

Part F – Verification and count

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1 Preparations

1.1 The European Parliamentary election verification and count will differ considerably from that at other elections, particularly as in most cases the two proceedings, verification and count, will be conducted at different times and on different days.

1.2 Each Local Returning Officer is responsible for managing and organising the verification and count in their area and so will need to take a decision as to how the proceedings may be best managed in their area, although this decision should be made following close liaison with the Regional Returning Officer. The Regional Returning Officer will in most cases request that the Local Returning Officer provide the results of their verification and count by a particular time. The verification and count may be on different days and either or both may be on Friday, Saturday, Sunday or Monday, depending on local circumstances.

Planning

1.3 For European Parliamentary elections, as the date is fixed, planning can start well in advance. Each Local Returning Officer is required to make arrangements for the verification of the votes in the presence of the counting agents as soon as practicable after the close of poll.¹ Although the counting of the votes may take place before polling closes in the remainder of the European Union – i.e. before 9pm on Sunday evening – there must be no disclosure of results until after that time.² The exact timing of the verification and count should be determined in consultation with the Regional Returning Officer.

1.4 Both verification and count procedures will be subjected to close scrutiny by political parties, candidates,³ agents, observers and the media and it is therefore imperative that any practical problems are anticipated and their risks mitigated. While it is at the regional count centre that the Regional Returning Officer will carry out the allocation of seats and declare the overall result, it is at each local count centre that the verification and counting will be carried out, and the final regional result is dependent on the performance of every local count within the electoral region. A well-run count is a reflection of the conduct of the election locally and can reflect the capabilities of those involved in organising it.

¹ Rule 50(1), European Parliamentary Elections Rules (EPE Rules); Schedule 1, European Parliamentary Elections Regulations 2004 (EPE Regulations), as amended by EPE (Amendment) Regulations 2009.

² Rule 53(7), EPE Rules.

³ References to 'candidate' throughout this part refer to both individual and party list candidates, unless otherwise stated.



Combination

Where a local government election is held on the same day as the European Parliamentary election; the verification of the ballot boxes for both elections is the duty of the local government Returning Officer and must be completed in full before either local government or European Parliamentary election votes can be counted.

Following verification, the local government Returning Officer will send the ballot boxes of verified European Parliamentary votes to the Local Returning Officer(s) for counting, together with the verification statement and any other relevant documentation.

On receipt of the verification statement, the Local Returning Officer should inform the Regional Returning Officer of the verification figures and finalise arrangements for the counting of the votes.

1.5 Planning should start by establishing the verification and count location(s). Accommodation should be reserved as early as possible to ensure that it is available and to prevent other bookings being made for those dates.



The Local Returning Officer is required to make arrangements for verifying and counting the votes in the presence of the counting agents. This should be done with reference to the Regional Returning Officer. Verification and counting can begin before the material time (9pm on Sunday) and should be completed as soon as practicable after that time. If the actual counting is finished before that time, it is not deemed to have finished until the material time.⁴

The practical implications of undertaking personal identifier verification (with a minimum of 20% of each postal vote opening to be verified) will need to be considered. The Local Returning Officer will need to decide whether the verification of those postal votes returned to polling stations can be undertaken in time for the verification to commence on the Thursday evening.

Where the Local Returning Officer determines that the verification should commence on any day following the election, careful consideration will need to be given to the receipt of the ballot boxes and associated stationery from polling stations and the safe custody of those items up until the start of the verification process, and again between then and the counting of votes.

Also, it will need to be decided where the personal identifier verification should take place, e.g. at the verification location or at the election office. It should be remembered that candidates and agents, as well as accredited observers and representatives of the Electoral Commission, are entitled to observe the opening of postal votes and the verification of personal identifiers.

⁴ Rules 50(1) and 53(7), EPE Rules.

The processes to be followed in the verification of personal identifiers, particularly where this is to be carried out using an automated system, may impact on the decision as to where the opening and verification should be carried out.

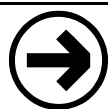
As with all details concerning the likely timetable of verification and counting the votes, the Regional Returning Officer should be kept informed as to the intentions of the Local Returning Officer and the resultant likely verification and count finish times.

1.6 When deciding how long to book the venue(s) for, set-up time will need to be considered, as well as any security checks that will need to be carried out in advance of the proceedings, the possibility of recounts, and storage requirements.

1.7 The Local Returning Officer should decide in advance on a policy on alcohol and the use of mobile phones in the verification and count centre. It is advisable to consider banning alcohol. Local Returning Officers will also want to consider whether or not to allow the use of mobile phones, laptops or other electronic communication equipment by other than the Local Returning Officer's staff in the immediate count area. The rules on smoking in public places and workplaces apply to any verification and count centre and therefore smoking should be prohibited.

1.8 The Local Returning Officer should consider how information on the verification and count process can be effectively provided to candidates and agents in order to assist their participation and build confidence in the processes to be followed. Further consideration of this is given below.

1.9 It is essential that contingency planning arrangements are adopted as part of the election management process. Contingency arrangements ensure that if any part of the process fails, adequate back-up and support mechanisms can be put in place to maintain the proper arrangements for the conduct of the election and to enable all related procedures to be carried out efficiently and effectively. The key risks associated with the verification and count should be subjected to a formal risk assessment exercise by each Local Returning Officer.



For further consideration of adopting a project management approach to the management of elections and of identifying and managing risks, see Part B, 'Preparing for a European Parliamentary election', Section 1, 'Planning and risk management'.

Information on the verification and counting process

1.10 Providing information on the verification and counting process can help to lower the number of queries raised by candidates and agents, thus reducing the pressure on those working at the verification and count. It is therefore important that the Local Returning Officer gives careful consideration to providing information both in advance of the proceedings and at the venue itself on the processes to be followed.

