

Report: How the 2012 Police and Crime Commissioner elections were run | Electoral Commission Search Report: How the 2012 Police and Crime Commissioner elections were run You are in the Police and Crime Commissioner elections section Home Police and Crime Commissioner elections On this page About this report Background to the elections Legislation for the elections Participation at the elections Why people did not vote People's experience of voting Legislation for the elections Participation by voters Participation by candidates and campaigners Trust in the delivery of the elections No undue influence Recommendations Download our full report First published: 26 June 2019 Last updated: 15 August 2019 About this report This report provides our assessment of how well the first ever Police and Crime Commissioner (PCC) elections held on 15 November 2012 across England (excluding London) and Wales, were run, and how well the framework for the new PCC elections was established. It includes assessment of three UK Parliamentary by-elections in Manchester Central, Corby and Cardiff, a local mayoral election in Bristol, and a local referendum in Hartlepool to decide whether to keep the directly elected mayoral structure, which were also held on 15 November. Our analysis reflects the experience of voters, based on public opinion research and electoral data provided by Local Returning Officers (LROs), as well as feedback and views about the administration of the election from candidates and agents, those responsible for delivering the poll, and other participants. Background to the elections Following the May 2010 UK Parliamentary general election, the UK Government published its programme for government, which included a commitment to 'introduce measures to make the police more accountable through oversight by a directly elected individual, who will be subject to strict checks and balances by locally elected representatives' ¹. As the lead department for policing, the Home Office published a White Paper, Policing in the 21st Century: Reconnecting police and the people, for consultation in July 2010. The Police Reform and Social Responsibility (PRSR) Bill was introduced in the House of Commons on 30 November 2010. The PRSR Bill provided for the election of PCCs to replace police authorities in 41 police force areas in England and Wales from May 2012. The 41 police areas in England and Wales vary considerably in size and population from Greater Manchester with two million electors to Dyfed Powys with under 400,000. In September 2011, during its passage through Parliament, the UK Government tabled amendments to the Bill to change the date of the first PCC elections from 3 May 2012 to 15 November 2012. The Police Reform and Social Responsibility Act received Royal Assent on 15 September 2011. Legislation for the elections The detailed rules for the PCC elections on 15 November 2012 were contained in secondary legislation. Despite recognition by the UK Government of the importance of ensuring that detailed rules were clear at least six months before polling day, several key pieces of legislation were not laid until much later: The Order setting out the detailed rules for the conduct of the elections was laid in the UK Parliament on 15 May 2012 and came into force on 25 July, just over ten weeks before the start of the election period. The Order setting out the maximum amounts available to Returning Officers (ROs) for recovering costs for their services and running the election was made on 12 September 2012 and came into force the next day, just 3 and a half weeks before the start of the election period. The Order 2012 specifying a bi-lingual ballot paper to be used for the PCC elections in Wales was laid in the UK Parliament on 29 October 2012, and came into force on 31 October, just 14 days before polling day. ² Participation at the elections Just over 36 million people were registered to vote in the November 2012 PCC elections. A total of 5.49 million votes were cast in these elections, representing a turnout of just 15.1% – the lowest

recorded level of participation at a peacetime nonlocal government election in the UK. Turnout at the three UK Parliamentary by-elections ranged between 18.3% in the Manchester Central constituency and 44.8% in the Corby constituency. Turnout at the first mayoral election in Bristol was 27.9%, and at the local governance referendum in Hartlepool turnout was 18%. More than 5.8 million postal votes were issued for the PCC elections -16.1% of the eligible electorate. Approximately 2.8 million postal votes were returned for the PCC elections. Postal votes accounted for 48.9% of all votes counted, and the remaining 51% of votes were cast by voters or appointed proxies at polling stations. Just under 50% of electors issued with a postal ballot returned it. Only 9.2% of 'in person' electors used their vote. One hundred and ninety-one candidates were nominated and stood for election to the 41 PCC posts. In addition, 34 candidates stood in the three UK Parliamentary by-elections, and 15 candidates stood in the mayoral election in Bristol. Thirty eight of the 41 November 2012 PCC elections were held using the Supplementary Vote electoral system, and of those, five were concluded without having to proceed to a second round because the winning candidate received more than 50% of valid first preference votes cast. Three PCC elections were held using the first-past-the-post electoral system as they had only two candidates standing.

