

Part E – Verification and count

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1 Count preparations

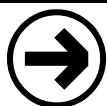
1.1 The count is one of the most intense and pressurised parts of the election process, and is the focus of attention for candidates, agents, observers and the media following the close of poll.

1.2 The count procedures will be subjected to close scrutiny and it is therefore imperative that planning and preparation are carried out well in advance, so that any potential issues can be anticipated and steps can be taken to mitigate the risks identified. It is essential that those attending have confidence in the processes followed by the Returning Officer and their staff, and accept the results announced as accurate.

1.3 For scheduled local government elections, as the date is fixed, planning can start well in advance of the election. However, a casual vacancy may arise at any time. Returning Officers should therefore have plans in place in order to be prepared for potential local government by-elections.

1.4 As Returning Officer you are required to make arrangements for the counting of the votes at the election as soon as practicable after the close of poll.¹ However, it is for the Returning Officer to decide whether to count on Thursday evening or on Friday morning.

1.5 In making this decision there are a number of issues to consider, including geography, availability of staff and venues, the security of ballot boxes, and the volume and management of returned postal votes. The most important thing is that the count is accurate and that voters have confidence in the election result.



Section 15, 'Planning the count' of *Essentials of effective election management: Planning for a local government election in England and Wales* provides further detailed information on count preparations, including the timing of the count.

The Electoral Commission has produced a range of count support products to support the delivery of effective and efficient count processes that produce accurate results that everyone can have confidence in. All products can be downloaded from the Commission's website at

www.electoralcommission.org.uk/guidance/resources-for-electoral-administrators/local-elections.

¹ Rule 44(1), LEPAR 2006.



Combination

Where a principal area election is held on the same day as another election, the verification of the ballot boxes for both elections must be completed in full before vote counting for **any** election can be completed. Where there are different Returning Officers for the elections that have been combined, any count plans should include considerations as to how and when the verified ballot boxes will be delivered to the relevant Returning Officer.

2 Attendance at the count

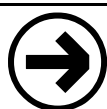
2.1 The following people are entitled to attend the count at local government elections:²

- the Returning Officer and their staff
- candidates and one guest
- election agents
- counting agents
- Commission representatives
- accredited observers

2.2 In addition to those listed above, the Returning Officer, at their discretion, may permit other people to attend the proceedings, provided the Returning Officer is satisfied that this will not impede the efficient counting of votes and they have either consulted the election agents or thought it impracticable to do so.³ Media representatives and the police have no automatic right of entry to the count and it is up to the Returning Officer to decide whether or not to allow them to attend. All requests from persons not entitled to attend by right should be considered by the Returning Officer, who has the final decision on who is admitted.

2.3 While media representatives have no automatic right of entry, they may apply to be an accredited observer. Media representatives accredited by the Commission and attending in such capacity must be treated in the same way as any other accredited observers. Like any other observers, they are bound by the Commission's Code of practice for observation and by any decision of the Returning Officer on the use of cameras and other recording equipment.

2.4 The Returning Officer should provide all those to be present at the count proceedings, including staff, with badges in order to allow easy identification of those in attendance. Electoral Commission representatives and accredited observers should be permitted to use their identification badges issued by the Commission for this purpose, and not be required to wear any additional passes.



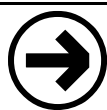
For more information on Electoral Commission representatives and accredited observers, including a quick guide to the observer badge types, see Section 18, 'Election observers' of *Essentials of effective election management: Planning for a local government election in England and Wales*.

2.5 The names of all attendees should be logged, both to assist in the event of an emergency evacuation and to provide to the police in the event of a civil disturbance.

² Rule 44(2), LEPAR 2006.

³ Rule 44(3), LEPAR 2006.

Counting agents

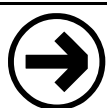


For information on the appointment of counting agents, see Part B, 'Action before the poll', Section 5, 'Appointment of election, polling and counting agents'.

2.6 The Returning Officer must give the counting agents who have been appointed notice in writing of the time and place at which the count will begin.⁴

Observers

2.7 The Returning Officer may limit the number of observers who may be present at any one time during the count.⁵ The Returning Officer should, however, use caution in exercising this power. Electoral observation is a legitimate and valuable part of the electoral process, and care should be taken not to hinder or obstruct the conduct of observations. It is important to note that no Returning Officer is entitled to bar all observers from a count, only to limit the number of observers present at any one time.



For further consideration of observers, see Section 18, 'Election observers' of *Essentials of effective election management: Planning for a local government election in England and Wales*.

Admission to the count

2.8 Tickets or entrance passes should be given to everyone entitled to attend the count, including media representatives. It can be useful to have different-coloured tickets or passes to identify the different categories of people attending the count, e.g. media representatives, candidates and agents, and count staff. Tickets for counting agents could be handed to election agents for delivery to their counting agents, due to the short timescales between the deadline for the appointment of counting agents and polling day.

