

ELC/2011/1

# Electoral observation at United Kingdom elections

December 2011

Laid before the Scottish Parliament by the Electoral Commission in pursuance of Section 6G of the Political Parties, Elections and Referendums Act 2000

15 December 2011

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We are an independent body that was set up by the UK Parliament. Our mission is integrity and public confidence in the democratic process. We regulate party and election finance and set standards for well-run elections.

# Electoral observation at United Kingdom elections

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# Introduction

The United Kingdom is a party to a number of international instruments that endorse electoral observation as an important verification method to assess electoral arrangements against internationally accepted norms and standards. In 2006 the United Kingdom Parliament made rules to open up United Kingdom elections to electoral observation, for international and domestic groups and individuals. The Electoral Commission is responsible for accrediting electoral observers, and this booklet outlines the process for accreditation, as well as the rights and obligation of observers at UK elections.

In October 2005 a number of intergovernmental and international organisations endorsed a *Declaration of principles for international election observation and Code of conduct for international election observers*.<sup>1</sup> A number of organisations of which the UK or UK institutions are members have endorsed the Declaration and the Code including the Commonwealth Secretariat, the Council of Europe, the European Commission, the Inter-Parliamentary Union, the Organisation for Security and Co-operation in Europe's Office for Democratic Institution and Human Rights and the United Nations.

While the Declaration and accompanying Code are specifically applied to international electoral observation, the Commission believes that they provide a robust basis for all observation of elections in the UK. Accordingly we have adapted this Code for use in the United Kingdom.

This booklet forms the Code of conduct the Commission must prepare under Sections 6F and 6G of the Political Parties, Elections and Referendums Act 2000 (PPERA).

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<sup>1</sup> See [www.un.org/News/Press/docs/2005/hq645.doc.htm](http://www.un.org/News/Press/docs/2005/hq645.doc.htm), [www.ndi.org/node/13494](http://www.ndi.org/node/13494) and [www.cartercenter.org/peace/democracy/des\\_declaration.html](http://www.cartercenter.org/peace/democracy/des_declaration.html) (all accessed 27 September 2009).

# Part A: Individual observers

## Applications for accreditation

The Commission can accredit individuals to observe specified proceedings at relevant electoral and referendum events throughout the United Kingdom.

These proceedings are:

- the issue or receipt of postal ballot papers
- the taking of the poll
- the counting of votes

Applicants for accreditation are required to apply to the Commission for accreditation on forms supplied by the Commission for this purpose. Application forms are available through the Commission's website or from any Commission office. All forms are available in English and Welsh and, on request, in alternative formats.

The Commission will accept applications at any time, however potential observers are recommended not to wait until an election is imminent or underway before applying.

The Commission can grant accreditation to any individual over the age of 16.<sup>2</sup>

### Process for applying

Applicants are required to:

- complete the Commission's form *Application for accreditation as an electoral observer for individuals* in English or Welsh
- supply to the Commission a contact address, telephone number and email address that applies for the duration of their accreditation. If their contact details are outside the UK, a UK or reachable overseas mobile number will be required
- submit a photograph of themselves in **electronic format**, e.g. via email or on a CD, for use on an identification badge,<sup>3</sup> or attend a designated Commission office to have their photograph taken



The photograph must:

- be submitted electronically, e.g. via email or on a CD
- be of the applicant facing the camera
- include their full face, which must be clearly visible
- be taken with the applicant's eyes open

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<sup>2</sup> Section 6C, PPERA.

<sup>3</sup> JPEG, BMP and TIFF are all acceptable formats. Applicants should ensure that the image is not copy protected, so it can be transferred to their identification badge.

- supply a legible copy of either their passport, driver's licence, national identity card or Northern Ireland electoral identity card at the time of application that confirms their name and age<sup>4</sup>
- read the Commission's Code of Practice for individual electoral observers and agree to abide by the guidance contained in it
- declare that they have been provided with a copy of section 66 of the Representation of the People Act 1983 or its corresponding provision, that they understand its provisions and that they will aid in maintaining the secrecy of the ballot
- consent to their name appearing on the Commission's register of observers

Applications may be emailed to [observers@electoralcommission.org.uk](mailto:observers@electoralcommission.org.uk). The Commission will also receive applications at any of its offices<sup>5</sup> during normal business hours, or by post. Applicants will be notified in writing of the Commission's decision to accept or reject their application, and reasons will be given for any decision to reject an application. The Commission will endeavour to process all applications within 10 days of receipt of a completed application form. **Accreditation will not come into effect until three days after issue** and the inclusion of the observer on the register of accredited observers.

