

European Parliamentary elections in Great Britain

Guidance for candidates and agents

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

March 2019

This document applies only to the 23 May 2019 European Parliamentary election in Great Britain. Our guidance and resources for all other elections can be accessed from our website at:

<http://www.electoralcommission.org.uk/i-am-a/candidate-or-agent>.

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Essential information

This section of the document contains our guidance on attending key electoral processes at the 23 May 2019 European Parliamentary election in England, Scotland and Wales.

Supplementary information 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.

We are here to help, so please contact your local Commission office if you have any questions. See our [Overview Document](#) for contact details.

In this document, we use 'you' to refer to the candidate (individual or party list). We use 'must' to refer to a specific legal requirement and 'should' for recommended practice.

We have included relevant deadlines throughout this document, but you can find a separate [election timetable](#) setting out all the key dates on our website.

As a result of bank holidays in Gibraltar on 29 April and 1 May 2019, some electoral deadlines in the South West region are different to the deadlines elsewhere in Great Britain. Where this is the case, we have included the South West deadline in brackets alongside the deadline for the rest of Great Britain.

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The opening of postal votes

1.1 Candidates, election agents and sub-agents are all entitled to attend the opening of returned postal votes. An election agent may also appoint somebody else to attend in their place. Additionally, election agents and or sub-agents may appoint agents specifically to attend openings on their behalf. See [Part 2a - Standing as an independent candidate](#) or [Part 2b - Standing as a party candidate](#) for details on how to appoint these agents.

Candidates, election agents, sub-agents and postal voting agents are not entitled to attend the **issue** of postal votes.

What does a postal voting agent do?

1.2 A postal voting agent is allowed to attend and observe postal vote opening sessions, which are run by the Local Returning Officer. At each opening session the Local Returning Officer will check every returned postal vote and 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.

For more information see: Secrecy requirements – postal voting for candidates and agents [in England](#) and for candidates and agents [in Wales](#)

1.3 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 Returning Officer to reject a postal vote. It will not affect the Local Returning Officer's decision, but the Local Returning Officer will record any objections by marking the postal voting statement with the words 'rejection objected to'.

1.4 Like postal voting agents, candidates, election agents and sub-agents are also entitled to object to a rejection.

1.5 The Local 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 Local Returning Officer has given.

What is postal voting?

1.6 People aged 18 or over, who are registered, or have applied to register, can apply to vote by post by submitting an

application to the Electoral Registration Officer. The application must be received by the Electoral Registration Officer by **5pm on Wednesday 8 May 2019**. 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 Wednesday 8 May 2019**. The Electoral Registration Officer has no discretion to extend the deadline for any reason.

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 Returning Officer
- **The ballot paper** contains the names of the parties, the candidates on the party lists and the independent candidates standing for election.
- **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

If the election is combined with another poll, the issue of postal votes may be combined.

If so, the postal ballot pack will also contain the ballot paper for the other electoral event(s).

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

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

1.8 Each Local Returning Officer must give election agents and their sub-agents, if any have been appointed, at least 48 hours' notice of when and where the sessions will take place. They will also tell election agents or their sub-agents, where

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appointed, how many postal voting agents will be allowed to attend each session.

1.9 There will be a final opening session after the polls have closed to open any remaining postal votes received on polling day, including any handed in to polling stations. This session may be held at the verification venue or in another location. The Local Returning Officer will advise election agents and their sub-agents, where appointed, of the location for the final opening.

