

# European Parliamentary elections in Great Britain

# Guidance for candidates and agents

## Part 6 of 6 – After the declaration of result

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 what happens after the result at a European Parliamentary election has been announced. 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 the candidate (whether individual or included on a 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.

## Declaration of acceptance of office

1.1 If elected, you can take up your seat as a Member of the European Parliament (MEP) from the start of the first session of the Parliament following the election. However, you must make a written declaration before you take up your seat that you do not hold any office incompatible with that of an MEP. You must make this declaration, where possible, no later than six days before Parliament's first sitting following the election.

1.2 If you have made your signed declaration but it is subject to verification or dispute, you can take up your seat until this has been resolved.

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

Data protection legislation applies 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.

1.3 If you are found to hold an office incompatible with that of an MEP, your seat will be declared vacant.

## Return of deposit

1.4 Any individual candidate or registered party that polls more than 2.5% of the total number of valid votes cast in the electoral region will have their deposit returned. The Regional Returning Officer will return the deposit to the person who made it (or their personal representative) by the next working day following the declaration of the result. If the person who made the deposit would like it to be returned to their personal representative, they should notify the Regional Returning Officer of their representative's details.

## Challenging the outcome of the election

1.5 The outcome of a European Parliamentary election can be challenged through an election petition. There is a separate process for making a challenge relating to a successful candidate's entitlement to be a Member of the European Parliament because they were or are disqualified. For further details on these processes, see paragraphs 1.11 to 1.22.

## What happens to the election paperwork after the result is announced?

1.6 All election documents are retained for one year by the relevant Electoral Registration Officer (by the Local Returning Officer in Scotland) and most are available for public inspection. Please note that ballot papers are not open to public inspection. If you wish to inspect election documents, see paragraph 1.23 for further information.

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## Submitting your election spending returns

1.7 The election agent of an individual candidate will need to prepare and submit an election spending return for your election expenses within 50 days of the date the election result is declared. In addition, both you and your election agent will need to sign a declaration stating that the return is complete and correct to the best of your knowledge and belief.

1.8 Detailed guidance for individual candidates on completing and submitting your spending return is contained in [Part 3 - Spending and donations for individual candidates](#) for individual candidates.

1.9 Party list candidates must also prepare and submit an election spending return for their personal expenses to the Regional Returning Officer within 50 days of the date the result is declared.

1.10 Political parties must prepare and submit campaign spending returns. This must be done within three months of the date of the poll where parties spend £250,000 or less, or within six months of the date of the poll where parties spend more than £250,000. Guidance for parties is available separately on [our website](#).

# Supplementary information

## Challenging the election

### Lodging an election petition

1.11 Only certain people can lodge an election petition, and only under specific circumstances.

1.12 An election petition can be presented by:

- someone claiming to have been a candidate at the election, or
- someone claiming to have had a right to be elected or returned at the election, or
- an elector (not an anonymously registered elector) who had a right to vote at the election (note that they need not have voted)

1.13 The allowable grounds for a petition are that:

- a successful candidate was not duly elected
- the results were not duly declared
- the election was invalidated by the following corrupt or illegal practices:
  - **personation**: when any individual votes as someone else (whether that person is living or dead or is a fictitious person)
  - **other voting offences**: voting or acting as a proxy while disqualified or acting as a proxy for more than

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two people who are not close relatives; voting twice at the same election; or knowingly appointing two proxies for the same election

1.14 A petition cannot be made on the grounds that a candidate was disqualified from standing. There is a separate judicial process for challenging the election of an MEP on the grounds that they were or are disqualified (see paragraph **1.20**).

1.15 Normally, a petition must be presented within 21 calendar days after the day on which the election result was declared. However, if the petition complains of corrupt or illegal practices involving the payment of money or other reward, or an illegal practice relating to election spending, further time may be allowed.

1.16 For any questions relating to election petitions, including to confirm the deadlines for lodging an election petition, you should contact the Election Petitions Office.

