

Part A – (Acting) Returning Officer role and responsibilities

UK Parliamentary elections in Great
Britain: guidance for (Acting) Returning
Officers

Published April 2017 (updated December 2017)

In this guidance we use 'must' when we refer to a specific legal requirement. We use 'should' for items we consider to be recommended practice, but which are not legal requirements.

Translations and other formats

All of our guidance and resources for these polls are also available in Welsh.

For information on obtaining this publication in another language or in a large-print or Braille version please contact the Electoral Commission:

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Updates to this document

Updated	Description of change
December 2017	Updated to include references to legislation which provide information on whether constituencies are county or borough. Paragraph number 1.6 bulleted list and legal reference endnotes 8, 9, and 10 .

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1 Introduction to this guidance

Purpose

1.1 The purpose of this guidance is to assist (Acting) Returning Officers ((A)ROs) in Great Britain with the practice and procedure of running the poll at a UK Parliamentary election. It has been written to cover both general and by-elections.

UK Parliamentary by-election

In most cases the processes at a by-election will be the same as those at a general election. However, where there are specific differences, these will be highlighted in break-out boxes like this throughout the guidance manual.

1.2 At a UK Parliamentary election in England and Wales the administration of the election is the responsibility of the Acting Returning Officer, who is normally a senior officer of the local authority.¹

1.3 In Scotland, there is no office of Acting Returning Officer. Instead, the election is administered by the Returning Officer, who is the local government Returning Officer or, in the case of a constituency that crosses local authority boundaries, the local government Returning Officer listed in an Order made by the Secretary of State.²

1.4 Throughout our guidance for elections across Great Britain we use the term '(Acting) Returning Officer' or '(A)RO' to refer to the duties normally undertaken by the Acting Returning Officer in England and Wales, and by the Returning Officer in Scotland.

1.5 For further details about the role and responsibilities of the RO and (A)RO, see **chapter 3 - Roles and responsibilities**.

1.6 This guidance has been produced based on, and should be read in accordance with, the requirements set out in the following legislation (as amended):

- Representation of the People Acts 1983, 1985 and 2000
- Political Parties, Elections and Referendums Act 2000
- Representation of the People (England and Wales) Regulations 2001
- Representation of the People (Scotland) Regulations 2001
- Parliamentary Constituencies (Scotland) Order 2005
- Electoral Administration Act 2006
- Parliamentary Constituencies and Assembly Electoral Regions (Wales) Order 2006
- Parliamentary Constituencies (England) Order 2007
- Political Parties and Elections Act 2009
- Fixed Term Parliament Act 2011

- Electoral Registration and Administration Act 2013

1.7 The list above includes only the legislation that makes provision in areas that this guidance relates to and that is currently in force.

1.8 You are also required to have regard to the public sector equality duty contained in Section 149 of the Equality Act 2010 when carrying out your duties.

1.9 (A)ROs in Wales should also have regard to the Welsh Language Act 1993 and the Welsh Language (Wales) Measure 2011, which require services in Wales to be delivered in the Welsh language.

How to use this guidance

1.10 The guidance is divided into six areas:

- Part A – Returning Officer role and responsibilities
- [Part B – Planning and organisation](#)
- [Part C – Administering the poll](#)
- [Part D – Absent voting](#)
- [Part E – Verifying and counting the votes](#)
- [Part F – After the declaration of results](#)

1.11 Each of these parts covers:

- what you are required to do by law ('musts')
- what we expect you will need to have in place, and what we would expect to see, to be able to be satisfied that the key outcomes of the Commission's performance standards can be delivered
- recommended practice to assist you in understanding and discharging your duties

1.12 This guidance is supplemented by resources which can be accessed through links contained throughout the guidance.

1.13 Should you have any questions about our guidance or any other matter relating to the administration of a UK Parliamentary election, our [local Commission teams](#) are available to provide on-going support. We will also be providing an out-of-hours advice service to deal with urgent electoral administration queries in the run up to and immediately following a general election. Further information on the provision of our out-of-hours service will be provided through our [Bulletin for electoral administrators](#).

2 UK Parliamentary elections

2.1 A UK Parliamentary election is a significant event which brings with it its own particular challenges. Your work to deliver a well-run poll will come under considerable scrutiny – from voters, candidates and political parties, and the media.