### **Granting applications**

The Commission will grant an application for accreditation provided that all administrative steps in the application are complied with. An applicant must:

- meet the requirements of the application process set out in this Code
- not have been reported guilty (under the Representation of the People Act 1983 or any other electoral legislation in the United Kingdom) or found guilty of a corrupt or illegal electoral practice anywhere in the United Kingdom in the five years previous to the date of application

The Commission may refuse an application for accreditation if the requirements of the application process set out in this Code are not met. The Commission may also refuse an application if the applicant is a person whose status in the United Kingdom as an accredited observer or nominated individual of an accredited organisation was revoked by the Commission in the five years previous to the date of application. If the Commission refuses an application for accreditation, we will provide reasons in writing.

The Commission will maintain a register of observers that will be available for public inspection at any Commission office and on the Commission's website.

All individuals entered on the register will be issued with identification from the Commission. Unless a shorter accreditation period is requested on the

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<sup>4</sup> Applicants who do not own any such photographic identification should contact the Commission for advice.

<sup>5</sup> Contact details are provided at the end of this part.

application form, such identification will be valid until 31 December of the year of issue; this will be specified on the identification card.

The Commission does not require applicants to specify the electoral area or process they seek access to.

### **Revoking accreditations**

The Commission may revoke accreditation if the observer:

1. fails to abide by the standards of behaviour set out in the guidance section of this Code
2. is found or reported guilty (under the Representation of the People Act 1983 or any other electoral legislation in the United Kingdom) of a corrupt or illegal electoral practice anywhere in the United Kingdom

If, as a result of misconduct, a relevant officer has had an observer removed from a particular electoral proceeding, the Commission will only revoke their accreditation if the Commission considers that the individual was not abiding by this Code and the guidance contained in it. Misconduct is defined in 'Part C: Guidance to Returning Officers, Counting Officers and Presiding Officers' as:<sup>6</sup>

- breaching or attempting to breach the secrecy of the ballot
- knowingly obstructing the electoral proceeding
- asking electors about their voting preference while observing at polling stations

On receipt of a report from the relevant officer, the Commission will contact the observer concerned and give them an opportunity to submit, in writing, their version of events. The Commission will consider all submissions received and any other information available to it before making its decision.

If the Commission revokes an individual's accreditation, we will provide reasons in writing.

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<sup>6</sup> The power of relevant officers to remove observers for misconduct is in addition to their power to keep order at the relevant electoral proceeding. Observers are subject to the lawful directions of relevant officers and the Police in terms of public order.

## Guidance for individual electoral observers

All individuals accredited as electoral observers must abide by this guidance for the period of their accreditation. Observers who fail to abide by the standards of behaviour set out in this section will have their accreditation revoked by the Commission.

### **Respect the laws of the United Kingdom, international human rights and the authority of electoral bodies**

Observers must respect the laws of the United Kingdom as well as the human rights and fundamental freedoms of its people. Observers must also respect the authority of the Returning Officers<sup>7</sup>, Counting Officers and the Commission and follow any lawful instruction from the UK's governmental, security and electoral authorities. Observers also must maintain a respectful attitude toward electoral officials and other national authorities. Observers must note if laws, regulations or the actions of state and/or electoral officials unduly burden or obstruct the exercise of election related rights guaranteed by law, constitution or applicable international instruments.

### **Maintain strict political impartiality at all times**

Observers must maintain strict political impartiality at all times during the period of their accreditation, including during their leisure time. They must not express or exhibit any bias or preference in relation to national authorities, political parties, candidates or referendum issues. Observers also must not conduct any activity that could be reasonably perceived as favouring or providing partisan gain for any political competitor in the United Kingdom, such as wearing or displaying any partisan symbols, colours, banners or accepting anything of value from political competitors.

Political party affiliation does not automatically disqualify a person from becoming accredited as an observer. However, members, officers or employees of a UK registered political party who would be, or are likely to be, politically active during their accreditation period must not apply for accreditation.

In all circumstances, applicants must be satisfied that they will be able to meet the requirement for political impartiality set out above for the duration of their accreditation.

### **Secrecy requirements**

Observers will maintain and aid in maintaining the secrecy of the ballot and will sign an agreement that they have been provided with a copy of section 66 of the Representation of the People Act 1983 or its corresponding provision and understand its provisions. Observers must comply with all directions on the use of mobile phones, cameras and the like.

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<sup>7</sup> Throughout this part, references to the 'Returning Officer' or 'Returning Officers' include references to the Chief Electoral Officer for Northern Ireland.

