

Part F – After the declaration of results

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

Published April 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 UK Parliamentary elections 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:

Tel: 020 7271 0500

Email: publications@electoralcommission.org.uk

Contents

1	Storage and disposal of documents.....	1
	The documents that you have a duty to forward.....	2
	Destruction of home address forms.....	4
2	Post-election activity	5
	Providing notice of the result	5
	Return of the writ	5
	Deposits	6
	Returning deposits.....	6
	Forfeited deposits	6
	Statement as to postal ballot papers	6
	Data collection and feedback at a general election	7
	Accounting for the election	7
	Payment of creditors.....	7
	Payment of fees to staff	8
	Return of equipment.....	8
	Candidates' election spending.....	8
	Expenses returns from non-party campaigners	10
3	Challenges to the election result.....	11
	Election petitions	11
	Who can bring a UK Parliamentary election petition and on what grounds?.....	11
	Who is made a respondent?	11
	Deadlines for bringing petitions.....	11
4	Review of election procedures.....	13
	The review.....	13
5	Freedom of Information requests.....	15

1 Storage and disposal of documents

1.1 The election documentation listed in paragraphs **1.9 to 1.12** below must be kept securely for one year from the date of the poll.¹

1.2 These election documents must be forwarded to the relevant registration officer. **In England and Wales**, the relevant registration officer is the Electoral Registration Officer (ERO) of the local authority in whose area the constituency is situated. If the constituency crosses local authority boundaries, the relevant registration officer is the ERO of the local authority with the highest number of registered electors in the constituency.²

1.3 If you are not also the relevant registration officer, you should liaise with them at an early stage to put in place arrangements for the forwarding of the prescribed documents after the declaration of results. You should ensure that all of the documentation is kept secure and accounted for during the process of being forwarded to the ERO.

1.4 **In Scotland**, the Returning Officer must retain the election documents for the constituency, or constituencies, they are responsible for.

1.5 In either case, you should make sure that the packaging process is as transparent as possible. You should maintain a clear audit trail when packaging and (if required) forwarding the documents as this will help to ensure that retrieval of documents is facilitated should anyone wish to inspect the public documents. The packaging and labelling system you use should both provide secure storage and support timely retrieval.

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

- Producing clear labels for each packet. You must seal all of the relevant documentation in separate packets and mark each packet with a description of its contents, the date of the election and the election to which it relates. The label must also include the name of the constituency and should state how long the packet is to be kept and when it is to be destroyed unless otherwise directed by order of the House of Commons, the High Court (Court of Session in Scotland), the Crown Court or a magistrates' court. 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.³
- Ensuring that you have factored the parcelling up of documents into your verification and 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. A [template graphical guide to packaging materials at the close of poll](#) is available, which you could adapt and provide to polling station staff.
- Creating a list of all documents to be forwarded (where this is required). You should keep a record of all of the materials that you have a duty to send to the relevant registration officer, and ensure that all of the items are accounted for. Paragraphs **1.9**, **1.10** and **1.12** below provide lists 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 ERO to whom they have been sent
 - obtain a receipt from the ERO confirming that the parcels have been safely received

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

The documents that you have a duty to forward

1.8 You have a legal duty to seal up the election documents listed below and, on the completion of the counting of ballot papers, must forward these to the relevant registration officer in England and Wales, or retain them in Scotland. ⁴

1.9 From the polling stations:

- The packet containing:
 - 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
 - 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
- marked copies of the register of electors, the marked list of proxies and any marked copy notices issued as a result of the correction of a clerical error or a decision on an appeal to the relevant court
- the packets containing the completed polling station corresponding number lists
- certificates of employment on duty on polling day

1.10 From the postal vote issues and openings:⁵

- marked copies of the postal voters' list and proxy postal voters' list
- the packets containing the completed postal vote corresponding number lists
- the packets of postal voting statements accepted as valid
- the packets of rejected postal votes
- the packets of rejected postal ballot paper envelopes
- the lists of cancelled, lost 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
- the packet of postal ballot papers, statements and envelopes that have been cancelled
- unopened postal ballot packs received after the close of poll or returned as undelivered (these can be forwarded at a subsequent date)

1.11 You must also forward to the ERO(s) in your area, at the same time as you are forwarding the above election documents to the relevant registration officer, the statement as to postal ballot papers, the relevant parts of the list of postal votes that have failed the identifier checks. You should also forward at the same time your record of any instances where you suspect an offence may have been committed, so that the EROs know in which cases they should not send out a postal vote identifier rejection notice.⁶



For further information on the contents of the various lists relating to postal voting, see [Part D - Absent voting](#).

