Greater London Authority (GLA) elections

Guidance for candidates and agents

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

January 2016

This document applies to the May 2016 Greater London Authority elections, covering the election of the Mayor of London and elections to the London Assembly. Guidance and resources for other elections in the UK can be accessed from the Commission's website at:
www.electoralcommission.org.uk/guidance/resources-for-those-we-regulate/candidates-and-agents/

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Essential information

This section of the document contains our guidance on attending key electoral processes at the May 2016 Greater London Authority elections. Supplementary information, which may only be relevant to some candidates, is provided at the back of this document. You can also view this supplementary guidance by clicking on the links within this document or by clicking on the chapter heading on the contents page.

In this document we use 'you' to refer to all types of candidates at elections to the Greater London Authority. We refer to candidates at the London-wide Assembly election who are not included on a party list as 'individual candidates at the London-wide Assembly election'.

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

We have included relevant deadlines throughout this document, but you can also find a separate election timetable setting out all the key dates on the Commission's website.

The opening of postal votes

1.1   The candidates and the election agents may attend the opening of postal votes. A person appointed by a candidate may also attend in place of the election agent.

1.2   A sub-agent may also attend, but only if they are attending instead of an election agent.

1.3   Additionally, agents may be appointed specifically to attend postal vote openings. See [Part 2a – Standing as a candidate for London Mayor](#) or [Part 2b – Standing as a Constituency Member candidate](#) or [Part 2c – Standing as a London Member candidate](#) for details on how to appoint these agents.

What is postal voting?

1.4   People aged 18 or over who are registered to vote, or have applied to be registered to vote, can apply to vote by post in Greater London Authority elections by submitting an application to the Electoral Registration Officer at their London borough. The application must be received by the Electoral Registration Officer by 5pm on 19 April 2016 (i.e. by the eleventh working day before the poll). Those who have been appointed to vote as a proxy on behalf of someone else may also apply for a postal vote by applying by 5pm on 19 April 2016 (i.e. on the eleventh working day before the poll). The Electoral Registration Officer has no discretion to extend the deadline for whatever reason.

1.5   Postal ballot packs will be sent to electors one to two weeks before polling day. There will be a final batch of postal votes issued to electors who registered close to the registration deadline once their names have been added to the final register update on 27 April 2016 (i.e. on the fifth working day before the poll).

1.6   Electors will then complete and return their postal vote. Returned postal votes must be received by the close of poll (i.e. 10pm on 5 May 2016).

What does the postal ballot pack contain?

- **Envelope A** is the envelope that the elector returns their ballot papers in. It is marked with the letter 'A' and the words 'ballot paper envelope'

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

While the Constituency Returning Officer (CRO) is ultimately responsible for the issue and opening of postal votes across their constituency, they will appoint deputies within their constituencies to administer these processes at London borough level. These deputies are known as Borough Returning Officers (BROs). In relation to postal voting we use 'Returning Officer' for processes that will be administered by either BROs or CROs.

- **Envelope B** is the envelope that the elector will use to return the ballot paper envelope and the postal voting statement. It is marked with the letter 'B' and the address of the Returning Officer

- **The postal voting statement** contains the elector's name, the numbers of the ballot papers issued to them, instructions on how to vote by post and space for the elector to sign and provide their date of birth

- **The ballot paper for the election of the London Mayor**

- **The Constituency Assembly Member ballot paper**

- **The London-wide Assembly Member ballot paper**

> If the elections are combined with another poll, such as the poll at a local government by-election, the CRO may have decided to combine the issue of postal votes.
>
> In that case, the postal ballot pack will also contain the ballot paper for the other electoral event(s).

What does a postal voting agent do?

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

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

1.9   Candidates and election agents and other persons outlined in paragraphs **1.1** and **1.2** above are also entitled to object to a rejection.

1.10 The Returning Officer will explain the postal vote opening process to you and may issue you with information on the procedures to be followed, including instructions on what you

can and cannot do at the session. You should comply with any instructions that the Returning Officer has given.

Duty to maintain secrecy

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

1.12 In addition, anyone attending a postal vote opening must not attempt to look at identifying marks or numbers on ballot papers, disclose how any particular ballot paper has been marked or pass on any such information gained from the session. Anyone found guilty of breaching these requirements can face an unlimited fine, or may be imprisoned for up to six months.

