

Part G – After the declaration of result

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1 Storage, inspection and disposal of election documents

Forwarding documents to the Electoral Registration Officer

1.1 Following the election, the Returning Officer is required to send a number of documents to the relevant Electoral Registration Officer.¹ In the case of local government elections, the relevant registration officer is defined as being the Electoral Registration Officer for the local authority in whose electoral area the election is held.

Before the poll

1.2 Working from the polling scheme, it is possible to estimate fairly accurately the number and size of packets of documents required for each ward. Election staff can therefore prepare the containers and labels showing the contents of the various packets in advance of the election.

1.3 It is advisable to use heavy duty clear sacks with labels showing the contents of each sack and the ward to which they relate affixed securely inside the sack to minimise the risk of the labels becoming detached in transit. The clear sacks also permit a check of the contents at a later time without breaching the seal of the packets.

1.4 It is good practice for Returning Officers to include in the information provided to candidates an indication of the items that will be stored by the Electoral Registration Officer, when these will be available for inspection and the period for which they will be held.

During the count

1.5 Depending on the space available within the count location and the way the count is organised, Returning Officers might consider using the staff who administered the reception of the ballot boxes and parcels from the polling stations for the identification and separation of the items from the parcels that have to go to the Electoral Registration Officer for storage.

1.6 After all ballot paper accounts and ballot boxes have been delivered to the count venue and the verification process has been completed, a separate secure area, if available, could be identified and used for separating the contents of the parcels into the elements to be forwarded to the Electoral Registration Officer for storage.

1.7 By laying out the large sacks on the floor and placing the appropriate items on top, a visual check can be made, with reference to the ballot box control sheet, of the contents of each sack to ensure the items are appropriate for that particular sack and that all the appropriate items for that particular ward are included.

¹ Rule 52(1), LEPAR 2006.

1.8 At the conclusion of the operation, the checks should reveal any gaps where a particular register, envelope or package is missing, and a list should be kept of missing articles.

1.9 If time permits before the end of the count, a search can be made through the documents laid out on top of the appropriate sacks for the missing articles.

After the count

1.10 The documents from each ward that must be forwarded to the Electoral Registration Officer are:²

- all ballot papers, which includes counted ballot papers, uncounted ballot papers, rejected ballot papers, unused ballot papers (both ordinary and tendered), spoilt ballot papers and used tendered ballot papers
- ballot paper accounts, statements of rejected ballot papers and the result of the verification of the ballot paper accounts
- statement as to postal ballot papers
- declarations made by the companions of voters with disabilities
- list of persons to whom ballot papers are delivered in consequence of a clerical error
- list of tendered votes
- list of votes marked by the Presiding Officer
- list of voters with disabilities assisted by companions
- statement of the number of votes marked by the Presiding Officer
- marked copies of the absent voters list, proxy postal voters list and the lists of lost ballot papers and spoilt ballot papers
- marked copies of the register of electors (including any notices of alteration) and list of proxies
- the packets containing the completed polling station and postal vote corresponding number lists
- certificates of employment on duty on polling day
- packets of the contents of the receptacles for postal voting statements and for votes rejected
- postal ballot paper envelopes and postal ballot papers marked 'rejected'
- spoilt postal ballot papers and the postal voting statements and ballot paper envelopes
- unopened postal ballot packs received after the close of poll or returned as undelivered

1.11 Once all the relevant documentation is secured in the appropriate corresponding packets, each packet should be endorsed with a description of its contents, the date of the election and the name of the ward to which they relate. At the conclusion of the exercise, all items should be in their appropriate sacks with the tops sealed temporarily and the sacks stored securely.

² Rule 52, LEPAR 2006; Regulation 91, RPR 2001.

1.12 A comprehensive check of the contents of each sack can then be made to ensure that all the packets that need to be retained are present and, if necessary, the search can resume for any missing articles. On completion, the sacks can be finally sealed and endorsed and locked securely in a controlled storage area until such time as they can be forwarded on to the appropriate location for storage by the Electoral Registration Officer.

