



# INNOVATIONS FOR SUCCESSFUL SOCIETIES

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MICHAEL SCHARFF: This is Michael Scharff. The date is September 17<sup>th</sup>, 2010. I'm sitting with Mr. Douglas Bain, who's the Chief Electoral Officer for the Electoral Office for Northern Ireland. We're at the Electoral Office's headquarters in Belfast.

Mr. Bain, thanks very much for agreeing to this meeting this morning.

DOUGLAS BAIN: *No, it's useful to take part in research such as this.*

SCHARFF: Thank you. If I could just ask, perhaps you could introduce yourself in full, and tell us how you first became involved, and how you were first appointed to your current position?

BAIN: *Yes, certainly. I'm Douglas Bain. My training is as a lawyer. I'm still a member of the Bar in Scotland. And in 1988, I was invited to come to Northern Ireland for work in connection with The Troubles. And between 1988 and 2000, I worked in a number of positions in the Northern Ireland office, in connection with The Troubles, and I won't be saying any more about the work I did there.*

*Because of the change in the political environment then, and the security situation, I was no longer required in these roles, and I took up an appointment as Director of Services in the Northern Ireland Prison Service, where I remained until 2006. At that time, I was 56 and thought I would like one more different job before I retired, and I saw a public advertisement for the post of Chief Electoral Officer for Northern Ireland, and applied for it, and was interviewed, and was successful.*

*I should say that plainly up until I left the prison service, I had been a civil servant, a senior civil servant. I had to resign from the civil service to take up the Chief Electoral Officer post. The Chief Electoral Officer is not a civil servant; it's what's called an independent statutory office holder. So, it's a Crown appointment, and I have conditions of tenure, which are similar in some respects to those enjoyed by a judge. So, I can be dismissed, for example, only if I'm convicted of a criminal offense, declared bankrupt, fail to turn up for a continuous period of six months, or so on. The fact that someone doesn't like my decisions is not grounds for dismissing me. And that independence is very important, because it means I can openly express my views to the Secretary of State without any fear that it could adversely impact upon me.*

SCHARFF: I understand you mentioned your last appointment. For the record, you are planning to retire in the near future?

BAIN: *Yes, I retire at the end of this month.*

SCHARFF: Can I ask, when you first came into this position in 2006, how would you characterize the state of the electoral system at that time?

BAIN: *It was at an interesting point. I mean, the electoral system, I split broadly into two parts. The first is getting people onto the electoral register, so that they can vote if they wish to do so. And the second is providing them the opportunities to vote at elections that are free and fair, if they are on the register.*

*On the first of these, Northern Ireland was in the process of moving from the system of registration it had operated, since time began, throughout the UK. And that was a system called "household registration", on which each autumn, registration forms were sent to the head of each household, whatever that meant.*

*Traditionally, it would have been the man, but plainly, by 2006, that wasn't appropriate. And they entered on the form the names of all the people living at their address who they believed were eligible to register, and returned the form. And from that, and electoral register was produced, without, in practice, any checking of the information provided.*

*That system had for many years been considered to be unsatisfactory in Northern Ireland, and there was no doubt that there were significant numbers of people on the register who may not have existed at all. And if they did exist, didn't live at the address where they were said to live. And there was a perception amongst the Unionist community that abuse of the system was more widespread amongst the Nationalist community than amongst the Unionists. And the perception amongst Unionist politicians, in particular, was that Sinn Fein was the party that abused the system and did so in an orchestrated way.*

*Now, I have to make clear that I have absolutely no evidence to support that. But in things to do with the electoral process, I'm not sure that evidence is really the important matter. If the public perception is that the system is unequal or unfair, that is what matters. And particularly, as we were moving at that stage, hopefully into an entirely democratic society, it was critical that everyone had confidence in the system. And so, had no excuse to go back to violence because the system didn't work.*

*So, we were making that transition just as I came. The last annual canvas, which is the term we use for this annual process, was in 2006, and I arrived as it was just about to be commenced. And thereafter, we moved to a system of what we call "continuous registration", and you may want to explore that further later.*

*The other side of it was the arrangements for elections. And by and large, these were in my view in a fairly satisfactory state. There had been some difficulties in the years leading up to that, and by and large, they'd been dealt with in an effective way. I did however have concerns about a number of aspects of the office I took over, the Electoral Office for Northern Ireland, where practices and procedures really appeared not to have changed for very many years. And I thought there were rooms for improved practices. In particular, the Office—a lot of the decisions seemed to be taken on what was the best solution for the Electoral Administrator. Whereas, my view was that we were here to provide a service to the public, and indeed all the public of Northern Ireland of registration age. And that we should do what was best for them, and if that caused us minor difficulties, well, that was what we were here to solve.*

*So, hopefully, we—it certainly was my aim to move the organization into a much more customer-focused organization, and I'm confident that has been achieved.*

SCHARFF: You mentioned the need to clean up, if you will, the registration process, to fix it in order to lessen the chance for violence in the future. And I wonder, is it fair to say that the registration process was in some ways a trigger for past violence in and around Election Day?

