

# Combined authority mayoral elections in England

# Guidance for candidates and agents

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

September 2018

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

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

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## Essential information

This section of the document contains our guidance on attending key electoral processes at a combined authority mayoral election in England.

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

In this document, we use 'you' to refer to the candidate. We use 'must' 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.

Deadlines mentioned in this document are generic and we have published a [generic election timetable on our website](#). If an election is called, you will be able to obtain a copy of the specific timetable for that election from the Combined Authority Returning Officer.

## The opening of postal votes

1.1 You and your election agent or a person appointed by you to attend in your election agent's place are entitled to attend the opening of returned postal votes. Additionally, you and your election agent may appoint agents to attend postal vote openings on your behalf.

1.2 A person appointed as a sub-agent may attend, but only in place of the election agent.

We are here to help, so please contact us if you have any questions. See our [Overview document](#) for contact details.

This document does not cover [local authority mayoral elections](#) or elections for the [Mayor of London](#).

You can access guidance for those elections through our website.

Revised data protection legislation applies from 25 May 2018 and will apply to the processing of all personal data.

Please contact the [Information Commissioner's Office](#) for further information about how the General Data Protection Regulation affects you.

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

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1.3 See [Part 2a – Standing as an independent candidate](#) or [Part 2b – Standing as a party 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 combined authority mayoral elections by submitting an application to their local Electoral Registration Officer. The application must be received by the Electoral Registration Officer by 5pm on the eleventh working day before the poll. Those who have been appointed to vote as a proxy on behalf of someone else may also apply for a postal vote by applying by 5pm on the eleventh working day before the poll. The Electoral Registration Officer has no discretion to extend the deadline for whatever reason.

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

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

## What does the postal ballot pack contain?

- **Envelope A** is the envelope that the elector returns their ballot paper in. It is marked with the letter 'A' and the words 'ballot paper envelope'
- **Envelope B** is the envelope that the elector will use to return the ballot paper envelope and the postal voting statement. It is marked with the letter 'B' and the address of the local RO

If the election is combined with another poll, the RO 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).

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

## 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 local RO. At each opening session the local RO 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 local RO to reject a postal vote. It will not affect the local RO's decision, but the local RO will record any objections by marking the postal voting statement with the words 'rejection objected to'.

1.9 Those candidates, election agents and other persons outlined in paragraphs 1.1 to 1.2 above as entitled to attend postal vote openings are also entitled to object to a rejection.

1.10 The local RO 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 people attending an opening session can and cannot do. Anyone attending an opening session should comply with any instructions that the local RO 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.**

For more information read the [postal voting secrecy requirements](#)

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1.12 In addition, anyone attending a postal vote opening session 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?