Retention and public inspection of documents

1.13 All items should be stored securely for **one year** after which, unless otherwise directed by an order of the High Court, Crown Court or a magistrates' court, they should be disposed of in a secure manner.³



A number of significant changes to inspection arrangements were introduced in May 2007 as a result of new provisions inserted into the RPR 2001 (Regulations 116 to 120) by the Representation of the People (England and Wales) (Amendment) (No. 2) Regulations 2006.

Much will depend upon whether the person wishing to inspect the documentation is directly involved in the election as a candidate, agent, political party representative, etc., or is simply a member of the general public.

A summary of these new provisions can be found in Section 6, 'Resources'.

1.14 Most of the documents relating to the election must be available for inspection. The documents that are not available for inspection after the declaration of the result of the election are the:

- ballot papers
- completed corresponding number lists
- certificates of employment on duty on polling day⁴

1.15 Any person wishing to make an inspection must make their request in writing to the Electoral Registration Officer and must:

- specify which register or document they wish to inspect
- where the request is to inspect the marked register or lists, state any reason why inspecting the full register or unmarked lists would not be sufficient to achieve that purpose
- state whether they wish to inspect a printed or data copy (where appropriate)
- state the purposes for which the information will be used (which can only be for research purposes within the meaning of Section 33 of the Data Protection Act 1998 or for electoral purposes)
- state who will be inspecting the documents

³ Rule 54, LEPAR 2006.

⁴ Regulation 118(1)(b), RPR 2001.

- state the date on which they wish to make the inspection⁵

1.16 The Electoral Registration Officer must then make the relevant documents available for inspection under supervision within 10 working days of the date of receipt of the request. However, where a request has been made for the inspection of the marked register of electors or the marked absent voters lists and the Electoral Registration Officer determines that the requestor's purposes can be met by the inspection of the full register or the unmarked absent voters lists, they should advise the requestor of that fact and instead make the full register or the absent voters lists available for inspection under supervision.⁶

Marked register of electors and absent voters lists

1.17 The Electoral Registration Officer must, if requested, supply to the Electoral Commission, elected representatives, local constituency parties, registered political parties, candidates, police forces and security agencies, and government departments and other bodies, copies of the marked register of electors and the marked lists of absent voters.⁷

1.18 Requests for the supply of copies of the marked register of electors or the marked absent voters lists must be made in writing and specify:⁸

- which of the marked register or lists are requested
- the purposes for which the marked register or lists will be used and why the supply or purchase of a copy of the full register or unmarked lists would not be sufficient to achieve that purpose
- whether they wish to receive a printed or data copy

1.19 Recipients of the marked register and absent voters lists may only use the information for research purposes within the meaning of Section 33 of the Data Protection Act 1998, for electoral purposes, or for any purposes set out in the regulation that separately gives them the right to receive a copy of the full register of electors.⁹

1.20 The fee for the provision of the marked register of electors and the marked absent voters lists should be calculated by reference to the same scale of fees for supplying the full and edited registers, i.e. for data copies, £20 administration fee plus £1.50 for each 1,000 entries, and for paper copies, £10 administration fee plus £5 for each 1,000 entries.¹⁰

1.21 Although the marked register of electors and absent voters lists may be inspected by any person (subject to satisfying the Electoral Registration Officer as to the necessity of seeing the information), copies may only be

⁵ Regulation 118(2), RPR 2001.

⁶ Regulation 118(3) and (4), RPR 2001.

⁷ Regulation 117, RPR 2001.

⁸ Regulation 117(3), RPR 2001.

⁹ Regulation 117(6) and (7), RPR 2001; Regulations 100, 103, 105, 106, 108, 109 and 113, RPR 2001.

¹⁰ Regulations 111(5) and 120, RPR 2001.

supplied to those specifically referred to above. All others making inspections of the marked register of electors or marked absent voters lists may only make handwritten notes.

Copies of other documentation open to public inspection

1.22 The other documentation that is open to public inspection may not be copied, either electronically or by handwritten notes. The only exception to this is where a person or organisation covered by Regulation 109 of the RPR 2001 (i.e. police forces, the security services, etc.) requires the information. In such cases, the copies must be supplied free of charge.¹¹

¹¹ Regulations 109 and 118(8), RPR 2001.