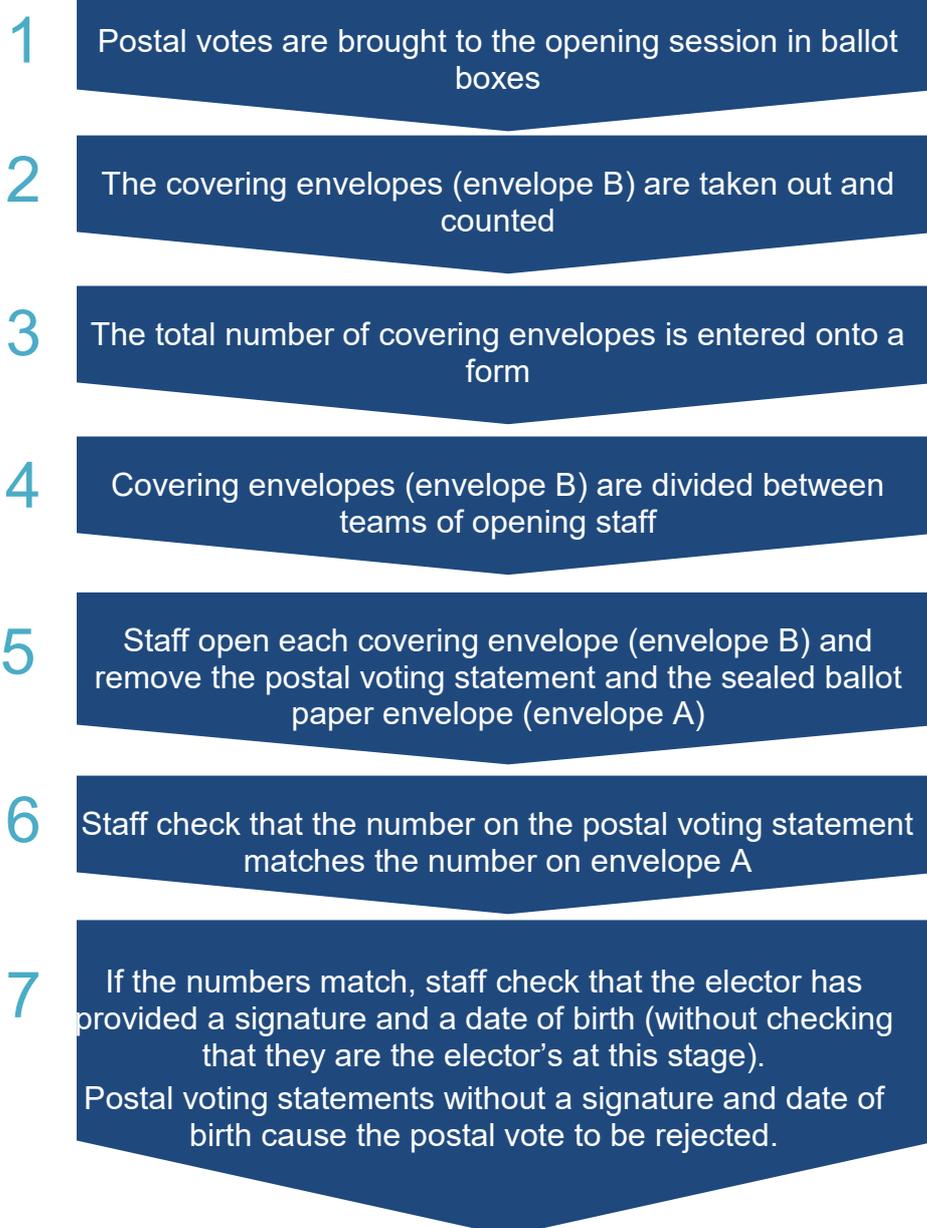
Duty to maintain secrecy

1.10 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**.

1.11 In addition, anyone attending an 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 a fine or imprisonment. In England and Wales, the fine is unlimited; in Scotland, it is up to £5,000.

Flowchart of the opening session process

1.12 Each Local Returning Officer is responsible for the organisation and administration of the opening process, but the key stages can be summarised as follows:



A very small number of voters are not required 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.

Valid ballot papers are those ballot papers whose related postal voting statement has passed the signature and date of birth checks. They also include those ballot papers whose related postal voting statement was not subject to those checks.

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

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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

9 The Local Returning Officer or their deputy must verify the dates of birth and signatures on every statement and be satisfied that they match those given on the electors' original applications

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

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

12 Staff check that the number on the back of the ballot paper matches the number on the ballot paper envelope (envelope A)

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

14 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

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

Ballot papers must be kept face down throughout this process.

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.