1.11 To assist in providing those attending with maximum information about facilities and procedures, Local Returning Officers may wish to consider providing information booklets in advance, giving details of what to expect at the verification and count and setting out the procedures to be followed. Pre-election briefing sessions could also be held, or agents could perhaps be invited to witness briefing sessions for count team leaders.

1.12 Local Returning Officers may wish to consider the following when planning for the provision of information at the verification and count venue:

- placing information posters and boards throughout the verification and count venue which show the key members of staff and provide an overview of the procedures to be followed
- providing a layout plan of the venue, indicating the key areas of interest for candidates, agents and observers
- providing pictures of the Local Returning Officer and key staff, to help candidates and agents identify them at the count
- appointing a staff member to respond to queries and to act as liaison between candidates, agents, observers and key staff
- using a public address system to make simple announcements about what is happening when and where
- providing a hand-out listing all ballot box numbers and the names of the polling stations they relate to

1.13 As part of the Local Returning Officer's responsibilities for ensuring that the verification and count arrangements are conducted efficiently and effectively, candidates, agents, representatives of the Commission and accredited observers should have, as far as practicable, an unrestricted view of the various processes.

1.14 However, while they must be afforded maximum access to the proceedings, they must not be able to interfere with the work of the verification and count staff. The layout of the verification and count venue is crucial in this matter. During the course of the proceedings it is inevitable that agents and candidates will want to observe at close quarters, which can appear intimidating and may be distracting to staff. It may, therefore, be appropriate to use stands and ropes to keep candidates and agents at a reasonable distance from the verification and counting area but still sufficiently close to allow the whole process to be observed throughout. No part of the process should take place out of the sight of candidates, agents and observers.

1.15 Clear signage and announcements should be used so that all present can be aware of what part of the process is being conducted where at any given time. Circulation areas for candidates and agents and the amount of space available in the vicinity of the verification and count tables should be maximised within the constraints of the venue, while at all times safeguarding the integrity of the proceedings and the safety of the staff. Obstructions such as stored furniture should be removed.

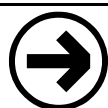
1.16 If any candidates or agents are dissatisfied in any way with the manner in which the proceedings are being carried out, the opportunity should always be

available to make direct representations to the Local Returning Officer at the earliest time so that any concerns may be considered, explanations and reassurances given, and corrective action taken if necessary.

1.17 Openness and transparency at the verification and count processes are essential. Any procedures conducted away from the valid scrutiny of candidates and agents risks detracting from the confidence candidates and agents should have in the result.

The media

1.18 In addition to making practical arrangements for their attendance, any early contact with the media should also include an explanation of the verification and counting processes to be followed and the expected finish and local declaration times. It may be helpful to provide media representatives with a briefing pack, and possibly also a briefing session, in advance of the verification and count.



For further guidance on dealing with the media and planning for their attendance, see Part B, 'Preparing for a European Parliamentary election', Section 9, 'Publicity and the media'.

The Commission will be producing an online handbook for the media ahead of the European Parliamentary and English local government elections, which explains the Commission's role in the elections and answers questions frequently asked by the media about the conduct of elections and campaign spending rules and reporting requirements. The handbook will be available to download from the Commission's website in spring 2009.

Venue

1.19 Factors to be taken into consideration when choosing a venue for the verification and count should include:

- availability for the time required to set up and conduct the proceedings
- convenience for candidates, agents and count staff (including proximity to public transport)
- access arrangements for vehicles and sufficient parking
- separate entrances for candidates, agents, guests, observers and staff, and for the delivery of the ballot boxes
- disabled access, both to and within the venue
- size of the venue in respect of the space required to conduct the verification and count processes, including sufficient space (equipped with the appropriate infrastructure) for the opening of postal ballot papers, the checking of personal identifiers and the observation of these activities; sufficient storage space for parcels, ballot boxes and other equipment, in addition to the space required for the verification and count processes; and adequate space for count staff and other persons entitled to attend the count
- lighting within the venue

- platform or stage for announcing verification figures and local results, and for making regular announcements throughout the proceedings as appropriate
- acoustics within the venue
- internal and external IT and communication systems
- toilet facilities
- media requirements
- facilities for candidates, agents, verification and counting agents, Commission representatives and accredited observers – it can be useful to have a separate room equipped with a television set to help keep people occupied during the verification and count
- catering or hospitality facilities
- furniture requirements: if there are insufficient tables and chairs in the venue, for example, these will need to be hired or acquired from another location – if furniture needs to be hired, contact the hiring companies as soon as possible to check availability and to place a booking

1.20 It is recommended that, as a contingency, an alternative verification and count centre be identified and provisionally booked. When doing so, the factors set out above should again be considered.

Verification and count venue plans

1.21 At an early stage, layout plans should be drawn up to suit the available accommodation and the procedures to be followed. In the development of such plans, consideration should be given to the workflows to be followed at the verification and count. Additionally, consideration should be given to ensuring an unrestricted view of the proceedings by candidates, agents, representatives of the Commission and accredited observers, while ensuring that they should not be able to interfere with the work of the Local Returning Officer's staff.

1.22 In considering how to organise the verification and count, the following factors should be taken into account:

- The number of tables to be used should accommodate the number of verification and counting assistants to be employed.
- The layout of the tables should allow easy viewing by candidates, agents, accredited observers and representatives of the Commission.
- All procedures adopted by the Local Returning Officer and their staff should be transparent at all times and explained where necessary.
- Practices such as sorting ballot papers into bundles for registered political party lists and individual candidates should be conducted in an area that can be viewed by all candidates, agents, observers and representatives of the Commission at any given time.
- In providing for the number of counting agents to be admitted to the proceedings, every effort should be made to ensure that the numbers for each party or individual candidate are not fewer than the number obtained by dividing the number of counting clerks by the number of parties and individual candidates standing. In any event, the number permitted to attend

should not be such as to risk impeding the efficient conduct of the proceedings or be in breach of fire regulations.