Why people did not vote

The most commonly cited reasons for not voting in the PCC elections related to a lack of awareness (37%), primarily a lack of information about the elections and not knowing who the candidates were or where to find information about them. This figure was over five times greater than the proportion of non-votes who gave a similar response following the May 2012 local elections (7%). Over a quarter (28%) of people said that they knew 'nothing at all' and 48% knew 'not very much' about what the PCC elections were about. Only 24% said that they knew 'a great deal' or 'a fair amount' about the PCC elections. There is some evidence to suggest that the lack of information about the elections and candidates had a more significant impact on participation among groups who are traditionally more likely to vote in elections. 'Circumstances' was the second most common reason given by respondents for not turning out to vote (31%), with non-voters in England more likely to cite this as a reason than those in Wales (32% compared to 20% in Wales). The proportion of non-voters who cited circumstantial reasons for not voting in November 2012 was significantly less than the proportion that cited this as a reason following the May 2012 polls (53%).

People's experience of voting

Voters continue to report high levels of satisfaction with the process of casting their vote. Both polling station and postal voters remain positive about their experience. Nearly all polling station voters were satisfied with their experience (94%) and 96% said it was a convenient way to vote. Similarly, 97% of postal voters were satisfied with voting in this way and a similar proportion (96%) also said that it was a convenient way of casting their vote. Ninety-four per cent of those who voted in the PCC election said that they found the ballot paper easy to complete, with 77% finding it very easy. Our research also indicates that voters understood how to complete their ballot papers for the mayoral election in Bristol and the local referendum in Hartlepool. 155,883 PCC ballot papers were rejected at the first stage of the count - 2.8% of all votes cast. Although higher than recent polls using the first-past-the-post electoral system, this figure is comparable with other elections held under the Supplementary Vote system (SV). The proportion of ballot papers rejected at the first preference stage of the count ranged from 1.7% in Humberside to 7.2% in North Yorkshire. Anecdotal evidence from candidates, LROs and observers suggests that a significant proportion of rejected ballot papers were deliberately spoiled by electors wanting to register their concerns about the elections, although it has not

been possible to quantify the extent of this activity through available electoral data. The PCC elections were new elections, for a new role, which took place at an unfamiliar time of year and were held using SV, with which many voters were not familiar. It was therefore important that voters had sufficient information about the voting system, the issues, and the candidates that were standing, to allow them to make an informed decision and be able to participate with confidence. The Commission ran a public awareness campaign to make people aware of the elections and explain how to participate in them. This included sending an information booklet to all households in areas where elections were taking place containing information on the date of the elections, the subject matter and how to complete the SV ballot paper. While this information is important for voters, it is the parties and candidates themselves that give people a reason to vote; there is little evidence that public awareness campaigns alone – whether run by the Government, the Commission or the LRO – provide voters with the motivation to vote. In most other elections with large geographic constituencies, 3 1.28 candidates would be provided with a means of raising awareness among all voters that they are standing for election, to communicate their policies and to encourage people to vote. This has taken the form of a free mailshot (e.g. UK general election) or booklet with address from each candidate (e.g. mayoral elections). However, the UK Government took the decision not to provide candidates with this for the PCC elections and instead chose to build a central website containing information from candidates and a phone line that the public could use to order printed material. Legislation for the elections Although the Police Reform and Social Responsibility Act received Royal Assent in September 2011, more than a year before the elections, the detailed secondary legislation was not in place until much closer to polling day. There was no reason why the Government wasn't able to avoid such late confirmation of the detailed framework for the conduct of the PCC elections. The legislation was framed using existing legislation, requiring relatively straightforward amendments to reflect the specific requirements for the PCC elections. Better planning, and a more collaborative approach to legislative development across (and between) Government departments, and greater clarity about policy goals is needed to support more effective and timely delivery of legislation for future polls. We propose to return to these issues in more detail to inform the planning process after May 2014 and to make public our assessment of the state of readiness for combination, in time for the 2016 elections. Participation by voters The expected level of participation in the November 2012 PCC elections was one of the most salient issues for elected representatives and media commentators during the months leading up to polling day, and the historic low turnout of just 15.1% was a concern for everyone who cares about democracy. It is important to use the evidence and data available from these elections to understand why participation was so low, in order to be able to identify whether changes to policy and delivery approach could help improve participation at future elections. The Government should not take for granted that people will automatically feel able to participate in new elections. A perceived lack of information about the contests and the candidates for these elections was the main reason that people said they did not vote. In particular, only 22% of people said they had enough information on candidates to be able to make an informed decision. We do not believe that the information needs of voters at these elections were adequately considered when deciding whether or how to support the provision of candidate information directly to electors or households. Although improved delivery of information about candidates would not in itself be enough to improve turnout, it would address the unacceptably low levels of