2.2 This chapter seeks to highlight some of the particular aspects of context relevant to UK Parliamentary elections which you should ensure underpin all aspects of your planning for the poll.

Timing

2.3 Despite the Fixed Term Parliament Act 2011, there is still potential for a general election to be called at short notice, or for a by-election to arise. You should therefore ensure that you have contingency arrangements in place to enable you to respond at short notice in order to be able to deliver a well run election. Once an election has been called you will need to review your plans and develop arrangements for the specific context of the poll.

2.4 If an early general election is called, the Commission will develop supplementary guidance to support planning in that specific context.

2.5 Regardless of the notice period for an election, the election timetable itself for both general and by-elections gives more time for some of the key processes within it than was available for UK Parliamentary elections before 2015. For example, you have the ability to send out postal ballot papers earlier in the process, maximising the time available for electors – especially overseas and service voters – to receive, complete and return their postal vote. In developing your plans for postal voting you should take all possible steps to ensure that this benefit can be realised.

2.6 You should also keep in mind the legal requirement to take reasonable steps to start the counting, not just the verification, of the votes at UK Parliamentary elections by 2am. There will be a focus from candidates, political parties, commentators and broadcasters on the speed of the results. The challenge for you, as (A)RO, will be to be able to explain the steps you are taking in order to ensure the delivery of a timely – and, fundamentally, accurate – result.

Scale

2.7 Many aspects of planning for the election will need to reflect assumptions as to the likely turnout for the poll. Establishing such assumptions at an early stage in the planning is of key importance as the scope for adjusting plans is limited at a later stage in the process.

2.8 The level of interest in a UK Parliamentary election is likely to be significant. You should plan for the possibility of a high turnout, and as a minimum you should assume that the turnout will be not less than the turnout at the last equivalent polls.

2.9 As the poll becomes closer, the context will continue to evolve as the campaigns pick up pace. You will need to be prepared to react to events both within your constituency and more broadly which could have an impact on the effective delivery of the poll, and this will include having robust contingency plans in place that you can turn to where required. If, for example, there are once again televised Leaders' debates, these could conceivably result in a late surge of registration and absent voting applications, as well as having an impact on turnout and are likely to alter the traditional pattern of when completed postal votes are returned.

2.10 It is vital that appropriate provision of polling stations is made, with the numbers of stations and the numbers of staff within them sufficient to deal with the number of electors allocated to them. Although any voters in a queue at their polling station at 10pm are able to vote, the need to ensure that voters do not face undue delays in voting and can receive a high-quality service remains.

2.11 It is likely that the media will focus on the verification and count and it will be important to manage expectations, not only of the media but of all with an interest in the results, by consulting on your proposed approach and subsequently communicating clearly what you expect to deliver and by when, particularly where you have combined polls, which may have an impact on your expected declaration times.

Nature of a UK Parliamentary election

2.12 The election will likely be hard-fought, with many close contests in constituencies across Great Britain. The evolving political landscape could mean that even in places where there have traditionally been large majorities this may no longer be the case, meaning the focus and circumstances could be different from anything experienced in your area before.

2.13 There may be a significant number of new or less experienced political parties, candidates and agents who are unfamiliar with the practices and processes of an election and who will need your support to be able to participate effectively.

2.14 Particularly given the likelihood of close and hard-fought contests, you should be prepared for the integrity of this election to be scrutinised. Allegations and cases of electoral fraud will not only have a negative impact on the confidence of electors and campaigners, but they may also have a significant impact on your capacity to manage the election process effectively. It is therefore crucial that you put in place detailed and robust plans for monitoring and maintaining the integrity of the election in your area. You

should work closely with the local police, ensuring you have in place good lines of communication for referring any allegations.

Registration of electors

2.15 The focus on the numbers of those registered and not registered is as high profile as it's ever been, and this is set to continue.

2.16 The potential for a high number of registration applications close to the deadline for the election should be anticipated and built into your plans, reflecting lessons learnt from the experience of recent polls. The impact of such applications and related questions from residents will also have implications for the administration of the poll and your plans should ensure you are able to respond effectively.

2.17 Online registration has also brought greater opportunities to engage local residents in the democratic process and to boost the levels of registration among under-registered groups, with a UK Parliamentary election providing a strong hook for your local public engagement activity. And you do not need to do this on your own – opportunities for working with local partners who can reach out to voters in under-registered groups in your area could be a valuable part of your engagement work locally and should be sought out and seized.