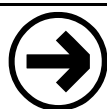
2 Candidates' election expenses

Candidates' returns – election expenses

2.1 Under Sections 81 and 82 of the RPA 1983, the election agent of every candidate must submit a return as to the election expenses of that candidate to the Proper Officer of the council, together with relevant bills and receipts, within 35 calendar days of the declaration of result of the election.

2.2 Election agents and candidates are also required to submit declarations vouching for a candidate's election expenses return. The election agent's declaration must be submitted within 35 calendar days of the election result being declared, and the candidate's declaration must be submitted within seven working days of the election agent submitting the return.

2.3 In turn, copies of all these documents must be forwarded on request to the Commission by the Electoral Registration Officer (see Section 3, 'Returns to the Electoral Commission').¹²



A guide for candidates and agents is available on the Commission's website at www.electoralcommission.org.uk, and can also be ordered from the Commission's distributor free of charge.

Candidates and agents can also download explanatory notes on completing expenses forms, the form of return of candidates' election expenses, the declaration by the election agent as to election expenses and the declaration as to candidates' election expenses from the Commission's website.



At parish and community council elections, candidates have 28 days to submit their election expenses returns, accompanied by a declaration as to expenses completed by the candidate, to the Proper Officer of the council.¹³ No agent's declaration is required.

¹² Section 87A(2), RPA 1983.

¹³ Section 90 and Schedule 4, RPA 1983.

3 Returns to the Electoral Commission

Candidates' expenses

3.1 The RPA 1983 imposes limits on candidates' expenditure and, under PPERA, the Electoral Commission is required to monitor the compliance of candidates and agents with rules on candidates' election expenses and donations to candidates.¹⁴

3.2 Candidates at principal area elections must return their election expenses returns to the Proper Officer of the council within 35 days of the date on which the result of the election was declared.

3.3 In turn, Proper Officers must send copies of candidates' election expenses returns to the Commission if requested to do so. The Commission will select a sample of Proper Officers to send copies of the returns to the Commission, and they will have a minimum of four weeks to respond. Copies of the returns sent to the Commission should include all accompanying documentation, including declarations.

3.4 The following information from Returning Officers is also necessary to allow us to conduct a compliance review:

- electorate figures for each ward used to calculate the candidates' expenses limit
- the candidates' expenses limit provided to candidates, if any
- a list of all candidates who stood for election, including their party affiliations and whether they were successful
- confirmation of who has not submitted a return, submitted an incomplete return or submitted a late return and what, if anything, the Proper Officer has already done about such cases
- addresses of election agents for any candidates who failed to submit returns

Other returns

3.5 Returning Officers are required after every election to send to the Electoral Commission and the Secretary of State a copy of Form K – statement as to postal ballot papers. This must be done 10 to 15 days after the close of poll.

3.6 The Commission is required under PPERA to keep electoral law and practice under review and to evaluate electoral pilot schemes. As a result, the Commission may ask Returning Officers (and other key stakeholders) to assist with factual data gathering and to submit further information on certain qualitative issues following the election. In the event of pilot schemes proceeding in some areas, the Commission may also make separate and additional arrangements for the collection of pilot-specific data.

¹⁴ Section 145, PPERA.

3.7 Details as to what information and assistance the Commission will be seeking from Returning Officers will be confirmed by way of a circular in advance of the election.

3.8 Your cooperation and help is much appreciated – such data is vital to us, and others, as we work to make evidence-based policy recommendations.

4 Election petitions

4.1 Election petitions are used to challenge the result of elections. The procedure for issuing an election petition relating to a local government election is described below.

4.2 An election petition can be issued by:¹⁵

- four or more persons who voted as electors at the election or had a right to vote¹⁶
- a person claiming to have been a candidate at the election

4.3 The allowable grounds for a petition are that:¹⁷

- the person whose election is questioned was disqualified at the time of the election, or
- the person whose election is questioned was not duly elected, or
- the election was avoided by corrupt or illegal practices

4.4 The person whose election is questioned by the petition may be made a respondent to the petition. If the petition complains about the conduct of the Returning Officer or their staff during the election, the Returning Officer is deemed to be a respondent.