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

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

1.14 The Returning Officer must give Mayoral, constituency and individual London-wide Assembly member candidates, as well as the election agent of a party list, at least 48 hours' notice of when and where the sessions will take place. The Returning Officer will also tell them how many postal voting agents will be allowed to attend each session.

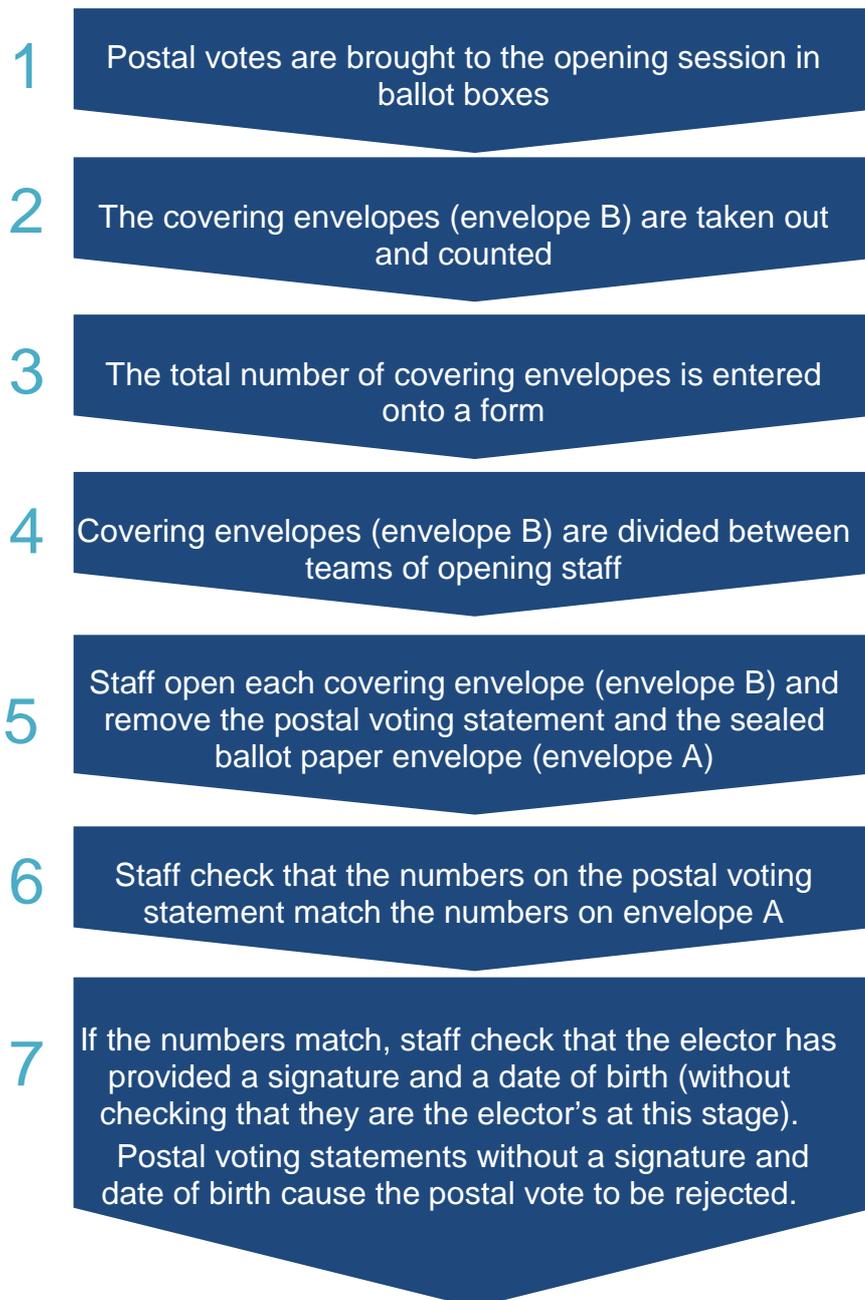1.15 There will be a final opening session after the polls have closed to open any postal votes handed in to polling stations. The Returning Officer will advise Mayoral, constituency and individual London-wide Assembly member candidates, as well as the election agent of a party list, of the location for the final opening.