BAIN: *I don't believe so. I mean, if anything, the danger was that you couldn't have confidence in that the results were actually an accurate reflection of what was said, and that could have engendered violence. But there was a very clear feeling, particular amongst the Unionist community that the system was being abused, and that Sinn Fein were gaining seats and certainly gaining votes to which they were not entitled. (9:43) And this sort of rumbling discontent which was not evidence-based, certainly had an unsettling effect. Particularly, I think, in*

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*the parts of the Unionist community that might have been involved in paramilitary activity.*

SCHARFF: So, you come into office in 2006, into this current position, who are you taking your directions from, if you will? Or are you seen as sort of free-range?

BAIN: *That is the beauty of the position, that you are entirely independent. Now plainly, the Secretary of State for Northern Ireland through the Westminster Parliament is responsible for the law and making proposals to Parliament. But one of the advantages of this job if you compare it with people who do similar work in other parts of the United Kingdom, is that I have a direct link to senior officials working for the Secretary of State. So, if I spot a need to change electoral law in Northern Ireland, very often I can approach the officials, and together we will work up proposals.*

*I mean, as an example, we've got local elections next May, and on my desk at the moment are the third or fourth drafts of the amending legislation for these elections. And the majority of the changes that are likely to be made when this is laid before Parliament are things I have asked to be changed. Now, in the rest of the UK, that simply couldn't happen. Someone who was a Returning Officer or a Registration Officer has a very long chain before he could conceivably get anything considered by the Cabinet Office, and you'd be talking legislation sometimes taking three or four years. Whereas, we have changed things—we are changing things for next May, as a result of what happened this May.*

*So, that is a significant advantage. But to come back to your question, I am independent in all my operational decisions. Now plainly, I don't just dream up ideas and go ahead. I have regard to best practice elsewhere. And that is both in the United Kingdom, and on occasion I've looked to the Republic of Ireland to see, you know, do they do anything differently that we could learn from? Now, I'm bound to say the answer is not a lot. And indeed they have recommended on registration adoption of effectively the Northern Ireland system. I gave evidence to a committee on a couple of occasions last year, and they've recommended adopting our system as being a model of best practice. And indeed, Great Britain, as you may have seen in the press, the government announced that they were moving to our system of individual registration by 2014. So, I think Northern Ireland is in the lead on this matter in UK terms.*

*So, I look and, you know, plagiarize any good ideas that anyone else has, but a lot of it is simply discussion with my own senior colleagues, and an iterative process where one of us comes up with an idea, we kick it around, and eventually we get a proposal. And if necessary, we get legislation for it.*

SCHARFF: Were there any reforms or substantial changes put in place by your predecessor, Dennis Stanley, that you viewed in 2006, upon assuming the position, as particularly beneficial to the process, or a reform say that you would like to—or did want to continue to improve upon and to implement during your tenure?

BAIN: *Well, Dennis had been responsible for the introduction of the individual registration, and that was a huge step forward. One of the difficulties, however, was that some people at least, and I wouldn't want to speak for him, but some people regarded simply having individual registration as being the panacea that would cure everything. (14:47)*

*Now, what individual registration did do, was it meant that each person had to make their own application. And on their application, in addition to providing their*

*name and address, and nationality, and so on, they had to provide their date of birth and their national insurance number, and they had to sign the form. But that's only valuable if some checks are made to ensure that what they say on the form is actually true. I think it's a matter of regret that when individual registration was introduced, that wasn't done. Now, there were difficulties at that stage in checking national insurance numbers, getting access to the Department of Work and Pensions, who maintains the records of that, and that was solved finally only in 2007.*

*But the other information about, was the persons registering who they said they were, wasn't really being checked at all. So, that was one of the major changes that I introduced, I'm bound to say against quite strong opposition from my staff, who thought it would be bureaucratic and impossible, and so on. And we now have a very comprehensive checks of every bit of information on an application form, which is what the law requires, but wasn't being done, and certainly isn't done at all in Great Britain, which is why in some places, they have a 100 and—well, the best I've seen is 119% of the eligible electorate registered. And, I should say, the Republic of Ireland have even higher figures, which is one of the reasons they are changing their system.*

SCHARFF: And looking to you, perhaps.