Returning Officers are advised to ensure that they have appropriate insurance to cover the costs of legal representation and other costs that may be incurred as a result of an election petition.

4.5 The petition must be presented within 21 days after the day on which the election was held and can be issued at any time up to, but not later than, **12 midnight** on the last day. However, if the petition complains of corrupt or illegal practices involving the payment of money or other reward that have taken place since the election, or an illegal practice relating to election expenses, further time may be allowed.¹⁸

Form of petition

4.6 The petition itself should follow the form prescribed by the Election Petition Rules 1960, and include the following information:

- the capacity in which the petitioner or petitioners are acting (e.g. as candidate, Returning Officer, etc.)
- the date and result of the election in question

¹⁵ Section 128(1), RPA 1983.

¹⁶ This does not include any persons who have an anonymous entry on the register of electors.

¹⁷ Section 127, RPA 1983.

¹⁸ Section 129, RPA 1983.

- the date from which the time for lodging the petition is calculated, if not within 21 days
- the grounds on which relief is sought
- the relief claimed

4.7 The petition must be signed personally by each petitioner. The petition must be left at the appropriate office of the High Court at the address given below. If the office is closed, the petition can be left in the letter box provided, but petitioners must swear an affidavit the next working day confirming the date and time when the petition was deposited.

Costs

4.8 A fee of £400 is payable on the issue of an election petition. In addition, an application to fix the amount of security for costs must be issued, and the fee for this is £50. The amount of security for costs will be fixed by the Prescribed Officer (the Senior Master of the Queen's Bench Division) but will not exceed £2,500 for a principal area election. In the case of a parish or community council election, the limit is £1,500.

4.9 Both the fee and the security for costs must be deposited with the Court Funds Office in the form of cash or sureties or a combination of both.

4.10 It is important to note that while the security for costs will not be more than £2,500 (or £1,500 in case of a parish or community council election), the total costs to be paid by the petitioner will almost certainly exceed that amount if the petition is unsuccessful.

4.11 For more detailed information on the processes to be followed in issuing an election petition, contact:

The Election Petitions Office
Room E08
Royal Courts of Justice
Strand
London WC2A 2LL

Tel: 020 7947 7529
Fax: 020 7947 6807

4.12 A person seeking to make an election petition, and any person who is a respondent to such a petition, would be well advised to take legal advice at the earliest possible opportunity.

5 Review of election procedures

5.1 Following completion of the statutory post-election procedures, it is good practice to carry out an evaluation of the conduct of the election. It may be particularly valuable to assess how effectively any legislative changes were managed, and what lessons can be learnt for future elections.

5.2 The evaluation should ideally be completed within four weeks from the close of poll when all the issues will still be clear in the minds of the members of staff involved in the conduct of the election.

5.3 The scope of the review should cover all aspects of the election, but areas deserving particular scrutiny are likely to be polling stations, the quality of the register, the performance of contractors and suppliers, staffing, equipment and supplies, finance, security and integrity of the election, count arrangements, communications (both internal and external) and postal voting processes.

5.4 It may be pertinent to invite some of the more experienced polling station staff to a discussion along with 'first timers' in order to address all aspects of the polling station process, from training and briefing sessions through to dealing with difficult situations during polling day. It would also be beneficial to involve candidates and agents in the review process to gather their feedback on the various aspects of the election from nominations through to the count.

5.5 The information collected through this review can be used to inform the project plan and contingency planner for the next election.



The important part that the post-election evaluation has to play in informing the planning process for future elections is fully discussed in Part B, 'Preparing for a local government election'.

6 Resources

Access to election documentation after the election¹⁹

Documents not open to inspection except by court order

6.1 The following documentation is not available for inspection:

- ballot papers
- completed corresponding number lists
- certificates of employment on duty on polling day

Table 1: Public inspection of election documentation

Legal reference	Who can inspect?	Details
Regulation 118	Any person	<p>Any person may request that the following be made available for inspection:</p> <ul style="list-style-type: none">• relevant part of the marked register of electors• marked postal voters list• marked list of proxies• marked proxy postal voters list• any other document relating to the election (except the ballot papers, completed corresponding number lists and certificates of employment on duty on polling day) <p>The request must:</p> <ul style="list-style-type: none">• Be made in writing.• Specify who will be inspecting the documents.• Specify the date on which they wish to inspect the documents.• Specify whether they would prefer to inspect the documents in printed or electronic data format.