For more information read the postal voting secrecy requirements

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Flowchart of the opening session process

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

1 Postal votes are brought to the opening session in ballot boxes

2 The covering envelopes (envelope B) are taken out and counted

3 The total number of covering envelopes is entered onto a form

4 Covering envelopes (envelope B) are divided between teams of opening staff

5 Staff open each covering envelope (envelope B) and remove the postal voting statement and the sealed ballot paper envelope (envelope A)

6 Staff check that the numbers on the postal voting statement match the numbers on envelope A

7 If the numbers match, staff check that the elector has provided a signature and a date of birth (without checking that they are the elector's at this stage). Postal voting statements without a signature and date of birth cause the postal vote to be rejected.

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

8 If the statement **or** ballot paper envelope is missing, or the numbers on the statement and ballot paper envelope do not match, the document(s) are set aside, recorded and stored in secure packets

The Returning Officer will match up postal voting documents received separately, provided the statement is completed correctly and received by the close of poll.

9 The Returning Officer must verify the dates of birth and signatures provided on the statements

10 The Returning Officer must be satisfied that the dates of birth and signatures on the statements match those previously provided and held on record

11 Following verification of the signatures and dates of birth, postal voting statements are removed from the tables

12 Staff open the ballot paper envelopes (envelope A) and remove the ballot papers

Ballot papers must be kept face down throughout this process.

13 Staff check that the numbers on the back of the ballot papers match the numbers on the ballot paper envelope (envelope A)

Valid ballot papers are those ballot papers whose related postal voting statement has passed the signature and date of birth checks.

Invalid ballot papers are set aside and stored in secure packets.

14 Valid ballot papers (**not** votes) are counted and the total number is recorded

15 All valid ballot papers are placed into ballot boxes and stored securely before being delivered to the count venue for counting after the close of poll

Invalid and rejected postal voting statements

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

1.18 Rejected statements are attached to the relevant ballot paper(s) or ballot paper envelope. They are marked as 'rejected' and shown to any agents present.

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

Polling stations

1.20 The candidates and election agents are entitled to observe proceedings inside polling stations. Additionally, agents may be appointed to attend polling stations. See Part 2a – Standing as a candidate for London Mayor, Part 2b – Standing as a Constituency Member candidate or Part 2c – Standing as a London-wide Member candidate for details on how to appoint polling agents.

Who can vote at polling stations?

1.21 Most people choose to vote in person at their polling station. Any person on the polling station's electoral register can vote at the polling station in Greater London Authority elections, unless:

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

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

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

1.23 Registered postal voters cannot be issued with ballot papers at the polling station, but they can return their completed postal ballot pack to their polling station on polling day. Alternatively, they may return their postal vote to other polling stations in the constituency (the elections office will be able to provide details) or by hand to the Returning Officer at the elections office. Postal ballot packs returned to polling stations must be handed to polling station staff and not placed in the ballot box.

Polling station opening hours

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

Finding the location of polling stations

1.25 The CRO will give public notice of the location of polling stations by 26 April 2016 (i.e. by the sixth working day before the poll). They will give a copy of this notice to election agents soon after this. London Elects are also planning to make available a polling station finder facility on their website.

What does a polling agent do?

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

- be present in the polling station before the opening of the poll to watch the Presiding Officer show the empty ballot box(es) before they are sealed
- detect personation and prevent people voting more than once in the election (other than as proxies)
- be present when the Presiding Officer marks ballot papers at the request of an elector who needs assistance marking their ballot papers because of a disability or an inability to read or write

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

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

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

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- report to candidates or election agents any improper activities and keep notes, if required, for giving evidence in court
- be present at the close of poll when the various packets of documents are sealed
- attach their seal to any packets made up by the Presiding Officer at the close of poll, including the ballot box

1.27 Candidates and election agents can also do anything that a polling agent is entitled to do.

Maintaining the secrecy of the ballot

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

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

1.29 You must also not try to ascertain how a voter has voted or who they are about to vote for.

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

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

What is the normal voting process?

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

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

> For more information see: secrecy requirements - the poll

> Where the elections have been combined with another electoral event, such as the poll at a local government by-election, polling station staff will be issuing the ballot papers for all electoral events.
>
> Different ballot boxes will be used for the GLA and the other election(s).

Polling station staff will…

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

The voter will…

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

1.33 The Presiding Officer can assist anyone who is unable to mark the ballot papers themselves. Alternatively, a voter may (in certain circumstances) bring along someone they know and trust to assist them in marking their ballot papers. The person assisting the voter must either be a close relative over the age of 18, or be a person entitled to vote at the election. A person can only assist a maximum of two voters at the election.

