

Part F – After the declaration of results

Local government elections in England
and Wales: guidance for Returning
Officers

Translations and other formats

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Tel: 020 7271 0500

Email: publications@electoralcommission.org.uk

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1 Storage and disposal of documents

1.1 As a requirement to meet [performance standard 5a – Forwarding and storage of documents](#), you must put arrangements in place at an early stage for forwarding documentation.

1.2 If you are not also the Electoral Registration Officer for the local authority area, you should liaise with them at an early stage to make arrangements for the forwarding of the prescribed documents after the declaration of results.



To demonstrate that you have met [performance standard 5a](#), you must provide the Commission with confirmation that you have in place arrangements for forwarding documentation.

1.3 Even if you are also the Electoral Registration Officer, you should make sure that the packaging process is as transparent as possible. In either case, in order to meet [performance standard 5a](#), you must maintain a clear audit trail when packaging and forwarding the documents in order to enable anyone wishing to inspect public documents to do so.



To demonstrate that you have met [performance standard 5a](#), you must provide the Commission with confirmation that you have in place arrangements to maintain a clear audit trail to cover the packaging and forwarding of documents.

1.4 A clear audit trail and transparent process can be achieved by:

- Producing clear labels for each packet. You have a legal duty to seal all of the relevant documentation in separate packets and to mark each packet with a description of its contents, the date of the election and the name of the ward to which it relates. In addition, the labels should state the date of the election, for how long the packet is to be kept and when it is to be destroyed. The labels for documents open to public inspection and for documents that are not open to public inspection should be different. As a minimum, the packets containing documents not open to public inspection should clearly state this fact.
- Ensuring that you have factored in the parcelling up of documents to your count planning.
- Covering packing instructions as part of your training for polling station staff and when training postal voting and count supervisors. Providing written instructions should also help to reduce the risk of documents being packaged wrongly. The Commission has developed a [template graphical](#)

[guide to packaging materials at the close of poll](#), which you could adapt and provide to polling station staff.

- Creating a list of all documents to be forwarded. You should keep a record of all of the materials that you have a duty to send to the Electoral Registration Officer, and ensure that all of the items are accounted for. [Paragraph 1.7](#) below provides a list of documents that you have a duty to forward. You should also:
 - record the number of parcels you have despatched
 - record the details of the Electoral Registration Officer to whom they have been sent
 - obtain a receipt from the Electoral Registration Officer indicating that the parcels have been safely received

1.5 All packets and receptacles containing election documents should be stored securely before being transferred to the Electoral Registration Officer so that no unauthorised persons can tamper with them.

1.6 On completion of the counting of the ballot papers, you have a legal duty to seal up the counted and rejected ballot papers into separate packets and to forward these, alongside the other relevant election documents, to the Electoral Registration Officer for the local authority area.

Combination

The responsibility for the count of any poll is the responsibility of the relevant Returning Officer for that poll, not of the Returning Officer that is carrying out the combined tasks. The materials for each poll including counted and rejected ballot papers and all other count materials must, by law, be packaged and sealed in separate packets from the other polls. The description of the contents should also include the name and date of the particular poll.

1.7 The documents that you have a duty to forward are:

- all ballot papers, which include counted ballot papers, rejected ballot papers, unused ballot papers (both ordinary and tendered), spoiled ballot papers and used tendered ballot papers
- ballot paper accounts, the result of the verification of the ballot paper accounts and the statement of rejected ballot papers
- list of tendered votes
- list of voters with disabilities assisted by companions
- declarations made by companions of voters with disabilities

- list of votes marked by the Presiding Officer
- statements relating to votes marked by the Presiding Officer
- statement as to postal ballot papers
- marked copies of the register of electors, including the marked list of persons to whom ballot papers are delivered after the correction of a clerical error or as a result of a decision on an appeal to the county court
- the marked list of proxies
- marked copies of the postal voters list and proxy postal voters list
- the packets containing the completed polling station and postal vote corresponding number lists
- certificates of employment on duty on polling day
- the packets of postal voting statements accepted as valid which were subject to the verification procedure
- the packets of rejected postal votes which were subject to the verification procedure
- any packets of postal voting statements accepted as valid which were not subject to the verification procedure
- any packets of rejected postal votes which were not subject to the verification procedure
- the packets of rejected postal ballot paper envelopes
- the lists of lost postal ballot papers and spoilt postal ballot papers
- the packet of spoilt postal ballot papers and accompanying documents
- the packet of lost postal ballot papers containing any part of the postal ballot pack that was not lost and which was returned to you before you issued a replacement
- unopened postal ballot packs received after the close of poll or returned as undelivered (these can be forwarded at a subsequent date)

1.8 The Commission has produced [retention and inspection guidance](#) for Electoral Registration Officers to assist with the correct handling of the materials.