### **Do not obstruct election processes**

Observers must not obstruct any element of the election process, including pre-election processes, the issue and opening of postal ballots, voting, counting and tabulation of results and processes transpiring after polling day. Observers may bring irregularities, fraud or significant problems to the attention of election officials on the spot, unless this would contravene the secrecy requirements, and must do so in a non-obstructive manner. Observers may ask questions of election officials, political party representatives and other observers inside polling stations and may answer questions about their own activities, as long as observers do not obstruct the election process. In answering questions observers should not seek to direct the election process. Observers may ask and answer questions of voters but may not ask them to tell for whom or what party or referendum position they voted.

### **Provide appropriate identification**

Observers must display identification provided by the Commission, and must present it to electoral officials and other interested national authorities when requested. Observers must ensure that their identification badge is visible at all times while observing.

### **Maintain accuracy of observations and professionalism in drawing conclusions**

Observers must ensure that all of their observations are accurate. Observations must be comprehensive, noting positive as well as negative factors, distinguishing between significant and insignificant factors and identifying patterns that could have an important impact on the integrity of the election process. Observers' judgements must be based on the highest standards for accuracy of information and impartiality of analysis, distinguishing subjective factors from objective evidence. Observers must base all conclusions on factual and verifiable evidence and not draw conclusions prematurely.

### **Maintain proper personal behaviour**

Observers must maintain proper personal behaviour and respect others, including exhibiting sensitivity for United Kingdom cultures and customs, exercise sound judgement in personal interactions and observe the highest level of professional conduct at all times, including leisure time.

### **Agree to follow this guidance**

Every person who participates in election observation in the United Kingdom must read and understand this guidance and must sign an agreement to follow it.

## Electoral Commission contact details

Individuals applying to become accredited observers must submit the following to the Commission:

- a completed application form
- a copy of photographic identification
- a photograph

The photograph **must** be submitted in an electronic format, for example as a picture file via email. Applicants may also email the Commission their application form and suitable photographic identification. All email communications should be sent to the following email address:

**observers@electoralcommission.org.uk**

Applicants who wish to post a copy of their photographic identification, their completed application form, or those who wish to send in their photograph on electronic media, such as on a CD, can post these to any of our offices:

### **Northern Ireland**

The Electoral Commission  
Seatem House  
28-32 Alfred Street  
Belfast BT2 8EN

### **Scotland**

The Electoral Commission  
Lothian Chambers  
59-63 George IV Bridge  
Edinburgh EH1 1RN

### **Wales**

The Electoral Commission  
Caradog House  
1-6 Saint Andrews Place  
Cardiff CF10 3BE

### **Head Office / London / Eastern and South East**

The Electoral Commission  
Observers  
3 Bunhill Row  
London EC1Y 8YZ

### **Midlands**

The Electoral Commission  
Midlands Office  
No 2 The Oaks  
Westwood Way  
Westwood Business Park  
Coventry CV4 8JB

### **North of England**

The Electoral Commission  
North of England Office  
York Science Park  
IT Centre  
Innovation Way  
Heslington  
York YO10 5DG

### **South West**

The Electoral Commission  
South West Office  
Regus  
1 Emperor Way  
Exeter Business Park  
Exeter EX1 3QS

For any questions on the status of an application, applicants should email [observers@electoralcommission.org.uk](mailto:observers@electoralcommission.org.uk) or call 0207 271 0500.

## Part B: Observer organisations

The Commission can accredit observer organisations to observe specified proceedings at relevant electoral and referendum events throughout the United Kingdom. These proceedings are:

- the issue or receipt of postal ballot papers
- the taking of the poll
- the counting of votes

Organisations applying for accreditation are required to apply to the Commission for accreditation on forms supplied by the Commission for this purpose. Application forms are available through the Commission's website and from any Commission office. All forms will be available in English and Welsh and on request in alternative formats.

The Commission will accept applications at any time, however potential observer organisations are recommended not to wait until an election is imminent or underway before applying.

Once accredited, an organisation is then able to nominate observers to attend electoral and referendum proceedings.

### **Process for applying**

Applicant organisations are required to:

- complete the Commission's form *Application for accreditation as an electoral observation organisation* in English or Welsh
- supply to the Commission a contact address, telephone number and email address that applies for the duration of their accreditation. If their contact details are outside the UK, a UK or reachable overseas mobile number will be required
- specify a period of up to three years for which they seek accreditation as an organisation
- declare that they have read and understood the Commission's Code of Practice for electoral observation organisations and agree to abide by the guidance contained in it
- declare that they will provide their nominated members with a copy of section 66 of the Representation of the People Act 1983 (RPA) or its corresponding provision and that they will aid in maintaining the secrecy of the ballot
- consent to the name of the organisation and its list of nominated observers appearing on the Commission's register of observers

Applications may be emailed to [observers@electoralcommission.org.uk](mailto:observers@electoralcommission.org.uk).

