perceived electoral fraud (Pickles 2016). This is to be introduced beginning with English council elections in 2018.

A second problem is that voting and registration procedures can provide *bureaucratic hurdles for participation*. The classic rational choice institutionalist claim is that voter participation will be higher when the logistical costs of balloting are lower. Researchers therefore often prescribe more convenient or expansive voting procedures to maximise electoral participation. These might include postal voting, election-day registration, public holidays on election day or remote electronic voting. Restrictive procedures such as voter identification, biometric voter identification or early registration deadlines should be discouraged because they will lead to a reduction in democratic participation (James 2010; 2012; Wang 2012). Despite innovations undertaken by the New Labour governments to make it more convenient for citizens to vote, the only permanent reform made was postal voting on demand (James 2011). Electronic voting or advance voting is not available, although citizens can vote through proxy or emergency proxy. There is not a system of automatic electoral registration in the UK. Moreover, this was the first major nationwide electoral event at which electoral registration was undertaken on an individual, rather than household, basis which was forecast to have negatively affected the completeness of the electoral register (James 2014b). This system, which was phased in in Britain from 2014 and ended the transition in December 2015, also required citizens to provide their national insurance number and other identifiers (James forthcoming). One study revealed that two-thirds of polling stations turned away would-be voters at the 2015 general election (Clark and James 2017). It was estimated that the December 2015 electoral register was missing roughly 8 million (Electoral Commission 2016). The case for reform of Britain's electoral registration system has been made (James, et al., 2016).

A third group of problems relate to *failures of electoral management and poor organisational performance* (James 2014a) – such as errors made by returning officers and by election officials in the management of the polling process. These are not necessarily the consequence of deliberate partisan efforts to alter the result of the election. Instead, they might result from human error, under-resourcing, poor performance management systems and/or leadership (James 2013; 2014a; 2016; Clark 2014; 2015a; 2016). Although there are many *examples* of maladministration it is often unclear how systematic these problems are. There is some evidence of these been present in the UK. The 2010 general election saw queues at polling stations which eventually led to voters being unable to vote and electoral officials in some areas failed to print sufficient ballot papers (Electoral Commission 2010). Meanwhile, the management structure for UK referendums has been identified for having both positive and negative effects on electoral integrity. Centralised electoral management structures in the 2011 AV referendum led to cost inefficiencies and overlooked the local knowledge of electoral officials (James 2016).

Fourthly, electoral integrity can be undermined by *problems with the legislative framework*. International standards have been established recommending that laws are drawn up to meet a number of principles such as ensuring clarity, they are consolidated and avoid conflict (Venice Commission 2006; Electoral Commission 2012). James (2014a) found that UK electoral officials struggled with legal complexity and diversity. There has been a substantial increase in the result of a rise in the frequency of elections and types of elections since 1997 as a result of devolution, local referendums and, police and crime commissioner elections. Many of these have different frameworks which make errors possible. The Law Commission concluded that 'electoral law in the UK has become complex, voluminous, and fragmented' (Law Commission, Scottish Law Commission, and Northern Ireland Law Commission 2014, 4). In the light of problems at the 2007 Scottish parliamentary elections, The Gould report (2007) also warned against making last minute changes to electoral law since this can bring about avoidable problems. It suggested that 'electoral legislation cannot be applied to any election held within six months of the new provision coming' (Gould, 2007: p.112).

Based on the discussion of the literature above we might therefore derive four hypotheses:

- H1: Electoral fraud was widespread at the referendum
- H2: Bureaucratic hurdles reduced participation
- H3: There were cases of maladministration and weakness in management structures
- H4: The legal framework made the referendum difficult to administer

## **Methodology**

This study utilised two methods to investigate these questions. A survey was sent electronically to the 380 counting officers (COs) in local authorities administering the referendum throughout Great Britain. It was also sent to the electoral authorities in Gibraltar and to the Electoral Office of Northern Ireland (EONI). Surveys of electoral officials have now become established as an appropriate method for assessing electoral integrity (Clark and James 2017; James 2014b). Their advantage is that they have close hand experience of the electoral process. Their ‘insider’ knowledge makes them uniquely placed to see and report problems. Citizens’ limited knowledge of the electoral process means that they may not be able to identify irregularities, or conversely think see ‘improper’ behaviour when there is none.

Responses were received from 254 local authority respondents giving a 66% response rate. This is a very high response rate.<sup>5</sup> Nine additional hard copy responses were received and added to the dataset manually. These are included in the response rates above. All figures in tables are rounded and consequently may not sum to 100. There was an extensive amount of qualitative replies provided in addition to the quantitative replies. These provide a rich source of additional information about the problems faced by COs, mostly explaining the nature of problems experienced.