2.9 Lists of those persons entitled to attend should be provided to staff at the entrance to the count for checking purposes. However, Commission representatives and accredited observers need not provide advance notification of where they intend to observe, which means that they may not be on the list. It will need to be made clear to security staff that observers and Commission representatives should be allowed access to the count venue on production of their observer or Commission representative identification badge even if they are not on the list. Commission representatives and accredited observers must always show their Commission-issued identification badges in order to gain access.

⁴ Rule 44(1), LEPAR 2006.

⁵ Section 6E(1), PPERA.



All persons attending the count must be supplied with the relevant parts of Section 66 of the RPA 1983 relating to secrecy. A convenient way of doing so could be to incorporate this on the reverse of the entrance passes required for admission. A copy of the relevant secrecy provisions can be found in the Appendix, 'Resources'.

3 The verification and count process

3.1 This section provides an overview of the key stages of the verification and count processes, and highlights the legislative requirements in respect of these processes. The detail as to how the processes are to be carried out in each local authority area is for the Returning Officer to decide, but their plans should reflect what is included in the following guidance.



The Commission has also produced a range of support products to assist Returning Officers in managing the count, which can be downloaded at www.electoralcommission.org.uk/guidance/resources-for-electoral-administrators/local-elections.

3.2 Before the commencement of the proceedings, the count supervisors and counting assistants should be briefed. It should be clearly explained to them what they are required to do, and any previously circulated written instructions should be reinforced. Staff should then be deployed in accordance with the count plan in preparation for the arrival of the ballot boxes.

Communicating the process

3.3 Before the count begins, the Returning Officer should address the candidates, agents and all others in attendance to explain what will be happening at the count. This will allow those present to meaningfully observe all of the processes and will build confidence in the administration of the count. Providing information on the counting process can also help to lower the number of queries raised by candidates and agents, thus reducing the pressure on those working at the count.

3.4 The Returning Officer should also advise on any policy regarding smoking, drinking or using mobile phones, any health and safety issues such as evacuation procedures and fire drills, and any other relevant information.

3.5 Further announcements should also be made throughout the count, setting out what parts of the process are being carried out where and when, for example to let everyone know when the final ballot box has arrived, when verification has been completed, what the turnout figures are and when the adjudication of doubtful ballot papers is to be carried out.

Receipt of ballot boxes

3.6 Staff receiving ballot boxes should be briefed to make sure that they are handed the ballot paper account and the envelope containing the postal votes returned to the polling station, along with the ballot box(es), various packets and sacks of other material. Where Presiding Officers are required to transport the ballot box(es) to the count venue, it should be made clear to the staff receiving the box(es) that no Presiding Officer should be allowed to leave until their ballot box(es) and all of these documents and packets have been received and checked off by the designated count staff and, if possible, a cursory check of the ballot paper account has been made.

3.7 From there, ballot paper accounts should be taken to the reconciliation staff, while envelopes of postal votes handed in at polling stations should be given to those members of staff allocated to deal with them.

3.8 The sacks containing the election documents that need to be stored should be separated from those containing the items that will be reused. The packets and parcels from polling stations should be organised for easy location of any packet.

3.9 All packets of unused ballot papers must be opened and counted, with the numbers counted supplied to those staff members responsible for checking the verification totals.⁶

3.10 The Returning Officer is prohibited from opening the sealed packets of tendered ballot papers (but they may open the packet containing the tendered votes list), corresponding number lists, certificates as to employment and the marked copies of the register of electors and lists of proxies.⁷

3.11 Staff should be briefed on the correct procedures for moving ballot boxes and carrying heavy sacks, in order to reduce the risk of any injuries. Staff should avoid lifting boxes over counting assistants where at all possible.

Verification

3.12 The training of Presiding Officers in the completion of ballot paper accounts, coupled with ballot paper accounts produced in a clear, easy-to-complete format, should help to provide a firm foundation for the verification process.

3.13 Ballot paper accounts should, where possible, be given a first check on receipt while the Presiding Officer is still present, covering at least the basic arithmetic on the account. Any mistakes or discrepancies may be able to be accounted for: for example, the Presiding Officer may recall an incident where an elector has walked off with a ballot paper.

3.14 The verification of used and unused ballot papers is a legal requirement⁸ and is essential for the declaration of an accurate result.

3.15 Ballot papers must remain **face up** at all times during the verification and count process. This is to ensure that no elector may be identified from the number or other unique identifying mark on the reverse of the ballot paper.

3.16 Candidates and agents should be given a description of the processes that will be followed during the verification and count so that they can understand the processes and effectively exercise their scrutiny function.

The verification process

3.17 The key stages of verification are as follows:

⁶ Rule 45(7), LEPAR 2006.

⁷ Rule 51(2), LEPAR 2006.

⁸ Rule 45(1), LEPAR 2006.