- Circulation areas and the amount of space available in the vicinity of the verification and count tables should be maximised at all times, and any obstructions such as stored furniture should be removed.
- Sufficient seating facilities should be provided for candidates, agents, observers and representatives of the Commission, ideally away from the count tables so that conversations may be had while not risking distracting the count staff.
- The Local Returning Officer is ultimately responsible for the health and safety of all persons present and this duty of care should be kept in mind when deciding on the layout of the venue: for example, any cabling from equipment or media cameras should not present a trip hazard to anyone at the proceedings; and free access to emergency exits should not be obstructed in any way. Maximum venue capacity should not be exceeded and there must be appropriate security to ensure that only those eligible to attend actually do so.

1.23 All equipment should be tested in advance of the verification and count, which may include public announcement systems, telephone lines, mobile phones, photocopying and computing equipment, scanning equipment for verifying postal voting personal identifiers, and power points. Contingency plans should be in place in case of an equipment or power malfunction.

1.24 Sufficient time should be allocated for setting up. Depending on the location, it may be difficult, or indeed impossible, to retrieve anything from the election office once the verification has started and so all equipment and materials should be checked in advance. On this basis, prepare a checklist of all materials, including stationery and equipment, that will be needed at the verification and count venue(s). A sample checklist for this purpose can be found below.

Equipment

1.25 The following equipment should be prepared and taken to the verification and count:

- signing-in sheets for staff
- list of all staff
- spare copies of instructions for staff
- sample entrance passes, including samples of the identification badges held by Commission representatives and accredited observers
- verification sheets – if a laptop is to be used, the spreadsheets should be prepared in advance; it is advisable to also have paper copies of the spreadsheets in case of equipment failure
- postal ballot boxes and related envelopes
- PC/laptop, printer and photocopier
- local count result sheets
- statement of ballot papers rejected
- 'rejected' stamp and ink pad
- 'provisionally rejected' stamp for any final postal vote opening

- sorting trays (which could be marked with the names of parties and individual candidates)
- cards to divide counted ballot papers, e.g. marked in 100s
- electoral law reference books, Commission guidance manuals and other guidance materials
- letter openers and scissors
- sacks and ties for counted ballot papers
- packets or envelopes for rejected ballot papers
- assorted stationery items, including marker pens, pencils, rulers, adhesive tape, notepaper, string, rubber thimbles, paper clips and rubber bands
- calculators
- large box or other receptacle for the mixing and storage of verified ballot papers if empty ballot boxes are not to be used for that purpose
- communication equipment as required for communication with and transmission of the provisional results to the Regional Returning Officer

Designated areas

1.26 Areas need to be designated for the different verification and count functions, and appropriately furnished and equipped. It is suggested that Local Returning Officers consider designating the following areas.

Outside the verification and count venue

Car parking and vehicle access

1.27 The organisation of vehicle access around the verification and count venue should be considered carefully. Any staff working in the car parking area should be equipped with appropriate safety wear such as high-visibility jackets, and should be appropriately trained to deal with a large volume of traffic including, for example, candidates and agents arriving at the proceedings and polling station staff arriving with ballot boxes.

1.28 It is advisable to designate different parking areas for candidates, agents and accredited observers, and for staff. It can also be helpful to have a designated entrance and exit to the car park, which may help to avoid congestion when ballot boxes are arriving from the polling stations.



Entrance

1.29 Staff should be positioned at the entrance to the venue to check the identity of people wishing to enter the verification and count. They should be provided with lists of those permitted to attend, including staff, candidates, agents and guests, and with information regarding the possible attendance of accredited observers and representatives of the Electoral Commission who do not need to be on the list of attendees. Staff should be instructed to check all tickets, entrance passes and accreditation identification as appropriate. It is important for health and safety and security reasons to record who actually attends the count.

1.30 Anyone not on the list of those permitted to attend or not in possession of the photographic identification issued to accredited observers and representatives of the Electoral Commission, examples of which are shown in

Table 1, should not be allowed in without the consent of the Local Returning Officer. It should be made clear to the parties, candidates, elected representatives and any other interested individuals in advance that entry to the verification and count processes will be restricted to those on the Local Returning Officer's list of those entitled to attend and accredited observers and representatives of the Commission.

Table 1: Observer badge types

Observer badge type	Who are they?	Access
	Electoral Commission representative (pink badge)	Extended powers of access
	Observer registered with the Commission (silver badge)	Same as candidates and agents, plus access to the issue of postal votes

1.31 Those entitled to attend the verification and count proceedings should be permitted to attend all or part of the processes as they so choose. There is no requirement for those eligible to attend to arrive by a certain time, and so those entitled to attend should be admitted whenever they arrive. For example, entry to the verification by those eligible to attend must not be restricted in the event that they arrive later than the advertised start of the process, particularly as candidates and agents have the right to attend the close of poll at polling stations and affix their seals to the ballot boxes and may therefore arrive some time after the count has begun, nor should any person who wishes to leave and return later be prevented from doing so.