To add further depth to the data provided by the survey, the second method was to conduct 25 semi-structured interviews with key actors (1 CCO & DCCO, all 11 RCOs and the Chief Electoral Officer for Northern Ireland (CEONI), and a further 12 COs from across Britain) conducted mostly over the telephone.<sup>6</sup> The aim of the interviews was to allow electoral officials to flag important challenges which were not anticipated by the survey. Overall, the dataset provides the most comprehensive information about the quality of electoral administration and management at any single UK electoral event and gives a unique picture of the quality of electoral machinery in Britain.

## **Results**

### *Management structure*

The Electoral Commission regularly comes under pressure from a variety of sources including over its previous conduct of referendums (Clark, 2015b; James, 2016; Pickles, 2016). Nonetheless, the survey revealed high levels of overall satisfaction among COs with the management structure with 82 per cent agreeing or strongly agreeing that it ‘worked well’ (table 1). Interviews with RCOs also suggested that the system seemed to have been successfully adapted from the model used in 2011. They thought that the Chief Counting Officer had made many efforts to reach out and speak to COs at local and regional events and that this ‘had been noticed’ in the electoral community. RCOs described themselves as being well-supported and drew most of their support from their local teams. In some cases this was strengthened with new, short-term appointments. Many officials were keen to stress that informal networks and relationships were more important than the formal structures in providing

support, however. COs also pointed to the importance of peers in other local authorities. ‘Structures are fine, but relationships are everything,’ said one.

Table 1: Views on Referendum Management Structure (%)

	Strongly disagree	Disagree	Neither	Agree	Strongly agree	N
Overall management structure worked well	-	3	15	74	8	254
Management structure worked better than for an election	3	27	60	9	1	254
CCO’s planning for the referendum was effective	1	5	20	66	9	254
RCO’s planning for the referendum was effective	-	2	12	67	19	251

RCOs explained that the management structure allowed them to provide advice, support and a problem solving system to COs. In addition it provided them with a framework to identify ‘at risk’ COs (for example, because of staff changes) and take action to ensure compliance and consistency in the delivery of the referendum.<sup>7</sup> Although informal regional support and advice networks often exist for elections (Clark, 2015a), this was not universally in place. The management structure, although fit for purpose for referendums, was not thought to be an improvement on that used for elections by most counting officers, however. Respondents stressed the differences between the referendums and elections, most notably the complexity of the ballot structure with many different candidates in normal elections which means that there is greater local variation in those contests. By contrast, the binary choice offered in the EU Referendum simplified matters considerably for COs, both in organising and counting ballot papers.

A key component of the management structure was the CCO’s ability to issue directions to RCOs and COs. The survey demonstrates that the directions were very widely thought to be clear, easy to understand and issued in sufficient time to allow preparation and made it easier to plan and run the referendum. Roughly half of respondents agreed or strongly agreed that the directions focused on the most important issues for ensuring public confidence in the result. 68 per cent indicated that it was either fairly or very easy to follow the directions.

The directions had the positive effects of bringing a consistent experience for the voter (72 per cent agreed or strongly agreed) making it easier for many electoral officials to plan and implement the referendum (57 per cent agreed or strongly agreed), and, to a lesser extent, prevented errors being made (37 per cent agreed or strongly agreed). The negative effects included increased financial costs (43 per cent either agreed or strongly agreed), absorbing staff time (38 per cent either agreed or strongly agreed) and overriding local experience (24 per cent either agreed or strongly agreed). Qualitative interviews suggested that many COs felt that the Electoral Commission is over directive and that the directions given ‘are self-evident and just good practice’. As some put it:

‘The directions covered the key areas but did not allow for local knowledge, teams experience of running elections or give flexibility when local issues arose.’

‘Pressure for early despatch of postal votes meant extra staffing and [postal vote] issue sessions to be organised’

Rarely did the directions introduce new ways of working (only 10 per cent either agreed or strongly agreed) or negatively affect staff enjoyment of their roles (only 8 per cent either agreed or strongly agreed).

Directions are therefore not accepted uncritically and don’t add value in every circumstance. They clearly have many positive effects, however. Many qualitative replies suggested that the CCO got the balance better than in 2011 and that the practice of having directions is now more embedded. As one put it:

‘We strongly disagreed with the onerous directions imposed by the CCO on the last referendum. The directions used this time were proportional, well written and the CCO should be commended

### *Legislative framework*

The first stage in organising an election is providing a legislative framework. The government committed to hold the referendum before December 2017 but there was long-running speculation about when this would be. There was some concern within the electoral community, given the warnings from the Gould report, that it could be called at short notice with relatively short preparation time, or shortly after another set of polls, which would be a time when staff could be tired and resources depleted. The European Union Referendum Act received Royal Assent on 17 December 2015 and came into force on 1 February 2016. The Government laid The European Union Referendum (Date of Referendum, etc.) Regulations 2016 before Parliament on 23<sup>rd</sup> February 2016. This set the date of the referendum as 23 June 2016. As Table 2 illustrates, most respondents to the survey were generally satisfied that the legislative framework was set out sufficiently long in advance and also that it set out the duties of each electoral official clearly. The Commission published a timetable containing the statutory deadlines for the referendum.<sup>8</sup> There were some concerns that the timetable was too tight, with 28 per cent of respondents agreeing or strongly agreeing that it was too tight.