Invalid and rejected postal voting statements

1.13 Unless a waiver has been granted, the Local Returning Officer (or appointed deputy) 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.

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

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

Polling stations

1.16 Candidates and election agents (or a sub-agent, if the election agent is not present) are entitled to observe proceedings inside polling stations. Additionally, polling agents may be appointed specifically 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.

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Who can vote at a polling station?

1.17 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 European Parliamentary election, 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

1.18 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.

1.19 Registered postal voters cannot be issued with a ballot paper at the polling station, but they can return it or have it handed in to their polling station on polling day. Alternatively, they may return their postal vote to any other polling station in their local authority area (the elections office at the local authority will be able to provide details) or by hand to the Local 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

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

Finding the location of polling stations

1.21 Each Local Returning Officer must give public notice of the location of polling stations and must give a copy of this notice to election agents.

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 Local 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.

What does a polling agent do?

1.22 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 ballot box is empty 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 the party or candidate who appointed them 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

1.23 You, your election agent and sub-agents, if appointed, can do anything a polling agent is allowed to do.

Maintaining the secrecy of the ballot

1.24 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

While a polling agent can observe the poll, they do not have to be present in the 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).

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

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

1.26 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 must leave the marked copy of the register in the polling station to ensure that secrecy requirements are not breached.

1.27 Any person found guilty of breaching the secrecy requirements can face a fine or imprisonment. In England and Wales, the fine is unlimited; in Scotland, it is up to £5,000.

What is the normal voting process?

1.28 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

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.

- place the ballot paper in the ballot box and leave the polling station

1.29 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 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

1.30 The Local 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 polling agents present can add their own seal to the packet if they wish.

Tellers

1.31 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.

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

1.33 We have produced a factsheet of [Tellers do's 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 Regional and Local Returning Officers may also provide their own version of guidance to tellers.

The Local Returning Officer is in charge of the conduct of the poll in their counting area (i.e. local authority area). If they are concerned by the activities of tellers, they can ask tellers to comply with agreed behavior or leave the polling place.

What happens after polls close?

1.34 The ballot box is sealed by the Presiding Officer and polling 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 verification venue.

The verification and count

1.35 The Local Returning Officer is responsible for verifying and counting the votes cast in their counting area. The Regional Returning Officer then collates the count totals from each local counting area to calculate the result for the electoral region.

1.36 At a European Parliamentary election, verification can take place at any time after the close of poll. The counting of votes can begin at any time once verification is complete, but the result (or any provisional results) cannot be made public until polling has closed in the rest of the European Union, which is **10pm on Sunday 26 May 2019**. If there is a break between verification and counting, the verified ballot papers are stored securely until the count starts (see paragraph **1.43**).

1.37 Regional Returning Officers will co-ordinate the counting in their region and may give guidance or directions to Local Returning Officers about when and how the count should be carried out. The Regional and Local Returning Officers will be able to provide you with information about the arrangements for verification and counting.

1.38 The purpose of 'verification' is to check that the number of ballot papers at the count matches the number expected based on the paperwork from polling stations and from the postal vote openings.

1.39 The overall number of votes cast in a counting area is also known as the local total. Local Returning Officers must provide their local totals to the Regional Returning Officer, who is responsible for calculating the total number of votes cast for each party or individual candidate in the electoral region as a whole (the 'regional result'), and for allocating the seats.

1.40 Seats are allocated using a proportional representation system (see paragraph **1.62** for more information on the calculation).

Who can attend the verification and count?

1.41 The following are entitled to observe the verification and counts in the electoral region in which they are contesting the election:

- candidates and one other person chosen by each of them
- election agents (or a sub-agent in the election agent's absence)
- counting agents (See [Part 2a - Standing as an independent candidate](#) or [Part 2b - Standing as a party candidate](#) for details on how to appoint counting agents.)

1.42 The Regional and Local Returning Officers will provide parties, candidates and agents with further information on the arrangements for the verification and counting of votes across the electoral region.

What does a counting agent do?