1. Open the packet of unused ballot papers and ascertain the number of ballot papers that were not issued by noting the number of books and number of part books of ballot papers inside the packet.
2. In the presence of the counting agents, the count supervisor should open the ballot box. When a box has had a seal attached by an agent at the close of the poll, particular care should be taken to show to any agents present that this seal is still intact prior to it being broken. The ballot papers should be carefully tipped onto the table, ensuring that none have fallen onto the floor and that the box is totally empty. The empty box should be shown to the agents so that they can be satisfied that it is indeed empty. The counting assistants should unfold the ballot papers and count them into bundles of 20, 25, 50, 100, or whatever other number is determined by the Returning Officer. Accuracy at this stage is vital, so bundles should be passed to another assistant for rechecking. Any tendered ballot papers that have been mistakenly placed in the ballot box during the day should be removed and handed to the count supervisor.
3. The Returning Officer must then verify each ballot paper account. This is done by comparing the totals given on the ballot paper account against the number of ballot papers counted and recorded as being present in the ballot box. The Returning Officer should also compare unused and spoilt ballot papers, as well as the tendered votes list, against the figures on each ballot paper account. It is advisable not to inform those carrying out the verification of the numbers on the ballot paper account, and thus the number of ballot papers they should expect to have, before they have given their total number of ballot papers to the reconciliation staff. If the total number of ballot papers in the ballot box agrees with the total on the ballot paper account, and with the total number of unused ballot papers, proceed to stage 5.
4. If the totals do not match, the following procedure should be undertaken:
 - a. Make a full check of the arithmetic on the ballot paper account. Presiding Officers may have made basic errors when adding and subtracting under pressure and any discrepancy may simply be because the figures provided on the ballot paper account are incorrect. Use the unused, spoilt and tendered ballot papers as well as the other packets of returned materials and any logbook of information to try to identify any reason for missing or additional ballot papers.
 - b. Check the record of issued ballot boxes to see if more than one box was issued to the polling station and ensure that all boxes allocated to the station are opened and accounted for.
 - c. Check if the ballot box has come from a multiple polling station location and, if it has, verify and check the verification of the ballot paper account(s) for the other polling station(s) within that location to see if there is a compensating error. It may be helpful to verify boxes from the same polling station location simultaneously at adjacent tables, or one immediately after the other.

- d. If the ballot box is from a single polling station, or if there is no compensating error in the figures from the other polling station(s) in that polling place, recount the box at least twice, or until the same figure is counted on two consecutive occasions.
 - e. If after following the procedures outlined above any discrepancy still remains, the Returning Officer should use the figure of the number of ballot papers counted and recounted by the count staff as the verified figure and make an appropriate note on the ballot paper account. The verified total and the variance between that and the number on the ballot paper account, if possible with an explanation of why that variance has occurred, should be added to the statement as to the result of the verification. The statement should show that the agreed process has been followed.
5. Put the verified ballot papers together for mixing in either empty ballot boxes or other suitable receptacles. Whatever is used, it should be clearly marked that it is a 'mixing box' and, if it is a ballot box, it should not contain any of the markings used during the poll.
 6. All empty boxes should be moved from the area in order to avoid any possible confusion. Before moving these boxes, they should be double-checked to ensure that they are completely empty. They should be stored safely so that they do not present a hazard.
 7. Ensure that the **statement as to the result of verification** is completed and signed. This is a record of the numbers on ballot paper accounts and the numbers of actual counted ballot papers, and should also include the total number of unused papers counted, along with an explanation for any variances. Any agent may make a copy of this, and indeed it may be helpful to photocopy or print copies of this for the agents present once the verification of the boxes has been completed.
 8. It is vital that the count staff have an accurate list of every ballot box that has been issued which may contain ballot papers, both from the polling stations and from the postal vote openings. Only when they are satisfied that every box has been received and opened, and all ballot papers have been verified, will verification be complete. The Returning Officer can then calculate the percentage turnout and should provide the candidates and election agents with details of the verified total and the overall turnout.
 9. It should be noted that turnout is derived from the total number of ballot papers verified at the count divided by the total number of electors eligible to vote $\times 100$. Postal votes that have been returned but where the ballot papers have not been sent to the count (i.e. they have been rejected due to no postal vote statement being received or the fact that the statement was not duly completed) should not be included in this figure.



Combination

The poll at the local government election may be combined with the poll at another election (e.g. a parish or community council election). If separate ballot boxes are used it should be noted that even if the elector places their ballot paper in the 'wrong' box, their vote must still be counted. A procedure should be in place to move ballot papers to the correct box during verification. This procedure should be transparent and communicated clearly to the candidates and agents so that it is clear to all present when and why papers are being moved around the count venue.

All ballot boxes must be opened and verified completely for all the different election types, before the counting of the votes for any of the elections is completed.

If electors have been asked to place all their ballot papers in the same box:

- a. the ballot papers must be sorted into their respective elections
- b. the verification procedure should then be completed for each separate election

If electors have been asked to use different ballot boxes for each election:

- a. the different ballot boxes should be verified at the same time, at adjacent tables either simultaneously or one after the other
- b. any ballot paper placed in the 'wrong' box should be moved to the correct ballot box
- c. the verification of the different ballot boxes must be completed before proceeding to the next stage of the process

As with all aspects of the verification and count process, transparency is key and the process followed should be clear to all present.