The government introduced further late legislation to extend the registration deadline from 7<sup>th</sup> June by 48 hours to midnight on the 9<sup>th</sup> June. This followed the high-profile crash of the voter registration website run by the Cabinet Office. This extension had a major effect on many electoral officials. Local authorities were unable to employ and train additional staff at such short notice so it simply meant that many people worked longer hours. This added to stress levels and some respondents reported significant degrees of exhaustion since the referendum had closely followed major devolved and local elections in May, and many staff had not taken holidays. To quote two separate respondents:

‘There was just no let up in the work load and it just got progressively more and more. It’s no wonder so many people went off with stress related issues’.

The extension of the deadline also had a knock-on of squeezing the time available to prepare for polling day. This increased the chances of errors being made and in some cases led to compromises being made such as there being insufficient time to send polling cards to the late registrants:

‘Not all late applicants received poll cards despite them being sent 1st class on Monday 20th June as it was simply too close to the date of the poll. We were unable to carry out all the checks we would normally carry out on polling station registers to ensure that they were both complete and accurate as we were unable to print them until the afternoon of Monday 20th June due to a software issue caused by the deadline extension and they had to be in the boxes ready for

collection the following day. This added a significant risk to the process that could have been mitigated by not altering the determination deadline for the Referendum.’

As Table 2 illustrates, 44 per cent of respondents agreed or strongly agreed that the extension affected their ability to deliver the referendum. At least half of teams coped with the deadline with few problems. Although the outcome of the referendum was clear cut, these compromises could have had a profound effect on the delivery of the referendum and potentially, therefore, the legitimacy of the outcome in a closer and contested referendum result.

Table 2: Legislative Framework (%)

	Strongly disagree	Disagree	Neither agree nor disagree	Agree	Strongly agree	N
The statutory timetable for the referendum was too tight	4	34	34	23	5	254
The overall timing of the referendum did not cause any significant difficulties	26	45	12	17	1	254
The legislative framework for the referendum was set in sufficient time ahead of the poll	4	24	19	52	2	254
The legislative framework clearly set out my responsibilities	-	3	14	77	6	252
The extension of the registration deadline caused challenges disproportionate to the number of electors registered as a result	3	8	12	36	41	253
The extension of the registration deadline had a significant impact on our ability to deliver the referendum	5	31	21	29	15	254

### *Registration*

Counting Officers were asked to score the extent to which they faced challenges delivering the referendum on a 5 point scale (0=no challenges whatsoever, 5 = extensive challenges) for a 34 aspects of the referendum (table 3). This included registration, polling day, absent voting, the count and agents. Figure 2 demonstrates the areas where challenges were the greatest. Responses are reverse ranked by the percentage stating that no challenges were met.

Of all the areas, respondents picked out two electoral registration problems as being the most significant. Public confusion about their registration status and duplicate registrations were ranked as the most extensive challenges that they faced. These problems were clearly linked. Many interviewees pointed to citizens thinking that they needed to re-register, unnecessarily re-registering and thereby adding to the workload of electoral officials.

Table 3: Problems Experienced

	No probs / challenges 0	1	2	3	4	Extensive probs / challenges 5	N
Confusion about registration status	2	-	7	16	32	44	248
Levels of duplicate registration applications	2	4	7	20	32	37	244
Proximity of May elections	2	2	11	20	30	35	249
Volume of postal vote/proxy apps	7	8	10	21	21	32	249
Insufficiently experienced staff	15	26	22	16	12	10	246
Insufficient staff	9	24	26	19	15	8	247
Domestic postal vote dispatch timings	28	23	14	18	12	6	252
Overseas postal vote dispatch timings	28	22	12	17	13	8	251
Reqmt to provide DoB & NI number	10	22	27	22	15	4	245
Polling station staff recruitment	8	13	24	25	26	4	254
Issuing postal vote rejection notices for May elections	26	25	14	18	12	4	250
People asking to vote who were not on register	3	32	30	23	11	2	254
Voters not understanding how to vote	53	26	12	6	2	2	254
Printing	41	29	11	12	6	2	252
Count staff recruitment	35	24	20	14	6	2	254
Election management software	15	34	20	20	10	1	248

