

## Mayoral elections in England

# Guidance for candidates and agents

## Part 5 of 6 – Your right to attend key electoral events

December 2016

This document applies to mayoral elections in England. It does not apply to combined authority mayoral elections or elections for the Mayor of London, or to district, borough, county, county borough or unitary authority elections, parish or community council elections or elections to the Greater London Authority. Our guidance and resources for other elections can be accessed from our website at:

<http://www.electoralcommission.org.uk/guidance/resources-for-those-we-regulate/candidates-and-agents>

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# Essential information

This document contains our guidance on attending electoral processes at a mayoral election in England.

Supplementary information, which may only be relevant to some candidates, is provided at the back of this document. You can also view this supplementary guidance by clicking on the links within this document or by clicking on the chapter heading on the contents page.

In this document, we use 'you' to refer to the candidate. We use 'must' to refer to a specific requirement. We use 'should' for items we consider to be minimum good practice, but which are not legal or regulatory requirements.

Deadlines mentioned in this document are generic. We have published a [generic election timetable on our website](#). If a by election has been called, you will be able to obtain a copy of the specific timetable for that election from the Returning Officer.

If you are standing at mayoral elections on 4 May 2017, we have published an [election timetable](#) containing the specific deadlines which you can download from our website

We are here to help, so please contact us if you have any questions.

See our [Overview document](#) for contact details.

This document does not cover **combined authority mayoral elections** or elections for the **Mayor of London**.

You can access guidance for those elections through our website.

## The opening of postal votes

1.1 You and your election agent or a person appointed by you to attend in your election agent's place are entitled to attend the opening of returned postal votes. Additionally, you and your election agent may appoint agents to attend openings on your behalf. See [Part 2a: Standing as an independent](#)

Candidates, election agents and postal voting agents are not entitled to attend the **issue** of postal votes.

[candidate](#) or [Part 2b: Standing as a party candidate](#) for details on how to appoint these agents.

## What is postal voting?

1.2 People aged 18 or over who are registered to vote, or have applied to be registered to vote, can apply to vote by post in the mayoral election by submitting an application to their Electoral Registration Officer. The application must be received by the Electoral Registration Officer by 5pm on the eleventh working day before the poll. Those who have been appointed to vote as a proxy on behalf of someone else may also apply for a postal vote by applying by 5pm on the eleventh working day before the poll. The Electoral Registration Officer has no discretion to extend the deadline for whatever reason.

1.3 Postal ballot packs containing a ballot paper and postal voting statement will be sent to electors from around two weeks before polling day. There will be a final batch of postal votes issued to electors who registered close to the registration deadline once their names have once their names have been added to the final register update on the fifth working day before the poll. The Returning Officer will be able to provide you with more specific information.

1.4 Electors will then mark their ballot paper, complete the postal voting statement by providing their signature and date of birth, and return them to the Returning Officer before the close of poll (i.e. 10pm on polling day).

## What does the postal ballot pack contain?

- **Envelope A** is the envelope that the elector returns their ballot paper in. It is marked with the letter 'A' and the words 'ballot paper envelope'
- **Envelope B** is the envelope that the elector will use to return the ballot paper envelope and the postal voting statement. It is marked with the letter 'B' and the address of the Returning Officer
- **The postal voting statement** contains the elector's name, the number of the ballot paper issued to them, instructions on how to vote by post and space for the elector to sign and provide their date of birth

If the election is combined with another poll, the Returning Officer may have decided to combine the issue of postal votes.

In that case, the postal ballot pack will also contain the ballot paper for the other electoral event(s).

# 4

- **The ballot paper**

## What does a postal voting agent do?

1.5 A postal voting agent is allowed to attend and observe postal vote opening sessions, which are run by the Returning Officer. At each opening session the Returning Officer will decide whether or not the date of birth and signature provided by electors on their postal voting statements match the signature and date of birth previously provided and held on their records. If there is a mismatch, the postal vote will be rejected.

1.6 A postal voting agent has a right to observe, but not to interfere with this process. A postal voting agent can, however, object to the decision of a Returning Officer to reject a postal vote. It will not affect the Returning Officer's decision, but the Returning Officer will record any objections by marking the postal voting statement with the words 'rejection objected to'.