The candidates and agents for each of the elections may be in attendance at the verification of the ballot box(es). They have the right to then add their own seal if the box containing the verified ballot papers is going to be re-sealed and stored until the count for that election commences.

Note: If a separate ballot box is used for each election, the verification procedure outlined above should be amended at 4(c):

- c. Check the ballot boxes for all election types for all polling stations within the same polling place. The verification of the ballot paper accounts for the other polling stations within that location may indicate a compensating error due to electors placing their ballot paper in the 'wrong' box or in a box from the wrong polling station. If the compensating errors all balance, the verification can be deemed to have been successful. It may be helpful to verify all the boxes from the same polling place location simultaneously at adjacent tables, or one immediately after the other.

After the ballot boxes have been verified, the ballot papers should be moved into a 'mixing box' for each separate election. Once verified, it is essential that the ballot papers from the different elections are kept separate.

Postal ballot papers at the count

3.18 The ballot boxes containing the postal votes already received and opened and verified by the Returning Officer will have been delivered separately to the count venue. The postal ballot papers should be verified as soon as the count commences.

3.19 There may also be some unopened postal ballot papers to be processed at the count, which will include those that have been handed in at polling stations or delivered to the Returning Officer's office on polling day. The Returning Officer may choose to open these postal votes at the count venue itself or elsewhere, for example in the election office. Whichever location is chosen, the Returning Officer must give 48 hours' notice in writing to each candidate and election agent detailing when and where each opening is to take place in order to allow them to inspect the process.

3.20 As part of their consideration as to where to open these postal votes, Returning Officers need to remember that this part of the process is open to candidates, agents, observers and Commission representatives, and that it should be possible for them to observe proceedings.

3.21 If the postal votes handed in at polling stations are to be opened somewhere other than the count venue, the Returning Officer will need to establish appropriate arrangements for the collection, verification and transportation of these postal votes in order to ensure that the count verification is not delayed while awaiting the last postal vote box(es). It is important that the staff receiving the ballot boxes ensure that they are also handed the packets of postal votes, and that they know where to take them.

3.22 If the remaining postal votes are to be opened at the count venue, it is important to have a dedicated area and staff specifically allocated to this task, as the number received may be considerable. Such staff can then be moved on to other duties once all the postal votes have been processed.



Further information on the process of opening postal votes can be found in Part C, 'Absent voting', Section 7, 'Receipt, opening and storage of postal votes'.

3.23 The lists of ballot papers received without a postal voting statement and postal voting statements received without a ballot paper, together with the corresponding ballot papers and postal voting statements, should be taken to the count in order to enable a final check of the two lists to try to match up any postal voting statements and ballot papers that are valid but unmatched. Any ballot papers and postal voting statements that can be matched up must be included in the count. Any that cannot be matched up must be rejected and placed in the appropriate packages.



All packets and ballot boxes containing postal ballot papers must be subject to verification in the same way as any ballot box from a polling station. As these will often be some of the first boxes being verified, it is particularly important that an accurate count and statement as to the result of the verification is produced to create confidence in the process and the count as a whole.

Security of stored ballot boxes

3.24 Security procedures must be in place for the storage of ballot boxes and the ballot papers, to be implemented where there is a break in the proceedings or where the Returning Officer has decided to count on Friday. The method of storage must be such that the Returning Officer is satisfied that they have taken adequate steps to ensure that the ballot papers are kept securely and cannot be interfered with. The Returning Officer should discuss these arrangements with the police and involve other security experts as relevant (these may be in-house). The Returning Officer should communicate these arrangements to candidates and agents, as confidence in the election result will in part depend on all participants being satisfied that robust security measures have been put in place.

3.25 In addition to taking proper precautions as to the security provided by the storage facility in which documents and ballot boxes are placed, the Returning Officer should ensure that all documents and ballot boxes placed in secure storage are also individually sealed. In particular, the ballot boxes should be sealed so as to prevent the introduction of additional ballot papers. There is provision for polling agents to affix their seals to ballot boxes at close of poll, and a similar provision for counting agents to affix their seals where there is a break in proceedings at the count and boxes and election documents are to be stored until the count resumes. This may mean that agents wish to place their seals on the door of the storage facility.

3.26 There should be a check of the number of boxes put into secure storage, with a system in place to ensure that all the relevant boxes are accounted for.

3.27 When re-starting proceedings after a break, all boxes should be opened in full view of any agents who are present. When a box has had a seal attached by an agent, particular care should be taken to show to any agents present that this seal is still intact prior to it being broken.