Campaign groups behaving inappropriately at polling stns	63	20	8	5	3	1	253
Venues used for count	75	13	5	4	2	1	254
Campaigners behaving inappropriately at count	75	15	3	2	1	1	253
Timing of the count	65	15	10	5	4	1	254
Suspected cases of personation	76	18	2	3	1	-	253
Suspected cases of electoral fraud	88	11	-	1	-	-	254
People taking photos of ballots/polling stns	68	24	4	3	-	-	253
Polling stn not opening on time	96	3	-	-	-	-	253
Queues during day at polling stns	52	25	16	6	1	-	254
Queues at close of poll	87	9	3	1	-	-	252
Postal vote fraud	69	13	3	1	-	-	253
Resources for the count	64	19	9	5	2	-	252
Verification process	78	17	4	1	-	-	254
Counting method	83	12	4	1	-	-	254
Contacting the RCO	81	12	4	-	1	-	253
Contacting the CCO/DCCO	41	4	2	-	-	-	250
Appointment of agents	47	16	12	19	5	-	252
Access to the electoral register	55	20	8	12	5	-	250

Serious challenges were expressed in terms of staffing in some areas. 8 per cent of local authorities faced extensive challenges with staffing levels and 10 per cent faced extensive problems with

insufficiently experienced staff. Causes of staffing problems included the timing of the referendum since it came shortly after the May elections and coincided with Ramadan which will have affected some areas more than others. However, cutbacks were also cited. Although this was not a problem across the board it could leave authorities exposed:

‘The Election Manager left in January, recruitment was successful, but new ESM was unable to start until mid-April due to required resignation period. Senior ESA, who stepped up in the absence of the ESM, went off sick with stress induced illness in March and has been unable to return to work. Another team member also went off sick with stress related health problems in May and has still not returned to work. Although Admin assistance was made available, there were no AEA consultants available and therefore the remaining staff have had to deal with an unprecedented volume of work, with fewer experienced staff.’

Some respondents suggested that they were still recovering from the introduction of individual electoral registration, which had meant a major change of business processes. Meanwhile, problems with the Electoral Management Software included late software fixes and poor advice from the supplier.

#### *Polling day*

Polling day broadly went smoothly across the UK. RCOs described those that were faced as ‘nothing unusual.’ The most widely cited challenge cited by COs (in the survey and interviews) was the recruitment of staff with only 8 per cent of COs reporting no problems at all. The timing of the referendum in June (which is a common holiday period) and close proximity to the May elections (which had meant that staff had not taken holidays earlier) were factors. One respondent suggested that ‘staff fatigue was high’. The coinciding of the referendum with Ramadan, which will likely have been more important in areas with high Muslim populations, and the directions from the CCO to have a minimal number of staff in each polling station were also cited as contributing towards this.

There was evidence of individuals turning up at polling stations but not being on the register. Only 3 per cent of respondents reported no problems. A similar problem was reported at the 2015 general election, suggesting that this is not an uncommon problem in UK elections.<sup>9</sup> Qualitative interview with RCOs suggested that the numbers were relatively low. However, comments from COs suggested that the numbers could be high in places, and there was evidence that some of these were citizens that had been removed from the electoral register in December 2015 as a result of the introduction of individual electoral register in December 2015. According to one official:

‘The majority of people who were unable to vote were those that were “UNCONFIRMED” electors at the Parliamentary election last year and had managed to vote then so could not understand why not now.’

There was evidence of low understanding of the electoral registration process amongst citizens with some thinking that they were registered because they paid Council Tax. As one official suggested:

We had a number of people who were not registered and who thought that paying Council Tax meant that they were registered... considering the amount of voters, it was unnerving to see how many people did not know the process.

There was some evidence of inappropriate behaviour or intimidation at polling stations by campaigners in the survey, with a third of respondents suggesting that there was a challenge of some degree (Table 10). Qualitative comments described how this could include displaying campaign posters, or handing out leaflets close to polling stations. It is important to note that this is often a matter of differences in perception, with what campaigners may see as legitimate campaign efforts seen differently by voters. Yet, in some instances cars were parked outside polling stations containing the campaign material. One CO said that they had ‘several instances of tellers having to be moved on due to their intimidation of the electorate.’ In another counting area:

We had one incident where a supporter of the exit campaign parked a car and the individual used a speaker to hail abuse at voters entering one polling station at [Location given]. Due to the attitude of the individual campaigning for exit Polling staff were advised to ring the Police but the incident passed before the Police arrived and it was not repeated.

Some COs reported, however, that the actions were often “new” [campaigners] and were not familiar with the 'do's and don'ts'. When the affiliation of the agents involved in problems was cited by COs, they were all identified as leave campaigners.

There were very few suspected cases of electoral fraud and few suspicions of personation (Table 10). Qualitative findings suggested that where concerns were held they were about individual voters rather than widespread cases. The few suspected cases of fraud are in stark contrast to the concerns about electoral fraud raised by campaigners. The hashtag #pengate was widely circulated on social media encouraging voters to take pens to the polling station rather than pencils because their votes could be rubbed out and changed by electoral officials. Responses to the survey suggested that this caused some problems on polling day. Some authorities suggested that this created number of considerable queries in the polling station and telephone calls. Some voters 'insist[ed] that the Council would rub out their marks on the ballot paper when we emptied the ballot boxes at the count'. Pens were thrown at polling staff in one instance.