information/awareness and provide a better basis for encouraging participation in future elections. This conclusion suggests some significant implications for the management and delivery of all new elections proposed in future. Decisions about information for voters at new elections should be supported by much more thorough analysis by governments of what kind of information people need to participate and make an informed choice, and how they should be able to access that information. The UK Government will need to begin planning now to carry out an analysis of options for providing information in advance of the 2016 PCC elections. We have a rich set of data from these elections about electors' views and needs which is available to inform that analysis. Any proposals for new polls – including referendums – also need to be supported by a robust analysis of the information needs of voters. Electoral data and our research with voters indicates that those who generally vote found the supplementary vote electoral system and ballot paper for the PCC elections easy to use and to complete without making mistakes. While rates of rejected ballot papers for the first preference stage were within the range recorded at other UK elections using preferential voting systems⁴, they were higher than for elections using the first-past-the-post electoral system. The number and proportion of ballot papers which were not included in the count suggests that there is, however, still scope for further improvements to the design and wording used on ballot papers to reduce the risk of electors inadvertently spoiling their ballot paper.

Participation by candidates and campaigners Many of the rules for the qualification and nomination of candidates at the PCC elections were significantly different from those in place for other elections in the UK. Some of these differences – notably the stricter disqualification rules for people with certain previous convictions – were not well-understood by candidates, leading to confusion and, in one well-publicised case, a candidate remaining on the ballot paper despite acknowledging his disqualification. The Commission has begun a comprehensive review of the procedures used for standing for election in the UK. As part of this review, we will take into account the views and experience of candidates at the first PCC elections in November 2012. Our review will consider any barriers which prevent people from putting themselves forward as candidates for election, and whether there are any unnecessary barriers which could be removed. The review will include qualifications, disqualifications and the requirements for becoming nominated as a candidate, as well as the benefits and support available to candidates once nominated. We expect to publish any recommendations for legislative change by the end of 2013. There is, however, one specific issue which must be addressed before the next PCC elections in May 2016. Important lessons need to be learned by the Commission, political parties, Returning Officers and the UK Government about how best to ensure prospective candidates fully understand the rules surrounding eligibility to stand as a candidate. While the primary responsibility for ensuring individual candidates understand whether they are qualified or disqualified will continue to remain with them and their election agents, it is clear that a small but significant number of people were unable to access accurate advice about whether the disqualification relating to convictions for imprisonable offences applied to their specific circumstances. Trust in the delivery of the elections For the PCC elections, the UK Government designated 41 Police Area Returning Officers (PAROs) by Parliamentary Order, whose role it would be to coordinate the administration of the election across each police area as well as serving as the LRO in their own authority. This statutory management structure was different from the UK-wide regional structures in place for European Parliament elections and the May 2011 Referendum on the voting system for UK parliamentary