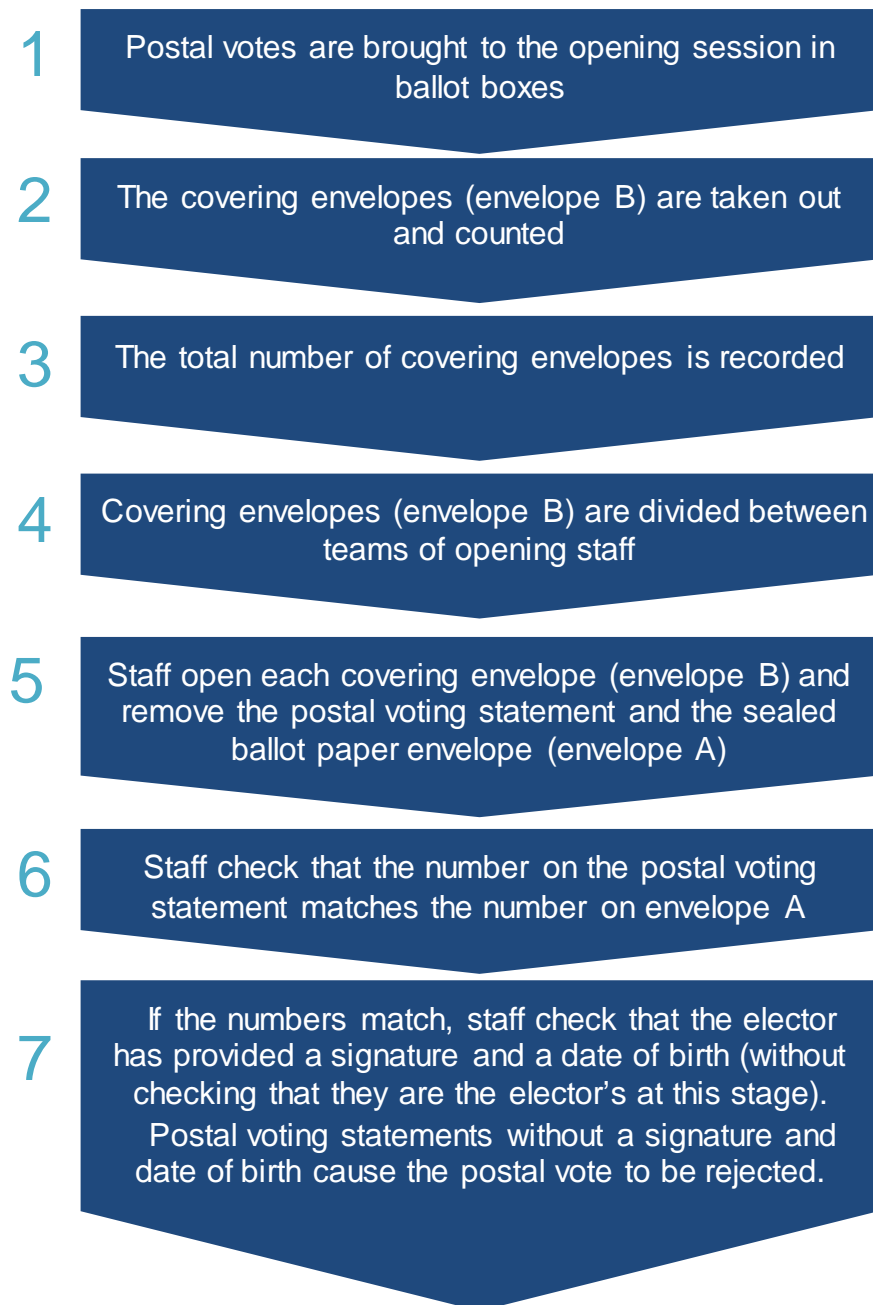
1.13 Each local RO will open postal votes for their part of the combined authority area. It is likely that several opening sessions will take place before polling day, as well as on polling day itself.

1.14 Each local RO must give candidates at least 48 hours' notice of when and where their sessions will take place. They will also set out how many postal voting agents will be allowed to attend each session.

1.15 Each local RO will have a final opening session after the polls have closed to open any postal votes handed in to polling stations. This session may be held at the count venue(s) or in another location. The local ROs will advise you of the location for their final opening.