2 Post-election activity

Providing notice of the results

2.1 You are required by law to inform the Proper Officer of the council, who may be the chief executive or some other senior officer, of the name of each candidate elected. You must, by law, also give public notice of the name of each candidate elected and of the total number of votes given for each candidate (whether elected or not), together with the number of rejected ballot papers as shown in the statement of rejected ballot papers.

2.2 You should ensure that the notices of results for the local elections are made available to all interested parties as soon as possible, including by publishing them on the local authority's website.

Statement as to postal ballot papers

2.3 You have a legal duty to complete a statement as to postal ballot papers for the election. The statement as to postal ballot papers is also evidence to demonstrate that you have met [Performance standard 3b – Issuing of postal votes](#) and [Performance standard 3c – Receiving and opening postal votes](#).

2.4 This statement provides an audit trail for the postal voting process throughout the election. You should complete this statement accurately using the figures obtained during the issue, receipt, opening and verification of postal votes.

2.5 This document is vital for the accounting of postal votes and for ensuring confidence in the results. To ensure accuracy, the data used to complete the form should be gathered systematically at relevant points in the postal voting process.



Further details on record-keeping throughout the administration of the postal voting process are provided in [Part D – Absent voting](#).

2.6 The Commission has produced a [template statement as to postal ballot papers for the election](#), which should be used. The accompanying guidance notes should support you in completing this.

2.7 You have a legal duty to forward a copy of the completed statement to the Electoral Registration Officer at the same time as you forward the other election documents listed in paragraph [1.7](#) above. You also have a legal duty to provide a copy of the statement to the Commission and the Secretary of State. The statement must not, by law, be provided before the tenth calendar day after

polling day but must, by law, arrive no later than the twenty-fifth calendar day after polling day. If either of these days is not a working day the time is extended to the next working day for that particular date.

Data collection and feedback

2.8 You will also be requested to send information and data to the Commission relating to the elections.

2.9 Forms for collecting information and data, and accompanying guidance notes for completion, as well as a Commission feedback form, will be circulated separately and will also be available on the Commission's website at www.electoralcommission.org.uk/guidance/resources-for-electoral-administrators/local-elections-in-england-and-wales.

Accounting for the election

2.10 Local government elections are paid for by the local authority. The local authority will provide the Returning Officer with instructions for accounting for the elections.

Payment of creditors

2.11 You should keep receipts throughout the period of the election for all services/work provided, and pay all creditors as soon as possible after the election.

Payment of fees to staff

2.12 Staff should be paid as soon as possible after the election.

National Insurance

2.13 The Social Security (Categorisation of Earners) Regulations 1978 (SI 1978/1689) provide that there is no liability for National Insurance contributions for employment as or by the Returning Officer. Therefore, National Insurance should not be deducted.

Income tax

2.14 Income tax should be deducted at the basic rate of tax except where employees are able to complete a 'P527 Certificate of taxable income'. In such cases, fees can be paid gross. In addition, employees may wish to have income tax deducted from their fees at the higher rate, if applicable. In order to ensure that the procedures adopted are acceptable, you should consider consulting the Inspector of Taxes for your area.

Return of equipment

2.15 You should make arrangements to return any equipment, such as the empty ballot boxes, to storage. This should be covered in your project plan.

Candidates' election spending

Candidates' returns – election spending

2.16 By law, all election agents must submit a candidate's spending return to the Proper Officer of the council, together with relevant invoices and receipts, within 35 calendar days of the declaration of result of the election.

2.17 The legislation also requires election agents and candidates to submit declarations vouching for the candidate's election spending return. The election agent's declaration must, by law, be submitted at the same time as the return. The candidate's declaration must, by law, be submitted within seven working days of the election agent submitting the return.

2.18 By law, the Proper Officer must retain a copy of each local government election spending return, and any accompanying documents, for a period of two years and, during that period, make copies available for public inspection without charge. Anyone can also request copies of the returns and accompanying documents, which should be supplied on payment of the relevant fee. The addresses of individuals who have made donations to candidates must, by law, be removed from all inspection copies and copies supplied on request. At the end of the two-year period if the candidate or the relevant election agent requests them, they must by law be returned to the candidate. Otherwise the returns and accompanying documents may be destroyed.

2.19 The Commission has produced [guidance for candidates and agents](#) on election spending and the required returns; in addition, candidates and agents can also download the return of candidate election spending form with integrated explanatory notes, the declaration by the election agent as to election spending and the declaration by the candidate as to their election spending. The Commission has also published guidance for Proper Officers to help deal with any outstanding candidate spending returns. These documents can all be downloaded from our website at:

www.electoralcommission.org.uk/guidance/resources-for-those-we-regulate/candidates-and-agents/local-elections-in-england-and-wales.