1.17 In **England and Wales**, you should contact:

The Election Petitions Office  
Room E113  
Royal Courts of Justice  
Strand  
London WC2A 2LL  
Email: [Election\\_Petitions@hmcts.gsi.gov.uk](mailto:Election_Petitions@hmcts.gsi.gov.uk)  
Phone: 020 7947 6687  
Fax: 0870 324 0024

1.18 In **Scotland**, you should contact:

The Petitions Department  
Court of Session  
Parliament Square  
Edinburgh EH2 1RQ  
Email: [supreme.courts@scotcourts.gov.uk](mailto:supreme.courts@scotcourts.gov.uk)  
Tel: 0131 240 6747  
Fax: 0131 240 6711

1.19 There are costs attached to an election petition. If you are considering lodging an election petition, we strongly recommend that you take independent legal advice.

### Judicial determination of disqualification

1.20 Any person may apply to the appropriate court for a declaration that an MEP was or is disqualified from being a Member of the European Parliament under Section 10 of the European Parliamentary Elections Act 2002.

1.21 In England and Wales, the appropriate court is the High Court. In Scotland, it is the Court of Session.

1.22 There are costs attached in applying for a judicial declaration of disqualification. If you are considering doing so, we strongly recommend that you take independent legal advice.

## Inspection and supply of election-related documents

1.23 Documents available for inspection and supply of copies can be provided by the relevant Electoral Registration Officer(s) or, in Scotland, by the Local Returning Officer, except for the candidates' election spending returns, which are kept by the Regional Returning Officer.

1.24 The Electoral Registration Officer at each local authority in the electoral region will keep those election documents that relate to their area. Contact details for Electoral Registration Officers [are](#) available on [www.yourvotematters.co.uk](http://www.yourvotematters.co.uk). Contact details for Regional Returning Officers are available [on our website](#).

## Inspection and supply of the marked registers and absent voters' lists

1.25 The marked electoral registers and absent voters' lists show who has been issued with a ballot paper in a polling station and by post, who has returned their postal ballot paper, and who has had a proxy vote cast on their behalf.

1.26 Individual candidates and the election agent of a party that contested the election can inspect or obtain copies of the marked register of electors and absent voters' lists after the election. A request has to be made in writing to the relevant Electoral Registration Officer (or, in Scotland, to the Local Returning Officer).

1.27 The information obtained from these documents can only be used for research or electoral purposes.

1.28 A request for inspection must specify:

- which documents are requested
- the purposes for which the information in any document will be used
- where the request is to inspect the marked register or lists, any reason why inspecting the full register or unmarked lists would not be sufficient to achieve that purpose
- who will inspect the documents
- the date on which the requester wishes to inspect the documents, and
- whether requester would prefer to inspect the documents in a printed or data form

1.29 Inspection is under supervision and will be free of charge. Copies are not allowed, but anyone inspecting the documents may make handwritten notes.

1.30 A request for supply must specify:

- which of the marked register or lists are requested

Nomination papers cannot be inspected after 5pm on the last day for submitting nominations. The deadline for inspecting and making objections to nomination papers will vary depending on when the nomination papers were delivered. See [Part 2a - Standing as an independent candidate and '2b: Standing as a party candidate and guidance for registered parties submitting party lists'](#) for further information.

- whether a printed copy of the records or lists is requested or a copy in data form
- the purposes for which the marked register or lists will be used and why the supply or purchase of a copy of the full register or unmarked lists would not be sufficient to achieve that purpose

1.31 The requested document will be supplied for a fee of £10 plus £2 for printed and £1 for data versions per 1,000 entries.

1.32 Note that after 12 months these documents will be destroyed, unless a court order directs otherwise.

1.33 Under the General Data Protection Regulation (GDPR), personal data processed for any purpose shall not be kept for longer than is necessary for that purpose. If you request and are supplied with any of the information listed above, once the purpose for collecting this data has passed, you need to consider if there is a reason for you to retain that data. If there is not you should ensure secure destruction of any data held.

## Inspection of other election documents

1.34 You can inspect other election documents, but you will not be allowed to make any notes or take copies of these documents. The only documents that cannot be inspected are:

- the ballot papers
- the corresponding number lists
- the certificates allowing polling station staff and police officers to vote at the polling station they are working at

1.35 After 12 months all of the election documents will be destroyed, unless a court order directs otherwise.

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## Inspection of candidates' election spending returns

1.36 Candidates' spending returns can be inspected by any person after they have been submitted. Copies can also be requested.

1.37 Spending returns are kept by the Regional Returning Officer for one year. You can request to have them returned to you or your agent at the end of this period. If you or your agent does not want them back, they will be destroyed.