BAIN: *Yes. Now that does involve extra work, and it does mean that some people who probably are entitled to be registered, don't get on the register, because they can't satisfy us by producing documentary evidence to demonstrate their entitlement. But I think that is vital to ensure the register is accurate, because the public cannot have confidence in it unless it is accurate. And the Electoral Commission, which is a quite separate body from the Electoral Office, an independent UK regulating body, they commissioned a survey at the 2010 election, and one of the questions was, "Do you have confidence in the electoral process?" And the responses in Northern Ireland were not only the highest that have ever been achieved in Northern Ireland, they were the highest throughout the UK by a significant measure.*

SCHARFF: And that's actually a point I wanted to bring up, was the question of how you measure one's confidence in this process? Because it's sort of a constant reminder the public's opinion of your office and directing sort of what moves you make, and so, you would characterize it as surveys that are carried out? Are there other methods in which you sort of look to the public sentiment on the street, so to speak?

BAIN: *Yes, indeed. I mean, like any organization, we have a well-developed complaint system. So, the absence of complaints may be an indicator that we're doing things right. But I also employ a firm of mystery shoppers, who either phone up the office, or send e-mails to it, or visit all of my offices, because there are eight across Northern Ireland, with—using various scenarios which I develop with them, but obviously don't share with staff. And then I get feedback of how they were dealt with. Were the staff friendly? What was the advice they were given? And I'm able in that way to assess it. (19:04)*

*And I must say that is one of the best moves I have made, because the surveying by that is actually quite limited. But staff think it's much more extensive than it actually is. And I will regularly get phone calls from staff saying, "I had a mystery shopper in today", and they tell me the scenario. And I say, "Well, that's very interesting, I hope you dealt with it." And I know for certain it was not a*

*mystery shopper, because the scenario was not one of the ones we used, but if it improves service.*

*But we also signed up to a thing called “Charter Mark”, which is an award for all sort of public-facing organizations, run by the Cabinet Office in London to assess customer service against a number of standards. And we had to do quite a lot of work to bring ourselves up to the standard and to maintain the—once we got the award, to maintain it. And that was a very useful process, because there were a number of things that we actually thought we were doing quite well, and only when we looked at what other organizations were doing, realized we weren’t actually doing it so well, and we got the award.*

*Normally, it takes an organization more than two years to achieve the award, we achieved it in, I think, five months. And against the advice of the person that we brought in, an independent person to advise us on what we had to do, and he said, no, you’re not ready for it. And we said, well, we can get ready for it if we put our mind to it. We achieved it and we’ve maintained it ever since, and are now going—that award is being discontinued and there’s a new one called “Customer Service Excellence”, and we’re in the course of preparing for that.*

*But also, I mean, I have pretty regular contact with politicians at a senior level. And, of course, they are a conduit for comments from their constituents. And so, you know, the absence of them complaining about anything is usually a good sign.*

SCHARFF: And if they weren’t complaints, it wouldn’t be politics.

BAIN: *Absolutely. And, of course, this office is perhaps unusual in that there’s fairly extensive media scrutiny of what we do. I mean, in the year up until May 2010, I’d given more than 50 radio or TV interviews during the year, as well as numerous printed media interviews, and indeed planting articles in the press as to save on advertising costs.*

*So, I mean, I’m very keen that the whole process should be transparent and open to the public. And we also, of course, where we’re going to make any significant change would consult publicly. We would publish our proposals. I will usually do TV or radio interviews to get it publicity. We’ll put it on our website and invite public comments.*

SCHARFF: I want to ask you, to go back to the subject of electoral fraud, one of your initiatives, as you spoke of earlier, was, and continues to be, cleaning up the registration process. But regardless of how clean the registration lists are, that cannot prevent voter intimidation at polling places on Election Day. And I wonder if you could characterize how you view the state of voter intimidation today? We know what it was a particularly thorny issue throughout the 1980’s into the 1990’s, and even into the early 2000’s. What does it look like today? Does it continue in your opinion? And is that, in fact, affecting the confidence of voters? (23:23)