elections, and also from the regional structure used for National Assembly for Wales general elections. For most Returning Officers, especially in England, formal coordination and management at a sub-regional level was a new experience. Nevertheless, our assessment is that this structure generally worked well for these elections, and Returning Officers and the Commission have each learnt from the experience of the 2012 polls to improve management and coordination for the May 2016 elections. The UK Government also needs to ensure that it learns lessons about its role and approach. In two police areas, unanticipated changes in local authority management personnel meant that the PARO was no longer able to carry out the role. In both cases, the PARO acted from a different authority to the PARO electoral services team. While these changes certainly presented some risk to the successful delivery of the elections in those areas, we are not aware of any significant negative impact on the administration of the elections which is attributable, solely or in part, to the change in management structure. Overall, based on analysis of the performance of LROs and PAROs, our assessment is that the administrative aspects of these elections were well-run. Research with the public also indicates high levels of satisfaction with the administration of the elections. Given the high-profile concerns about the provision of information about the elections and the candidates discussed previously in this report, it is important to reiterate that LROs and PAROs were not themselves responsible for those aspects of the elections. Nevertheless, we have identified two specific aspects of the administration of the elections which need to be reviewed in more detail to identify improvements for future PCC elections. First, postal voters need to receive the right instructions for marking their ballot papers based on the voting system in use in their police area (first-past-the-post or supplementary vote). Second, LROs and PAROs should review and evaluate their plans for managing the verification and counting of votes to identify efficiency improvements in advance of the next PCC elections. Many counts took significantly longer than expected to conclude. Turnout for the May 2016 polls, however, may be higher than in November 2012, particularly if the PCC elections are combined with other scheduled polls, and the administration of the count will be more complex as a result of the combination. PAROs and LROs will need to ensure that their count processes are as accurate and efficient as possible, to reduce the risk of negative perceptions about the quality and competency of electoral administration overall. The Commission has started work on an analysis of the most efficient procedures for managing the count at major polls, with a view to identifying more accurately the resources required, and to understand how spend relates to the detailed activities undertaken in respect of verification and count processes and how effectively they have been delivered. We will carry out case studies at the scheduled 2013 and 2014 elections to collect and assess financial and other information to enable us to develop a robust count model to be issued in good time for use at the 2015 UK Parliamentary general election. No undue influence Despite proactive efforts by Returning Officers and the police to minimise the risk of electoral malpractice, there remains a worrying contrast between the low levels of recorded cases of alleged electoral malpractice, and the higher levels of concern about electoral fraud expressed by respondents in our post-election survey. It is, nonetheless, important to recognise that very few allegations have been recorded in relation to the November 2012 PCC elections. The Commission has begun a comprehensive review of potential vulnerabilities within the current voting system and processes, which will aim to achieve consensus about the best balance between ensuring the integrity and the accessibility of electoral processes in the UK. It will consider whether any changes to legislation or practice are needed to

ensure confidence in the integrity of elections in the UK. We intend to publish this review in time for legislation to be brought forward during the life of this UK Parliament if necessary. We have also agreed a new code of conduct for campaigners with the parties represented on the UK Parliament Political Parties Panel. The code has been sent to all registered political parties in Great Britain, and Returning Officers will draw it to the attention of all candidates and parties contesting elections from May 2013 onwards. Any concerns that the code has been breached will be raised with the relevant party or campaigner if appropriate, and we will agree appropriate actions to remedy or prevent a reoccurrence of any breach. We will publish the outcome of any such breaches in our statutory reports for future elections.