1.7 Like your postal voting agents, you, your election agent or the person you may have appointed to attend on your election agent's behalf are also entitled to object to a rejection.

1.8 The Returning Officer will explain the postal vote opening process to you and may issue you with information on the procedures to be followed, including instructions on what you can and cannot do at the session. You should comply with any instructions that the Returning Officer has given.

## Duty to maintain secrecy

1.9 Ballot papers will be kept face down throughout a postal vote opening session. Anyone attending an opening session must not attempt to see how individual ballot papers have been marked. It follows therefore **that keeping a tally of how ballot papers have been marked is not allowed.**

1.10 In addition, anyone attending a postal vote opening must not attempt to look at identifying marks or numbers on ballot papers, to identify or disclose how any particular ballot paper has been marked or pass on any such information gained from the session. Anyone found guilty of breaching these

For more information see: [Secrecy requirements - postal voting](#)

requirements can face an unlimited fine, or may be imprisoned for up to six months.

## When are postal votes opened and how will you know when an opening session is taking place?

1.11 It is likely that several opening sessions will take place before polling day, as well as on polling day itself.

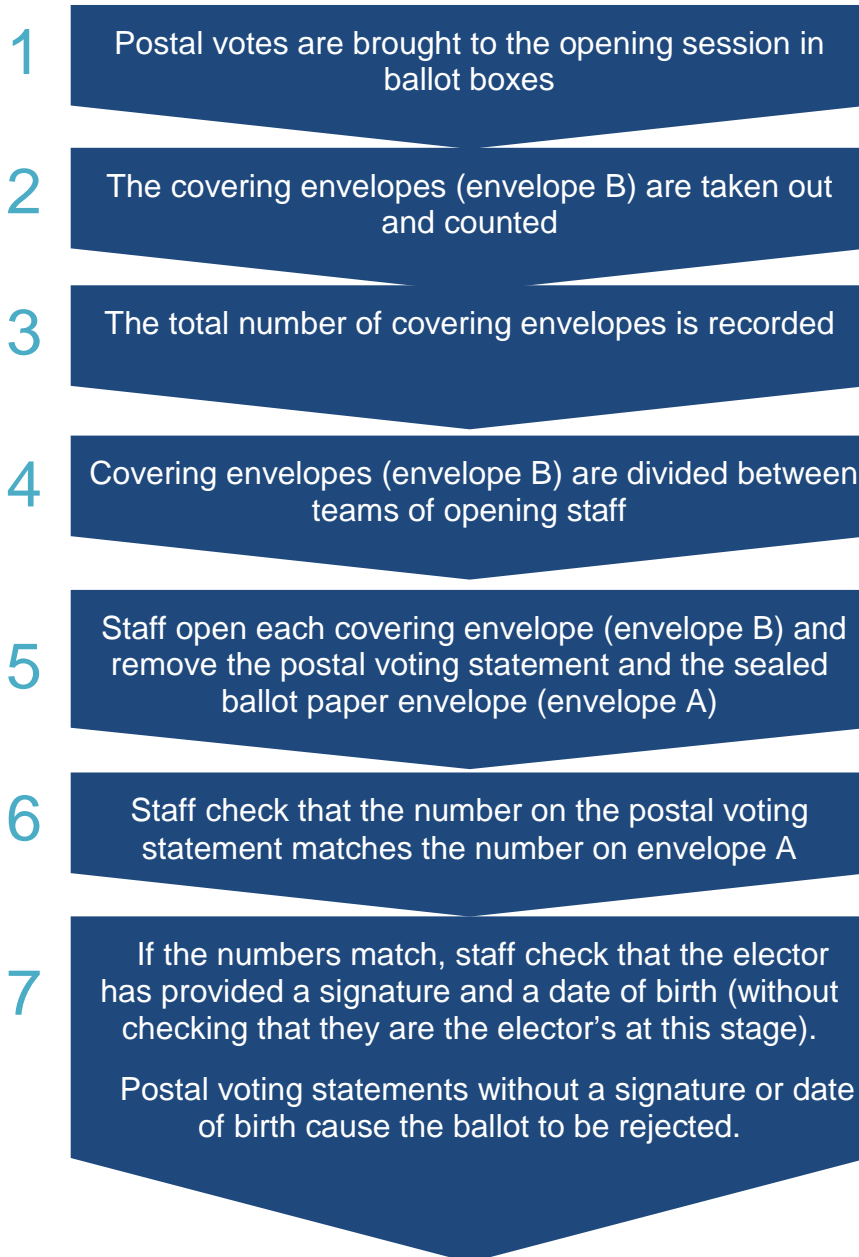
1.12 The Returning Officer must give candidates at least 48 hours' notice of when and where the sessions will take place. They will also set out how many postal voting agents will be allowed to attend each session.