The Commission will also receive applications at any of its offices<sup>8</sup> during normal business hours, or by post. Applicants will be notified in writing of the Commission's decision to accept or reject their application, and reasons will be given for any decision to reject an application. The Commission will endeavour to process all applications within 10 days of receipt of a completed application form. **Accreditation will not come into effect until three days after issue** and the inclusion of the organisation on the register of accredited observers.

### **Granting applications**

There is no limit on the number of observers any one organisation can nominate.

Provided that all administrative steps in the application are complied with, the Commission will not apply any other criteria in determining the application.

The applying organisation must:

1. meet the requirements of the application process set out in this Code
2. not include on their list of nominated individuals anyone who has been reported guilty (under the Representation of the People Act 1983 or any other electoral legislation in the United Kingdom) or found guilty of a corrupt or illegal electoral practice anywhere in the United Kingdom in the five years previous to the date of application, or who to the knowledge of the organisation has been found guilty of an electoral offence anywhere in the world in the five years previous to the date of application
3. not include on their list of nominated individuals anyone whose status in the United Kingdom as an accredited observer or nominated individual of an accredited organisation was revoked by the Commission

If an organisation's application is refused the organisation may submit a further application which complies with the requirements of this Code.

### **Revoking accreditations**

The Commission may revoke an organisation's accreditation if the organisation:

1. fails to abide by the standards of behaviour set out in the guidance section of this Code
2. includes on their list of nominated individuals an observer who is found or reported guilty of a corrupt or illegal electoral practice anywhere in the United Kingdom at any time between the five years prior to their inclusion on the list and the end of their period of accreditation
3. includes on their list of nominated individuals anyone who has been removed for misconduct from a specific electoral proceeding by a relevant officer.

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<sup>8</sup> Contact details are provided at the end of this part.

Misconduct is defined in 'Part C: Guidance to Returning Officers, Counting Officers and Presiding Officers' as:<sup>9</sup>

- breaching or attempting to breach the secrecy of the ballot
- knowingly obstructing the electoral proceeding
- asking electors about their voting preference while observing at polling stations

The Commission will only revoke an organisation's accreditation for the reason set out in point 2 above if, on notification, the organisation refuses to promptly remove such an observer from their list of nominated individuals.

The Commission will only revoke an organisation's accreditation for the reason set out in point 3 above if the following two conditions are met:

- a. on receipt of a report from the relevant officer, the Commission considers that the relevant individual was not abiding by this Code and the guidance contained within it. On receipt of a report from the relevant officer, the Commission will contact the observer concerned and give them an opportunity to submit, in writing, their version of events. The Commission will consider all submissions received and any other information available to it before making its decision.
- b. the organisation refuses to promptly remove an observer found in breach of this Code from their list of nominated individuals

If the Commission revokes an organisation's accreditation, we will provide reasons in writing.

### **Nominating members**

An accredited organisation may submit to the Commission a list of members nominated to act as observers. This list can be submitted at the time of application for accreditation or at any time after that. The list must:

- be in the form supplied by the Commission
- be accompanied by a photograph of each nominated observer, submitted in electronic format<sup>10</sup> for use on an identification badge, or indicate a willingness to attend a designated Commission office to have such a photograph taken



The photograph must:

- be submitted in an electronic format, e.g. via email or on a CD
- be of the nominated observer facing the camera
- include their full face, which must be clearly visible
- be taken with the applicant's eyes open

<sup>9</sup> The power of relevant officers to remove observers for misconduct is in addition to their power to keep order at the relevant electoral proceeding. Observers are subject to the lawful directions of relevant officers and the Police in terms of public order.

<sup>10</sup> JPEG, BMP and TIFF are all acceptable formats. The organisation should ensure that the image is not copy-protected, so that it can be transferred to their identification badge.

- be accompanied by legible copies of either their passport, driver's licence, national identity card or Northern Ireland electoral identity card that confirms their name, or an agreement to produce this at a designated Commission office
- include for each nominated observer a declaration that they have read and understood the Commission's Code of Practice for electoral observation organisations and agree to abide by the guidance contained in it
- include for each nominated observer a declaration that they have been provided with a copy of section 66 of the Representation of the People Act 1983 or its corresponding provision, that they understand its provisions and that they will aid in maintaining the secrecy of the ballot

The Commission will maintain a register of observer organisations and nominated observers that will be available for public inspection at any Commission office and on the Commission's website. The Commission will provide contact details (including out of hours details) at each Commission office in case of query or concern. The Commission's register is the only official list of accredited observer organisations and nominated observers.

