

Observers at United Kingdom elections

January 2007

Translations and other formats

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<p>We are an independent body that was set up by the UK Parliament. Our mission is to foster public confidence and participation by promoting integrity, involvement and effectiveness in the democratic process.</p>

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Presented to the House of Commons pursuant to
section 6F of the Political Parties, Elections and
Referendums Act 2000.

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Introduction

Following passage of the Electoral Administration Act 2006, the Political Parties, Elections and Referendums Act 2000 now contains provisions that:

- allow representatives of the Commission to attend electoral or referendum proceedings
- allow representatives of the Commission to observe the working practices of Electoral Registration Officers, Returning Officers and Counting Officers
- allow for observers, whether individuals or organisations, to be accredited by the Commission so that they or their nominated members can attend and observe certain proceedings at an election or a referendum
- require the Commission to produce a Code of Practice to regulate the attendance of Commission representatives and observers at such proceedings

The UK Government intends to commence these sections on 31 January 2007 for Great Britain. This code fulfils the Commission's duties under the new section 6F of PPERA.

Part A: 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.¹

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 Commissioners and 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 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.

¹ Except for electoral proceedings or working practices that are wholly concerned with a local government election in Scotland.

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.