Flash flooding created some problems on the day of the poll. In a very limited number of cases it affected polling by, for example, causing traffic problems which delayed staff from reaching and opening the polling station, or, causing a polling station to be relocated during the course of the day. Problems seem to have been dealt with quickly and there was no evidence of any significant impact on access to the polling station. There was some evidence of queues during the day, but very little at the close of the poll. Qualitative comments suggested that the queues were 'not unmanageable'. Electoral Management Software problems also occurred in an isolated number of cases.

### *Absent voting*

There were significant problems faced with the volume of applications for postal and proxy votes with over half of respondents suggesting they had extensive challenges in this area (ranking this as either 4 or 5 in Table 9). One local authority spoke of an 'over 30% increase in postal [vote applications] between May and June... [and an] ...over 150% increase in proxies'. This quote was typical:

'The sheer volume and timing of postal and proxy vote applications was a big challenge for the electoral services team (time consuming to process) especially in the week before the poll.'

The dispatch timing were also flagged as a problem in the survey (Table 9) and the qualitative comments. Many respondents understood the case for sending postal votes out earlier however some reported that it led to more cancellations and a cross over with postal voting rejection notices. For example, one CO suggested that:

Issuing postal votes before the deadline for amendment has passed causes significant logistical and administration difficulties. E.g. where an elector re-registers after the original PV was issued

COs commonly reported a public misunderstanding of the process. There was confusion over whether the extension to the registration deadline applied to postal votes, whether postal votes could be submitted at polling stations, the use of proxies and a variety of other issues. Problems with overseas postal votes were reported too. There were concerns that the application date for overseas registration was too late for postal votes to be issued. As one CO put it:

Postal vote applications were received from Overseas Voters after the 23 May dispatch date to overseas addresses, resulting in their overseas packs not being dispatched until 10 June. Applicants [were] not happy when their postal pack was being sent to Australia as they did not have enough time to return their postal vote before 23 June

Further contributory problems with overseas postal votes included anecdotal evidence that the international mail licence was not being recognised by some post office staff in countries including Spain and Belgium. Voters were reportedly advised that the licence was not valid and they would have to pay the return postage before the item was accepted. It was also reported that the size of the return envelope most COs use was sometimes not being considered an acceptable size in Germany. If completed packs were simply placed in post boxes some were removed from the mailing system and not returned. One RCO suggested that the system of overseas voting was 'broken' and needed to be replaced by another system e.g. internet voting to ensure confidence that votes could be cast and returned. The absence of common postal practices and standards across the EU, let alone the rest of the world, therefore poses a real challenge for the delivery of overseas ballots.

There was virtually no evidence of postal vote fraud. The extent to which problems were reported, it seems as if error may have been the cause. In one case a referendum agent reported a number of routine signature mismatches to the Police as fraudulent – but the electoral official suspected that this was just due to a misunderstanding of the adjudication process.

As one respondent put it:

[We] are one of the 17 high risk areas for integrity. This referendum did not have any issues with integrity.'

Concerns were raised about the proxy voting system with many officials reporting a rise in the numbers. As one put it:

'Emergency proxies are now becoming the norm and are open to abuse. I am sure whilst some are quite genuine, most are just people who suddenly realise that they have missed the deadline and see this as the only way they can now get around it. It should not be so widely advertised on the Commissions website as an alternative. People just download a form and email it in and we have to take it at face value, it's too easy for them!

Some COs encounter would-be voters who could not attend the polls because of the need to attend funerals, which the proxy voting procedure did not cover.

#### *Verification and count*

On the night of the referendum, the counts went overwhelmingly smoothly. 93 per cent agreed or strongly agreed that the 'count collation process worked well'. The count rehearsals were also seen as being especially effective at ironing out potential problems. Some RCOs and COs had to deal with Counting agents who were inexperienced and unfamiliar with the counting process because they had not been involved in elections before. This led to some uncertainty as to who to approach on the night.

Counting staff recruitment was an issue in some areas because of the lateness of the count, and other factors such as the date of the referendum. Other challenges on the night included dealing with floods which delayed the declaration in a very small number of areas. In one Welsh counting area there was a problem with an incorrect translation of the result announcement into Welsh which caused a delay.

#### *Funding*

Major concerns were raised about the funding system for electoral administration. Alarming, 43 per cent disagreed or strongly disagreed that they had funding available to support the work required to

compile the electoral register. As one CO described in the survey: ‘there is not enough money provided to support the work on the electoral register’. Interviews with RCOs also suggested that while many areas were sufficiently funded others faced serious problems. As one put it:

‘We had some serious concerns about whether all COs in the [region] had enough resources. In some councils it felt like a shoe string operation.’

Cuts within local authority budgets appear to be one cause of the problem. As one respondent put it: ‘Local Authority budgets are severely squeezed and while historically authorities have "subsidized" elections, this is becoming more difficult or impossible.’ However, another is the introduction of individual electoral registration, which was commonly described as more expensive to implement.