BAIN: *I fear it is. It’s been a campaign that I’ve waged for—I think, since 2007 to secure a change to the law, so far, unsuccessfully. The intimidation, as you describe it, takes place, I’m satisfied, in two ways. Electoral law throughout the UK allows candidates to appoint people called polling agents, who are entitled to be present within the polling station. Now, the legislation makes very clear that their primary purpose is to guard against the offense of personation, that is one person pretending to be another and voting on their behalf, and that used to be frequent*

*in Northern Ireland. And you've probably heard the phrase, "Vote early and often." And undoubtedly, it happened, and it wasn't restricted to one side of the community by any means.*

*That largely ceased to be a problem, in fact, you know, stronger than largely, it just has simply ceased to be a problem, because we now insist, the law requires every electorate to produce photographic identification of a number of prescribed types, which are all official records, before they can be issued with a ballot paper.*

*So, this—since 2003, when that legislation came into force, the primary purpose of polling agents has ceased to exist. Before, a presiding officer at a polling station issues a ballot paper, they are required, having checked the photographic ID, to call out the name and the electoral number as it appears on the electoral register of the voter. And it is the practice of the polling agents to mark down that information by marking a copy of the electoral register.*

SCHARFF: Which each polling agent from each party has on their person?

BAIN: *Yes, yes. And there is absolutely nothing wrong with that, in the respect that it's legal. However, I certainly have had feedback that some—that concerns some electors, because they believe that these party/political representatives can in some way discover how they voted. Now, in fact, they can't, but people, again, it's this point of perception is what matters, not reality. So, some people are discouraged by that.*

*But the real evil of the polling agents, to my mind, is those that abuse the system. The law prohibits them, and indeed makes it a criminal offense for them to pass any information to anyone outside the polling station on who has voted, or who has been issued with a ballot paper. I have not the slightest doubt that some polling agents do pass that information out of the polling station. And they do that in a huge variety of ways. You know, they take a break to go to the toilet, and meet someone in the toilets, and pass it on. There have been occasions when they've been seen recording the information on cigarette papers which they fold up.*

SCHARFF: And they would do that because part of the law states that that list must remain inside the polling place, they cannot physically step outside the building with the list?

BAIN: *Correct, that's correct. Now, what happens then, or is said to happen, is that the person receives that information from the particular party, feeds it back to their election headquarters, and they will then visit people, as the evening goes on, who are known not to have voted, and suggest that it would be a good idea to go and vote. (27:56)*

*Now, again, it's perfectly common practice throughout the UK for parties to knock on doors and ask, "Have you voted?" and to encourage people to exercise their democratic right. The difference here is that there is only one party said to be involved in this abuse, and that is Sinn Fein. While I have no direct evidence of their involvement, I can say that they appoint by far the greatest number of polling agents. The Unionist parties would hardly appoint any. The Alliance Party and SDLP (Social Democratic and Labour Party) would appoint quite a small number. And when I've asked why they appoint them, because there's really nothing for them to do, I've been told on every occasion, it is to watch what the Sinn Fein polling agents are doing.*

*It is said that Sinn Fein, when they go to knock the doors to encourage people who haven't voted—first of all, they're able to tell the voter quite definitely, "You have not yet voted." Whereas, in the rest of the UK, when parties knock on a door, all they can say is, "Have you voted?" And the fact that they are able to say, "You haven't voted." it could plainly be unsettling to some people.*

*But they also, I have been told, though I can't speak to this myself, would have a number of cars in the street outside, and would say to people, well, we'll give you a lift. Now, there's nothing wrong in that, until you look at the background of Sinn Fein, and the backgrounds of some of the people who were involved, who have terrorist convictions, and were known in the local community to be men of violence. Now, being "invited" to take a lift to the polling station by such a person may be a very different experience for an elector than someone asking him in the rest of GB (Great Britain), "Have you voted? If you haven't, we can give you a lift." And that concerns me.*

*The other activity that concerns me is some of the activity that takes place just outside polling stations. As the Chief Electoral Officer and the Returning Officer for all the constituencies, my ability to curtail activity outside the actual polling station—and the polling station in law is not the building; it is the room in the building where the poll takes place.*

SCHARFF: That's an important point I think when we talk about who's allowed where.