## Flowchart of the opening session process

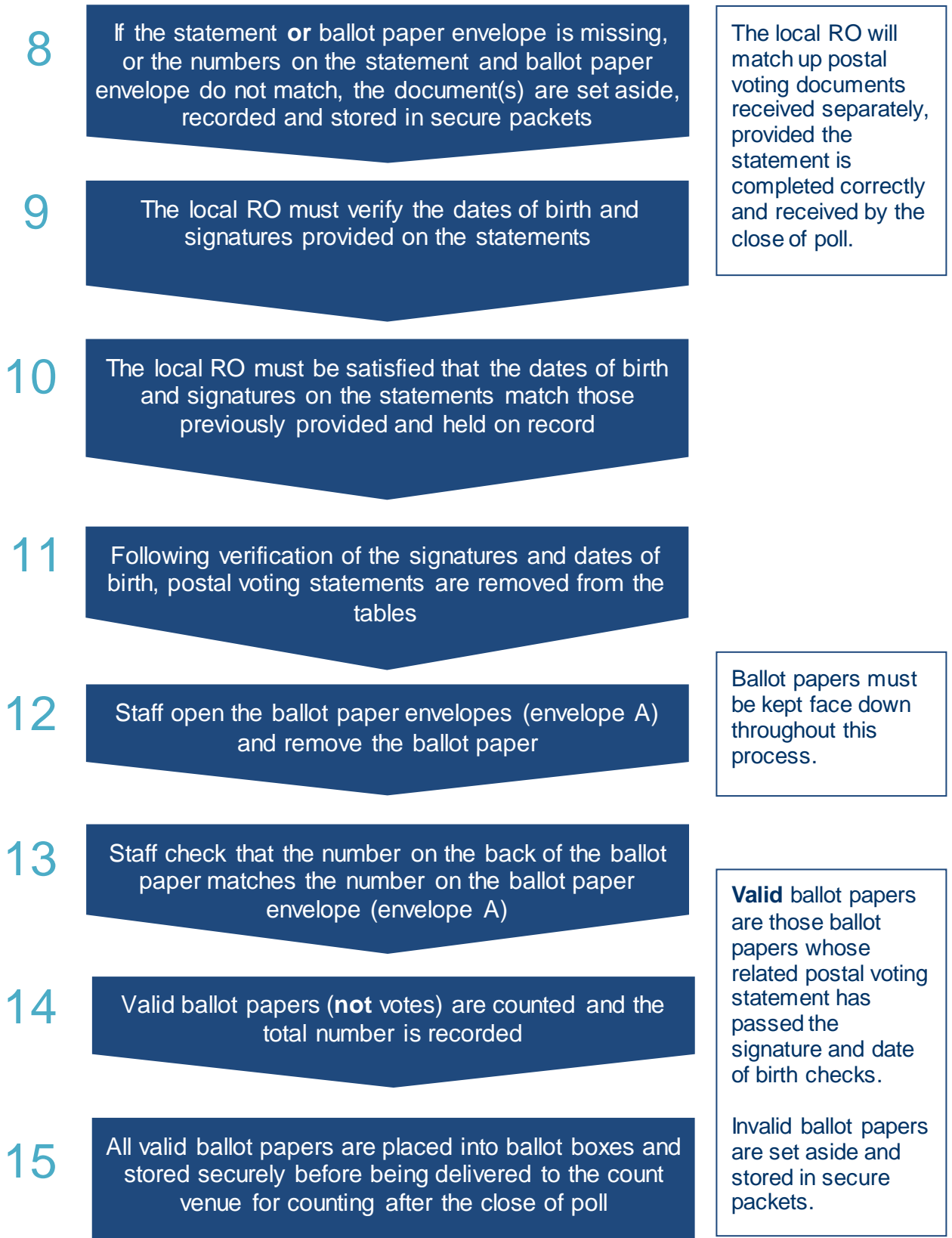
1.16 The postal vote opening process can be summarised as follows:



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



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## Invalid and rejected postal voting statements

1.17 Unless a waiver has been granted, the local RO 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 or ballot paper envelope. They are marked as 'rejected' and shown to any agents present.

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

## Polling stations

1.20 You and your election agent are entitled to observe proceedings inside polling stations.

1.21 A sub-agent may attend, but only in place of the election agent.

1.22 Additionally, you and your election agent may appoint agents to attend polling stations. See [Part 2a – Standing as an independent candidate](#) or [Part 2b – Standing as a party candidate](#) for details on how to appoint polling agents.

## Who can vote at polling stations?

1.23 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 a combined authority mayoral election, unless:

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- 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 elector

1.24 Electors will receive a poll card before the election 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.

1.25 Registered postal voters cannot be issued with a ballot paper at the polling station, but they can return their completed postal ballot pack to their polling station on polling day. Alternatively, they may return their postal vote to any polling station in the local authority area. In areas where there is a county council and a district council, the postal vote must be returned to a polling station within the district council area. Postal ballot packs may also be returned by hand to the local RO at the elections office.

1.26 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

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

## Finding the location of polling stations

1.28 The local RO will give public notice of the location of polling stations by the sixth working day before the poll. They will give a copy of this notice to election agents soon after this.

## What does a polling agent do?

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

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.

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

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

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

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

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

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

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

## Maintaining the secrecy of the ballot

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

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

For more information see: [the secrecy requirements for the poll](#)

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

1.33 A polling agent can mark off on their copy of the register of electors those voters who have applied for a ballot paper. 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.