1.12 From the count:⁷

- all ballot papers separately stored as:
 - counted ballot papers
 - rejected ballot papers
 - unused ballot papers (both ordinary and tendered) and spoilt ballot papers (placed together)
 - used tendered ballot papers.
- ballot paper accounts, the result of the verification of the ballot paper accounts and the statement of rejected ballot papers

1.13 [Retention and inspection guidance](#) to assist with the correct handling of the materials is available for download from our website.

Destruction of home address forms

1.14 Home address forms must be kept securely stored for a period of 21 calendar days after you have returned the writ. They must be securely destroyed on the next working day after the 21-day period. However, if an election petition relating to the election is presented within the 21 calendar days, the home address forms must be kept securely until the conclusion of the petition proceedings (including any appeal from such proceedings). They must then be securely destroyed on the next working day following the conclusion of the proceedings or appeal.⁸

2 Post-election activity

Providing notice of the result

2.1 You must give public notice of the name of the candidate elected, the total number of votes given to each candidate and the number of rejected ballot papers under each heading. When a candidate has used their commonly used name to stand in the election, you should use both their full name and the commonly used name when declaring the result.⁹

2.2 You should ensure that the notice of results is made available to all interested parties as soon as possible, including by publishing it on your local authority's website.



To be able to achieve the outcome set out in [performance standard 1](#), you will need to ensure that the results are communicated to voters in a clear and timely way.

To demonstrate that the outcomes can be delivered you will need to have in place arrangements for communicating results to voters.

Return of the writ

2.3 After the declaration of the result, you must return the writ to the Clerk of the Crown as soon as possible. The writ must be endorsed with the name of the successful candidate.¹⁰

2.4 You should ensure that, to the best of your knowledge, the member's full name, any title and their address are given in the full endorsement of the writ.

2.5 The Returning Officer (or the person they have delegated this to) must sign the writ and state the capacity in which they act. A photocopy of the endorsed writ should be made in case it is lost in transmission to the Clerk of the Crown.

2.6 The endorsed and signed writ should then be returned to the Clerk of the Crown via the relevant Royal Mail Regional Operations Director through whom the writ was delivered (or by other agreed arrangements).



Further information about the issue, delivery and receipt of the writ can be found in [Part A – Returning Officer role and responsibilities](#) and in chapter 1 of [Part C – Administering the poll](#).

Deposits

Returning deposits

2.7 At a UK Parliamentary election, the £500 deposit made by or on behalf of a candidate must be returned if the candidate is found to have polled more than 5% of the total number of valid votes cast in the constituency. If the candidate is found to have polled equal to or less than 5% of the total number of valid votes cast, the deposit must not be returned.¹¹

2.8 If the candidate polls more than 5% of the valid votes cast, you must return the deposit to the person who made it by no later than the next working day after the result of the election is declared.

2.9 If you are returning a deposit by cheque, it is treated as being returned on the day on which the cheque is posted.

Forfeited deposits

2.10 If a candidate does not poll more than 5% of the total number of valid votes cast, their deposit will be forfeited. You must send any forfeited deposits to Her Majesty. The Cabinet Office will provide further information on this process.¹²

Statement as to postal ballot papers

2.11 You must complete a statement as to postal ballot papers for the constituency.

2.12 This document is vital for the accounting of postal votes and for ensuring that voters have confidence that their vote will be counted in the way they intended. The statement should form part of the arrangements that you have in place to maintain a clear audit trail of the postal voting and count processes. You should complete the statement accurately using the figures recorded at the issue, receipt, opening and verification of postal votes.



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

2.13 The Commission will provide a template statement as to postal ballot papers, which should be used. The accompanying guidance notes should support you in completing these.

2.14 You must provide a copy of the completed statement at the same time and to the same person as you forward the other election documents listed in paragraph **1.9**, **1.10** and **1.12**.¹³

2.15 You must also provide a copy of the statement to the Commission and the Secretary of State. The statement must be provided no earlier than 10 working days after the poll and must arrive no later than 15 working days after the poll.¹⁴.

Data collection and feedback at a general election

2.16 At a general election, you will also be requested to send information and data to the Commission relating to the election.

2.17 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](#).

Accounting for the election

2.18 UK Parliamentary elections are funded by the UK Government and claims for fees and charges for the election are administered through the Elections Claims Unit, which is part of the Cabinet Office. Detailed guidance and instructions for accounting for the election will be provided by the Cabinet Office.

2.19 Contact details for the Elections Claims Unit are as follows:

Electoral Claims Unit, Cabinet Office
Ground Floor Roseberry Court
St Andrews Business Park
Central Avenue
Norwich
NR7 0HS
Email: returning.officers@cabinetoffice.gov.uk

In Scotland, claims are administered by the Scotland Office of the UK Government.