BAIN: *Yes, yes. I have no powers to control what happens outside the building. And all I can do is to tell people that if they think what is taking place amounts to a criminal offense, which could be breach of the peace or a public order offense, or there's an electoral offense of undue influence, then they should report it to the police. I have no power and neither do any of my staff. And, for example, at the last election, I had reports of voters going into a polling station with loud music, but music that would be associated with one particular side of the community being played. And that can be intimidating, particularly perhaps for older people. And then, being jostled by not a single party representative, but by a group of party representatives. And having thrust on them a sample ballot paper on which how they should vote was marked.*

*Now, again, you have to look at it in context. There is nothing wrong with handing out sample ballot papers, saying this is how we would like you to vote. It's the manner in which it's done. And indeed, when we come to a number of our elections are single-transferable-vote elections, where people mark 1, 2, 3, 4, and so on, for as many candidates as they want. And for tactical voting reasons, you sometimes want candidates—if you've got two candidates from a party, you don't want everyone to mark 1, because that can disadvantage you when it comes to the transfer of votes. So, it's quite understandable the parties would want to do this, but it's the manner in which it's done that concerns me. And I believe that it is highly likely that some voters are intimidated; that may cause them to vote in a particular way at that election. (33:35)  
But equally worrying, from my point of view, is the whole unpleasant experience may discourage them from coming to vote at a forthcoming election. I mean, indeed it may go wider, because they may say to their friends, I had an awful experience, and they don't go and vote either next time.*

SCHARFF: And we could also suggest that to not vote could be seen as sort of a rebuke against your own neighbors, your own—in the case of living in a Nationalist area, your, you know, Sinn Fein politician who lives next door which could perhaps affect you somehow through out the course of the year. I mean, there's that level

of intimidation, correct? I mean, I don't want to come out, but look, I'd better come out because I know Bobby down there is not going to let this go.

**BAIN:** *Yes, yes. And, of course, in the UK, political parties are entitled to a copy of the marked register after the election. Now, that doesn't show how people voted, but it shows who voted. So, if you're living in what might be described as a Unionist area, the Unionist parties can identify the fact that you haven't voted. And equally, in the Nationalist areas or Sinn Fein areas, they can identify that you haven't voted.*

*Now, I have made proposals, I think, annually since 2007, that this is unacceptable. And that since the polling agents—the main reason for having them is no longer an issue, they should simply be abolished. Alternatively, if government isn't prepared to grasp the nettle and abolish them, I think they should remove the requirement of secrecy that makes it illegal to pass information out of the polling station. Because what we have at the moment is those parties that abide by the law are disadvantaged, and it's important to make sure that elections are free and fair, and that all parties have equal opportunity. And at the moment, that is not the case, you gain advantage by breaking the law.*

**SCHARFF:** It's interesting you mention the—your inability to really do much of anything about the actors who are outside the polling stations. And one of the important story lines that comes up when discussing the violence in 2003 and 2004 in Derry/Londonderry, and the efforts made to dampen violence in time for the 2005 election, were the number of actors outside the polling stations who united, came together, worked with the police—the PSNI (Police Service of Northern Ireland) at the time, worked with the Electoral Office to come to some sort of a solution.

There seemed to be quite a bit of dialogue between all the various actors, and the question I think I'm getting at is, to what extent would you and would your area electoral officers today make a conscious effort to work with some of the individuals, be they political party representatives, community activists, clergy, mothers, to help police, if you will, what goes on outside?

**BAIN:** *I mean, to be honest, they're plainly in dialogue with these people, or some of these, or certainly with the police, and obviously with the political parties, on a pretty constant basis in the run up to any election.*

**SCHARFF:** Sorry, they being your area Electoral Office?

**BAIN:** *My area offices. But not, I'm bound to say, with a view to dealing with violence at the polling station, because that has largely ceased to be an issue. I mean, I think it's perhaps—and perhaps one of my colleagues, Patricia Murphy, has told you, 2007, at the Assembly elections, there were concerns that there might be difficulty. But we were very fortunate because there was a very important football match taking place on polling day, which unusually was a Wednesday rather than a Thursday. And one of the teams in that was Glasgow Celtic, which is the team that most members of the Nationalist community would support if they supported football. (38:28) And that game was not due to finish until I think 9:00 at night. But fortunately for us, it was a draw at the end of—at 9:00, and they had to play extra time, and that took it on until very close to 10:00. And then, as usual, those watching on TV, there was the discussion of the match, and by the time that was finished, the ballot boxes had been removed from the polling stations, so there was no opportunity.*

