

Part H – Combination of polls

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1 Introduction

1.1 There are specific provisions in electoral legislation to deal with the combination of the poll at a European Parliamentary election with that at another election, and these are outlined below.

1.2 Issues specific to a combined European Parliamentary and county election in England, in so far as they impact on the Local Returning Officer, have been highlighted throughout this manual.



It is recognised, however, that many county Returning Officers will designate European Parliamentary Local Returning Officers as deputy county Returning Officers, which means that the same person will, in practice, be administering both polls. In that case, Local Returning Officers should use this manual in conjunction with the relevant parts of the Electoral Commission's manual *Managing a local government election in England and Wales*.¹ The main part of the manual covers issues relevant to a combination with the polls at a parish election, whereas Part H, 'Combination of polls' highlights responsibilities that fall to the local government Returning Officer at other combined polls.

A template project planner and risk register for county Returning Officers, which would also be relevant for Local Returning Officers who have been appointed as deputies to run the local government election, can be found on the Commission's website at www.electoralcommission.org.uk/guidance/resources-for-electoral-administrators/european-parliamentary-elections

1.3 This part of the manual is designed to highlight other possible permutations for the combination of the poll at a European Parliamentary election with that at another election and what impact such combinations may have on the role of the Local Returning Officer. It also highlights particular areas for consideration such as the impact of combination on polling and counting processes.

1.4 The combination of certain polls is mandatory, whereas other combinations are optional, or explicitly prohibited.² This is set out in more detail in Section 2, 'Combination arrangements'.

1.5 The key legislation regarding the arrangements for the combination of the poll at a European Parliamentary election with that at another election is set out in:

- Representation of the People (Scotland) Regulations 1986 (RPR (Scotland))
- Schedule 3: Modification of European Parliamentary Elections Rules for Combined Polls, The European Parliamentary Elections Regulations

¹ The manual can be downloaded from the Commission's website at www.electoralcommission.org.uk/guidance/resources-for-electoral-administrators/local-elections/local-government-elections-in-england

² Section 15, Representation of the People Act 1985 (RPA 1985).

- 2004 (EPE Regulations) (as amended by the European Parliamentary Elections (Amendment) Regulations 2009)
- Representation of the People (Combination of Polls) (England and Wales) Regulations 2004 (RPR 2004) (as amended by the Representation of the People (Combination of Polls) (England and Wales) (Amendment) Regulations 2006 and 2007)
 - Schedule 3: Rules for Conduct of an Election of Councillors of a Principal Area where the poll is taken together with the poll at a relevant Election or Referendum, Local Elections (Principal Areas) (England and Wales) Rules 2006
 - Schedule 3: Rules for Conduct of an Election of Councillors of a Parish or Community where the poll is taken together with the poll at a relevant Election or Referendum, Local Elections (Parishes and Communities) (England and Wales) Rules 2006
 - Schedule 2, Scottish Local Government Elections Order 2007

1.6 This guidance does not give consideration to arrangements for the combination of a European Parliamentary election with an election to the Greater London Authority, a referendum on local authorities' executive arrangements or a mayoral election.

1.7 There are no legislative provisions that allow for the combination of a European Parliamentary election with an election to the Scottish Parliament or the National Assembly for Wales.

2 Combination arrangements

Combined or not combined

2.1 There are a number of instances where the polls at different elections held on the same day **must** be combined, where they **may** be combined and where they **may not** be combined. These are summarised below.

2.2 Circumstances where the polls **must** be combined:

- parish council and district council (where the parish or parish ward is coterminous with or situated within the district council ward)
- community council and county or county borough council elections (if the elections are for related electoral areas)
- UK Parliamentary general election and European Parliamentary general election
- UK Parliamentary general election and ordinary local government election
- European Parliamentary general election and ordinary local government election