3 Roles and responsibilities

The Returning Officer and (Acting) Returning Officer

England and Wales

3.1 At a UK Parliamentary election in England and Wales, the Returning Officer (RO) is a largely ceremonial position. Most duties of the RO are discharged by the (Acting) Returning Officer who is normally a senior officer of the local authority.

Appointment of the RO

3.2 In a borough constituency contained in a district, the mayor or chairman of the local authority is the RO. In a county constituency, the RO is the Sheriff of the County. In areas where the constituency overlaps county or district borders, the RO is designated by the Secretary of State. See paragraph **3.10** below for an explanation of the two types of constituencies.³

Duties of the RO

3.3 It is for the RO to receive the writ. However, an RO can appoint a deputy for the purposes of receiving the writ.⁴

3.4 The RO may also reserve for themselves the duties in connection with endorsing and returning the writ, as well as declaring and giving public notice of the result. In that case, they must give written notice to you, as the (A)RO. The notice must be given in writing by the day after the receipt of the writ and needs to specify which duties the Returning Officer wishes to reserve for themselves.⁵ The notice is not prescribed.

3.5 You should contact the RO at an early stage in your planning to ensure they are aware of their duties in connection with the role and to discuss whether or not these duties will be delegated.

Appointment of (Acting) Returning Officer

3.6 In a constituency for which the chairman of a district council or the mayor of a London borough is the RO, the Electoral Registration Officer (ERO) appointed by that council is the (A)RO.

3.7 In the case of any other constituency, the ERO for one of the local authorities covered by the constituency will be designated as (A)RO by an order made by the Secretary of State.⁶

Scotland

3.8 In Scotland, there is no RO with a ceremonial role. The Returning Officer is the person responsible for administering the election. The RO for a UK Parliamentary election in Scotland is the same person who has been appointed RO for the election of councillors in the local authority in which the constituency is situated. Where a constituency crosses local authority boundaries, the Secretary of State will direct which local authority RO is the RO for the UK Parliamentary election.⁷

3.9 We use the term '(Acting) Returning Officer' or '(A)RO' in relation to the duties undertaken by the Acting Returning Officer in England and Wales and the Returning Officer in Scotland. Any references to 'deputy' throughout this guidance should be read as 'depute' for elections in Scotland.

Boundaries and constituencies

3.10 There are two types of constituency: county and borough (or burgh in Scotland). In this guidance manual the term 'borough' will be used and should be read as 'burgh' for constituencies in Scotland.

3.11 Typically, borough constituencies are mainly urban while county constituencies are mainly rural. Legislation for England⁸, Wales⁹ and Scotland¹⁰ sets out whether a constituency is a county or borough constituency.

3.12 UK Parliamentary elections are run on UK Parliamentary constituency boundaries. Constituencies can be coterminous with the areas of local authorities but many comprise only part of the area, while others cross one or more local authority boundaries.

3.13 While you are responsible for delivering the election for your constituency as a whole, in practice, if any part of the constituency falls outside your local authority, you will need to consider what impact this will have on your processes and whether you will need to delegate some of your functions to a senior officer at the other local authority. You should liaise closely with the ERO and election staff at the relevant local authority/authorities in order to identify any possible issues and how these will be addressed. You should seek their advice and assistance, where necessary, as they will be more familiar with those areas.

Your role and responsibilities

3.14 You play a central role in the democratic process. Your role is to ensure that the election is administered effectively and that, as a result, the experience of voters and those standing for election is a positive one. You should set out at an early stage what you want to achieve and what success would look like for you.

3.15 Your duties as (A)RO are separate from your duties as a local government officer. As (A)RO you are not responsible to the local authority but are directly accountable to the courts as an independent statutory office holder.

3.16 While you can appoint one or more persons to discharge any or all of your functions as (A)RO, you cannot delegate your personal responsibility for delivering the election. Further information on the appointment of deputies can be found in [Part B – Planning and Organisation](#).

Cross-boundary constituencies

Where the constituency crosses local authority boundaries, to deliver your functions effectively, there will need to be a close working relationship between you and the respective ROs and their staff. While the responsibility for the provision of polling stations and polling station staff for the polls rests with you, as (A)RO, you should seek advice and assistance, as necessary, from the local government RO and their staff for the other local authority area who will be more familiar with that particular area.