Recommendation 1: Improving planning and management of legislation for future elections

For future elections where new or amended legislation is required, the relevant Government department responsible for those polls must learn from the experience of the 2012 PCC elections to put in place better medium-term planning for the delivery of all necessary legislation. Not later than two years in advance of polling day for any scheduled elections, the Minister responsible for the elections policy should set out a plan for how they intend to manage the policy development, drafting and legislative scrutiny processes required to meet the following key milestones and deadlines: Confirmation (whether by Royal Assent to primary legislation or laying secondary legislation for approval by Parliament) of the campaign funding and spending rules at least three months before the start of the regulated period. Where elections are held for the first time, or where the campaign funding and spending rules are materially different from those at previous elections, the rules should be confirmed at least six months before the start of the regulated period. Confirmation of all detailed rules for the conduct of and funding for the delivery of the polls (including any orders required to specify bilingual ballot papers and forms in Wales) not less than six months before polling day. Not later than 18 months before polling day we will review the Government's proposals and publish a report setting out our assessment of progress towards meeting those milestones and deadlines. It will be particularly important for the Home Office to set out clearly by May 2014 how it will work with the Cabinet Office and the Welsh Government to manage the development of any changes to the legislative framework for the May 2016 PCC elections, so that the challenges of combining the poll with the poll for the scheduled National Assembly for Wales general election and local government elections in England can be addressed. We will review the UK Government's plans by November 2014 and publish our assessment of progress towards meeting the key milestones and deadlines for the May 2016 PCC elections.

Recommendation 2: Improving access for electors to information about candidates at future PCC elections

The UK Government should amend paragraph 52 and Schedule 8 to the Police and Crime Commissioner Elections Order 2012 to ensure that electors are sent printed information about candidates standing for election as PCC in their force area. This should take the form of a booklet with addresses from each candidate sent by the relevant Police Authority Returning Officer to every household in the police authority area. The UK Government should ensure that these changes are made to the 2012 Order by November 2015, in line with the timescales set out in our Recommendation 1 above for improving planning and the management of legislation for the May 2016 PCC elections. For any new elections which are proposed in future, the relevant government should make clear at the time of introducing legislation how they will ensure that electors have appropriate access to information about candidates. In doing so the relevant government should draw on data collected by the Electoral

Commission and others from the November 2012 elections, and should consider: The extent to which electors have reliable and easy access to online or other non-physically published sources for information about candidates. The extent to which candidates themselves can feasibly communicate messages directly to electors, taking into account the geography of police force areas and the statutory limits on campaign spending. How best to inform electors about how they can access information about candidates, including simplifying the process as much as possible for electors.

Recommendation 3: Ensuring cost-effective and neutral public awareness information about future elections The Home Office and Electoral Commission both ran public awareness campaigns ahead of the election. Whilst both campaigns achieved awareness of their respective messages, it would have been more cost effective having one integrated campaign from an independent source that covered awareness of the elections, what the elections were about, the date, candidate information and the voting system. We have demonstrated our experience and capacity to deliver cost-effective and neutral public awareness activity at a wide range of UK elections and referendums. Parliaments should continue to give the Electoral Commission statutory responsibility for providing information for voters about elections and how to vote in them, and it would not be an appropriate or sensible use of public funds for governments to duplicate that activity. No government should commission public awareness activity for future elections or referendums, including the May 2016 PCC elections.

Recommendation 4: Ensuring that ballot papers for future elections are accessible and well-designed The UK Government should review options for the design and wording of ballot papers for future elections using the supplementary vote electoral system, in order to reduce the risk of ballot papers not being counted because they have been incorrectly completed. The Government's review should: Consider evidence from the range of elections held using the supplementary vote electoral system, including local authority mayoral and London mayoral elections and the November 2012 PCC elections. Consider both single column ballot paper designs (using numerals to record first and second preferences) as well as double column designs (using crosses). Consider the potential combinations of elections using the supplementary vote electoral system at the same time as those using the first-past-the-post system. Include research with voters and input from plain language and accessibility experts to ensure that the design and wording of ballot papers for future elections is simple and straightforward to use by as wide a range of people as possible. The UK Government should publish the results of its analysis and consult on any proposals for changes to the design and wording of ballot papers for elections using the supplementary vote electoral system not later than November 2014, 18 months before polling day for the scheduled May 2016 PCC elections. If the Government decides not to carry out this review, we will undertake our own design and research with voters on ballot paper designs for elections using the supplementary vote system. We would begin this work by October 2013 and would publish any recommended designs for consultation by November 2014. Any changes to the prescribed form for the ballot paper to be used at the May 2016 PCC elections should be clear (whether in primary legislation which has received Royal Assent or secondary legislation which has been laid before Parliament) no later than the beginning of November 2015, six months before polling day for the next PCC elections. The Government should ensure that forms produced in accordance with the legislation are correct and accurate as soon as possible, and ensure that they can be used for the next set of PCC elections in 2016 and any by-elections which might take place before then.