(A)ROs in Scotland should contact Margaret Burns at Margaret.Burns@scotlandoffice.gsi.gov.uk.

Payment of creditors

2.20 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

Income tax

2.21 Under tax rules a standard starter checklist, which is issued at the time of appointment, must be completed. It needs to be completed only once rather than reviewed every year. You will need to issue a P60 form to the employee at the end of the tax year.

HMRC real-time information

2.22 All election payments made will be subject to HMRC's real-time information tax payment system. You should ensure that you liaise with your local authority's finance and HR departments to ensure that you can comply with the tax rules for all your employees, including any temporary and short-term contract staff. Further guidance is available from [HMRC](#).

Automatic enrolment into a workplace pension

2.23 All employers with staff working in the UK must comply with automatic enrolment requirements. Further guidance is available from the [Pensions Regulator](#).

Return of equipment

2.24 You should make arrangements to return any equipment, such as the empty ballot boxes, to storage.

Candidates' election spending

2.25 Legislation imposes limits on candidates' spending and the Electoral Commission is required by law to monitor the compliance of candidates and agents with rules on candidates' election spending and donations.

2.26 All election agents must submit a candidate's spending return to you, together with relevant invoices and receipts, within 35 calendar days of the declaration of result of the election.¹⁵

2.27 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 be submitted at the same time as the return. The candidate's declaration must be submitted within seven working days of the election agent submitting the return. However, if the candidate is out of the UK when the return is submitted to you, they must make the declaration within 14 days of coming back to the UK and submit it to you as soon as possible. A spending return must be submitted even when an election is uncontested.¹⁶

2.28 In order to maintain a clear audit trail, you should ensure that any documentation relating to candidate's spending returns, including the election agent's declaration, are date-stamped on receipt.

2.29 You must send copies of election spending returns and declarations to the Electoral Commission as soon as reasonably practicable after the return or declaration is received.¹⁷

2.30 The Commission may also ask you to provide copies of invoices and receipts on request.

2.31 Please email PDF copies to candidates@electoralcommission.org.uk. It will be of significant help to us in processing emailed returns, and prevent queries from us to you, if you:

- scan each return separately
- send each return by separate email, as very large attachments will be rejected by our server
- identify the election and the candidate name in the subject line of the email.
- do not password protect emails or provide passwords or secure websites – a normal email is fine
- do not send associated invoices or other supporting documents, we will ask for these if we want them

2.32 If you are unable to email PDF copies, you can forward paper copies of the returns to the following address:

Party and Election Finance
The Electoral Commission
3 Bunhill Row
London
EC1Y 8YZ

2.33 Please supply the following information to enable us to carry out our compliance duties:

- electorate figures for each constituency 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, you have already done about such cases
- addresses of election agents for any candidates who failed to submit returns

2.34 You must retain a copy of each election spending return and declaration, and any accompanying documents, for a period of two years beginning with the date when the return is received and, during that period, make copies available for public inspection without charge. Anyone can also request copies of the returns or declarations and any accompanying documents, which must

be supplied on payment of the fee of 20p per side. The addresses of individuals who have made donations to candidates must 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 be returned to the candidate. Otherwise the returns, declaration and accompanying documents may be destroyed.¹⁸

2.35 No later than 10 calendar days after the deadline for spending returns to be submitted, you must publish, in at least two newspapers circulating in the constituency, a notice of the time and place at which the spending returns and declarations (including the accompanying documents) can be inspected. This notice must also be sent to each election agent.¹⁹

2.36 If by the time the notice is dispatched for publication there are outstanding returns or declarations, this must be stated in the notice. If the returns/declarations are received subsequently, a revised notice must be published.

2.37 We have 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. These documents can all be downloaded from our website: for a [UK Parliamentary General election](#), or for a [UK Parliamentary by-election](#).

Expenses returns from non-party campaigners

2.38 You have the power to request a spending return from local non-party campaigners who campaign for or against individual candidates at a UK Parliamentary general election and who are not otherwise required to submit a return. It is important to note that this is a power and not a duty. If you require further information about this power, you should contact your [local Commission team](#).

2.39 You can request a spending return during the period of 6 months beginning with polling day, and the request must be complied with within 21 calendar days beginning with the day on which the request is received.

3 Challenges to the election result

Election petitions

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

Who can bring a UK Parliamentary election petition and on what grounds?

3.2 A UK Parliamentary election petition can be presented by: ²⁰

- a person claiming to have been a candidate at the election, or
- a person claiming to have had a right to be elected or returned at the election, or
- a person who voted as an elector at the election or who had a right to vote at the election, except for an elector registered anonymously

3.3 The allowable grounds for a petition are that there has been an:

- undue election, or
- undue return ²¹

3.4 There is a separate judicial process for challenging the election of an MP on the grounds that they were or are disqualified under the House of Commons Disqualification Act 1975 (as amended). In that case, an application may be made to the Privy Council for a declaration to that effect (provided that a petition is not pending or has been tried in which the alleged disqualification is or was in issue (and where the grounds for the disqualification applied at the time of the election) or an Order of the House of Commons to disregard the disqualification has not been made).²²

Who is made a respondent?