Inside the verification and count venue

Receiving area

1.32 This area is where ballot boxes, ballot paper accounts and other polling station stationery and equipment will arrive for checking in and sorting. Ideally, this area should have an entrance separate from that used by other staff, candidates, agents and observers, with direct access from the car park or loading area. Staff should be positioned here to receive the materials and should be equipped with a checklist to mark off the ballot boxes as they arrive. Where the Presiding Officer delivers the ballot boxes and other materials to the verification

venue themselves, receiving staff should ensure that all items are accounted for before the Presiding Officer leaves. A cursory check of the arithmetic of the ballot paper account could also be undertaken if possible at that time to allow explanations of any obvious discrepancies to be sought from the Presiding Officer. There should also be sufficient space for storage.

Reconciliation, verification and results table(s)

1.33 This is where verification staff will verify the contents of the ballot boxes. If laptops are to be used, cabling arrangements should be taken into account and contingency arrangements should be considered in the event of equipment failure. Staff receiving ballot boxes should take the ballot paper accounts to the verification table(s), where supervisors will check their verified totals.

Local Returning Officer's table

1.34 This is where election law textbooks, Electoral Commission guidance, procedure notes, spare instructions, staff lists, stationery and other guidance materials should be available for quick reference.

Verification and count tables

1.35 These should provide proper segregation for the staff and counting agents, possibly using physical barriers. Some Local Returning Officers tape card around the edge of the tables to prevent agents leaning on them. Sufficient stationery should be provided at each table. Where space permits, chairs should be provided for counting agents.

Postal voting

1.36 Where postal votes are verified on site at the verification venue, a separate area should be allocated for processing unopened postal votes received from polling stations. There may be a considerable number, and the personal identifiers of not less than 20% of these will need to be verified. Adequate space should be allocated to receive and verify these postal votes, and to allow observation of this process. Where the personal identifier verification is to be undertaken via an automated system, network and cabling arrangements must be considered, as should contingency arrangements in the event of system failure.

Tables for counted ballot papers

1.37 Once ballot papers have been separated and counted, they may be placed in bundles for political parties and individual candidates and put on a separate table, so that all the votes for each party or candidate are kept in the same pile, with card dividers to show an agreed number, such as 100.

Area for candidates, agents and candidates' guests

1.38 It may be beneficial to have a separate area set aside for candidates, agents and candidates' guests. If space permits, a television set could be provided in an adjacent room.

Area for refreshments

1.39 Consider providing an area where verification and counting assistants and other staff can get drinks and snacks. It is important to have adequate refreshments available to help to maintain staff energy and concentration levels

throughout the process. It is not advisable to let counting assistants eat or drink at the table while they are verifying or counting, in order to avoid the possibility of any spillages.

1.40 It is for the Local Returning Officer to decide whether to provide refreshments for candidates, agents and other attendees, and whether to charge for them.

Media area

1.41 The requirements for the media area will depend upon the types of media represented and their respective needs. Ensure that media representatives do not interfere with or compromise the secrecy of the process. If television cameras are present, any lighting should not cause undue heat or glare which might impair the efficiency of the count, and cameras must not be allowed to film close-ups of the ballot papers. In addition, it is important that there are no trailing cables for other count attendees to trip over, and that any equipment installed is safely positioned.

1.42 It is advisable to ensure that the council's public relations team are present to deal with media enquiries, although they should be briefed by the Local Returning Officer and should ensure that they know who to approach if they are asked any technical questions.

Health and safety

1.43 The Local Returning Officer is ultimately responsible for the health and safety of all persons who are present during the course of the verification and count proceedings. The risk assessment process, referred to in Part B, 'Preparing for a European Parliamentary election', Section 1, 'Planning and risk management', will serve to identify any hazards or vulnerable areas within the verification and count centre prior to the election, and so any appropriate remedial action should already have been taken.

1.44 Special consideration should be given to polished floor surfaces to see if secure temporary flooring would be more appropriate. Trailing leads or cables should also be avoided. Access arrangements to any raised area must also be considered, particularly with regard to older or disabled people.

1.45 Instructions should be given to staff on the manual handling of ballot boxes, parcels and large batches of ballot papers. Measures should also be taken to ensure that any sharp edges on racking or table surfaces are appropriately covered or marked. Staff engaged in ballot box opening should be instructed in the safe usage of any implements used to cut open the security seals.

1.46 It is advisable to have first aid personnel available throughout the course of the proceedings. These personnel should be easily identifiable and it may be appropriate to designate a place in the verification and count centre where those who need assistance can go should they require any treatment.

1.47 In order to stress the importance of health and safety considerations and to draw attention to, for example, fire evacuation routes and the prohibition on

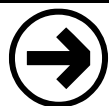
smoking, it is good practice to prepare and distribute an explanatory verification and count layout leaflet to all those attending the proceedings, which could be incorporated into any information booklet provided in advance of the proceedings. By providing such information, the possibility of risk or injury to those attending will be restricted to an absolute minimum.

1.48 This leaflet could also serve to highlight other related arrangements such as car parking, refreshment areas (if provided), toilet accommodation, reception services and security arrangements.

Security

1.49 It is advisable to contact the local police force at an early stage to inform them of the venue and plans for the proceedings. It may be helpful to meet with the police on site at the venue in advance of the election, when they may be able to give further advice on security. The police may wish to undertake security checks at the venue, and may also attend the proceedings. The police do not have an automatic right of access to the count but should be permitted to attend as guests of the Local Returning Officer.

1.50 At all proceedings, staff should be alert and report any suspicious packages or activity to the Local Returning Officer. Contingency plans should be in place in case of any security alerts such as bomb threats or other emergency situations, including an evacuation of the venue in the event of a fire alarm. Consideration should be given to developing a policy for the security of the ballot boxes and papers during any such evacuation, which should ensure that any process does not risk staff safety. This should all form part of the wider, formal risk assessment exercise carried out by each Local Returning Officer.