Counting the votes

3.28 Before the sorting of the ballot papers and the counting of the votes, the Returning Officer must make sure that postal ballot papers are mixed with some ballot papers from polling stations and that all boxes of verified ballot papers are mixed with the ballot papers from at least one other ballot box.⁹ The requirement to mix the ballot papers prevents identification of the voting pattern in a particular polling station or from the postal voters. The ballot papers must remain **face up** at all times. These provisions serve to uphold the secrecy of the ballot.

⁹ Rule 45(2), LEPAR 2006.

3.29 It is not necessary to complete the verification for a ward before starting the count. As long as ballot papers from two different ballot boxes have been mixed together,¹⁰ the counting of the votes can commence. Following this approach may help to avoid counting assistants being unproductive if the last few ballot boxes are delayed in arriving at the count or, as is more likely, there is a delay in respect of the postal votes returned from polling stations that require opening and verification. It is essential, however, to retain some ballot papers to mix with the contents of the last ballot box.

3.30 Under no circumstances should tendered ballot papers be included in the count or any recount.

3.31 Tables for counting and verifying should be clearly identified, to avoid confusion. Candidates and agents for each ward should be informed when their count is starting and at which tables it will be carried out.

3.32 How the ballot papers are counted will depend on whether there is a single vacancy or more than one vacancy in a particular ward.

Single vacancy wards

3.33 Counting assistants should sort the ballot papers into votes for each candidate. The ballot papers should be kept **face upwards** throughout the process in order to prevent the number and other unique identifying mark on the back of the ballot papers being seen.¹¹ The ballot papers should be placed the same way round so that they are visible at all times to the counting agents. Any doubtful ballot papers should be handed to the count supervisor for adjudication by the Returning Officer. It may be appropriate to have a tray on the table for these to be kept in.

3.34 The votes for each candidate should be counted into bundles of 20, 25, 50 or 100, depending on local preference, and should be secured with a clip or rubber band. A slip bearing the candidate's name should be attached to the front of the bundle. It may be helpful if this is colour-coded, for example in the appropriate party colour. These bundles should be recounted by another counting assistant to ensure the accuracy of the bundle.

3.35 The count supervisor should then take the bundles of ballot papers to the main counting table, where the bundles should be double-checked by flicking through to ensure that all of the votes in the bundle are for the same candidate. The bundles should then be placed in trays or rows, with numbered cards indicating each bundle of 100 or some other predetermined number of votes. This process should carry on until all of the votes for each candidate have been counted. It is unlikely that the number of votes in the final bundle for each candidate will equal the predetermined number, and so a note should be made of the number of votes in those bundles on a suitable slip of paper that clearly identifies the bundle as an incomplete bundle, and that should be attached to the front of each of those bundles.

¹⁰ Rule 45(2), LEPAR 2006.

¹¹ Rule 51(6), LEPAR 2006.

3.36 The doubtful ballot papers set aside for the Returning Officer should be adjudicated, and those considered valid for a candidate should be added to that candidate's bundles. Those considered invalid should be counted and placed in the receptacle for rejected votes. Further information on the adjudication process can be found in Section 4, 'Doubtful ballot papers'.

Multi-member vacancies

3.37 There are several methods of counting votes for multi-member wards, including the 'grass-skirt' method and counting sheets. It is possible to use a combination of these methods, depending on local preference.

3.38 The '**grass-skirt**' method involves attaching the ballot papers to a large sheet of paper (e.g. with double-sided sticky tape) so that they overlap, leaving only the 'X's visible for each candidate. These rows of votes can then be totalled up and transferred to a master sheet. This method is particularly useful in areas with a large number of candidates. It is also advisable to record unused votes by having a spare row at the bottom of the sheet – recording the unused votes will assist when checking the number of votes recorded against the number of votes expected, based on the number of ballot papers recorded multiplied by the number of votes permitted on each ballot paper.

3.39 **Counting sheets** can be used in a number of ways, e.g. by having a separate sheet for each candidate or having all of the candidates listed on one sheet. Counting assistants should work in pairs, one calling out the name or number of the candidate and the other transferring each vote to the sheet(s). It can expedite the process if counting assistants start by extracting the ballot papers where a voter has used all their votes for candidates of a particular political party – this is often known as 'block voting'. It is also useful to record unused votes by having a spare row on the sheet – recording the unused votes will assist when checking the number of votes recorded against the number of votes expected, based on the number of ballot papers recorded multiplied by the number of votes permitted on each ballot paper.

3.40 The doubtful ballot papers set aside for the Returning Officer should be adjudicated, and those considered valid for a candidate should be recorded. Those considered invalid should be counted and placed in the receptacle for rejected votes. Further information on the adjudication process can be found in Section 4, 'Doubtful ballot papers'.

Reconciliation

3.41 Once all of the ballot papers have been sorted and any doubtful ballots adjudicated, the key task of reconciliation can begin.

3.42 The Returning Officer must be satisfied that the result given reflects the ballots received, and so should carry out the procedure outlined below and any other checks they deem necessary in order to be so satisfied before proceeding to consult the candidates and agents on the provisional result.