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1.34 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?

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

### Polling station staff will...

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

### The voter will...

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

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

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

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

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

## Collection of postal ballots from the polling station

1.37 The local RO 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 candidates or agents present can add their own seal to the packet if they wish.

## Tellers

1.38 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.

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

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

The local RO is in charge of the conduct of the election in their area. 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?

1.41 Once all voters who have been issued with a ballot paper have voted, the ballot box is sealed by the Presiding Officer and polling agents, 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

1.42 The local RO is responsible for verifying and counting the votes for their area. The Combined Authority Returning Officer (CARO) is responsible for collating the totals from each local RO and calculating the result for the whole of the combined authority area.

### Who can attend the count?

1.43 You and your election agent are entitled to attend the count for any of the local authority areas in the combined authority area. Additionally, you can invite one other person to attend the count in each of the local authority areas. You and your election agent may also appoint agents specifically to attend the count in each of the local authority areas on your behalf.

1.44 A sub-agent is entitled to attend in place of an election agent, but only if the proceedings are in the area to which they have been appointed to act.

1.45 See [Part 2a – Standing as an independent candidate](#) or [Part 2b – Standing as a party candidate for details on the number of counting agents that may be appointed.](#)

### What does a counting agent do?

1.46 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 local RO to reject a ballot paper, they can ask the local RO to mark on the ballot paper “rejection objected to”
- if a count is suspended for any reason, there is a break between the end of verification and the start of the count

and/or ballot boxes with verified ballot papers need to be transported to a different location for counting, counting agents can add their seals when the local RO seals the ballot boxes and envelopes

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

## Duty to maintain secrecy

1.48 Anyone attending the count has a duty to maintain the secrecy of the count. In particular, anyone attending must not:

- Ascertain or attempt to ascertain number or other unique identifying mark on the back of any ballot paper
- Communicate any information obtained at the count as to the candidate for whom any vote is given on any particularly ballot paper

## When and where will the count take place?

1.49 There will be a count for each local authority area. They may be held locally or centrally. The local RO will notify you of the exact time and location of their local verification and count.

1.50 The CARO will notify you of the time and location of the calculation of the result (see also paragraph **1.65** below).



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## How the votes will be counted

### Check-in

- 1 The local RO's staff deliver the ballot boxes from the polling stations to the count venue
- 2 The local RO's staff check in ballot boxes as they arrive at the count venue

### Verification

- 3 Ballot boxes are emptied onto tables and the empty boxes are shown to agents
- 4 Staff count the ballot papers, keeping them face-up
- 5 Staff verify that the number of ballot papers matches the number of papers issued, as recorded on the Presiding Officers' ballot paper accounts
- 6 The local RO determines the reasons for any discrepancies and produces a final verified total
- 7 The local RO produces a statement of the verification. Agents can view or copy this statement if they wish

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

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

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

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

## Counting of votes where there are only two candidates

1.51 If there are only two candidates standing at the election, staff will sort the ballot papers by candidate and count the number of votes cast for each candidate. The local totals are then transmitted to the CARO for the calculation of the result.