Collection of postal ballots from the polling station

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

Tellers

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

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

1.37 The Commission has produced a factsheet of tellers dos and don'ts, as well as more comprehensive guidance on the activities of tellers. The guidance aims to ensure that everyone knows precisely what is and is not acceptable and is designed to promote appropriate standards of conduct. The CRO may also provide their own guidance to tellers.

> The CRO is in charge of the conduct of the polls. If they are concerned by the activities of tellers, they can ask tellers to comply with agreed behaviour or leave the polling place.

What happens after polls close?

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

The count

Where will the counts take place?

1.39 The counts will take place on 6 May 2016 in three venues:

- **ExCel**
  Constituencies:
    - o Bexley & Bromley
    - o City & East
    - o Greewich & Lewisham
    - o Havering & Redbridge
    - o Lambeth & Southwark

Alexandra Palace
Constituencies:
- o Barnet & Camden
- o Brent & Harrow
- o Ealing & Hillingdon
- o Enfield & Haringey
- o North East

- **Olympia**
Constituencies:
- o Croydon & Sutton
- o Merton & Wandsworth
- o South West
- o West Central

1.40 The Constituency Assembly member results will be announced at the relevant count venue. The Mayoral and London-wide Assembly member results will be announced at City Hall.

Attending the count

1.41 Candidates and election agents have the right to be present at the count. Constituency Assembly member candidates and their election agents (or a sub-agents instead of an election agent) have the right to be present at their constituency count. London-wide Assembly member and Mayoral candidates and their election agents (or a sub-agents instead of an election agent) have the right to attend all the count venues and the central count collation venue at City Hall.

1.42 All candidates can also invite one other person to attend the count. Additionally, agents may be appointed specifically to attend the count(s). See Part 2a – Standing as a candidate for London Mayor, Part 2b – Standing as a Constituency Member candidate or Part 2c – Standing as a London- wide Member candidate for details of how to appoint counting agents and the number of agents that may be appointed.

1.43 In addition, the CRO has discretion to allow people to attend the count as their guests.

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What does a counting agent do?

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

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

1.45 Candidates and election agents can do anything a counting agent is allowed to do.

When will the count take place?

1.46 The CRO or GLRO (as appropriate) will notify you of the exact time and specific access arrangements.

What to expect at the count

1.47 Votes cast in GLA elections are counted electronically. Electronic counting involves scanning ballot papers and using specially designed software to count the votes. Further information on the counting of votes is available from London Elects website.

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

1.48 A ballot paper will not be counted if it:

- does not contain the official mark

- is unmarked (or, in the case of the mayoral ballot paper, does not include a first preference vote, or, at the second stage count, does not include a second preference vote)

- contains votes for more than one candidate or party (or, in the case of the mayoral ballot paper, contains more

than one first preference vote, or, at the second stage count, contains more than one second preference vote)

- contains any mark or writing that can identify the voter

- does not indicate the voter's intention with certainty

1.49 The CRO must draw up a statement for each election in their constituency, showing the number of ballot papers rejected for the various reasons.

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

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

1.51 The CRO must mark the word "rejected" on any ballot paper that is rejected. They must add the words "rejection objected to" if a counting agent objects to the CRO's decision. In practice, this is done electronically to the scanned version of the ballot paper. For more details on the adjudication of doubtful ballot papers, see paragraph **1.56**.

Recounts

1.52 Any candidate or election agent present when the counting of votes is completed will be given the opportunity to request a recount of the votes. However the CRO may refuse this request if they feel it is unreasonable.

1.53 One counting agent per Mayoral candidate, Constituency candidate and individual London-wide Assembly Member candidate may also be authorised to request a recount. The election agent of a party list may also authorise one counting agent to request a recount. In each case, this must be specified when they are appointed as a counting agent.

1.54 For all three contests, recounts may only be requested at the constituency level. In respect of the Constituency Assembly Member contest, the request may only be made before the constituency result is announced. In respect of the Mayor of London and the London-wide Assembly Member contests, the

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request may only be made before the local totals have been announced. A London-wide recount is not permissible.

Supplementary information

Doubtful ballot papers

1.55 To assist CROs, London Elects have produced guidance on how to adjudicate votes on ballot papers that may appear doubtful.

1.56 While this provides guidance for CROs, each individual CRO has the ultimate responsibility for making a decision on individual ballot papers. Their decision to reject a particular ballot paper during the count or recount is final and can be reviewed only at an election petition after the declaration of the result. For more details on election petitions, see Part 6 – After the declaration of results.