2.3 Circumstances where the polls **may** be combined:

- UK Parliamentary general election and European Parliamentary by-election
- UK Parliamentary general election and local government casual vacancy election
- UK Parliamentary general election and parish or community council casual vacancy election (where polling day is not the same as the ordinary day of election for local government elections)
- UK Parliamentary by-election and European Parliamentary by-election
- UK Parliamentary by-election and local government casual vacancy election (where polling day is not the same as the ordinary day of election for local government elections)
- UK Parliamentary by-election and parish or community council casual vacancy election (where polling day is not the same as the ordinary day of election for local government elections)
- European Parliamentary general election and UK Parliamentary by-election
- European Parliamentary general election and local government casual vacancy election
- European Parliamentary general election and parish or community council casual vacancy election
- European Parliamentary by-election and local government casual vacancy election (where polling day is not the same as the ordinary day of election for local government elections)
- European Parliamentary by-election and parish or community council casual vacancy election (where polling day is not the same as the ordinary day of election for local government elections)

2.4 Circumstances where the polls **may not** be combined (except where separate legislation is passed):

- UK Parliamentary general election and parish or community council election where polling day is the same as the ordinary day of election for district councillors
- European Parliamentary general election and parish or community council election where polling day is the same as the ordinary day of election for county borough councillors

2.5 For elections in 2009, however, the Local Elections (Ordinary Day of Elections in 2009) Order 2008 expressly allows for parish elections to be held on the same day as the European Parliamentary election.

2.6 In the circumstances where polls may be combined, it is for the Returning Officers of the respective areas to agree that it is practicable for the polls to be combined. One of the issues to be considered will be cost, as it will likely be cheaper to run the polls combined rather than separately. The costs should then be divided equally between the elections, except where any particular cost, such as the printing of ballot papers, can be attributed solely to one election. However, any decision regarding whether or not to combine should not be based exclusively on cost and administrative issues, but should also consider the impact of combination on voters.

Postponement of any poll at parish or community council elections



In general, when a European Parliamentary or UK Parliamentary general election is announced for the ordinary day of elections of councillors for local government areas in England and Wales, **any poll** at an election of parish or community councillors to be held on that day must be postponed for three weeks.³ This includes both 'ordinary day' elections and elections to fill casual vacancies on that day.

However, the Local Elections (Ordinary Day of Elections in 2009) Order 2008 has suspended the requirement to postpone parish elections where these fall on the ordinary day of the election of councillors for local government areas in England in 2009.⁴ As a result, parish council elections, including by-elections, can be held in England on 4 June 2009.

Also, if a UK Parliamentary election is called to coincide with the European Parliamentary elections in 2009, parish council elections in England would **not** need to be postponed.

Where 4 June 2009 is the ordinary day for electing parish councillors, the parish election must be combined with the European Parliamentary and county council elections (and, in the event that one is called, a UK

³ Section 16(1)(a), RPA 1985.

⁴ Paragraph 3, The Local Elections (Ordinary Day of Elections in 2009) Order 2008.

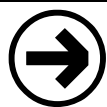
Parliamentary election). Where a parish election to fill a casual vacancy is held on that day, the polls do not have to be combined, but may be combined at the relevant Returning Officers' discretion.

The Returning Officers

2.7 Where polls are combined, one Returning Officer will take on some of the functions of the Returning Officer for the other election. Local Returning Officers for a European Parliamentary election are in a unique position, in that they can never take on any of the functions of the Returning Officer for the other election:⁵ it will always be the Returning Officer for the other election who will have legal responsibility for discharging certain functions of the Local Returning Officer.

2.8 Where, for example, a European Parliamentary election is combined with a UK Parliamentary election, the Returning Officer for the UK Parliamentary election will have responsibility for certain functions of the Local Returning Officer at the European Parliamentary election.

2.9 Where a European Parliamentary election is combined with a UK Parliamentary general election and a local government election, the Returning Officer for the UK Parliamentary election will be legally responsible for certain functions of the Local Returning Officer at the European Parliamentary election and of the Returning Officer for the local government election.



There may be instances where the Returning Officer for the other election will designate European Parliamentary Local Returning Officers as deputy Returning Officers, which means that the same person will, in practice, be administering both (or all) polls. In that case, Local Returning Officers should also consult the relevant guidance manual(s) for Returning Officers for the other election produced by the Commission, and in particular Part H, 'Combination of polls' of the relevant manual, which will give consideration to combination issues.