Your skills and knowledge

3.17 You should have a working knowledge of the relevant legislation governing the conduct of the election. This means that, in addition to having a clear understanding of your statutory functions, you should have an overview of what the legislation contains and an understanding of how it affects the administration of the election, so that you can review, question where necessary, and quality-assure the whole process in your constituency.

3.18 There are management responsibilities attached to your role. For example, you should:

- command the required staff and resources to deliver a well-run election
- draw in the necessary support, skills and expertise from across your own local authority
- oversee the planning, project management and risk management of the election and incorporate any lessons learnt from previous polls
- identify and oversee any actions necessary to mitigate any issues arising
- ensure that staff are appropriately trained to deliver the roles required of them
- support the staff administering the election and provide appropriate oversight of their work
- provide direction to staff, monitor progress and receive regular feedback on activities
- in the case of cross-boundary constituencies, seek advice and assistance from the RO and staff at the other local authorities
- if you are not also the ERO, maintain an effective working relationship with them

- maintain an effective working relationship with your police Single Point of Contact (SPOC)
- ensure that election accounts are completed in a timely manner

Breach of official duty and power to correct procedural errors

3.19 You are also subject to breach of official duty provisions. This means that if you or your appointed deputies are, without reasonable cause, guilty of any act or omission in breach of official duty you (and/or they) are liable on summary conviction to an unlimited fine in England and Wales or, in Scotland, a fine not exceeding £5,000.¹¹

3.20 You have the power to take such steps as you think appropriate to remedy acts or omissions that arise in connection with any function of the elections and that are not in accordance with the rules.

3.21 This power allows you to correct procedural errors that you, as (A)RO, an ERO, a Presiding Officer or a person providing goods or services to you (or any deputies of any of these) make.

3.22 Where you remedy an act or omission in full by using your power to correct a procedural error, you will not be guilty of an offence of breach of official duty. You should remember that the power to correct procedural errors does not enable you to recount the votes once the result has been declared.¹²

3.23 As you are personally liable for the conduct of the election you should ensure that you have insurance cover and that it is up-to-date. You should be prepared to demonstrate robust planning and decision-making processes in the event of any challenge to the election and a claim against the insurance policy. The team at your council dealing with insurance may be able to help determine what existing cover is in place and available, and to provide advice as to whether it should be extended.

4 Performance standards

4.1 The Electoral Commission sets standards and monitors and reports on the performance of ROs. The performance standards for ROs can be found at [Appendix A – Performance standards for Returning Officers](#).

4.2 The framework was developed around the key outcomes from the perspective of voters and those who want to stand for election, and in particular whether ROs are taking the necessary steps to deliver the following outcomes:

- Voters are able to vote easily and know that their vote will be counted in the way they intended
- It is easy for people who want to stand for election to find out how to get involved, what the rules are, and what they have to do to comply with these rules, and they can have confidence in the management of the process and the result

4.3 Parts B to F of this guidance include what we expect (A)ROs will need to have in place, and what we would expect to see, to be able to be satisfied that the key outcomes of the standards can be delivered.

Appendix A – Performance standards for Returning Officers in Great Britain

Performance standard 1: Voters

Ensuring that planning for and delivery of the poll enables voters to vote easily and know that their vote will be counted in the way they intended

Outcome	What does the RO need to do to achieve the outcome	What will demonstrate how the outcome has been met
<p>Voters receive the information they need, in an accessible format and within time for them to cast their vote</p>	<ul style="list-style-type: none"> • Develop and implement robust project management processes • Evaluate planning for and delivery of previous polls and identify lessons learnt, updating plans as required • Put in place arrangements to manage contractors and suppliers to ensure that the work is delivered as required by the specification • Ensure robust processes are in place for ensuring that there are no errors on voter materials, notice of poll and notice of election • Ensure poll cards are received by voters as soon as possible so that 	<ul style="list-style-type: none"> • Project planning documentation which is kept under regular review • Planning documentation reflecting lessons learnt • Arrangements in place for the management of contractors and suppliers • Processes for the proof-checking of voter materials, notice of poll and notice of election • Information on the method for delivery of poll cards, including an estimation of when poll cards will be delivered • Information on the poll easily