Table 4: Funding (%)

	Strongly disagree	Disagree	Neither agree or disagree	Agree	Strongly agree	N
There is an efficient process for distributing referendum funds to administrators	-	9	27	61	3	253
Sufficient funds were provided through the fees and charges process to run the referendum	4	15	38	40	3	252
There is sufficient funding available to support the work required to compile the electoral register	15	32	29	23	1	243

One CO described how the ‘funding massively underestimates the scale of the task at in hand in IER.’ Cuts in Cabinet Office funding were also cited.

A further cause seemed to have been the rise in postal vote applications. Concerns were raised that registration costs could not be claimed given that ‘so much of our time was taken processing registrations’ and that the ‘administration of postal and proxy voting applications is not something for which a claim can be made, because it is classed as a "registration expense."’

### **Discussion**

To what extent do the findings therefore support the prior concerns about electoral integrity in Britain, and the link between the design of electoral institutions and electoral integrity? H1 hypothesised that electoral fraud might be a challenge at the referendum. There was no evidence that this was the case. The referendum, despite the high stakes and fiercely politicised environment appeared to be free from problems on the day and during the absent voting process – areas where concerns had recently been raised. A generalisation from this might be that the expansive electoral administrative systems in place in Britain, such as the absence of voter ID and postal voting on demand, do not necessarily lead electoral fraud. That said, previous research has suggested that the problem, as far as it exists, takes place at the local level in ethnic kinship networks (Sobolewska et al. 2015). In a national contest with

one constituency local results would not have affected the overall outcome much and the cleavages mobilised were not on ethnic lines. There were some minor problems with voter intimidation, but these often were the result of a large influx of new and inexperienced campaigners. This suggests that many challenges with electoral integrity may arise when there shifts in the party systems and the ‘rules of the game’ are being learnt by new activists.

H2 suggested that there might have been bureaucratic hurdles which impeded participation. There was evidence of this. Yes, problems with citizens unable to readily identify their own registration status which may have affected whether they voted. As with the 2015 general election citizens were turned away from polling stations. Many electoral officials reported this as being ‘not unusual’. This ‘normalisation’ of the problem suggests that there are an undercurrent of citizens being denied their opportunity to vote. The evidence that some citizens were those who had been removed as a result of the introduction of individual electoral registration further reaffirms the link between restrictive forms of electoral administration and voter turnout.

H3 anticipated that there might be administrative inefficiencies or errors and management problems. Few of these were reported. In fact, those problems that were reported, such as incidents of flooding were stories of electoral officials overcoming adversity to deliver a high quality elections. Electoral managers may not be inclined to report problems as openly as poll workers might be. However, the management structures in place seem to have worked well, with a better balance seems to have been found with the use of directions at referendums. This suggests some learning from past practices and ‘bedding in’ of new processes. There is therefore a valuable lesson for electoral designers that organisational changes may take time for them to accrue their full effects.

H4 pre-empted that there might have been concerns with the legislative framework. For the most part, electoral administrators reported that this was ‘fit for purpose’. Major problems were caused by the emergency legislation to extend the voter registration deadline by 48 hours, however. This had major implications for the preparations for polling day and adverse effects on staff morale and workload. Although few problems were eventually reported on the day, the incident demonstrated the dependence of the electoral process on clarity and certainty in the legal framework.

## **Conclusions**

Variation in the quality of electoral management and administration has been demonstrated around the world with problems commonly found in established and newer democracies (Norris, i Coma, and Gromping 2016). The EU Referendum on 23<sup>rd</sup> June 2016 was a fiercely politicalised electoral event in which the UK’s electoral machinery stood to be firmly in the limelight. Using an original and detailed dataset, this study provided a critical evaluation of the electoral machinery. There were few problems or incidents on the day of the poll and during the counting process, despite high profile concerns in advance of the referendum and on the day of the poll which were widely spread across social media. No major problems occurred with electoral fraud and the management process seemed to work well.

There are underlying problems revealed with some aspects of Britain electoral machinery, however, especially electoral registration. There was widespread public confusion about the electoral registration process and a large number of duplicate applications which absorbed resources. The lack of availability of a system to allow citizens to check their registration status online, such as that available in other democracies, would reduce duplicate registration applications and allow public engagement to increase new registrations. Some citizens are turned away from polling stations thinking that they are registered but having found that they are not.

The broader lessons of the referendum and electoral designers are fourfold. Firstly, it reaffirms well held theoretical relationships in the literature on electoral administration. Restrictive forms of electoral administration such as individual electoral registration, the absence of election-day registration or poor services in the electoral machinery can directly reduce levels of participation. The

effects might be small, but in close contests they could be decisive, and may undermine confidence in the electoral process in an era when they are easily picked up on social media. However, the referendum also show the importance of context. Expansive forms of electoral administration such as the absence of voter ID or postal voting on demand are sometimes thought to create opportunities for fraud. In this contest at least, there was no evidence of a problem.