Guidance on contingency planning and risk assessment processes can be found in Part B, 'Preparing for a European Parliamentary election', Section 1, 'Planning and risk management'.

A template risk register has also been developed and is available for download from the Commission's website. This is capable of being customised to cover local circumstances and arrangements: www.electoralcommission.org.uk/__data/assets/word_doc/0010/64927/Contingency-planner-WEB.doc

1.51 Only authorised people should be admitted to the proceedings. All staff, candidates and their guests, agents, media representatives and persons permitted to attend at the Local Returning Officer's discretion should be issued with an entrance pass or ticket and be informed that they will not be allowed into the venue unless they bring their pass or ticket. It would be sensible to issue separate passes for both the verification and count where these are being conducted separately. Lists should be compiled of all those who have been provided with a pass in advance of the verification and count. Commission representatives and accredited observers must be admitted on the basis of their Commission-issued identification badges, and should not be required to show passes issued by the Local Returning Officer.



For examples of the identification badges issued by the Commission to its representatives and accredited observers, see Table 1.

1.52 Staff should be appointed to control admission to the verification and count and check the admission passes against the master list. The names of all attendees should also be logged, both to assist in the event of an emergency evacuation and to provide to the police if required in the event of a civil disturbance or challenge to the election.

1.53 Appropriate security procedures must be in place for the storage of ballot boxes and the ballot papers when the verification is conducted at a different time to the sorting and counting of the votes. Further consideration is given to this in Section 3, 'The verification and count process'.

Staff

1.54 In order for the verification and count to be successful, there needs to be an adequate number of well-briefed staff. The following staff are typically employed:

- Deputy Local Returning Officers – to make decisions on doubtful ballot papers and to give the local result should the Local Returning Officer become unable to do so.
- Verification assistants – an adequate number to verify the numbers of ballot papers in the ballot boxes efficiently.
- Count assistants – an adequate number to count the votes efficiently.
- Verification/count supervisors – to supervise the verification and count assistants respectively.
- Staff to receive ballot boxes as they arrive from the polling stations – these staff can then be used to open and count the unused ballot papers and to pack up documents and stationery.
- Staff at the entrance/security staff – to check entrance passes and tickets to ensure that only authorised persons are admitted to the verification and count and that order is maintained within the verification and count.
- Reconciliation staff – to check the ballot paper accounts. These staff are particularly important and should be skilled with figures and at spotting irregularities.
- Postal vote staff – to deal with the postal votes returned from polling stations.
- Porters – for moving items, such as ballot boxes and sacks of stationery, around the venue.
- Car park attendants – to supervise activity outside the venue.

1.55 Most Local Returning Officers will have a database of staff used at previous elections. Staff can often be recruited from among council employees. Also, some local authorities use bank and building society staff to count the ballot papers. If verifying immediately following the close of poll, it is preferable, if at all possible, not to use staff who have been on polling duty all day.

1.56 Election staff should communicate directly with the individuals selected for employment at the verification and count, to ascertain their availability. Once responses have been received, formal letters of appointment should be issued with details of the reporting time at the commencement of the proceedings and an outline of the procedures to be followed. This letter of appointment could also incorporate the requirements as to secrecy and a statement setting out that they cannot assist or work for any party or candidate during the election. A copy of the relevant secrecy provisions is included in Section 8, 'Resources'. It is advisable to request that verification and count staff confirm acceptance of their appointment. This can be done by asking them to complete and return a small, suitably worded form.

1.57 It can be useful to brief supervisory staff a day or two in advance of the verification and count so that they are aware of their duties. Verification and counting staff may then be briefed just prior to the commencement of the relevant proceedings. They should, however, be issued with guidance notes in advance.

2 Attendance at the verification and count

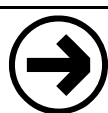
2.1 The following people are entitled to attend the verification and count at European Parliamentary elections:⁵

- the Regional Returning Officer and staff
- the Local Returning Officer and staff
- individual and party list candidates, plus one guest per candidate
- election agents
- counting agents
- Commission representatives
- accredited observers

2.2 In addition to those listed above, the Local Returning Officer, at their discretion, may permit other people to attend the proceedings, provided the Local 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.⁶ Media representatives and the police have no automatic right of entry to the verification and count and it is up to the Local 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 Local Returning Officer, who has the final decision on who is admitted.

2.3 Local Returning Officers should provide all those to be present at the verification and 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.

Verification and counting agents



For information on the appointment of verification and counting agents, see Part C, 'Action before the poll', Section 4, 'Appointment of election, polling and counting agents'.

2.4 The Local Returning Officer must give the verification and counting agents who have been appointed notice in writing of the time and place at which both the verification and the count processes will begin.⁷

Observers

2.5 Local Returning Officers may limit the number of observers who may be present at any one time during the count.⁸ Local Returning Officers should, however, use caution in exercising this power. Electoral observation is a

⁵ Rules 50(2) and 52(3), EPE Rules.

⁶ Rules 50(3) and 52(4), EPE Rules..

⁷ Rules 50(1) and 52(1), EPE Rules..

⁸ Section 6E(1), Political Parties, Elections and Referendums Act 2000 (PPERA).

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 Local 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 Part B, 'Preparing for a European Parliamentary election', Section 8, 'Electoral integrity'.

Admission to the verification and count

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

2.7 Lists of those persons entitled to attend should be provided to staff at the entrance to the verification and 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. This will need to be made clear to security staff at the entrance to the venue. Commission representatives and accredited observers must show their Commission-issued identification badges in order to gain access.

2.8 All persons attending the count must be supplied with the relevant parts of Regulation 29 of the EPE Regulations relating to secrecy. A convenient way of doing so could be to incorporate this onto the reverse of the entrance passes required for admission. A copy of the relevant secrecy provisions can be found in Section 8, 'Resources'.