	<p>voters have the maximum amount of time to act on the information</p> <ul style="list-style-type: none"> • Ensure information on the poll, including the notice of election and notice of poll, is easily accessible to voters, such as through the local authority website 	<p>accessed through the local authority website</p>
<p>Voters receive a high-quality service</p>	<ul style="list-style-type: none"> • Ensure that access needs are taken into account when planning for and setting up polling stations • Decide on the allocation of electors and staff to polling stations to ensure polling stations are properly staffed so that voters receive a high-quality service, giving consideration to the factors set out in Commission guidance • Ensure polling station staff are trained to set-up polling stations in such a way that takes account of voter needs • Ensure postal ballot packs are received by voters as soon as possible so that voters have the maximum amount of time to act on the information 	<ul style="list-style-type: none"> • Assessment regarding access needs, identifying any problems and actions taken to remedy these • Approach taken to allocating electors and staff to polling stations • Guidance/training provided to polling station staff • Information on the method for delivery of postal ballot packs, including an estimation of when postal ballot packs will be delivered

<p>Voters have confidence that their vote will be counted in the way they intended</p>	<ul style="list-style-type: none"> • Maintain a clear audit trail of the issue, receipt and opening of postal ballot packs • Have in place processes to identify any patterns of activity that might indicate potential integrity problems, including what steps are to be taken to deal with any such problems • Maintain the secure storage of ballot papers and postal ballot packs at all times • Put in place appropriate resources to ensure the verification and count is timely • Ensure the results are communicated to voters in a clear and timely way • Ensure count processes are designed and managed to secure an accurate result, with a clear audit trail 	<ul style="list-style-type: none"> • Arrangements to maintain a clear audit trail of the issue, receipt and opening of postal ballot packs • Processes for dealing with integrity problems • Arrangements for securely storing ballot papers and postal ballot packs • Information on how the verification and counting is to be organised and managed, including the process you followed to arrive at your decision • Arrangements for communicating results to voters • Arrangements in place to maintain a clear audit trail of the count processes
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Performance standard 2: Those who want to stand for election

Ensuring that planning for and delivery of the poll enables people who want to stand for election to find out how to get involved, what the rules are, and what they have to do to comply with these rules, and enables them to have confidence in the management of the process and the result

Outcome	What does the RO need to do to achieve the outcome	What will demonstrate how the outcome has been met
<p>People who want to stand for election receive all the information they need to take part</p>	<ul style="list-style-type: none"> • Ensure information on the election process and spending is easily available for candidates and agents, including through providing briefing sessions and ensuring they are issued with written guidance • Ensure that candidates have the opportunity to have their nomination papers informally checked prior to their formal submission 	<ul style="list-style-type: none"> • Written guidance issued to candidates • Date(s) of briefing sessions and briefing resources • Arrangements in place for candidates to have their nomination papers informally checked prior to formal submission
<p>Candidates have confidence that the process is well-managed, and have confidence in the results</p>	<ul style="list-style-type: none"> • Ensure that those entitled to attend postal vote opening sessions are able to follow what is happening, where and when • Ensure count processes are transparent, with everything at the verification and count carried out in clear view of all those entitled to 	<ul style="list-style-type: none"> • Layout plan of postal vote opening sessions • Information provided to attendees at postal vote opening sessions • Layout plan of the count • Information provided to attendees at the count

	<p>attend, with information provided to attendees on the processes to be followed</p> <ul style="list-style-type: none"> • Ensure count processes are designed and managed to secure an accurate result, with a clear audit trail • Have in place processes to identify any patterns of activity that might indicate potential integrity problems, including what steps are to be taken to deal with any such problems 	<ul style="list-style-type: none"> • Arrangements in place to communicate progress at the count • Arrangements in place to maintain a clear audit trail of the count processes • Processes for dealing with integrity problems
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¹ RPA 1983 s28

² RPA 1983 s25

³ RPA 1983 s24 and sch 1 rule 3

⁴ RPA 1983 ss23 and 28

⁵ RPA 1983 s28(3)

⁶ RPA 1983 s28(1)

⁷ RPA 1983 s25

⁸ Parliamentary Constituencies (England) Order 2007/1681 art.2(1)(b) and the schedule

⁹ Parliamentary Constituencies and Assembly Electoral Regions (Wales) Order 2006/1041 art.2(c) and sch.1

¹⁰ Parliamentary Constituencies (Scotland) Order 2005/250 art.2(c) and the schedule

¹¹ RPA 1983 s63

¹² Electoral Administration Act (EAA) 2006 s46