The Commission will issue a photographic identification card for each nominated observer. Unless a shorter accreditation period is requested on the application form, such identification will be valid until 31 December of the year of issue; this will be specified on the identification card.

Authorisation of the organisation's list of nominated observers will not come into effect until three days after the issue of observer identification cards and the observers' inclusion on the register of accredited observers.

The Commission does not require organisations or nominated observers to specify the electoral area or process they wish to access.

## Guidance for electoral observation organisations and their nominated observers

All organisations accredited as electoral observers, and all individuals nominated by such accredited organisations must abide by this Code for the period of their accreditation. The Commission will require any organisation to remove observers found in breach of this guidance from their list of nominated individuals.

### **Respect the laws of the United Kingdom, international human rights and the authority of electoral bodies**

Observers must respect the laws of the United Kingdom as well as the human rights and fundamental freedoms of its people. Observers must also respect the authority of the Returning Officers<sup>11</sup>, Counting Officers and the Commission and must follow any lawful instruction from the UK's governmental, security and electoral authorities. Observers also must maintain a respectful attitude toward electoral officials and other national authorities. Observers must note if laws, regulations or the actions of state and/or electoral officials unduly burden or obstruct the exercise of election related rights guaranteed by law, constitution or applicable international instruments.

### **Maintain strict political impartiality at all times**

Observers must maintain strict political impartiality at all times for as long as they are included on the observer organisation's list of nominated observers. This also applies to their leisure time. They must not express or exhibit any bias or preference in relation to national authorities, political parties, candidates or referendum issues. Observers also must not conduct any activity that could be reasonably perceived as favouring or providing partisan gain for any political competitor in the United Kingdom, such as wearing or displaying any partisan symbols, colours, banners or accepting anything of value from political competitors.

Political party affiliation does not automatically disqualify a person from becoming an observer. However, members, officers or employees of a UK registered political party who would be, or are likely to be, politically active during their accreditation period must not be included on an organisation's list of nominated observers.

In all circumstances, applicants must be satisfied that they will be able to meet the requirement for political impartiality, set out above, for the duration of their accreditation.

### **Secrecy requirements**

Observers will maintain and aid in maintaining the secrecy of the ballot and will sign an agreement that they have been provided with a copy of section or its corresponding provision 66 of the RPA and understand its provisions.

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<sup>11</sup> Throughout this part, references to the 'Returning Officer' or 'Returning Officers' include references to the Chief Electoral Officer for Northern Ireland.

Observers must comply with all directions on the use of mobile phones, cameras and the like.

### **Do not obstruct election processes**

Observers must not obstruct any element of the election process, including pre-election processes, the issue and opening of postal ballots, voting, counting and tabulation of results and processes transpiring after polling day. Observers may bring irregularities, fraud or significant problems to the attention of election officials on the spot, unless this would contravene the secrecy requirements, and must do so in a non-obstructive manner. Observers may ask questions of election officials, political party representatives and other observers inside polling stations and may answer questions about their own activities, as long as observers do not obstruct the election process. In answering questions observers should not seek to direct the election process. Observers may ask and answer questions of voters but may not ask them to tell for whom or what party or referendum position they voted.

### **Provide appropriate identification**

Observers must display identification provided by their organisation, as well as identification required by the Commission, and must present it to electoral officials and other interested national authorities when requested. Observers must ensure that their identification badge is visible at all times while observing.

### **Maintain accuracy of observations and professionalism in drawing conclusions**

Observers must ensure that all of their observations are accurate. Observations must be comprehensive, noting positive as well as negative factors, distinguishing between significant and insignificant factors and identifying patterns that could have an important impact on the integrity of the election process. Observers' judgements must be based on the highest standards for accuracy of information and impartiality of analysis, distinguishing subjective factors from objective evidence. Observers must base all conclusions on factual and verifiable evidence and not draw conclusions prematurely.

### **Maintain proper personal behaviour**

Observers must maintain proper personal behaviour and respect others, including exhibiting sensitivity for United Kingdom cultures and customs, exercise sound judgement in personal interactions and observe the highest level of professional conduct at all times, including leisure time.

### **Agree to follow this guidance**

Every person who participates in observation within the UK must read and understand this guidance and must sign an agreement to follow it.