Single vacancy wards

3.43 The number of votes for each candidate should be added to the total number of rejected ballot papers and checked against the verification figure. It is essential that this cross-check is done in order to avoid any unnecessary mistakes. If the figures agree, the Returning Officer should proceed to the process of consulting the candidates and agents on the result.

3.44 If the figures do not agree, the following procedure should be undertaken:

- Check the storage area, and check to ensure that all boxes have been opened and that all boxes are empty.
- Check all floors and surfaces for ballot papers that may have been dropped in the count venue.
- Re-check the verification figures and reconciliation for calculation mistakes.
- Ensure that all rejected ballot papers are accounted for.
- Consider recounting the ballot papers in the bundles.

Multi-member vacancies

3.45 When reconciling multi-member vacancies it is important to reconcile votes and ballot papers and avoid confusing one with the other. All of the bundles and part bundles for each candidate(s) should be counted. Additionally, all rejected ballot papers and those rejected in part should be counted. Where a ballot paper is rejected in part, the Returning Officer should record the number of ballot papers so received and the number of actual votes rejected from those ballot papers rejected in part. The figures for all the candidates should then be added to the number of rejected votes (the number of rejected ballots multiplied by the number of vacancies plus the rejected votes from those ballots rejected in part), and this total figure should match exactly the verification figure obtained at the end of verification, multiplied by the number of vacancies. If the two figures agree, the Returning Officer should proceed to the process of consulting the candidates and agents on the result.

3.46 If the figures do not agree, the following procedure should be undertaken:

- Check the storage area, and check to ensure that all boxes have been opened and that all boxes are empty.
- Check all floors and surfaces for ballot papers that may have been dropped in the count venue.
- Re-check the verification figures and reconciliation for calculation mistakes.
- Ensure that all rejected ballot papers are accounted for.
- Consider recounting the ballot papers in the bundles.

Consulting the candidates and agents on the provisional result

3.47 The next stage is to assemble candidates and election agents to advise them of the outcome of the count and to seek their agreement on the announcement of the result.

3.48 The Returning Officer should give the candidates and agents sufficient time to digest the provisional result before proceeding with the declaration.

3.49 It is at this point that any candidate or election agent may request the Returning Officer to have the votes recounted or, following a recount, recounted again.

3.50 The Returning Officer may refuse to undertake a recount or a further recount if they believe that the request is unreasonable. Once any recount has been completed, the Returning Officer should again consult the candidates and agents on the provisional result.



Further information on recounts can be found in Section 5, 'Recounts'.

3.51 Once the provisional result has been considered, which includes considering any requests for and undertaking any recount(s), the Returning Officer can proceed to declaring the result.

4 Doubtful ballot papers



This section is intended as a guide only. Ultimately, the decision on any particular ballot paper rests with the Returning Officer and it is for them to determine their view on the application of case law. The decision of the Returning Officer is final, subject only to review on an election petition.¹²

4.1 Any doubtful ballot papers should be placed in a tray for the count supervisor to take to the Returning Officer for adjudication. The following ballot papers require further consideration:

- want of an official mark (not the unique identifying mark)
- voting for more than one candidate
- where the voter's intention is uncertain
- having any writing or mark on any part of the paper by which the voter can be identified
- any ballot paper with anything unusual about it (for example, any paper that appears to have been altered, either with a clearly different writing instrument or with correction fluid)
- any paper torn or mutilated in any way

4.2 It is important to adjudicate doubtful ballot papers regularly as the count proceeds. Do not leave the adjudication of doubtful ballot papers until the end of the count.

4.3 The adjudication of doubtful ballot papers should be carried out by the Returning Officer, or any appointed Deputies, in the presence of the candidates and agents, Commission representatives and accredited observers, with reasons given for each decision.



When adjudicating doubtful ballot papers, the following principles should be followed:

- Take time to ensure that a considered decision is given in every case.
- Always be clear and consistent.
- Attempt to allow, not reject.
- Endeavour wherever possible to discern the intention of the voter and to give effect to it.

4.4 The Returning Officer can only reject a ballot paper:¹³

- that does not bear the official mark (not the unique identifying mark)
- on which votes are given for more candidates than the voter is entitled to vote for
- on which anything is written or marked by which the voter can be identified
- that is unmarked or where the voter's intention is uncertain

¹² Rule 48, LEPAR 2006.

¹³ Rule 47, LEPAR 2006.

4.5 However, unless the way the ballot paper is marked identifies the voter, a ballot paper on which the vote is marked in the following ways should not be rejected if the voter's intention is clear:

- elsewhere than in the proper place
- otherwise than by means of a cross
- by more than one mark

4.6 Ballot papers that appear to be altered, either with a clearly different writing instrument or with correction fluid, should be treated as 'doubtful' and put forward for adjudication, where the Returning Officer will decide on their validity in the presence of candidates and agents. Although such ballot papers should still be counted if they meet the other requirements for validity, the Returning Officer may consider packaging them separately in case of later challenge or investigation.