Secondly, it demonstrates the importance of workplace relations in electoral management (also see: James, forthcoming). A common theme throughout the survey and interviews was concerns about workplace pressure, stress and staffing. This is especially the case when electoral events follow each other in quick succession making taking holidays difficult. There was evidence of problems with recruitment in polling stations, the count but also the core parts of electoral teams.

Thirdly, the unintended consequences of previous reforms may become apparent long after they were first introduced. Absent voting was introduced in 2001 and has become increasingly popular in Britain and was so again in the referendum. There are, however, some challenging business processes involved in postal voting and overseas voting which also place a strain on local authorities and may have left some citizens unable to vote or their vote not being included in the count.

Fourthly, this study demonstrates the value utility surveys of electoral officials for identifying the nature of electoral malpractices. These are important in encouraging evidence-based policy since they allow counter-narrative to combat claims from partisan actors (Clark and James, 2017). If Remain had won the referendum, there may have been claims that it had done so because of electoral irregularities and studies of this type are essential for identifying problems or ensuring citizen's confidence in the electoral process. The authors believe that this is the most detailed post-electoral event survey of its type in the UK. The survey could be used as a template for future electoral events to enable systematic comparison and identify trends over time. This would allow the effects of reforms to be analysed.

## Bibliography

- BBC News. 2016. "EU referendum: Millions 'could miss out on vote'." *BBC News*, 25 May 2016. <http://www.bbc.co.uk/news/uk-politics-eu-referendum-36332411>.
- Birch, Sarah. 2011. *Electoral Malpractice*. Oxford: Oxford University Press.
- Butler, David. 1963. *The Electoral System in Britain Since 1918*. Oxford: Clarendon Press.
- Clark, A. (2014) 'Investing in Electoral Management' in P. Norris, R. Frank & F. Martinez I Coma (eds.) *Advancing Electoral Integrity*, New York: Oxford University Press, pp165-188.
- Clark, A. (2015a) 'Public Administration and the Integrity of the Electoral Process in British Elections', *Public Administration*, 93, (1), pp86-102.
- Clark, A. (2015b) 'The Relationship between Political Parties and Their Regulators', *Party Politics*, doi:10.1177/1354068815616027
- Clark, A. (2016) 'Identifying the Determinants of Electoral Integrity and Administration in Advanced Democracies: The Case of Britain', *European Political Science Review*, dx.doi.org/10.1017/S1755773916000060.
- Clark, Alistair, and Toby S. James. 2017. "Poll Workers." In *Election Watchdogs*, edited by Pippa Norris and Alessandro Nai. New York: Oxford University Press.
- Electoral Commission. 2010. *2010 UK Parliamentary general election Interim report: review of problems at polling stations at close of poll on 6 May 2010*. London: Electoral Commission.
- . 2012. *Electoral legislation, principles and practice: a comparative analysis*. London: Electoral Commission.
- . 2014. *Electoral fraud in the UK: Final report and recommendations*. London: Electoral Commission.
- . 2016. *The December 2015 electoral registers in Great Britain: Accuracy and completeness of the registers in Great Britain and the transition to Individual Electoral Registration*. London: Electoral Commission.
- Fitzgerald, T. 2016. "'Pencilgate' as voters bring pens to polling stations after fears EU referendum could be 'rigged'." *Manchester Evening News*, 23 June 2016. <http://www.manchestereveningnews.co.uk/news/greater-manchester-news/pencil-referendum-vote-rigging-claim-11514432>.
- Gabriel, Trip. 2016. "Donald Trump's Call to Monitor Polls Raises Fears of Intimidation." *New York Times*, 18th October 2016. <http://www.nytimes.com/2016/10/19/us/politics/donald-trump-voting-election-rigging.html>.
- Gould, Ron. 2007. *Independent review of the Scottish Parliamentary and local government elections* Edinburgh: Electoral Commission.
- James, Toby S., Bite the Ballot, and ClearView Research. 2016. *Getting the Missing Millions Back on the Electoral Register: A vision for voter registration reform in the UK*. London: All Parliamentary Party Group on Democratic Participation.
- James, Toby S. 2011. "Fewer 'costs,' more votes? UK Innovations in Electoral Administration 2000-2007 and their effect on voter turnout." *Election Law Journal*, 10, (1), p. 37-52.
- . 2012. *Elite Statecraft and Election Administration: Bending the Rules of the Game*. Basingstoke: Palgrave Macmillan.
- . 2014a. "Electoral Management in Britain." In *Advancing Electoral Integrity*, edited by Pippa Norris, Richard Frank and Ferran Martinez I Coma, 135-64. New York: Oxford University Press.
- . 2014b. "The Spill-over and Displacement Effects of Implementing Election Administration Reforms: Introducing Individual Electoral Registration in Britain ". *Parliamentary Affairs*, 67, (2), p. 281-305.
- . 2016. "The Effects of Centralising Electoral Management Board Design." *Policy Studies*, (early view), p.
- . forthcoming. *Comparative Electoral Management: Performance, Networks and Instruments*. London and New York: Routledge.