1.13 There will be a final opening session after the polls have closed to open any postal votes delivered to polling stations. This session may be held at the count venue or in another location. The Returning Officer will advise you of the location for the final opening.

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## Flowchart of the opening session process

1.14 The postal vote opening process can be summarised as follows:



A very small number of voters do not need to sign their postal voting statement. These voters will have been granted a waiver because they are unable to sign or provide a consistent signature due to a disability or an inability to read or write. The postal voting statement sent to such electors will make this clear.

- 8 If the statement **or** ballot paper envelope is missing, or the numbers on the statement and ballot paper envelope do not match, the document(s) are set aside, recorded and stored in secure packets
  - 9 The Returning Officer must verify the dates of birth and signatures provided on the statements
  - 10 The Returning Officer must be satisfied that the dates of birth and signatures on the statements match those previously provided and held on record
  - 11 Following verification of the signatures and dates of birth, postal voting statements are removed from the tables
  - 12 Staff open the ballot paper envelopes (envelope A) and remove the ballot paper
  - 13 Staff check that the number on the back of the ballot paper matches the number on the ballot paper envelope (envelope A)
  - 14 Valid ballot papers (**not** the votes) are counted and the total number is recorded
  - 15 All valid ballot papers are placed into ballot boxes and stored securely before being delivered to the count venue for counting after the close of poll
- The Returning Officer will match up postal voting documents received separately, provided the statement is completed correctly and received by the close of poll.
- Ballot papers must be kept face down throughout this process.
- Valid** ballot papers are those ballot papers whose related postal voting statement has passed the signature and date of birth checks.
- Invalid ballot papers are set aside and stored in secure packets.



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## Invalid and rejected postal voting statements

1.15 Unless a waiver has been granted, the Returning Officer will reject a postal voting statement if a signature and/or date of birth is missing or if a signature and/or date of birth does not match the one previously provided by the elector and held on record.

1.16 Rejected statements are attached to the relevant ballot papers or ballot paper envelope. They are marked as 'rejected' and shown to any agents present.

1.17 Agents can object to the Returning Officer's decision to reject any postal vote and if they do, the words 'rejection objected to' are added to it. However, the Returning Officer's decision is final and the ballot papers will remain rejected.

## Polling stations

1.18 You and your election agent are entitled to observe proceedings inside polling stations. Additionally, you and your election agent may appoint agents to attend polling stations on your behalf. See [Part 2a: Standing as an independent candidate](#) or [Part 2b: Standing as a party candidate](#) for details on how to appoint polling agents.

## Who can vote at polling stations?

1.19 Most people choose to vote in person at their polling station. Any person on the polling station's electoral register can vote at the polling station, unless:

- they are a registered postal voter
- they are a registered proxy voter and their proxy has already voted for them or has applied to vote on their behalf by post
- they are not 18 years old or older on polling day
- they are registered as an overseas elector

1.20 Electors will receive a poll card before the election telling them where and when to vote. Electors do not need to take their poll card to the polling station in order to vote.

The only electors who need to bring a poll card with them to vote are those who have registered anonymously because of risks to their safety.

1.21 Registered postal voters cannot be issued with a ballot paper at the polling station, but they can return their completed postal ballot pack to their polling station on polling day. Alternatively, they may return their postal vote to any polling station in the local authority area or by hand to the Returning Officer at the elections office.