If a UK Parliamentary election is called for 4 June 2009, Local Returning Officers who have been appointed as deputy Returning Officers to run all elections in their local counting areas should consult Part H of the Commission's manual *Managing a UK Parliamentary election*, available at www.electoralcommission.org.uk/guidance/resources-for-electoral-administrators/uk-parliamentary-elections

All Returning Officers' manuals can be downloaded from the Commission's website at www.electoralcommission.org.uk/guidance/resources-for-electoral-administrators

2.10 It is important to note that it is the polls which are combined and not every aspect of the elections. The functions in a combined European

⁵ Regulation 4, RPR 2004; and RPR (Scotland) 1986.

Parliamentary poll that become the responsibility of the other Returning Officer are:

- the notice of the situation of polling stations
- the provision and equipment of polling stations
- the appointment of Presiding Officers and Poll Clerks
- the notification of secrecy requirements at polling stations
- signing certificates of employment
- appointing someone to remove persons from the polling station on the Presiding Officer's request
- separating and verifying the ballot papers

2.11 If all the Returning Officers concerned agree, proceedings on the issue and receipt of postal ballot papers in respect of each election may also be taken together. In that case, the Returning Officer for the other election will take overall legal responsibility for the combined issue and receipt of postal ballot papers.

2.12 The legislation sets out and separates the specific responsibilities for each Returning Officer in combined polls, and this must be followed. However, there should still be a close working relationship between Returning Officers and their staff with regard to the undertaking of duties across the board.

2.13 Agreement should be reached early in the planning stage about appropriate delegation and who is best placed to undertake the various duties imposed by law, including how this should be done. There should be continuous liaison between the Returning Officers and their respective members of staff throughout the election period. A failure to cooperate fully may reduce effectiveness and could affect the customer service provided to voters.

Timetables

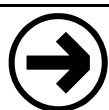
2.14 The timetable used for a European Parliamentary election does not coincide with the timetable of a UK Parliamentary election or local government election.

2.15 The situation could arise where a UK Parliamentary election is called after the publication of notice of election for the European Parliamentary election. By the time of the receipt of the writ, nominations for the European Parliamentary election could potentially have closed and the statement of parties and individual candidates nominated could have been published. However, even though part of the election timetable will be different, the only functions of the Local Returning Officer that have different timings in legislation are the deadlines for the appointments of polling and counting agents, which in any event will be taken on by the Returning Officer for the other election(s).

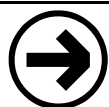
3 The franchise

3.1 The franchise for European Parliamentary elections is different to that of any other elections in the UK. It is based on the UK Parliamentary franchise, but also includes those citizens of relevant EU member states who have filled in a separate declaration. Citizens of EU member states who are also qualifying Commonwealth citizens (i.e. from Cyprus or Malta) or who are UK or Irish citizens do not need to complete a separate declaration.

3.2 The same register of electors (and notices of alteration to the register as a result of the amendment of clerical errors), together with the same list of votes marked by the Presiding Officer, list of voters with disabilities assisted by companions and list of tendered votes, may, however, be used for all combined elections.⁶



Further information on the European Parliamentary register is available in Part B, 'Preparing for a European Parliamentary election', Section 5, 'Electoral registration issues'.



A list of all possible franchise markers that could appear next to electors' names, together with an explanation of those electors' eligibility to vote, is contained in the Commission's guidance manual *Managing electoral registration in Great Britain*, Part B, 'Entitlement to register', Section 2, 'Entitlement to vote'. This manual can be downloaded from the Commission's website at www.electoralcommission.org.uk/guidance/resources-for-electoral-administrators/electoral-registration/managing-electoral-registration-services

The franchise markers are also reproduced in the stand-alone and combined versions of the Commission's *Handbook for polling station staff*, for use at the European Parliamentary elections.