3 The verification and count process

3.1 Before the commencement of the proceedings, the verification 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 verification and count plan and, at the verification, in preparation for the arrival of the ballot boxes. For a European Parliamentary election, the verification and count are two separate processes. The count may start directly after the verification or there may be a break between the proceedings, possibly of several days.

3.2 The Local Returning Officer should briefly address the candidates, agents and all others in attendance, to explain what will be happening at the verification and count and to advise them on any policy regarding smoking, drinking or using mobile phones, and any other relevant information. It is helpful to have further announcements throughout the processes 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 or, at the count, when the adjudication of doubtful ballot papers is to be carried out.

Receipt of ballot boxes

3.3 Staff receiving ballot boxes should be briefed to ensure 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) and sacks of material. Where Presiding Officers are required to transport the boxes to the verification venue, it should be made clear to the staff receiving the boxes 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 verification staff and, if possible, a cursory check of the ballot paper account could be made.

3.4 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.

3.5 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.

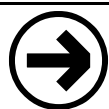
3.6 All packets of unused ballot papers must be opened and counted, with the numbers counted supplied to those staff members responsible for checking the verification totals.

3.7 It should be remembered that the Local Returning Officer is prohibited from opening the sealed packets of tendered ballot papers, corresponding number lists and certificates as to employment and the marked copies of the register and lists of proxies.

3.8 Staff should be briefed about moving ballot boxes and carrying heavy sacks, in order to reduce the risk of any injuries. Staff should avoid lifting boxes over verification assistants where at all possible.

Verification

3.9 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.



The Commission will publish a template PowerPoint to support Local Returning Officers in the training of polling station staff, which will cover the completion of ballot paper accounts. This will be available to download from www.electoralcommission.org.uk/guidance/resources-for-electoral-administrators/european-parliamentary-elections

3.10 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, such as the Presiding Officer may recall an incident where an elector has walked off with a ballot paper.

3.11 The verification of used and unused ballot papers is a legal requirement⁹ and is essential for the declaration of an accurate result.

3.12 During the verification process, ballot papers must remain **face down** at all times.¹⁰

3.13 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

3.14 The key stages of verification are as follows:

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 papers inside the packet.
2. In the presence of the verification agents, the verification supervisor should open the ballot box. Any ballot box with a seal attached by an agent at the close of the poll should be shown to those present as still sealed before breaking that seal. The ballot papers should be carefully tipped onto the verification 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 verification assistants should unfold the ballot papers and count them into bundles of 20, 25, 50,

⁹ Rule 51(5), EPE Rules.

¹⁰ Rule 51(4), EPE Rules.

100, or whatever other number is determined by the Local Returning Officer. They should be kept face down throughout this process. 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 supervisor.

3. The Local 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 Local 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 often 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 ballot papers, spoilt and tendered ballot papers as well as the other packets of returned materials and any log book 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 a 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 Local Returning Officer should use the figure of the number of ballot papers counted and recounted by the verification 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 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, 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 verification 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 Local 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 by 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. 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.
10. If the counting of the votes is not proceeding directly after the verification, the Local Returning Officer must then secure the ballot papers and other documents relating to the election under their own seal. Counting agents may also apply their own seal. The ballot papers and election documents should then be moved to a secure place of storage either at a place in the verification/count venue or elsewhere.
11. The Local Returning Officer must inform the Regional Returning Officer of the total number of verified ballot papers that will be included in the count.



Combination

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 verification venue.

All ballot boxes must be opened and verified completely for all the different election types.

If electors have been asked to place all their ballot papers in the same box:¹¹

- a. the ballot papers must be sorted into their respective elections
- b. the European Parliamentary election ballot papers must be kept face down and all other ballot papers must be kept face up
- c. 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 or adjacent tables and 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 European Parliamentary election ballot papers must be kept face down and all other ballot papers must be kept face up
- d. 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 then going to be re-sealed and stored until the count 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

¹¹ Paragraph 6, Schedule 3, EPE Regulations; Rule 26(2), Schedule 3, Local Elections (Principal Area) (England and Wales) Rules 2006. These give Returning Officers the option to have either a single box for all elections or separate boxes for each election.

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.

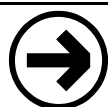
Postal ballot papers at the verification

3.15 The ballot boxes containing the postal votes already received and opened by the Local Returning Officer will have been delivered separately to the verification venue. The postal ballot papers should be verified as soon as the verification stage as outlined above is under way.

3.16 There may also be some unopened postal ballot papers to be processed at the verification, which may include those that have been delivered to the Local Returning Officer's office and those that have been handed in at polling stations, as well as any collected from any final sweep conducted by Royal Mail. The Local Returning Officer may choose to open these postal votes at the verification venue itself or elsewhere, for example in the election office. Whichever location is chosen, the Local Returning Officer must give 48 hours' notice in writing to each election agent and individual candidate detailing when and where each opening is to take place in order to allow them to inspect the process.

3.17 The Local Returning Officer can make arrangements to collect any postal votes that are handed in at polling stations throughout polling day to expedite the verification process, but there are still likely to be some postal votes handed in at polling stations that will arrive at the verification. 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.

3.18 If the remaining postal votes are to be opened at the verification 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 may be able to move 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 D, 'Absent voting', Section 10, 'Receipt, opening and storage of postal votes'.

3.19 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 verification in order to enable a final check of the two lists to try to match up any postal voting statements and ballot papers which 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.

3.20 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 ballot paper account is produced for each box.

Security of stored ballot boxes

3.21 The secure storage of ballot boxes between the verification and the count where they are to be conducted at different times is vitally important.