1.22 Postal ballot packs returned to polling stations must be handed to polling station staff and not placed in the ballot box.

## Polling station opening hours

1.23 Polling stations will be open on polling day between 7am and 10pm.

## Finding the location of polling stations

1.24 The Returning Officer must give public notice of the location of polling stations by the sixth working day before the poll. They will give a copy of this notice to election agents soon after this.

## What does a polling agent do?

1.25 Polling agents have a number of important roles to play on polling day. They can:

- be present in the polling station before the opening of the poll to watch the Presiding Officer show the empty ballot box before it is sealed
- detect personation and prevent people voting more than once in the election (other than as proxies)
- be present when the Presiding Officer marks a ballot paper at the request of an elector who needs assistance marking a ballot paper because of a disability or an inability to read or write
- report to you or your election agent any improper activities and keep notes, if required, for giving evidence in court
- be present at the close of poll when the various packets of documents are sealed
- attach their seal to any packets made up by the Presiding Officer at the close of poll, including the ballot box

Where the postal ballot pack contains a ballot paper for another electoral event happening on the same day, the Returning Officer will provide information on where voters can return their postal ballot pack to.

Any voters waiting in a queue at their polling station at 10pm will be allowed to vote, even if they haven't been issued with a ballot paper.

While a polling agent can inspect the poll, they do not have to be present in a polling station for polling and related procedures to take place.

**Personation** is when an individual votes as someone else (whether that person is living or dead, or is a fictitious person).

Polling agents' seals cannot be attached to ballot boxes at the start of or during the poll.

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1.26 You and your election agent can also do anything that a polling agent is entitled to do.

## Maintaining the secrecy of the ballot

1.27 Anyone attending a polling station has a duty to maintain the secrecy of the ballot. In particular, the following information must not be disclosed:

- the name or electoral number of who has or has not voted
- the number or other unique identifying mark on the ballot paper

1.28 Anyone attending a polling station must also not try to ascertain how a voter has voted or who they are about to vote for.

1.29 A polling agent can mark off on their copy of the register of electors those voters who have applied for ballot papers. If the polling agent leaves the polling station during the hours of polling, they must leave the marked copy of the register in the polling station to ensure that secrecy requirements are not breached.

1.30 Any person found guilty of breaching the secrecy requirements can face an unlimited fine, or may be imprisoned for up to six months.

## What is the normal voting process?

1.31 The normal voting process at a polling station is straightforward and can be summarised as follows:

### Polling station staff will...

- ask voters for their name and address, and make sure they are eligible to vote
- mark a straight line against the voter's entry on the register of electors
- call out the number and name of the elector
- write the elector number on a list next to the number of the ballot paper to be issued
- ensure the ballot paper includes the official mark (e.g. a barcode or watermark)

For more information see: [Secrecy requirements - the poll](#)

Where the election has been combined with another electoral event, polling station staff will be issuing the ballot papers for all electoral events.

Different electoral events may have different franchise requirements, so sometimes an elector will not be entitled to vote at all of the polls taking place.

Where polls are combined, a single ballot box may be used for all of the contests or one ballot box may be used for each separate contest.

- fold the ballot paper and then hand it to the voter **unfolded** so that they can see all of the options on the ballot paper

#### The voter will...

- mark the ballot paper in private in the polling booth
- fold the ballot paper and show the ballot paper number and unique identifying mark on the back of the ballot paper to the Presiding Officer
- place the ballot paper in the ballot box and leave the polling station

1.32 The Presiding Officer can assist anyone who cannot mark the ballot paper themselves. Alternatively, a voter may bring along someone they know and trust to assist them in marking their vote. The person assisting the voter must either be a close relative aged 18 or over, or a person entitled to vote at the election. A person can only assist a maximum of two voters at the election.

## Collection of postal ballots from the polling station

1.33 The Returning Officer may arrange for the collection of any postal votes that electors have handed in at polling stations throughout polling day. The Presiding Officer must seal any postal votes in a packet before they are collected. Any agents present can add their own seal to the packet if they wish.