## Electoral Commission contact details

Organisations applying to become accredited observers must submit the following to the Commission:

- a completed application form, including signed declarations from each nominated observer
- copies of photographic identification for each nominated observer
- a photograph of each nominated observer

The photographs **must** be submitted in an electronic format, for example as a picture file via email. Organisations may also email the Commission their application form and copies of suitable photographic identification. All email communications should be sent to the following email address:

**observers@electoralcommission.org.uk**

Organisations that prefer to post their application form or the copies of their nominated individuals' photographic identification, or organisations who wish to submit the photographs of their nominated individuals on a CD, can post all these items to any of our devolved or English regional offices:

### **Northern Ireland**

The Electoral Commission  
Seatem House  
28-32 Alfred Street  
Belfast BT2 8EN

### **Scotland**

The Electoral Commission  
Lothian Chambers  
59-63 George IV Bridge  
Edinburgh EH1 1RN

### **Wales**

The Electoral Commission  
Caradog House  
1-6 Saint Andrews Place  
Cardiff CF10 3BE

### **Head Office / London / Eastern and South East**

The Electoral Commission  
Observers  
3 Bunhill Row  
London EC1Y 8YZ

### **Midlands**

The Electoral Commission  
Midlands Office  
No 2 The Oaks  
Westwood Way  
Westwood Business Park  
Coventry CV4 8JB

### **North of England**

The Electoral Commission  
North of England Office  
York Science Park  
IT Centre  
Innovation Way  
Heslington  
York YO10 5DG

### **South West**

The Electoral Commission  
South West Office  
Regus  
1 Emperor Way  
Exeter Business Park  
Exeter EX1 3QS

For any questions on the status of an application, applicants should email [observers@electoralcommission.org.uk](mailto:observers@electoralcommission.org.uk) or call 0207 271 0500.

## Part C: Guidance to Returning Officers, Counting Officers and Presiding Officers

Sections 6F and 6G of the Political Parties, Elections and Referendums Act 2000 (PPERA) not only requires the Commission to produce guidance for observers, but also requires it to issue guidance to Returning Officers<sup>12</sup>, Counting Officers and Presiding Officers on the exercise of section 6E. Sections 6F(7) and 6G(7) require Returning Officers, Counting Officers and Presiding Officers to have regard to this guidance.

### Guidance<sup>13</sup>

Section 6E of PPERA allows a Returning Officer, Counting Officer or Presiding Officer (relevant officers) to limit the number of individual observers or nominated observers who may be present at any one time during the conduct of the poll, the issue and receipt of postal ballot papers and the count. Relevant officers may not limit the number of Commission representatives who may be present at an electoral proceeding.

The Commission advises that relevant officers use caution in exercising this power. Electoral observation is a legitimate and valuable part of the electoral process and care should be taken to not hinder or obstruct the conduct of observation. It is important to note that no officer is entitled to bar **all** observers from an entire proceeding, only to limit the number of observers present at **any one time**.

The provisions allowing for attendance of Commission representatives and observers do not derogate from the duty and responsibility of relevant officers to keep public order and promote the secrecy of the ballot at any election proceedings. Commission representatives and accredited observers must follow all lawful directions from relevant officers and the police.

Officers are not required to proactively notify observers of the time and place of relevant proceedings, however this information should be supplied to accredited observers and the Commission on request.

### The poll

In regard to a polling station,<sup>14</sup> Presiding Officers should only seek to limit the number of electoral observers present when the presence of observers – or a

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<sup>12</sup> Throughout this part, references to the 'Returning Officer' or 'Returning Officers' include references to the Chief Electoral Officer for Northern Ireland.

<sup>13</sup> PPERA specifies that this Code must contain guidance for relevant officers on their power to limit observer numbers and to cancel an observer's entitlement to attend a specific proceeding. Guidance on providing observers access to specific election proceedings is given in the Commission's various manuals for Returning Officers and handbooks for polling station staff. These are all available for download from the Commission's website at [www.electoralcommission.org.uk](http://www.electoralcommission.org.uk).

<sup>14</sup> Or equivalent term.

number of observers – is hindering the conduct of the poll or jeopardising the secrecy of the ballot. A direction as to the number of observers that may be present within a polling station should only be given for a specified time – such as for 30 or 60 minutes – or when specified circumstances exist – such as ‘x’ number of electors waiting to vote or ‘y’ number of agents being present. No officer is entitled to bar all observers from a polling station for the entire duration of the poll, only to limit the number of observers present at any one time. Accordingly, Returning Officers will need to ensure that polling stations are large enough and suitably arranged to provide for efficient and secret polling in the presence of polling agents and observers.