*And I think it was part of sort of breaking a historical practice. Many of those involved were young people, and, you know, they had plenty of opportunities during The Troubles, you know, rent a crowd, and you went out and you threw stones, and if you'd asked most of them why they were throwing stones or petrol bombs, they really didn't have much of an idea. And I say that because of work I was doing before I was involved in the prison service.*

*We'd had no significant trouble in 2005, due to the good work that had been done in Derry. 2007, we were still concerned, but we had this bonus, and we made contact with all the groups that we'd spoken to previously. And I think that broke the cycle of this happening. And then, 2009 was the year of PN (Parnellite Nationalist) election, Parliamentary Election, and frankly, people aren't much interested in that. And so, we'd had by then, five years, by this year, with no issues. So, the people that were 14, and perhaps were involved in the throwing the stones before, were 19 and they were entitled to vote themselves.*

SCHARFF: Well taken, sure.

BAIN: *So, I think, you know, historical accident worked in our favor.*

SCHARFF: And so, sorry, this football match in 2007 just happened to be taking place that day, or was organized—?

BAIN: *No, no. It was a European Champions League. Glasgow Celtic were the Scottish Champions and they were playing an Italian side somewhere in Italy, and it was on TV, but it got very wide coverage and—.*

SCHARFF: Interesting, interesting. And so, since 2007, you've been trying, as you said, to pass legislation to restrict some of these practices that might be seen as fraudulent or leading to intimidation.

BAIN: Yes.

SCHARFF: Why haven't they gotten passed? That's a simple—it's a very broad, simplistic question, but I wonder what the challenges that you're facing are?

BAIN: *I persuaded the Electoral Commission, this independent body, that it was a matter that they should look at. And in, I think, I might in saying 2008, they convened a seminar for all the political parties and some academics, and I addressed it, and a number of other people did. And at the end of that seminar, it split on party lines. Sinn Fein were strongly opposed to the abolition of polling agents, though I didn't detect a coherent reason for that. SDLP, at the meeting, were opposed to it, but I understand there had been a breakdown in communications and they were supposed to vote in favor it and had been instructed to do so by their headquarters. Alliance Party, who one could see as neutral because they have representatives of both sides of the community, were strongly in favor of abolition and accepted the argument entirely that they no longer had a legitimate purpose, and that to promote confidence, they should be removed. And the Unionist Parties, who'd been pressing for it for some years, naturally enough, agreed with the proposals. (42:50)*

*I have now taken this one stage further, because there is a danger that if you move the polling agents out of the polling stations, all you really do is move the problem from inside to out the door, which could in some ways be more intimidating. At the European Parliamentary Elections in 2009, in an attempt to deal with this problem, I decided that in a number of locations I would employ*

*additional staff whose sole purpose would be to watch and record the activities of polling agents. And these were casual staff employed through an agency, and were supposed to have a suitable background for undertaking what could potentially be quite a challenging role.*

*Unfortunately, many of those appointed didn't carry out their duties terribly effectively. But in places where they did, in a number of places where they did, the polling agents left the polling station because they perhaps realized that there was no opportunity for them to do what they were there to do, and relocated themselves outside the door of the building. And certainly, it was reported to me by senior officials of the Electoral Commission that when they'd visited one of these locations, they were concerned about what these party activists were doing at the door of the station. So, I've moved one stage further and said that we should adopt what I believe is the European standard that no party political activity should be allowed within a prescribed distance of any polling place.*

*Now, that is being considered by government, which is probably short hand for saying that they have no intention of doing it. To be fair to them, they have a difficulty that the law on this subject is UK-wide law; to change it requires an act of Parliament, unlike most electoral law in Northern Ireland, which can be changed in a less formal way. This is simply not an issue in Scotland, England, or Wales. So, for the Secretary of State for Northern Ireland to get a change across the UK may be quite difficult, because it—you need a suitable legislative vehicle to put it in. They're not going to enact just to do this. And the danger, of course, as soon as you have an act on anything to do with elections, it opens up all sorts of other issues, and can become quite complicated. So, that's why they've said they're considering it and they are doing nothing meantime, but I wouldn't hold my breath—*

SCHARFF: On that issue.

BAIN: —for any great change.

SCHARFF: Can I ask, on the question of policing elections, are there any PSNI officials at polling stations in Northern Ireland on Election Day?