- Law Commission, Scottish Law Commission, and Northern Ireland Law Commission. 2014. *Electoral Law: A Joint Consultation Paper*.
- Mawrey, Richard. 2005. *Judgment in the matters of Local Government elections for the Bordesley Green and Aston Wards of the Birmingham City Council both held on 10th June 2004*. Nottingham: Spokesman.
- . 2015. "Andrew Erlam v. Mohammed Luther Rahman." In *M/350/14*, edited by High Court of Justice.
- Norris, Pippa. 2013. "The new research agenda studying electoral integrity." *Electoral Studies*, 32, (4), p. 563-75.
- . 2014. *Why Electoral Integrity Matters*. New York: Cambridge University Press.
- . 2015. *Why Elections Fail*. New York: Cambridge University Press.
- . 2016. *Strengthening Electoral Integrity: What Works?* New York: Cambridge University Press.
- Norris, Pippa, Richard W Frank, and Ferran Martinez i Coma. 2014. *Advancing Electoral Integrity*: Oxford University Press.
- Norris, Pippa, Ferran Martinez i Coma, and Max Gromping. 2016. *The Year in Elections, 2015*: Electoral Integrity Project.
- Pickles, Eric. 2016. *Securing the ballot: Report of Sir Eric Pickles' review into electoral fraud*. London.
- Seymour, Charles. 1915. *Electoral Reform in England and Wales*: David & Charles Reprints.
- Sobolewska, Maria, Stuart Wilks-Heeg, Eleanor Hill, and Magna Borkowska. 2015. *Understanding electoral fraud vulnerability in Pakistani and Bangladeshi origin communities in England. A view of local political activists*. Manchester and Liverpool: Centre on Dynamics of Ethnicity.
- Syal, Rajeev. 2016. "EU referendum voter registration site crashes before deadline." *Guardian*, 7th June 2016. <https://www.theguardian.com/politics/2016/jun/07/eu-referendum-voter-registration-site-crashes-before-deadline>.
- Venice Commission. 2006. *Report on Electoral Law and Electoral Administration in Europe: Synthesis study on recurrent challenges and problematic issues*. Strasbourg: Venice Commission.
- Wilks-Heeg, Stuart. 2008. *Purity of Elections in the UK: Causes for Concern*. York: Joseph Rowntree Trust.
- . 2009. "Treating Voters as an Afterthought? The Legacies of a Decade of Electoral Modernisation in the United Kingdom." *Political Quarterly*, 80, (1), p. 101-10.

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<sup>2</sup> [http://www.electoralcommission.org.uk/\\_data/assets/pdf\\_file/0003/196248/EU-Ref-Part-A-Role-and-responsibilities.pdf](http://www.electoralcommission.org.uk/_data/assets/pdf_file/0003/196248/EU-Ref-Part-A-Role-and-responsibilities.pdf), p. 8

<sup>3</sup> Para 7(5) Schedule 3 European Union Referendum Act 2015

<sup>4</sup> [https://www.electoralcommission.org.uk/\\_data/assets/pdf\\_file/0007/209419/Briefing-European-Union-Referendum-Management-2016-06-14.pdf](https://www.electoralcommission.org.uk/_data/assets/pdf_file/0007/209419/Briefing-European-Union-Referendum-Management-2016-06-14.pdf) Gibraltar was a separate electoral area for the purposes of the referendum and overseen by the South West RCO.

<sup>5</sup> A little caution is required in interpreting this figure. Some local authorities had two separate members of staff complete the survey, and have therefore made duplicate submissions, while in five cases, the response was flagged as covering more than one local authority. Eight local authorities completed two questionnaires, while five responses were made which covered multiple councils involving eleven councils in total. The view of the researchers is that these duplicate/multiple responses largely cancel each other out and that the figures reported are reliable.

<sup>6</sup> Two interviews were conducted face to face: a joint interview with the CCO and DCCO; and another with one RCO.

<sup>7</sup> The Electoral Commission routinely published and updated a risk register throughout the EU referendum process summarising these issues and helping to identify any potential difficulties.

<sup>8</sup> [http://www.electoralcommission.org.uk/\\_data/assets/file/0004/198229/EU-Referendum-timetable-23-June-Final.doc](http://www.electoralcommission.org.uk/_data/assets/file/0004/198229/EU-Referendum-timetable-23-June-Final.doc)

<sup>9</sup> Alistair Clark and Toby S. James (forthcoming 2017) 'Poll Workers', in P. Norris & A. Nai (eds.) (2016) *Election Watchdogs: Transparency, Accountability and Integrity* Oxford University Press.