The Commission will provide Returning Officers and Counting Officers with a log for use by Presiding Officers to note any occasions when they are required to limit the number of observers in a polling station. This will assist the Presiding Officer to notify the Returning Officer of the imposition of such limits. The Returning Officer should ensure that a copy of the log is supplied to the Commission following polling day if limits are applied.

Presiding Officers are only permitted to have an observer removed from a polling station for the remainder of the poll in the event of misconduct by the observer. Misconduct is defined as:

- breaching or attempting to breach the secrecy of the ballot
- knowingly obstructing the polling process
- asking electors about their voting preference

Any observer removed for misconduct is not entitled to re-enter that polling station for the remainder of the poll. The Commission will provide a proforma for use by Presiding Officers who seek to have an observer removed from a polling station. This will require the Presiding Officer to notify observers in writing of why they are being removed and provide a record of the removal and the reasons for the removal. A copy of this statement should be supplied to the Commission as soon as possible.

A Presiding Officer maintains the power to keep order at a polling station and any observers are subject to lawful directions of Presiding Officers and Police Officers in terms of public order.

## The issue and receipt of postal ballot papers

In regard to the issue and receipt of postal ballots,<sup>15</sup> Returning Officers and Counting Officers should only seek to limit the number of electoral observers present when the presence of observers – or a number of observers – is hindering the conduct of the proceeding or jeopardising the secrecy of the ballot. A direction as to the number of observers that may be present at proceedings for the issue or receipt of postal ballots should only be given for a

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<sup>15</sup> Under the 2001 regulations, or equivalent legislation, the ‘receipt of postal ballot papers’ refers to the entire process of opening and checking returning postal ballots. Observers are entitled to attend such opening sessions in a manner similar to that of candidates and agents.

specified time – such as for 30 or 60 minutes. No officer is entitled to bar all observers from proceedings for the entire conduct of the session, only to limit the number of observers present at any one time. Accordingly, Returning Officers and Counting Officers will need to ensure that premises used for proceedings at the issue of postal ballots are large enough and suitably arranged to provide for efficient processes in the presence of observers and at the receipt of postal ballots, for candidates and agents as well.

If the issue or receipt of postal ballots is outsourced the contract must contain provision for the attendance of observers at the proceedings, and the Returning or Counting Officer will need to make relevant arrangements with their contractors to ensure this can be achieved safely.

The Commission will provide Returning Officers and Counting Officers with a log for use when limiting the number of observers present at the issue or receipt of postal ballot papers. This will assist the Returning Officer in noting any occasions on which a limit is imposed and for how long. The Returning Officer should ensure that a copy of the log is supplied to the Commission following polling day if limits are applied.

Returning Officers and Counting Officers are only permitted to have an observer removed from the issue or receipt of postal ballots in the event of misconduct by the observer. Misconduct is defined as:

- breaching or attempting to breach the secrecy of the ballot
- knowingly obstructing the postal voting process

Any observer removed for misconduct is not entitled to re-enter that proceeding for the remainder of the election. The Commission will provide a proforma for use by Returning Officers and Counting Officers who seek to have an observer removed from the issue or receipt of postal ballot papers. This will require the Returning Officer or Counting Officer to notify observers in writing of why they are being removed and provide a record of the removal and the reasons for the removal. A copy of this statement should be supplied to the Commission as soon as possible.

A Returning Officer or Counting Officer maintains the power to keep order at postal ballot proceedings and any observers are subject to lawful directions of Presiding Officers and Police Officers in terms of public order.

## The count

In regard to the count Returning Officers and Counting Officers should only seek to limit the number of electoral observers present when the presence of observers – or a number of observers – is hindering the conduct of the proceeding or jeopardising the secrecy of the ballot. A direction as to the number of observers that may be present at the count should only be given for a specified time – such as for 30 or 60 minutes. No officer is entitled to bar all observers from the count for the entire duration of the count, only to limit the number of observers present at any one time. Accordingly, Returning

Officers and Counting Officers will need to ensure that premises used for the count are large enough and suitably arranged to provide for efficient processes in the presence of observers and counting agents.

The Commission will provide Returning Officers and Counting Officers with a log to assist in recording any instances when the number of observers present at the count is limited. This will assist the Returning Officer or Counting Officer in noting why the limit is being imposed and for how long. The Returning Officer or Counting Officer should ensure that a copy of the log is supplied to the Commission following polling day if limits are applied.