¹⁹ All references in this section are to the RPR 2001.

Table 1 (cont.): Public inspection of election documentation

Legal reference	Who can inspect?	Details
Regulation 118	Any person	<ul style="list-style-type: none"> • In the case of a request to inspect the marked register or lists, state the purpose for which the information will be used and why the inspection of a copy of the full register or unmarked list(s) would not be sufficient to achieve that purpose. Where the Electoral Registration Officer determines that the purposes for which the applicant wishes to use the information may be achieved by inspecting a copy of the full register, they shall advise the applicant of their decision and make the full register available for inspection under supervision. <p>The relevant documentation must be made available for inspection within 10 days of the receipt of the request:</p> <ul style="list-style-type: none"> • only handwritten notes of the marked register of electors and the marked absent voters lists may be made • copies of the other election documentation open to inspection may not be made in any form <p>Any information obtained through the inspection of the election documentation may only be used for:</p> <ul style="list-style-type: none"> • research purposes within the meaning of Section 33 of the Data Protection Act 1998 (research, history and statistics) • electoral purposes

Table 2: Copies of the marked register of electors and absent voters lists

Legal reference	May be supplied to	Details
Regulation 117	<ul style="list-style-type: none"> • The Electoral Commission (Regulation 100) • Elected representatives for electoral purposes (Regulation 103) • Local constituency parties (Regulation 105) • Registered political parties (Regulation 106) • Candidates (Regulation 108) • Police forces and other agencies (Regulation 109) • Government departments and other bodies (Regulation 113) 	<p>On request and on payment of a fee calculated by reference to Regulation 117, these individuals and organisations are entitled to copies of the:</p> <ul style="list-style-type: none"> • relevant part of the marked register of electors • relevant part of the marked postal voters list • relevant part of the marked list of proxies • relevant part of the marked proxy postal voters list <p>The request must:</p> <ul style="list-style-type: none"> • be made in writing • specify which marked register or list (or relevant part) is required • state whether a printed or data copy of the marked register or list(s) is required • state the purpose for which the marked register or list(s) will be used and why the supply or purchase of a copy of the full register or unmarked list(s) would not be sufficient to achieve that purpose <p>If the Electoral Registration Officer is not satisfied that the requestor needs to see the marks on the marked register or lists for the purpose for which it is requested, they may treat the request as one for information in unmarked lists or for a copy of the full register, or both.</p> <p>The marked register of electors and lists may only be used for:</p> <ul style="list-style-type: none"> • research purposes within the meaning of Section 33 of the Data Protection Act 1998 (research, history and statistics) • electoral purposes • purposes that are applicable under the regulation entitling the individual or body to the use of the full register of electors

Table 3: Copies of other election documentation

Legal reference	May be supplied to	Details
Regulation 118(8)	Police forces and other agencies (Regulation 109)	<p>In addition to inspecting the marked register of electors, marked postal voters list, marked list of proxies, marked proxy postal voters list and any other document relating to the election (except the ballot papers, completed corresponding number lists and certificates as to employment on duty on polling day), the following organisations may request, free of charge, copies of any election documentation open to public inspection:</p> <ul style="list-style-type: none"> • any police force in Great Britain • the Police Service of Northern Ireland and the Police Service of Northern Ireland (Reserve) • the Serious Organised Crime Agency • the Police Information Technology Organisation • any body of constables established under an Act of Parliament • the Security Service • the Government Communications Headquarters • the Secret Intelligence Service <p>Information supplied may only be used for the purposes set out in Regulation 109(4), i.e.:</p> <ul style="list-style-type: none"> • in the case of the identified police forces: <ul style="list-style-type: none"> – the prevention and detection of crime and the enforcement of criminal law (whether in England and Wales or elsewhere) – the vetting of a relevant person for the purpose of safeguarding national security • in the case of the Security Service, the Government Communications Headquarters and the Secret Intelligence Service, those purposes connected with their statutory functions