## Tellers

1.34 Tellers are people who stand outside polling places and record the electoral numbers of electors who have voted. They can then identify likely supporters who have not voted and encourage them to vote before the close of poll.

1.35 Tellers have no legal status and voters can refuse to give information to them.

The Returning Officer is in charge of the conduct of the election. If they are concerned about the activities of tellers, they can ask tellers to comply with agreed behaviour or leave the polling place.

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1.36 We have produced a factsheet of [tellers' dos and don'ts](#), as well as more [comprehensive guidance on the activities of tellers](#). The guidance aims to ensure that everyone knows precisely what is and is not acceptable and is designed to promote appropriate standards of conduct. The Returning Officer may also provide their own version of guidance to tellers.

## What happens after polls close?

1.37 Once all voters who have been issued with a ballot paper have voted, the ballot box is sealed by the Presiding Officer and polling agents can add their own seal if they wish. After the Presiding Officer has completed all the paperwork, the sealed ballot box is taken to the count venue.

## The count

### Who can attend the count?

1.38 You and your election agent are entitled to observe the count. Additionally, you can invite one other person to attend the count. You and your election agent may also appoint agents specifically to attend the count on your behalf.

1.39 See [Part 2a: Standing as an independent candidate](#) or [Part 2b: Standing as a party candidate](#) for details on the number of counting agents you may appoint and how to appoint them.

## What does a counting agent do?

1.40 Counting agents have a number of important roles to play at the count:

- they observe the counting process and make sure that it is accurate
- they can draw to the attention of count staff any doubtful ballot papers
- if they disagree with a decision by the Returning Officer to reject a ballot paper, they can ask the Returning Officer to mark on the ballot paper “rejection objected to”
- if a count is suspended for any reason, counting agents can add their seals when the Returning Officer seals the ballot boxes and envelopes

1.41 You and your election agent can do anything a counting agent is allowed to do.

## When and where will the count take place?

1.42 The Returning Officer will notify you of the exact time and location.

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## How the votes will be counted

### Check-in

1 The Returning Officer's staff deliver the ballot boxes from the polling station to the count venue

2 The Returning Officer's staff check in ballot boxes as they arrive at the count venue

### Verification

3 Ballot boxes are emptied onto tables and the empty boxes are shown to agents

4 Staff count the ballot papers from each polling station

5 Staff verify that the number of ballot papers matches the number of papers issued, as recorded on the Presiding Officers' ballot paper accounts

6 The verified ballot papers are shown to election and counting agents face up

7 The Returning Officer determines the reasons for any discrepancies and produces a final verified total

8 The Returning Officer produces a statement of the verification. Agents can view or copy this statement if they wish

Where the election has been combined with another electoral event, all ballot boxes will be verified before any results are declared.

There may be a single ballot box for all elections or separate boxes for each. In any case, ballot papers will be sorted into the separate contests.

Any ballot paper found in the 'wrong' ballot box is still valid and will be moved to the correct box during verification.

If the count does not take place immediately following verification, the verified boxes will be stored securely. Candidates and agents can attach their seals to boxes if they wish.

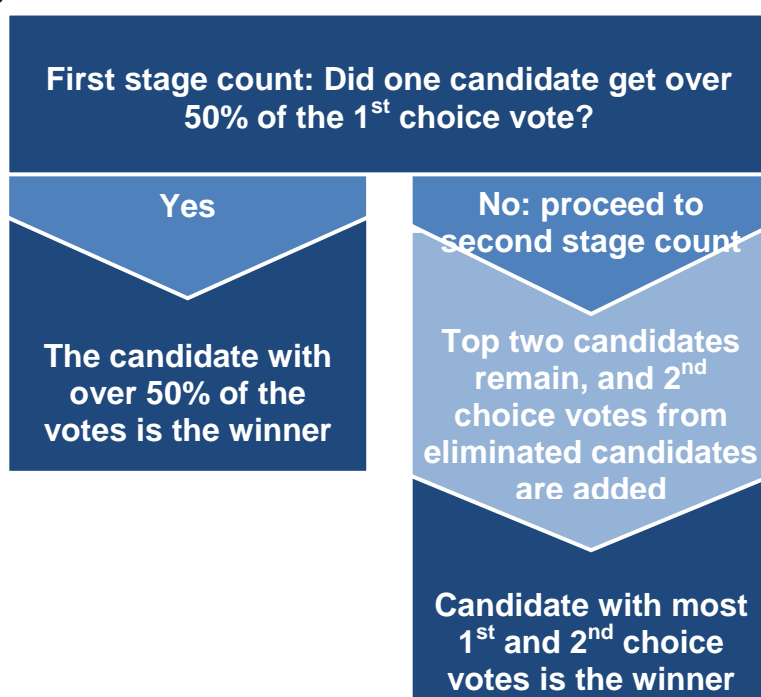
## Counting of votes where there are only two candidates