At parish and community council elections, candidates have 28 days to submit their election spending returns, accompanied by a declaration as to spending completed by the candidate, to the Proper Officer of the council. No agent's declaration is required. Guidance and forms for parish and community candidates can be found on our website at:

www.electoralcommission.org.uk/guidance/resources-for-those-we-regulate/candidates-and-agents/parish-community-elections-england-wales.

Returns for these elections must, by law, be retained for a period of 12 months after their receipt. After this period, the Proper Officer if requested, must, by law, return them to the candidate, or may destroy them.

Returns to the Electoral Commission on request

2.20 Legislation imposes spending limits and reporting requirements for candidates' campaigns, and gives the Electoral Commission the function of monitoring compliance with the rules on candidates' election spending and donations to candidates.

2.21 If requested to do so, Proper Officers must, by law, send copies of candidates' election spending returns to the Commission. Copies of the returns sent to the Commission should include all accompanying documentation, including declarations.

2.22 The Commission may also ask you to provide the following:

- electorate figures for each ward used to calculate the candidates' spending limit
- the candidates' spending limit provided to candidates, if applicable
- a list of all candidates who stood for election, including their party (if any), and whether they were successful
- confirmation of who has not submitted a return, has submitted an incomplete return or has 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

3 Challenges to the result of the election

3.1 Election petitions can be used to challenge the result of local elections.

3.2 An election petition can be issued by:

- four or more persons who voted as electors at the election or had a right to vote (except anonymous electors); or
- a person claiming to have been a candidate at the election

3.3 The allowable grounds for a petition are that:

- 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

3.4 The person whose election is questioned by the petition will most probably be made a respondent to the petition. You will also be a respondent to the petition if the petition relates to the conduct of the election.

3.5 A petition must, by law, 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, midnight on the last day. If, however, 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.

3.6 Any person who is considering submitting an election petition should be advised to take their own legal advice. Further information about the process of submitting a petition can be obtained from:

Supreme Court Cost Office
Room 2.14
Cliffords Inn
Fetter Lane
London EC4A 1DQ
Tel: 020 7947 6423
Fax: 020 7947 6247

4 Review of election procedures

4.1 As a requirement to meet [performance standard 5b – Review of election procedures](#), you must carry out a thorough evaluation of all processes outlined in your project plan, seeking feedback from appropriate stakeholders, and produce a lessons learnt document which will be used to inform the project plan and risk register for future electoral events.

4.2 The Commission has provided, as part of the [template project plan](#), some sample objectives and suggested tools that will allow you to measure the extent to which the conduct of the election has been successful. We have also made the [template project plan](#) available in Excel. The Commission has also provided an evaluation plan as part of the template project plan to assist you with the review process. It is not a requirement for you to use this particular template to meet the standards.



To demonstrate that you have met [performance standard 5b](#), you must provide the Commission with confirmation that your project plan for this election includes a plan to evaluate procedures post-election. For further information on preparing a project plan see [Part B – Planning and organisation](#).

In addition, you are also required to provide the Commission with confirmation that you have produced a lessons learnt document in order to demonstrate that you have met [performance standard 5b](#).

The review

4.3 The scope of the review should cover all aspects of the election. Your project plan should be used as the starting point for the review, and each process that was planned for and carried out should be reviewed.

4.4 A key part of the review will be the consideration of the aims and objectives set out in your project plan and measuring your performance against these.

4.5 You should pay particular attention to reviewing:

- your project planning
- whether you were able to secure adequate resources
- the equipment and stationery used
- how contractors have been managed and whether they delivered work to the required specification
- recruitment and training of staff

- the suitability of venues used
- the management of nominations, polling stations, the absent voting process, and the verification and count
- the processing and handling of queries
- any issues affecting the security/integrity of the election

4.6 As part of the review, in order to meet [performance standard 5b](#), you must seek feedback from appropriate stakeholders.

4.7 You should seek feedback from the following:

- staff
- electors
- candidates, agents and political parties
- local organisations of disabled people, older people and minority ethnic groups, and the council's access officers

4.8 To obtain feedback from staff, for example, you should consider inviting a number of staff, including polling station staff, to a discussion in order to address all aspects of the polling station process, from training and briefing sessions through to dealing with difficult situations on polling day. You could also take into account any feedback provided in reports returned by Presiding Officers and polling station inspectors.

4.9 Once you have reviewed all aspects of the election and sought feedback from appropriate stakeholders, in order to meet [performance standard 5b](#), you must produce a lessons learnt document. The lessons learnt document should include an analysis of what practices were successful and where these could be used elsewhere, what you would do again or do differently, and key recommendations. The lessons learnt report should then be used to inform the project plan and risk register for future electoral events.