4.7 Any ballot papers that are judged as being valid should be included in the totals for the appropriate candidates. In wards where more than one candidate is to be elected, a ballot paper can be rejected in part. If the voter is entitled to vote for more than one candidate, good votes should not be rejected because another vote on the ballot paper is uncertain.



It is important to note that, once adjudicated, ballot papers cannot be re-adjudicated, as the Returning Officer's decision on any question arising in respect of a ballot paper is final.¹⁴ This includes those ballot papers that have been found to be good for candidates, not just those that have been rejected.

4.8 The Returning Officer must draw up a statement showing the number of ballot papers rejected under each of the following headings:¹⁵

- want of official mark
- voting for more candidates than the voter is entitled to
- writing or mark by which the voter could be identified
- unmarked or void for uncertainty

4.9 Each rejected ballot paper should have the word 'rejected' stamped on it and should be placed in a package for rejected ballot papers. In the case of multi-member wards where one or more votes on a ballot paper are rejected but one or more on the same paper have been counted, the ballot paper must be stamped 'rejected in part', and it should be indicated which vote(s) have been counted.

4.10 If any agent objects to the decision to reject, the ballot paper must also be endorsed with the words 'rejection objected to'. Although observers should be able to observe this process, unlike agents they do not have the right to object to the rejection of a ballot paper.

¹⁴ Rule 48, LEPAR 2006.

¹⁵ Rule 47(5), LEPAR 2006.

Examples



Suggested examples of allowed and rejected votes are available to order as a hard copy placemat and will be contained in the Commission's booklet on dealing with doubtful ballot papers. For order details see Part A, 'Context', Appendix, 'Resources'. Both products will also be made available on www.electoralcommission.org.uk/guidance/resources-for-electoral-administrators/local-elections.

5 Recounts

5.1 The Returning Officer should be satisfied that the number of votes for each candidate is accurate before proceeding to a provisional result. At this time, the candidates and agents have the right to ask for a recount.

5.2 There may be a number of reasons why a candidate or agent may request a recount. For example, there may be only a very small difference between the votes cast for the top two candidates or there may be a difference between the verification figure and the total number of votes counted. In addition, a candidate or agent might believe that there has been an error in the process.

5.3 The Returning Officer must consider any request but may refuse if, in their opinion, a recount is unreasonable. The Returning Officer may, however, consider offering the candidates and agents the opportunity to inspect the bundles of ballot papers as a means of reassuring them that the result is accurate.

5.4 If the Returning Officer agrees to recount the votes, candidates and agents present at the count should be informed before the process commences. As with the original count, any recount should be carried out in full view of the candidates and agents, Commission representatives and accredited observers so that they may observe the process. The Returning Officer should check the result of the recount and, if satisfied, should inform the candidates and agents of the new provisional result. The processes described under the 'Consulting the candidates and agents on the provisional result' heading of Section 3, 'The verification and count process' should be undertaken again.

5.5 It is possible to have more than one recount, particularly if the results are still very close or if there is a significant difference between the first and second counts. If, however, the result of the recount is the same as, or very close to, the original count, there may be little purpose in having yet another recount. To justify such a decision the Returning Officer should explain the reasons why a further recount would not change the outcome of the result.

6 Equality of votes

6.1 When the votes have been recounted and two or more candidates have the same number of votes, the Returning Officer must decide between the candidates by lot.¹⁶ Whichever candidate wins the lot receives an additional vote that enables them to be declared elected.

6.2 Lots should not be drawn where the equality of votes is between candidates who are not tied for the only or last seat to be allocated in the ward and therefore cannot be elected.

6.3 Where two or more candidates are both successfully elected with an equal number of votes but the election is for different terms of office (e.g. where a casual vacancy election is held at the same time as the scheduled election), a lot should be drawn to determine which candidate will serve the longer of the two terms of office. Were the election to be uncontested, the lot should be drawn at the first full council meeting and not at the count.¹⁷

Methods

6.4 A 'lot' is defined as an object, e.g. a slip of paper or a straw, drawn or thrown out from among a number in order to reach a decision by chance. Examples of types of lot are:

- ballot papers, each marked with a vote for one of the candidates with the same number of votes, placed in a container, such as an empty ballot box or hat, mixed around, and then one drawn by the Returning Officer
- slips of paper with the candidates' names on them, placed in sealed envelopes, shuffled and then drawn by the Returning Officer
- a pack of cards, shuffled and a card selected; the holder of the lowest or highest card (as agreed prior to the drawing of lots) is elected (ace high)

6.5 The method of drawing lots is for the Returning Officer to decide.

Procedure

6.6 A formal announcement should be made that it is intended to proceed with the drawing of lots between the candidates having an equal number of votes, explaining precisely what is about to happen and the method to be used. Candidates, agents, Commission representatives and accredited observers should be present during any preparation and the actual drawing of lots.

6.7 The Returning Officer should undertake the drawing of lots, since that is a specific requirement of the regulations. However, this can be delegated to a Deputy Returning Officer, providing they have been appointed with full powers.