3.3 Where the European Parliamentary election is combined with another election, it is essential that whoever takes responsibility for briefing polling station staff instructs them to pay particular attention to the identifying letters printed next to electors' names. These identifying letters indicate whether an elector can vote at the European Parliamentary election, a local government election, a UK Parliamentary election, or any combination of these.

⁶ Paragraphs 13–16, Schedule 2, RPR 2004.

4 Postal votes

4.1 Although it may be mandatory for two polls on the same day to be combined, the issue and receipt of postal ballot papers may only be combined if all Returning Officers concerned agree.⁷

Combined issue of postal votes

4.2 If the issue and receipt of postal votes are combined, the Returning Officer for the other election will discharge those functions of the Local Returning Officer that relate to the issue and receipt of postal votes.

Postal votes issued separately

4.3 Should it be decided to issue and receive postal votes separately, the changes from the single election procedure are minimal. The postal voting statements to be used for postal ballot papers are set out in Schedule 2 of the EPE Regulations and in the Appendix of forms. The 'A' and 'B' envelopes used in the process also have to state the colour of the ballot paper for which they are to be used.⁸

⁷ Paragraph 41, Schedule 2, EPE Regulations.

⁸ Paragraph 50(4), Schedule 2, EPE Regulations.

5 Notices and ballot boxes

Notice of poll

5.1 The notice of poll for each election must state that the poll is being combined with another election and specify the details of that other election. This is in addition to the usual information, such as the situation of the polling stations and the description of the voters entitled to vote there, that must be included on the notice of poll.

Poll cards

5.2 The issue of poll cards is the responsibility of each Returning Officer, although poll cards can be combined if the Returning Officers agree.⁹ Where there is this agreement, the responsibility falls not to the Local Returning Officer, but to the Returning Officer for the other election. Where combined poll cards are issued, the Returning Officer for the other election must provide information about both elections.

Polling station notices

5.3 A notice giving guidance to voters has to be posted inside and outside every polling station. This form must be adapted by the Returning Officer for the other election(s) to include information about all elections being held.

5.4 In addition to the guidance to voters notice referred to above, a notice also has to be placed in each polling booth by the other Returning Officer, and this again has to be adapted to include information about all elections.

Ballot boxes

5.5 The same ballot box may be used for both or all elections. It is for the Returning Officer for the other election(s) to decide whether they wish to use the same ballot box or separate ones, and to ensure that they are marked in accordance with legislation.

⁹ Paragraph 6, Schedule 2, RPR 2004.

6 The poll

6.1 The provision of polling stations and supply of equipment will be the responsibility of the Returning Officer for the other election(s). The Local Returning Officer should, however, work closely with the Returning Officer for the other election(s) to ensure that all of the equipment specific to the European Parliamentary election is supplied in a timely fashion and that no equipment or documentation is missed out.

Marking the register

6.2 The same register of electors may be used at the polling station for both elections (and notices of alteration to the register as a result of the amendment of clerical errors). It is also permissible to use the same list of votes marked by the Presiding Officer, list of voters with disabilities assisted by companions and list of tendered votes.

Corresponding number lists

6.3 The same corresponding number list must be used for all elections to record the elector number against the ballot papers issued. It is the responsibility of the Returning Officer for the other election(s) to prepare the corresponding number lists to be used in polling stations and at the issue of postal votes.¹⁰

Official mark on ballot papers

6.4 There is no mention of the official mark in the legislation governing combined polls. In view of this, it is the Commission's view that it is acceptable to use the same official mark to validate all ballot papers issued at polling stations, irrespective of election, as long as the official mark used complies with the other rules, i.e. the same mark must not have been used, for the purposes of a European Parliamentary election, in the previous five years at elections for the same local counting area.

Close of poll

6.5 As with all elections, at the close of poll the Presiding Officer must make up into packets the various documents used in the poll. However, with combined polls, some items used will cover both elections, whereas some will be separate for each.

6.6 The Local Returning Officer should liaise with the Returning Officer for the other election(s) to decide on the handover procedures for any relevant packets.

¹⁰ Regulation 5(2)(za)(zb), RPR 2004.