3.5 The person whose election is questioned by the petition will be the respondent to the petition. If the petition relates to the conduct of the election, the relevant (Acting) Returning Officer may also be a respondent to the petition.

Deadlines for bringing petitions

3.6 A petition at a UK Parliamentary election must normally be presented within 21 calendar days after the date of the return of the writ to the Clerk of the Crown (which in most cases will be the day after the election).²³

3.7 Any person who is considering presenting an election petition should be advised to take their own legal advice. For any questions relating to election petitions and the process for submitting petitions, including to confirm the deadlines, you should contact the Elections Petitions Office:

The Election Petitions Office
Room E113
Royal Courts of Justice
Strand
London WC2A 2LL

Email: Election_Petitions@hmcts.gsi.gov.uk
Phone: 020 7947 6877
Fax: 0870 324 0024

In Scotland you should contact:

The Petitions Department
Court of Session
Parliament Square
Edinburgh EH1 1RQ

Email: supreme.courts@scotcourts.gov.uk
Tel: 0131 240 6747
Fax: 0131 240 6711

3.8 In England and Wales, the appropriate court for dealing with petitions is the High Court. In Scotland, it is the Court of Session.

Judicial determination of disqualification

3.9 Any person may apply to the High Court for a declaration that a Member of Parliament is, or at any time since being elected has been, disqualified from being a Member of Parliament.²⁴

3.10 Any person who is considering applying for a judicial declaration of disqualification should be advised to take their own legal advice.

4 Review of election procedures

4.1 You should 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. The Commission has also provided an evaluation plan as part of the template project plan to assist you with the review process.



To be able to achieve the outcome set out in [performance standard 1](#), you will need to evaluate planning for and delivery of previous polls and identify lessons learnt, updating plans as required. To demonstrate that the outcome can be delivered you will need to have in place planning documentation reflecting lessons learnt.

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
- if your constituency crosses local authority boundaries, what worked well and what could be improved when working with elections staff from the other local authority/authorities
- how contractors have been managed and whether they delivered work to the required specification
- the equipment and stationery used
- 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 you should seek feedback from appropriate stakeholders.

4.7 You should seek feedback from the following:

- your staff and, if your constituency crosses local authority boundaries, elections staff from the other local authority/authorities
- 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 your staff, for example, you should consider inviting a number of them, 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 you should 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.

5 Freedom of Information requests

5.1 Following the elections you may receive requests under the Freedom of Information (FOI) Act 2000. ROs and EROs are not a public authority under this Act and, as such, are exempt from the disclosure requirements imposed by it.²⁵

5.2 However, where possible, ROs and EROs should disclose the requested information, provided this information is already in the public domain, or the information requested does not include personal data. An example of non-personal data would be statistical data providing the total number of electors registered in your area or the turnout of postal voters.

¹ RPA 1983 sch 1 rule 57

² RPA 1983 sch 1 rule 55(1A) and s8

³ RPA 1983 sch 1 rules 43 and 54

⁴ RPA 1983 sch 1 rule 57

⁵ RP(E&W) Regulations 2001 reg 91, RP(Scotland) Regulations 2001 reg 91 and 91A

⁶ RP(E&W) Regulations 2001 reg 91, RP(Scotland) Regulations 2001 reg 91 and 91A

⁷ RPA 1983 sch 1 rule 55

⁸ RPA 1983 sch 1 rule 53A

⁹ RPA 1983 sch 1 rule 53

¹⁰ RPA 1983 sch 1 rule 51

¹¹ RPA 1983 sch 1 rule 53

¹² RPA 1983 sch 1 rule 53(1)

¹³ RP(E&W) Regulations 2001 regs 87 and 91, RP(Scotland) Regulations 2001 regs 87,91 and 91A

¹⁴ RP(E&W) Regulations 2001 reg 91, RP(Scotland) Regulations 2001 reg 91

¹⁵ RPA 1983 s81

¹⁶ RPA 1983 s82

¹⁷ RPA 1983 s87A(1)

¹⁸ RPA 1983 s89

¹⁹ RPA 1983 s88

²⁰ RPA 1983 s121

²¹ RPA 1983 s120

²² House of Commons Disqualification Act 1975 s7

²³ RPA 1983 s122

²⁴ House of Commons Disqualification Act 1975 s7

²⁵ Freedom of Information Act 2000 s3