¹⁶ Rule 49, LEPAR 2006.

¹⁷ Section 89(5) and (7), LGA 1972.

6.8 If using the first method described above, the Returning Officer should, in full view of any candidates and agents, particularly those affected by the result, and in the presence of Commission representatives and accredited observers, fold and place a previously counted ballot paper for each of the candidates with the same number of votes, marked with a good vote for that candidate, in an empty ballot box. An assistant should raise the box to a height where the Returning Officer is unable to see the papers inside the box, but still able to reach inside to pick one. After mixing, one of the ballot papers should be drawn from the box and opened, and the name of the candidate with the vote marked against their name read out loud. That candidate is then adjudged to have been allotted the additional vote. Similar preparations should be made for any of the other methods outlined above.

6.9 A statement should be added to the result sheet to the effect that:

Following an equality of votes, lots were drawn, and as a consequence an extra vote was allotted to candidate X.

7 Declaration of result

7.1 It is essential that the arrangements for the giving of the declaration of result are established well before the count takes place.

7.2 At a local government election, the Returning Officer is responsible for giving the declaration of result.

7.3 The following factors should be taken into account when considering the declaration of result:

- Decide the exact location in the count venue where the result will be declared and who will be on the platform at this time. The platform should be accessible for all those who need to get up on it. Some authorities make use of display boards etc. for the announcement of results.
- Any announcement equipment should be in place and checked before the count begins.
- Double-check that the result is accurate and make sure that it is written in the form of words for the oral delivery in order to avoid any errors. Media representatives will be keen to ensure that their transmission of results is accurate and so may ask for a written copy to be issued at the time the announcement is made.
- It is a requirement to provide public notice of the name of the candidate(s) elected, the total number of votes given to each candidate and the number of rejected ballot papers under each heading.¹⁸ When a candidate has used their commonly used name to stand in an election, the Returning Officer should use both their full name and the commonly used name when declaring the result.
- Once a result has been declared and public notice of the result given, the Returning Officer has no power to amend the result, even if uncounted ballot papers are subsequently found. It is therefore essential that the result is correct and that empty ballot boxes are checked before the end of the count. A check that the total number of verified votes and postal votes equates to the total number of votes given for each candidate plus all the rejected votes should be carried out by a senior member of the supervising team and confirmed to the Returning Officer. Careful planning should avoid the occurrence of any problems.



Once the result is declared, it is final and cannot be amended. The power to correct procedural errors does not empower a Returning Officer to correct an incorrect result once it has been declared.¹⁹ See Section 4, 'Planning the election' of *Essentials of effective election management: Planning for a local government election in England and Wales* for more information.

7.4 The Returning Officer is obliged to inform the Proper Officer of the council, who may be the chief executive or some other senior officer of the council, of the

¹⁸ Rule 50(1), LEPAR 2006.

¹⁹ Section 46(2), EAA.

name(s) of each candidate elected.²⁰ The Returning Officer must also give public notice of the name(s) 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.²¹ This information could, for example, be provided on the local authority website.



At a parish or community council election, the Returning Officer is required to give the names of elected candidates to the Proper Officer of the parish or community council and the Proper Officer of the council of the district in which the parish is situated, or in Wales the county or county borough in which the community is situated.²²

²⁰ Rule 50(1)(b), LEPAR 2006.

²¹ Rule 50(1)(c), LEPAR 2006.

²² Rule 50(1)(b), Schedule 2, P&C Rules 2006.

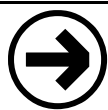
8 Storage and disposal of documents

8.1 After the election, the Returning Officer must forward the relevant election documents to the Electoral Registration Officer.



For further information on forwarding documents, including a description of which documents are to be forwarded and to whom, see Part F, 'After the declaration of result', Section 1, 'Retention, storage and inspection of election documents'.

8.2 It is important that parcels of documents are prepared correctly, and so it is essential that everyone involved in parcelling or collecting materials from the count venue knows exactly what is required.



Further guidance on the preparation of parcels for transferring to storage is given in Part F, 'After the declaration of result', Section 1, 'Retention, storage and inspection of election documents'.

8.3 All packets and receptacles containing election documents should be stored securely so that no unauthorised persons can tamper with them. The earliest destruction date should also be stated on them to avoid inadvertently disposing of them before the end of the retention period.

8.4 Arrangements should be made to return any election equipment, such as the empty ballot boxes, to storage.

Appendix – Resources

Notification of secrecy requirements

Section 66 of the Representation of the People Act 1983 (as amended)

[...]

(2) Every person attending at the counting of the votes shall maintain and aid in maintaining the secrecy of voting and shall not –

- (a) ascertain or attempt to ascertain at the counting of the votes the number or other unique identifying mark on the back of any ballot paper;
- (b) communicate any information obtained at the counting of the votes as to the candidate for whom any vote is given on any particular ballot paper.

[...]

(6) If a person acts in contravention of this section he shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding 6 months.