



YOUR LONDON. YOUR VOTE

The
Electoral
Commission

Part E – Verifying and counting the votes

Greater London Authority elections on
5 May 2016: guidance for Returning
Officers

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onwards)

In this guidance we use 'must' when we refer to a specific legal requirement. We use 'should' for items we consider to be recommended practice, but which are not legal requirements.

Translations and other formats

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Updates to this document

Updated	Description of change	Paragraph number
March 2016	Added chapters 2 onwards	N/A
April 2016	Added Constituency Assembly Member candidates to the list of people to be consulted	3.6
April 2016	Minor tweak to the wording in the second bullet point	3.14
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1 Principles for an effective verification and count

1.1 You should ensure that your verification and count arrangements can deliver the key principles for an effective verification and count, which are as follows:

- All processes are transparent, with a clear and unambiguous audit trail.
- The verification produces an accurate result. This means that the number of ballot papers in each box either matches the number of ballot papers issued as stated on the ballot paper account or, if it does not:
 - the source of the variance has been identified and can be explained, and/or
 - the box has been recounted at least twice, until the same number of ballot papers is counted on two consecutive occasions
- The count produces an accurate result, where.
 - for the Constituency Assembly Member election, the total number of votes cast for each candidate and rejected votes matches the total number of ballot papers given on the verification statement for the Constituency Assembly Member election
 - for the London-wide Assembly Member election, the total number of votes cast for each party and individual regional candidate and the rejected votes matches the total number of ballot papers given on the verification statement for the London-wide Assembly election
 - for the election of the Mayor of London:ⁱ
 - at the first count, the total number of first preference votes cast for each candidate and rejected votes matches the total number of ballot papers given on the verification statement for the Mayor of London election
 - at the second count, where required, the ballot papers on which a first preference vote was given to those candidates who did not remain in the election equals: the total number of ballot

ⁱ In the case of a Mayor of London election with two candidates, the count produces an accurate result where the total number of votes cast for each candidate and rejected votes matches the total number of ballot papers given on the verification statement for the Mayor of London election.

papers containing a valid second preference vote for a continuing candidate, plus the total number of ballot papers containing a second preference vote for a candidate not remaining in the election, plus the rejected ballot papers at the second count.

- The verification and count are timely.
- The secrecy of the vote is maintained at all times.
- The security of ballot papers and other stationery is maintained at all times.
- The communication of information at the verification and count is clear and timely.

1.2 Even though the votes will be verified and counted electronically, the key principles for effective verification and count processes are still relevant and the systems and processes used should be designed to meet these principles.

2 Preparing for the verification and count



Information about roles and responsibilities can be found in [Part A – Role and responsibilities](#) of the Commission’s guidance and in our [GLRO Planning guidance](#) document.

Planning for the verification and count

2.1 As set out in [Part B – Planning and organisation](#), you should prepare a project plan, treat it as a ‘living document’ and use it to monitor progress.

2.2 In developing and maintaining your plans, you will need to work closely with the GLRO and London Elects, as well as with Borough Returning Officers (BROs) within your constituency.

2.3 This joint working is especially important in planning for the count: it is in effect a partnership between you and your staff, BROs and their staff, the GLRO and London Elects, and the e-counting contractor. Working jointly, you should keep your plans for resourcing and delivering the count under review, taking into account the particular context of the elections. You should review the assumptions to ensure they continue to be realistic and robust. Such a review will help inform a realistic assessment of whether you will be able to deliver your overall plan, and whether and when it may be necessary to implement contingency plans. In all cases your plan should be flexible enough to allow you to respond if any of your assumptions change, covering what contingency actions you will take in such circumstances.

Staffing and training

2.4 Working with your BROs, it is your responsibility to staff the count and verification. It is important you ensure there are the right number of competent, skilled and knowledgeable staff – and that each member of staff is clear about their role – so the count is run efficiently and effectively and according to the principles in **chapter 1 Principles for an effective verification and count**. You should also ensure there is an appropriate number of reserve staff in case of staff absence on the day of the count.

2.5 The GLRO has outlined the different roles at the e-count and provided guidance on the numbers of staff CROs should assign to each role. The main roles that will be directly involved in the e-count are:

- scanner operator

- scanner and PC marshals – taking ballot papers to and from scanner and PC workstation operators
- PC workstation decision maker – instructing the PC operator in the verification and adjudication processes
- PC workstation operator – registering batches of ballot papers and taking instructions from the PC workstation decision maker

2.6 You will also need to designate staff to be part of your immediate 'Returning Officer team', including to assist you and your deputy with the final stage of the adjudication process. You will also want to identify other support staff that may be necessary, taking account of the limited capacity at the venue.