BAIN: *There—so far, I mean, where the police deploy their resources is entirely a matter for them under the direction of the Chief Constable. My understanding is that at this past election there was no static police presence at any polling station. What they do do is they allocate teams of officers who are on election duty, and they will drive around to various polling stations putting in an appearance, and be on hand to go quickly to any polling station where their assistance is required.*

SCHARFF: But would you have any contact with the PSNI's Chief Constable prior to an election to discuss the possibility of where flashpoints may arise and what the strategy, so to speak, should be? (47:23)

BAIN: *Prior to each election, I form a working party for the planning, and the Chief Constable is represented on that working party throughout.*

SCHARFF: And what would you discuss at that meeting? What would be—?

BAIN: *Well, a number of things, but I don't think I can really go into details of that.*

SCHARFF: Sure, but it would be related to security at the polling places?

*BAIN:* Yes, that would be one of the subjects.

*SCHARFF:* And your interest, from the Electoral Office's standpoint is the safety of your staff and the integrity of the ballot boxes?

*BAIN:* And the safety of people going to the polling stations. I mean, plainly, there is an issue in the climate we're in now, that having police officers, a static presence at a polling station arguably makes the whole voting experience more dangerous, rather than less dangerous. We know dissident Republican groups; their avowed intent is to murder police officers. If you have someone in a static location, a single officer or two officers, often in a remote location where people can predict they are going to be from 6:00 in the morning until 10:00 at night, it is quite an attractive target.

*SCHARFF:* If it were up to you, would you prefer that there be police at certain polling stations, whether it be in the role of helping to eliminate fraud or addressing any number of other concerns that might arise? Or are you comfortable with the idea that the static units, the mobile units, are sufficient enough to uphold the integrity of the process?

*BAIN:* I have heard nothing to change my view that the present arrangements don't work perfectly well. I mean, plainly, if there was an issue in relation to a particular station, or if PSNI received intelligence that there was going to be something happening, then I've every confidence that appropriate measures would be taken.

*SCHARFF:* Have you in your tenure here at the Electoral Office ever needed to close down a polling station or relocate a polling station due to the threat of violence?

*BAIN:* Not due to the threat. We did in 2009 at the European Parliamentary elections have bombs at two polling stations in Lurgan, which were—had plainly been placed there in the night before the polling station and were discovered by my staff when they attended for duty at about half past six in the morning. And the police very promptly were on the scene, followed by the army bomb disposal people. And until they had cleared the devices, we were able to actually continue to use the building, but using a different entrance, and it didn't disrupt the poll in any way.

*SCHARFF:* And most recently there was a car bomb at the—in Derry/Londonderry, at the counting center, the Templemore Sports Complex?

*BAIN:* Yes, at the sports complex. Again, and we, in our planning for the election, had regard to the possibility of some sort of stunt like that by the dissident Republicans. And we, in discussion with the police, assessed which of the eight count centers were the most likely. And I'd positioned my staff by having my Assistant Chief Electoral Officer responsible for elections and my Senior Press Officer in Derry, because we believed Derry or Omagh, which is not terribly far away, were the most likely areas. Either that, or Belfast, where I was going to be myself. (51:43)

*But throughout all the polling stations, local police commanders had carried out their own risk assessments. And no doubt, having access to information that wasn't available to me, performed there properly and put appropriate measures in place. And that included both a physical, visible police presence, but also increased vehicle checkpoints on roads nearby to discourage or divert anyone*

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*bringing any device towards a count center, and it worked very well. And when the incident happened in Derry, it was dealt with in what I would regard as a very effective way. We had to suspend the count for roughly two hours, if my memory is correct, and were able to complete it still on the early hours of the Friday morning.*

SCHARFF: Can you help me to understand, and without having to go into divulging information that would be sensitive, just because our research, the technical, operational, details, when it comes to working the joint efforts between the EONI (Electoral Office for Northern Ireland) and the PSNI, how does the process originate at the ground level and then make its way to you? Is it the case where you have the local area commanders working with your local area electoral officers to devise a plan specific to that constituency, which is then relayed to you at this strategy meeting that you spoke of earlier? Is it a very devolved process? How does the information make its way to you, and what decisions would you need to make that perhaps your electoral officers and the area commanders working together would—?

BAIN: *No, I mean, I'm not effectively involved in the decision making. The power to make decisions on security is entirely a matter for the Chief Constable and his officers. We would simply advise him of our plans, of how we intend to conduct the election, about what time various things will happen. That will be done at a strategic level at the working group, but the actual details for each count center, for example, and where each polling station will be, and so on, that will be done at a local level, and most area commanders would appoint a member of their staff to deal with that on their behalf.*

*Plainly, in the course of that dialogue, if the police say, well, that's going to be a problem, changes will be made to our plan where that was possible, and that's all done at a local level. I would only get involved, and it has never happened, if one of my area electoral officers came back and said, you know, we have a concern about what the police are planning here, or what they're not planning, and they're saying we're not doing anything about a problem identified. But that has never happened, nor would I expect it to happen. If it did happen, then I would be contacting the Chief Constable and the Deputy Chief Constable.*

SCHARFF: But what is the PSNI's responsibility under the law, on Election Day?