1.43 If there are only two candidates, staff will sort the ballot papers by candidate and count the number of votes cast for each candidate. The candidate with the most votes wins.

## Counting of votes where there are three or more candidates

1.44 If there are three or more candidates, the mayor is elected using a system called the Supplementary Vote (SV).

1.45 In the SV system, voters can cast a first and second choice vote for mayor. If a candidate obtains more than 50% of the first choice votes they are declared the winner. If no candidate obtains more than 50% of the first choice votes, the top two candidates (or more if there is a tie) remain in the contest while the rest are eliminated. The second choice votes from those candidates who have been eliminated are then added to the remaining candidates' totals. The flowchart below describes the process for declaring a winner using the SV system.





# 16

## What if the vote on a ballot paper is not clear?

1.46 A vote will not be counted if the ballot paper:

- is unmarked
- does not contain the official mark
- contains more than one first choice vote (or at the second stage count, contains more than one second choice vote)
- the voter has not indicated their first choice with certainty (or at the second stage count, their second)
- contains any mark or writing that may identify the voter

1.47 The Returning Officer must draw up a statement showing the number of ballot papers rejected for these reasons.

1.48 If the voter's intention is clear on a ballot paper and the voter cannot be identified by any mark or writing, it will not be void if a vote is marked:

- elsewhere than in the proper place
- by other means than a cross (e.g. a tick)
- by more than one mark

1.49 See paragraph **1.52** for more information on the adjudication of votes that appear doubtful.

1.50 The Returning Officer must mark the word "rejected" on any ballot paper that is rejected. They must add the words "rejection objected to" if a counting agent objects to the Returning Officer's decision.

1.51 Note that if a voter casts a second choice for the same candidate as the first choice, only the first choice will be counted.

## Recounts

The candidate or election agents can ask the Returning Officer to recount the votes. If there are more than two candidates, first preference votes can only be recounted after the first stage count and second preferences can only be recounted at the second stage count.

The Returning Officer can refuse to recount if they think the request is unreasonable

## Equality of votes

If two or more candidates have the same number of first and second choice votes at the end of the second stage count, the Returning Officer must decide between them by drawing lots

The Returning Officer will decide the method of drawing lots.

## Declaration of result

The Returning Officer will give public notice of the result.

Some Returning Officers allow candidates to make speeches after the result is declared. Please check arrangements with your Returning Officer.

## What happens to the paperwork after the result is announced?

The Returning Officer must seal all election documentation and add a description of the contents of each packet and forward them on to the Electoral Registration Officer.

For details of what happens after the result has been announced see: [Part 6: After the declaration of result](#)

# Supplementary information

## Doubtful ballot papers

1.52 To assist Returning Officers, we have produced guidance on how to adjudicate votes on ballot papers that may appear doubtful. This guidance is contained in our booklet [Dealing with doubtful ballot papers](#). We have also produced ballot paper placemats of allowed and rejected votes for quick reference, [one for where there are only two candidates standing](#) and [one for where there are three or more candidates standing](#).

1.53 The examples given in the booklet are based on the election rules. Please note that while these documents provide guidance for Returning Officers, each individual Returning Officer has the ultimate responsibility for making a decision on individual ballot papers. Their decision to reject a particular ballot paper during the count or recount is final and can be reviewed only at an election petition after the declaration of the result. For more details on election petitions, see [Part 6: After the declaration of result](#).