Returning Officers and Counting Officers are only permitted to have an observer removed from the count in the event of misconduct by the observer. Misconduct is defined as:

- breaching or attempting to breach the secrecy of the ballot
- knowingly obstructing the count process

Any observer removed for misconduct is not entitled to re-enter the count. The Commission will provide a proforma for use by Returning Officers and Counting Officers who seek to have an observer removed from the count. This will require the Returning Officer or Counting Officer to notify observers in writing of why they are being removed and provide a record of the removal and the reasons for the removal. A copy of this statement should be supplied to the Commission as soon as possible.

A Returning Officer or Counting Officer maintains the power to keep order at the count and any observers are subject to lawful directions of Presiding Officers and Police Officers in terms of public order.

## Part D: Commission representatives

### Authorisation

The Electoral Commission is enabled under sections 6A and 6B of the Political Parties, Elections and Referendums Act 2000 (PPERA) to appoint representatives to attend relevant electoral and referendum proceedings and relevant working practices throughout the United Kingdom.

Under section 6A these representatives may be Commissioners, Commission staff members or a person appointed by the Commission to act as a Commission representative under these sections.

The Commission will not appoint as a Commission representative any individual who does not meet the political neutrality requirements required of Commission staff by Schedule 1 to PERA.

The Commission will authorise relevant persons from time to time as required. A Commission appointment is valid for any proceeding and the Commission's authorisations will cover all relevant elections and referendums.

In the case of a representative who is a Commissioner or Commission staff member the appointment will lapse when they cease to be a Commissioner or Commission staff member or when the appointment is otherwise revoked or expires.

In the case of any other person appointed by the Commission to act as a Commission representative under these sections the appointment will be for a specified period of time.

### Register of authorised persons

The Commission will maintain a register of persons authorised under these sections and will make this register available for public inspection at the Commission's offices and through the Commission website.

All persons entered on the register will be issued with identification from the Commission. The Commission will advise Electoral Registration Officers, Returning Officers<sup>16</sup> and Counting Officers of the form of this identification and provide contact details (including out of hours details) at each Commission office in case of query or concern. The identification will contain a photograph and will clearly indicate that the individual is a Commission representative.

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<sup>16</sup> Throughout this part, references to the 'Returning Officer' or 'Returning Officers' include references to the Chief Electoral Officer for Northern Ireland.

## Guidance to Commission representatives

All Commission representatives will observe the following when exercising powers under section 6A and 6B of PPERA:

- Commission representatives will respect the independence and the authority of Electoral Registration Officers, Returning Officers and Counting Officers.
- No Commission representative will seek to direct an Electoral Registration Officer, Returning Officer or Counting Officer, or their staff, in the conduct of their duties.
- Commission representatives will respect lawful directions given to them by Electoral Registration Officers, Returning Officers and Counting Officers, or their staff, or by a Police Officer acting at the request of such an officer and comply with all safety directions and regulations.
- Commission representatives will act in accordance with the Commission's Code of Conduct for staff and maintain strict political impartiality at all times. They will not express or exhibit any bias or preference in relation to political parties, candidates or referendum issues.
- Commission representatives will not obstruct any element of the electoral proceedings or working practices. Commission representatives must bring any apparent irregularities or significant problems to the attention of appropriate Commission officers, who may contact the relevant Electoral Registration Officer, Returning Officer or Counting Officer.
- Commission representatives may ask questions of Electoral Registration Officers, Returning Officers or Counting Officers, or their staff, but will not do so if this would obstruct the conduct of electoral proceedings or working practices.
- Commission representatives may ask questions of candidates, agents, polling agents, counting agents and accredited observers but will not do so if this would obstruct or disturb the conduct of electoral proceedings or working practices.
- Commission representatives may ask and answer questions of electors but will not do so if this would obstruct or disturb the conduct of electoral proceedings or working practices. Commission representatives will not ask electors which candidate, party or referendum option they voted for.
- Commission representatives will maintain and aid in maintaining the secrecy of the ballot and will, before authorisation, be provided with a copy of section 66 of the Representation of the People Act 1983 or its corresponding provision and sign an agreement that they have been

provided with and understand its provisions. Commission representatives will comply with all directions on the use of mobile phones, cameras and the like.

- Commission representatives will wear at all times identification provided by the Commission and no Electoral Registration Officer, Returning Officer or Counting Officer, or their staff, will be required to admit any representative who does not have such identification. The Commission will advise Electoral Registration Officers, Returning Officers and Counting Officers of the form of identification as required.
- Commission representatives will not make any public statements about their observations or conclusions during the electoral proceedings or working practices. Public statements will only be made by authorised Commission spokespeople according to the Commission's own internal arrangements.