Recommendation 5: Ensuring that candidates have access to guidance and advice on the rules on standing

for election as a PCC The Commission will work with Returning Officers, political parties and the UK Government to develop proposals to ensure that all candidates for future PCC elections continue to have access to guidance and advice about standing for election. In particular, we will review feedback and the results from our survey of candidates to identify opportunities for providing more specific advice about the circumstances in which people might be subject to a disqualification on the basis of a previous conviction. We will work with others to develop proposals to supplement the guidance and advice we provide on electoral law, ensuring that expertise on relevant aspects of criminal justice law can be made available to those who need it. The UK Government should consider whether further clarification of provisions for filling a vacancy in the office of Police and Crime Commissioner are required to cover circumstances where a candidate is discovered to be disqualified after the deadline for withdrawal of nominations but before the poll. The Government should ensure that any changes to the law are made so that the rules are clear by November 2015, six months before the next PCC elections.

Recommendation 6: Ensuring effective management and coordination for future PCC elections The UK Government should review its approach to supporting the management and coordination for future PCC elections, drawing on lessons identified in this report and any other feedback from local Returning Officers and Police Area Returning Officers (PAROs). The UK Government should consult Returning Officers, professional associations, the Commission and the Welsh Government in order to develop a comprehensive plan for the management and coordination of the May 2016 Police and Crime Commissioner elections covering: The appointment of PAROs. Contingency arrangements for areas where nominated PAROs leave the authority for which they acted as Returning Officer. Support and briefing for PAROs. The UK Government should publish its plan for the management and coordination of the May 2016 Police and Crime Commissioner elections by May 2014, in line with the timescales set out in our Recommendation 1 above for improving planning and the management of legislation for the May 2016 PCC elections.

Recommendation 7: Improving the administration of future PCC elections Returning Officers in England and Wales should ensure that they review and evaluate their approach to planning and the delivery of the 2012 PCC elections, to identify what worked well as well as areas where performance could be improved. The Commission will review procedures for managing the count at major polls, with a view to identifying more accurately the resources required and understanding how spend relates to the detailed activities undertaken. We have also previously identified a need to review how our guidance and performance standards framework should operate for polls where there are statutory office holders with a power to direct local Returning Officers. We will issue any revised guidance, performance standards and supporting materials for the 2016 PCC elections no later than December 2015.

Download our full report 1. The Coalition: our programme for government; Cabinet Office page 13 http://www.cabinetoffice.gov.uk/sites/default/files/resources/coalition_programme_for_government.pdf ■ Back to content at footnote 1

2. The Police and Crime Commissioner Elections Order 2012; The Police and Crime Commissioner Elections (Local Returning Officers' and Police Area Returning Officers' Charges) Order 2012; The Police and Crime Commissioner Elections (Welsh Forms) Order 2012. ■ Back to content at footnote 2

3. Freepost mailing facilities or booklets are provided to candidates at elections to the UK Parliament, European Parliament, London Mayoral, and Northern Ireland Assembly and local councils in Northern Ireland. ■ Back to content at footnote 3

4. Including the Supplementary Vote and Single Transferrable Vote systems. ■ Back to content at footnote 4

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