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

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

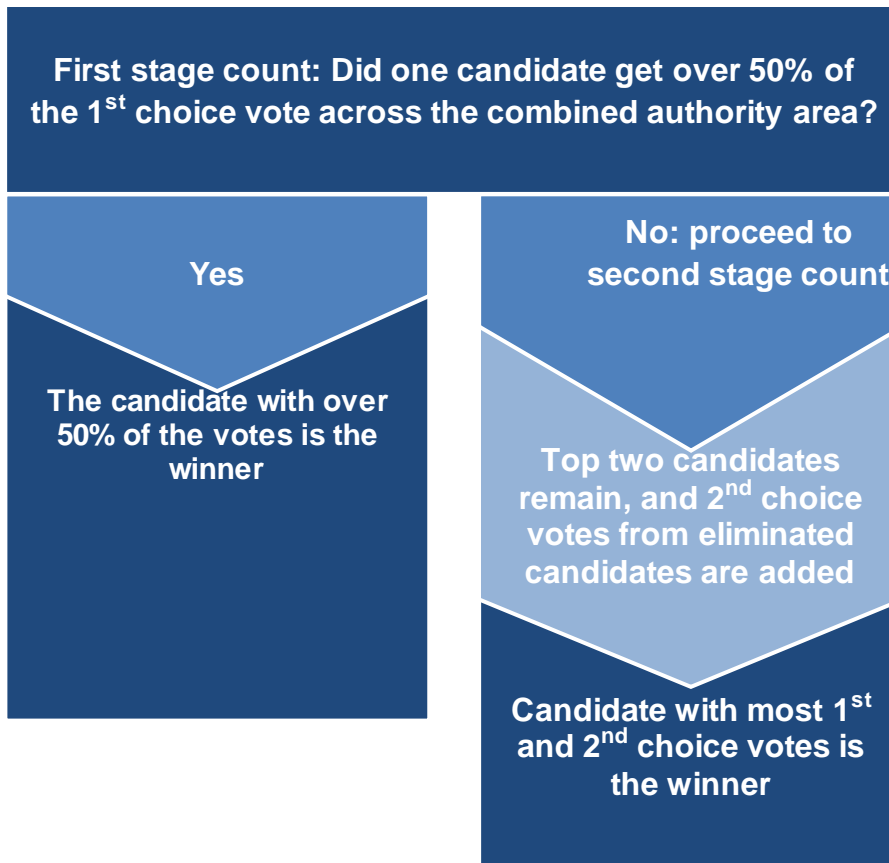
1.53 In the SV system, voters can cast a first and second choice vote for the combined authority mayor.

1.54 At the count, the first choice votes are counted first and transmitted to the CARO. If a candidate obtains more than 50% of the first choice votes across the whole of the combined authority area, they are declared elected.

1.55 If no candidate obtains more than 50% of the first choice votes across the whole of the combined authority area, the top two candidates (or more if there is a tie) remain in the contest while the rest are eliminated. In that case, the CARO will ask all local ROs to count the second choice votes from those candidates who have been eliminated.

1.56 Once these have been counted, the second choice totals will be transmitted to the CARO. The CARO will then add the second choice votes from across the whole of the combined authority area to the remaining candidates' totals. The candidate with the most first and second choice votes will be declared elected.

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

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

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

1.58 The local RO must draw up a statement showing the number of ballot papers rejected in their local authority area for these reasons.

1.59 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

1.60 See paragraph **1.69** for more information on the adjudication of votes that appear doubtful.

1.61 The local RO 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 local RO's decision.

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

## Recounts

1.63 You, your election agent, or the counting agent you have designated to request recounts, can ask the local RO to recount the votes. If there are more than two candidates, first preference votes can only be recounted after the first stage count and second preferences can only be recounted at the second stage count. The local RO can refuse to recount if they think the request is unreasonable.

1.64 Recounts can only be requested at local authority level. Combined-authority-wide recounts are not allowed.

## Collation of count totals and declaration of result

1.65 Once the count totals from all local ROs within the combined authority area have been added up by the CARO, the CARO will declare and give public notice of the result.

1.66 You and your election agent are entitled to observe the calculation of the result to satisfy yourself as to the accuracy of the calculation. Additionally, you can invite one other person to attend. A sub-agent appointed for the area in which the calculation takes place may attend in place of the election agent.

1.67 The CARO will share the figures with the election agents present who may request the CARO to recalculate result, but the CARO may refuse to do so if they consider the request unreasonable.

1.68 If there is a count of second preferences, only those in attendance for candidates remaining in the contest are entitled to attend the calculation at that stage.

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

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

# Supplementary information

## Doubtful ballot papers

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

1.70 The examples given in the booklet and on the placemats are based on the election rules. Please note that while these provide guidance for local ROs, each individual local RO has the ultimate responsibility for making a decision on individual ballot papers. Additionally the CARO may also have provided guidance to the local ROs in the combined authority area in order to ensure consistency of approach across the combined authority area.

1.71 The local RO's decision to reject a particular ballot paper during the count or recount is final and can only be reviewed at an election petition after the declaration of the result. For more details on election petitions, see [Part 6 – After the declaration of result](#).