1.43 Counting agents have a number of important roles to play at the verification and count:

- They observe the process and make sure that it is accurate.
- They can draw to the attention of count staff any doubtful ballot papers.

Where polls are combined, any entitlement to observe the verification or the count applies while the European Parliamentary ballot papers are being verified or counted, but ends once the process is completed, even if other ballot papers are still being verified and/or counted.

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- If they disagree with a decision by the Local Returning Officer to reject a ballot paper, they can ask the Local Returning Officer to mark on the ballot paper “rejection objected to”.
- If a count is suspended for any reason, or if there is a break between the end of verification and the start of the count, counting agents can add their seals when the Local Returning Officer seals the ballot boxes and envelopes.

1.44 You, your election agent and sub-agents, if appointed, can do anything a counting agent is allowed to do.

When and where will the verification and count take place?

1.45 The Local Returning Officer must notify counting agents of the timing and location of their local verification and count.

1.46 Although counting can begin as soon as verification is completed, the result (or any provisional results) cannot be made public until polling has closed in the rest of the European Union, which is **10pm on Sunday 26 May 2019**.

How the votes will be verified and counted

1 The Local Returning Officer's staff deliver the ballot boxes from the polling station to the verification venue

2 The Local Returning Officer's staff check in ballot boxes as they arrive at the count venue

1.47 The first stage of any count is the verification. Each ballot box is opened and the number of ballot papers inside is counted. When verifying polling station ballot boxes, this number is then compared to the number of ballot papers that the Presiding Officer responsible for the box has indicated were issued on the ballot paper account that they completed at the close of poll. When verifying postal ballot boxes, this number is compared to the number that the Local Returning Officer has indicated were sealed in the box at the end of the postal vote opening sessions.

1.48 Unlike at other elections, the European Parliamentary election ballot papers are kept **face down** throughout this process.

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 polls or separate boxes for each. 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.

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Verification

- 3 Ballot boxes are emptied onto tables and the empty boxes are shown to agents
- 4 Staff count the ballot papers (face down) from each polling station
- 5 Staff check that the number of ballot papers matches the number of papers issued
- 6 The numbers of verified ballot papers are shown to election and counting agents
- 7 The Local Returning Officer determines the reasons for any discrepancies and produces a final verified total
- 8 The Local Returning Officer produces a statement of the verification. Agents can view or copy this statement if they wish

Sometimes there may be a small discrepancy between the number of ballot papers counted and the number expected. This may, for example, be due to a voter not placing their ballot paper in the ballot box.

Counting of votes

1.49 To preserve the secrecy of the ballot, the contents of ballot boxes are mixed at the start of the count (or on conclusion of the verification). Staff counting the local totals will then sort the ballot papers by party/individual candidate and count the number of votes cast for each party and individual candidate. Throughout the count, ballot papers will be kept fact up at all times.

1.50 Once the votes have been counted the Local Returning Officer will share the provisional local totals with the candidates and any agents present. At this point, the following people present may request a re-count:

- candidates
- election agents (or a sub-agent in the election agent's absence)
- one designated counting agent for each individual candidate or party (for more information on designating a counting agent who can request a recount see [Part 2a - Standing as an independent candidate](#) and [Part 2b - Standing as a party candidate](#))

1.51 The Local Returning Officer can refuse to recount if they think that the request is unreasonable.

1.52 After counting the votes (and conducting any re-counts) each Local Returning Officer will notify the Regional Returning Officer of the total number of votes cast in their counting area for each party and individual candidate.

1.53 Before a local total can be declared, it must first be authorised by the Regional Returning Officer. If the Regional Returning Officer is satisfied that the total is accurate, they will authorise the Local Returning Officer to formally share their total with the candidates and agents and declare it locally. Alternatively, if the Regional Returning Officer is not satisfied that the local total is accurate, they may require the Local Returning Officer to conduct a recount.

1.54 The Regional Returning Officer collates the local totals for all the counting areas in the electoral region and calculates the total numbers of votes cast for each party and individual candidate in the electoral region (for more information about the calculation of the regional result see paragraph **1.62** onwards).

