

Priority	High
Event specific	UK Parliamentary general election
Action required	Yes
Area	Great Britain
Retain	Until replaced
Circular reference	EC13/2010

Guidance on timing of UK Parliamentary election counts

09 April 2010

For the attention of:

The Acting Returning Officer

Parliamentary constituencies in England and Wales

The Returning Officer

Parliamentary constituencies in Scotland

The Chief Electoral Officer

Northern Ireland

Purpose

1. The purpose of this circular is to provide the Commission's guidance for (Acting) Returning Officers on the timing of UK Parliamentary election counts as a result of the Constitutional Reform and Governance Act 2010 receiving Royal Assent and coming into force.

Background

2. On 16 March 2010, the Commission issued Circular EC08/2010 providing draft guidance on the timing of counts at UK Parliamentary elections following the introduction of an amendment to the Constitutional Reform and Governance Bill (CRAG Bill) which, if passed, would create a new duty for (Acting) Returning Officers to take reasonable steps to begin counting the votes on ballot papers for UK Parliamentary elections as soon as practicable within four hours of the close of poll.

3. We provided this draft of the guidance that the Commission would issue in the event that the provision did become law to assist (Acting) Returning Officers in planning to meet the duty this provision would create, given the fact that if the CRAG Bill did successfully complete the legislative process, the duty would not come into force until very close to the date of the election itself.
4. Further to this, as the CRAG Bill has now completed the Parliamentary process and received Royal Assent on 08 April 2010, the provision is now in force and the Commission's formal guidance on this new duty is attached to this circular at Appendix A.
5. In the draft guidance, we stated that we would issue further guidance on the form in which the statement required to be submitted to the Commission by any (Acting) Returning Officers who do not commence counting within four hours of the close of poll should be produced after the clause became law. This has now been incorporated into the guidance. As a result, paragraphs 9, 12 and 13 have been amended from the draft of the guidance circulated previously.
6. Although the CRAG Act has been passed and has come into force, the final version of the Act has yet to be published, but we understand this will happen by Monday 12 April. (Acting) Returning Officers will be able to download the final version of the Act from: www.opsi.gov.uk/legislation/whatsnew.

Timing of counts information

7. As you will be aware, the Commission has asked (Acting) Returning Officers for information regarding when they intend to commence the counting of votes at the forthcoming UK Parliamentary general election.
8. We have produced a table of information summarising the responses we have received to date, which is available on our website at: <http://www.electoralcommission.org.uk/elections/upcoming-elections-and-referendums/uk/general-election>.
9. We continue to update this information and, at Wednesday 7 April, there were still (Acting) Returning Officers for 69 constituencies reported as being undecided about when they intend to commence the counting of votes. If they have not already done so, (Acting) Returning Officers for these constituencies are requested to contact their local Commission office with information on when they intend to commence the counting of votes by not later than noon on Monday 12 April.
10. The decisions taken by (Acting) Returning Officers will be looked at closely by candidates, political parties and other stakeholders both locally and nationally, and may well be considered in the context of the decisions made by other (Acting) Returning Officers. We reiterate our advice that (Acting) Returning Officers should be able to explain their decisions, and they should be prepared to do so in response to enquiries.

Contact

11. For any further information, please contact:

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This circular was approved by Andrew Scallan, Director of Electoral Administration.