3.22 The total number of boxes containing the verified ballot papers should be accounted for at the end of verification, and this should be checked prior to the commencement of the counting of the votes. The boxes should be sealed by the Local Returning Officer, and any agents present should be allowed to add their own seal.

3.23 The method of storage of the boxes must be such that the Local Returning Officer is satisfied that they have taken adequate steps to ensure that the ballot papers are kept secure and cannot be interfered with.¹²

Counting the votes¹³

Receipt of the boxes

3.24 If the boxes containing the verified ballot papers are being stored away from the count venue, the return of these boxes does not have to take place in the presence of agents or during the time of the count, but the boxes must not be opened at this time. There should, however, be a check of the number of boxes returned against the number that were put into secure storage, with a system in place to ensure that all the relevant boxes have been returned, ready to be opened at the start of the count process.

3.25 No box can be opened until the start time of the count. All boxes should be opened in full view of any agents that 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.

3.26 At a European Parliamentary general election, although the votes may be counted before polling closes in the remainder of the European Union, i.e. before 9pm on Sunday evening, there must be no disclosure of the results until after that time – ‘the material time’.¹⁴ The Local Returning Officer should liaise with the Regional Returning Officer regarding the arrangements and expected timings for the count and transmission of the local results.

¹² Rule 51(8), EPE Rules.

¹³ Rule 53, EPE Rules.

¹⁴ Rule 53(7), EPE Rules.

Sorting

3.27 Counting assistants should mix the ballot papers, such as postal and polling station ballot papers, and sort them into votes for each political party or individual candidate. Unlike at the verification process, 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.¹⁵ 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 supervisor for adjudication by the Local Returning Officer. It may be appropriate to have a tray on the table for these to be kept in.

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

3.29 The votes for each political party or individual 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 political party or individual 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.

3.30 The 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 party or individual 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 party or candidate have been counted. It is unlikely that the number of votes in the final bundle for each party or 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 which clearly identifies the bundle as an incomplete bundle, which should be attached to the front of each of those bundles.

3.31 The doubtful ballot papers set aside for the Local Returning Officer should be adjudicated, and those considered valid for a political party or individual candidate should be added to that party or 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'.

Reconciliation

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

3.33 All of the bundles and part bundles for each party and individual candidate should be counted. Additionally, all rejected ballot papers should be counted. The

¹⁵ Rule 53(3), EPE Rules.

figures for all the parties and individual candidates should then be added to the number of rejected papers, and together this figure should exactly match the verification figure obtained at the end of verification. If the two figures agree, the Local Returning Officer should proceed to the process of giving a provisional result (see below).

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

- Check the storage area, including any area used between the verification and count, 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 papers are accounted for.
- Consider recounting the ballot papers in the bundles.

3.35 The Local Returning Officer must be satisfied that the result given reflects the ballots received, and so should carry out the procedure outlined above and any other checks they deem necessary in order to be so satisfied before proceeding to give a provisional result.

Provisional result

3.36 The Regional Returning Officer should be contacted and informed of the provisional result. While the Regional Returning Officer may ask for information and clarification around the figures provided to them, they have no right to require, and cannot insist on, a recount.

3.37 If it is after the material time of 9pm on Sunday 7 June, the agents can also be given the provisional result. If it is too early to give the agents the provisional result when it is first available, they must be given it at the material time.

3.38 It is at this point that any candidate, agent or authorised counting agent may request the Local Returning Officer to have the votes recounted or, following a recount, recounted again. All agents with the right to require a recount should be given the opportunity to ask for one.

3.39 The Local Returning Officer may refuse to undertake a recount or a further recount if they believe the request is unreasonable. Once any recount has been completed, the Local Returning Officer should re-start the procedure for giving a provisional result. Further information on recounts can be found in Section 5, 'Recounts'.

3.40 Once the provisional result has been considered by the Regional Returning Officer and agents, which includes considering any requests for and undertaking any recount(s), the Local Returning Officer can proceed to declaring the local result and should not dismiss count staff until confirmation of the local results is received from the Regional Returning Officer.

The local result

3.41 The Local Returning Officer must draw up a statement showing the number of votes given for each political party and each individual candidate (excluding rejected ballot papers).¹⁶ A statement of the numbers of rejected votes should also be sent.¹⁷

3.42 The Local Returning Officer must then give formal notification of the local result to the Regional Returning Officer.¹⁸ The procedure for doing this should be agreed with the Regional Returning Officer in advance.

3.43 Once the local result has been agreed and confirmed with the Regional Returning Officer, the Local Returning Officer must give public notice of the local result, including the statement of rejected ballot papers. In addition to making a public declaration at the count venue, the Local Returning Officer should consider publishing the statements online to allow electors access to the local result.

¹⁶ Rule 57, EPE Rules.

¹⁷ Rule 55, EPE Rules.

¹⁸ Rule 57(2), EPE Rules.

4 Doubtful ballot papers



This section is intended as a guide only. Ultimately, the decision on any particular ballot paper rests with the Local Returning Officer and it is for them to determine their view on the application of case law. The decision of the Local Returning Officer is final, subject only to review on an election petition.¹⁹

4.1 Any doubtful ballot papers should be placed in a tray for the supervisor to take to the Local 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 party or individual candidate
- those 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 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 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 Local 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 Local Returning Officer can only reject a ballot paper:²⁰

- that does not bear the official mark (not the unique identifying mark)
- on which votes are given for more than one registered party or individual candidate, or for both a registered party and an individual candidate
- 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

¹⁹ Rule 56, EPE Rules.

²⁰ Rule 55, EPE Rules.