No information about the number of votes cast for any party or candidate can be made public or shared with parties, candidates or their agents before **10pm on Sunday 26 May** when polling has closed across all of the European Union.

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

1.55 A ballot paper will not be counted if it:

- is unmarked
- does not contain the official mark
- contains more than one vote
- does not indicate the voter's intention with certainty
- the voter has not indicated their vote with certainty
- contains any mark or writing that may identify the voter

1.56 The Local Returning Officer must draw up a statement showing the number of ballot papers rejected for these reasons.

1.57 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

1.58 See paragraph **1.75** for more information on the adjudication of votes that appear doubtful.

1.59 The Local Returning Officer 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 Returning Officer's decision.

What happens to the paperwork after the local totals are declared?

1.60 In England and Wales, each Local Returning Officer must seal all election documentation, add a description of the contents to each packet and forward them on to the Electoral Registration Officer for the local authority area. In Scotland, the Local Returning Officer will retain these documents.

Calculation of the regional result

1.61 Once the local totals have been authorised the Regional Returning Officer will collate them and add them together to calculate the total number of votes cast for each party or individual candidate in the electoral region (the 'regional result').

Who can attend the calculation of the regional result?

1.62 The following are entitled to observe the calculation of the regional result in the electoral region in which they are contesting the election:

- candidates and one other person chosen by each of them
- election agents (or a person acting on their behalf, such as a sub-agent)
- the Nominating Officer of each registered party

When and where will the calculation of the regional result take place?

1.63 The Regional Returning Officer will give notice to election agents of registered parties and to individual candidates of the time and location of the calculation of regional results.

1.64 The regional result (or any provisional result) cannot be made public or shared with parties, candidates or their agents before **10pm on Sunday 26 May** when polling has closed across all of the European Union.

1.65 Once the Regional Returning Officer has calculated the regional totals they will share the provisional result with the people listed in paragraph **1.62** above who are present, and these people can at this point request that the Regional Returning Officer recalculates the totals.

1.66 The Regional Returning Officer can refuse to recalculate the totals if they think that the request is unreasonable.

Allocation of seats

1.67 Each electoral region is allocated a certain number of seats to be filled (see the [Overview Document](#) for a breakdown by electoral region). The Regional Returning Officer will calculate the allocation of seats using a mathematical formula (the d'Hondt formula).

1.68 The first seat is allocated to the party or individual candidate with the highest number of votes cast in the electoral region. Each remaining seat is allocated to the party or individual candidate that has the highest number of votes after the following calculation:

$$\frac{\text{Total number of votes received by the party/individual candidate}}{\text{Number of seats that the party/individual candidate has already been allocated} + 1}$$

1.69 Once an individual candidate has been allocated a seat, or a party has been allocated as many seats as there are candidates on its list, they are removed from the calculation for the allocation of the remaining seats.

1.70 The seats each party is entitled to are filled by the candidates in the order in which their names appear on their party list.

1.71 If at any stage of the allocation of seats two or more parties/individual candidates have the same number of votes after the calculation shown above and this number is higher than any of the other parties/individual candidates, they are each allocated a seat.

1.72 If there are not enough seats remaining for this to happen, one vote is added to the total number of votes cast for the party/parties/individual candidate(s) concerned, and the calculation is repeated.

For details of what happens after the result has been announced see:

[Part 6 - After the declaration of results](#)

1.73 If there is still a tie, the Regional Returning Officer must draw lots to decide which party or individual candidate is allocated the seat.

1.74 Once all the seats have been allocated, the Regional Returning Officer will give public notice of the results.

Supplementary information

Doubtful ballot papers

1.75 To assist Local Returning Officers, 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](#). The examples given in the booklet are based on the election rules. Please note that while these documents provide guidance for Local Returning Officers, each Local Returning Officer is ultimately responsible for making a decision on individual ballot papers. Additionally, the Regional Returning Officer may also provide guidance to the Local Returning Officers in order to ensure consistency of approach across their electoral region.

1.76 The Local Returning Officer's decision to reject a particular ballot paper during the count or any 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 results](#)