BAIN: *Just their normal duty to guard, watch, and patrol, so as to prevent crime.*

SCHARFF: And has there ever been, I know there was quite a bit of tension before 2005 amongst those officers who were stationed at the polling stations, simply saying, this is not our job. Why are we standing here? We don't want to be doing this. Electoral Office, go ahead, this is not a matter for us. And I wonder what tensions, what obstacles may still arise to this day?

BAIN: *I mean, plainly, there are resource issues for the Chief Constable, he has to consider how best to use his resources. But given that we've since—we moved to the present arrangements without static police presence, there have not been issues at polling stations, so far as I'm aware, leaving aside the two bombs in Lurgan, which were before the poll opened. It has never been necessary for any of my staff to ask for police presence at a polling station.*

*My own view is that it would be a total waste of police resources to have a static presence.*

SCHARFF: Can I just ask, as we sort of work our way toward a conclusion here, if one were putting together a book on holding peaceful elections in Northern Ireland, what are the two or three, or perhaps even four, key lessons to include, given the context of how elections are carried out here?

BAIN: *This probably will miss out the important points, because I'm thinking off the top of my head. I think transparency is very important. I mean, there was a—what a former job people refer to as the “secret squirrel mentality” that you didn't tell anyone anything. I believe in sharing with the public and the electorate as much information as possible. Plainly, there's some things you don't share, but everything should be open.*

*It's important that the election takes place on a register in which people have confidence, and that there are no unnecessary restrictions or barriers put in the way of people going to vote. And, you see, you have to carry back to, it's like out of order, the—a static police presence at a polling station would be perceived by some as intimidating. I think there has to be confidence in what actually happens at the polling station, that it's—the same happens in every polling station, whether it's a Nationalist area, a mixed area, or a Unionist area; it's got to be the same, so no one can say, “Well, that's not what you do there.”*

*And then the arrangements for the counting of votes have to be transparent. And, you know, you've got to make appropriate use of the media. As people, by and large now, don't read newspapers in Northern Ireland, and if you want to get the message across to them, you can send any amount of household leaflets, the people that know what happens in elections may read your leaflet, the people that don't know will probably put them in the bin, and it's a waste of money. But they do listen to the radio, so you've got to use that to make sure they know when the polls open, when they close.*

*And we had problems in 2001 at an election, and also in Fermanagh and South Tyrone, where there was a queue at the polling station after—at 10:00, and a number of electors were issued with ballot papers after the close of poll. And then there was a challenge to the decision on the grounds they shouldn't have been, and plainly, they shouldn't have been. The court took the view that the numbers issued couldn't have affected the result, so it didn't matter. But you've got to avoid that sort of situation, and avoid any excuses for any violence.*

*But I think the most important factor is outside the control of the Electoral Office, it's what's the security and political environment is, and that's the matter for the politicians, rather than anything we can do.*

SCHARFF: Interesting. And finally, as you are nearing the end of your tenure here at the Electoral Office, I wonder as you leave the office at the end of this month, what thoughts will go through your mind as you reflect back on your tenure?

BAIN: *Yes, I mean, throughout my career, I've moved jobs into quite different areas, roughly every five years, and I always—I'm satisfied that I've done a good job. If I leave an organization better than it was when I took it over, and I'm—though this sounds big-headed, I'm entirely satisfied that I leave the Electoral Office a much stronger and more effective organization than it was in 2006. But much more importantly, I'm equally confident that the electoral process in Northern Ireland is now in a much more satisfactory position than it was in 2006.*

*We have now, I'm satisfied, by far, the most accurate electoral register anywhere in United Kingdom or the Republic of Ireland, and that our elections are delivered*

*to a high standard of being free and fair. And they are also now delivered a great deal more quickly than they used to be. And we've actually reduced the costs of the office significantly, despite that fact that we've made these improvements.*

*So, I retire thinking, you know, job well done; others may have a different view.*

SCHARFF: Mr. Bain, thanks very much for your time this morning.

BAIN: *Thank you.*