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 Local 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 Local Returning Officer may consider packaging them separately in case of later challenge or investigation.

4.7 A ballot paper marked with a vote for a candidate on a party list must count as a vote for that party list unless it is otherwise invalid for another reason.²¹

4.8 Any ballot papers that are judged as being valid should be included in the bundles for the appropriate parties or candidates.



It is important to note that, once adjudicated, ballot papers cannot be re-adjudicated, as the Local Returning Officer's decision on any question arising in respect of a ballot paper is final.²² This includes those ballot papers that have been found to be good for candidates or parties, not just those that have been rejected.

4.9 The Local Returning Officer must draw up a statement showing the number of ballot papers rejected under each of the following headings.²³

- want of official mark
- voting for more than one registered party or individual candidate
- writing or mark by which the voter could be identified
- unmarked or void for uncertainty

4.10 Each rejected ballot paper should have the word 'rejected' stamped on it and should be placed in a package for rejected ballot papers.

4.11 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.

²¹ Rule 55(3), EPE Rules.

²² Rule 56, EPE Rules.

²³ Rule 55(5), EPE Rules.

Examples



Suggested examples of allowed and rejected votes are available to order as a hard copy placemat: for order details see Part A, 'Context', Section 5, 'Resources'.

5 Recounts

5.1 The Local Returning Officer should be satisfied that the number of votes for each registered party and individual candidate is accurate before proceeding to a provisional result. The provisional result can be given to the agents no earlier than the material time of 9pm on Sunday 7 June.

5.2 At this time, the following people have the right to ask for a recount:

- a candidate on a party list
- an individual candidate
- an election agent of a party list or individual candidate
- a counting agent specifically authorised to ask for a recount

5.3 The basis for a recount at a European Parliamentary election will normally be because of a difference between the number of votes counted and the total number of votes found at the verification stage, or because a party or candidate feels that there has been an error in the counting of the votes. Recounts can only be carried out at local counting area level: recounts at the regional level are not permitted.

5.4 The Local Returning Officer must consider any request but may refuse if in their opinion a recount is unreasonable.²⁴ The Local Returning Officer should inform all candidates and agents present before commencing any recount.

5.5 If a recount is allowed by the Local Returning Officer, it should follow the procedure of the original count. 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 Local 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 'Provisional result' heading of Section 3, 'The verification and count process', above, should be undertaken again.

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

5.7 It is possible to have more than one recount, particularly 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 another recount. It is the Local Returning Officer's decision whether or not to agree to further recounts.

5.8 The Local Returning Officer should consult with the Regional Returning Officer if a recount is required so that the new estimated result time can be determined.

²⁴ Rule 54(1), EPE Rules.

6 Notification of local result

6.1 It is essential that the arrangements for the giving of the notification of result to the Regional Returning Officer, including the format in which the notification should be made, are established well before the count takes place. At a European Parliamentary election, the Local Returning Officer must compile a local result and must then inform the Regional Returning Officer of the result as soon as possible.

6.2 The Local Returning Officer must give public notice of the local result once they have notified the Regional Returning Officer of the number of votes given for each registered party and individual candidate, and the Regional Returning Officer has agreed that the local result can be given.²⁵

6.3 The following factors should be taken into account when considering the notification of the local result:

- It is a requirement to provide public notice of the votes given to each party and individual candidate. The notification should be given in writing at the end of the count or afterwards, from the council building or such other place.
- Local Returning Officers should consider making a verbal declaration of the local result for the candidates and agents present at the end of the count. When an individual candidate has used their commonly used name to stand in the election, the Returning Officer should use both their full name and the commonly used name when declaring the result.
- Media representatives present at the count will be keen to ensure that their transmission of the result is accurate and so Local Returning Officers should consider whether written or electronic copies can be issued at the time the public declaration is made.
- The rejected votes must be listed on a separate notice from that stating the numbers of votes cast for each registered party and individual candidate, but could also be combined into one single results document for the local counting area comprising both the votes counted and the rejected ballots.
- The local result should then be placed on the internet and posted at council offices and other places.

6.4 Once public notice of the result is given, the Local 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. Therefore the reconciliation procedure as documented in Section 3, 'The verification and count process', above, including checking that the total number of verified votes and postal votes equates to the total number of votes given for each registered party and individual candidate plus the rejected votes, which ensures that all votes are accounted for, is vital. This check should be overseen by a senior member of the supervising team and should be confirmed to the Local Returning Officer. Careful planning should help to avoid the occurrence of any problems.

²⁵ Rule 57, EPE Rules.



Once the result is declared, it is final and cannot be amended. The power to correct procedural errors does not empower a Local Returning Officer to correct an incorrect result once it has been declared.²⁶ See also Part B, 'Preparing for a European Parliamentary election', Section 1, 'Planning and risk management'.

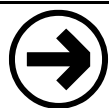
6.5 The Local Returning Officer should review the election results provision on their local authority website with a view to making declared results available as speedily and as readily as practicable.

6.6 The Regional Returning Officer will collate the figures from all Local Returning Officers, allocate seats in accordance with the election rules, and declare the result and those who have been elected. These results should be linked to or posted by the Local Returning Officer to accompany the local results.

²⁶ Regulation 4A, EPE Regulations.

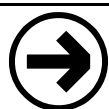
7 Storage and disposal of documents

7.1 After the election, the Local Returning Officer must forward the relevant election documents to the relevant officer.



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

7.2 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 G, 'After the declaration of result', Section 1, 'Storage, inspection and disposal of election documents'.

7.3 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.

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

8 Resources

Notification of secrecy requirements

Regulation 29, European Parliamentary Elections Regulations 2004
(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 a particular ballot paper.

[...]

(7) 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.

Verification procedure