6.7 The following must be made up into separate packets for each election:

- the unused and spoiled ballot papers
- the tendered ballot papers
- the certificates as to employment on duty on the day of the poll

6.8 The following must also be made up into packets, but only one of each of these is required to cover both elections:

- the marked register (including any marked copies of notices of alteration)
- the corresponding number list
- the list of tendered ballot papers
- the list of voters with disabilities assisted by companions
- the declarations of companions of people with disabilities
- the list of voters with disabilities assisted by the Presiding Officer

6.9 Following the verification of ballot paper accounts, the Local Returning Officer will receive the ballot papers for the European Parliamentary election, and all of the documentation above as relates to the European Parliamentary election.

7 The count and after

Attendance of counting agents

7.1 At a combined election, all counting agents appointed for both elections have the right to attend the separation of votes and the verification of the ballot paper accounts.¹¹ However, once the ballot paper accounts have been verified, the counting agents who have been specifically appointed for the European Parliamentary election cannot attend the counting of the votes for the other election(s).

Verification procedure and the count

7.2 When the ballot boxes are received from polling stations, the Returning Officer for the other election must:¹²

1. open each ballot box, separate the papers for the different elections and count the number of ballot papers for each
2. verify each ballot paper account
3. if the issue and receipt of postal votes have been combined, count the postal ballot papers that have been correctly returned, separate and count them for each election, and record the number counted for each election
4. pack up the ballot papers for the European Parliamentary election and pass them to the Local Returning Officer, along with the relevant ballot paper accounts and the statement as to the verification of those ballot papers (ensuring secure transport and storage)
5. mix the other election ballot papers from different ballot boxes and the postal votes and then count the votes in the normal way

7.3 The Local Returning Officer, having received the items listed in point four above, must:¹³

1. open the receptacles containing the ballot papers
2. if the issue and receipt of postal ballot papers have not been combined, count those postal votes that have been correctly returned and record the numbers
3. mix the postal ballot papers with all the other ballot papers and count the votes in the normal way (the ballot paper accounts will not have to be verified because that will have been done by the Returning Officer for the other election(s) when the boxes were first opened after having been received from the polling stations)

¹¹ Rule 22, Schedule 2, RPR 2004.

¹² Rule 22, Schedule 2, RPR 2004.

¹³ Paragraph 24, Part 1, Schedule 3 and Paragraph 23, Part 2, Schedule 3, EPE Regulations.

Death of a candidate

7.4 The procedure to be followed when a candidate dies depends on the type of election and on the status of the candidate.

7.5 At a European Parliamentary election, the death of a candidate does not affect the conduct of the poll, except that notices informing voters of the death of a candidate will need to be published inside the polling booths.

7.6 At a UK Parliamentary election, if a candidate standing on behalf of a registered political party dies, the poll for that election should be countermanded or abandoned. However, the poll for any other election that was to have been combined with the countermanded or abandoned poll should continue.

7.7 If a UK Parliamentary candidate standing as either an 'Independent' or with no description dies, the UK Parliamentary election will not be countermanded or abandoned, and so all elections and thus the combined poll should continue.

7.8 At a principal area election, if proof of death is notified before the poll opens, the notice of poll is countermanded and the poll does not take place. If proof of death is received after the opening of the poll but before the declaration of the result, the poll is abandoned. However, the poll for any other election that was to have been combined with the countermanded or abandoned poll is unaffected.

Expenses

7.9 Where polls are combined, the costs of holding the combined polls (excluding any cost that can be clearly attributed to one of the elections) and any cost attributed to their combination must be divided equally between the elections.¹⁴ These costs would include, for example, payments to polling station staff and, if combined, the costs of the issue and receipt of postal votes and the production and delivery of poll cards.

7.10 With regard to the verification and count, the separation of the ballot papers is clearly a combined function and the cost should be apportioned equally between the elections. However, the costs of counting the ballot papers should be allocated to each individual election. This principle should be adopted throughout the cost allocation process.

¹⁴ Section 15(4), RPA 1985.