2.7 The e-counting contractor, working with London Elects, has organised training days. This hands-on training will include refresher days at the end of the programme and is supported by online resources and written instructions.

2.8 You should take steps to ensure that where for exceptional reasons staff assigned to work on the e-count could not attend a training day, they are fully briefed and able to fulfil their roles competently.

2.9 The training programme is focussed on the e-counting process. You should make your own arrangements to train and inform staff of processes in the lead up to the e-count; for example, arrangements for collecting and receiving ballot boxes, delivering and laying out the boxes at the count venue, and opening the boxes at the start of the count.

2.10 IntElect's staff at the venue will consist of a count centre manager, and deputy, for each constituency who will oversee the installation and testing of the e-counting system and its operation. The count centre manager will be supported by a team of engineering, technical and other support staff.

2.11 London Elects has assigned a venue director to each count centre. She will take an overview of venue logistics at the venue both in the run up to count day and on the day itself, responding to issues that arise and liaising with you. Each venue director will manage a team of London Elects staff, including security, press and operations staff (including those working on venue accreditation). She will also facilitate communications between CROs and the GLRO.

Venue layout

2.12 Layout plans for your count venue and area have been prepared by the e-counting contractor and agreed, in consultation with you and your team, with the GLRO and venue management.

2.13 Within each venue is a rectangular area for each individual constituency. In most cases, e-counting machines sit along one of the long-sides of the rectangle and PC workstations – where 'batches' of votes are registered, verified and adjudicated – on the other. Inside the rectangle, there is an area

for the laydown and unpacking of the ballot boxes and racking, with designated sections, for the batches to pause as they await the next stage of the e-count process.

2.14 The layout has been designed to maximise the efficiency of the workflow, but also so that agents, candidates and others can easily observe the count and verification.

2.15 It is your responsibility to ensure the layout is adhered to and used effectively and efficiently. Health and safety and access requirements have formed an integral part of the layout design; however, you must satisfy yourself that arrangements are appropriate and take active steps to ensure the safety of all those involved.

2.16 The wider venue plans also encompass areas for:

- access for vehicles transporting ballot boxes and count staff
- receiving and storing the ballot boxes on the night before the count
- accreditation
- security checks
- refreshments, with catering organised by London Elects
- the media

2.17 London Elects will ensure each venue has clear signage and information posters. It will also prepare and print venue leaflets for staff and others attending the count, containing a venue plan and information about venue facilities and the day's proceedings.

2.18 Should you have any local by-elections on the same day as the GLA elections, space will be set aside for you to separately manually count the votes of that election. It is important you inform London Elects as soon as you are aware of a likely by-election. You will need to cover any additional costs arising.

Venue and equipment set up and sign-off

2.19 Venue access is from Wednesday 4 May to Saturday 7 May 2016 inclusive.

2.20 The venue and e-count equipment will be set-up and tested by IntElect during the build phase spanning 4 to 5 May. After set-up, IntElect will undertake a 'kit readiness' test on the afternoon of polling day, which you should sign-off. At this stage you should also:

- review the venue layout
- make any changes to the core data held on the system, such as the electorate, staff names and ballot paper allocations

- You are responsible for providing smaller items such as stationery and any local IT requirements not part of the e-count process.

3 Attendance at the verification and count



To be able to achieve the outcome set out in [performance standard 2](#), you will need to ensure count processes are transparent, with everything at the verification and count carried out in clear view of all those entitled to attend, with information provided to attendees on the processes to be followed.

To demonstrate that the outcome can be delivered you will need to have a layout plan of the count, and have in place information to be provided to attendees at the count and arrangements to communicate progress at the count.

Who can attend?

3.1 The following people are entitled by law to attend the verification and count at the GLA elections:

- you and your staff
- your technical assistants and their staff
- the GLRO
- candidates (and one other person chosen by each of them)
- election agents (or a sub-agent in place of an election agent)
- counting agents
- Commission representatives
- accredited observers
- any other person permitted by you, as CRO, to attend (see paragraph **3.6** below)¹

3.2 Constituency Assembly Member candidates and their election agents (or a sub-agent 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-agent instead of an election agent) have the right to attend all the count venues and the central count collation venue at City Hall². All candidates can also invite one other person to attend the count. Additionally, counting agents may be appointed specifically to attend the count(s)³.

3.3 You must give counting agents reasonable facilities for overseeing the verification and counting of the votes⁴. You should also ensure that anyone else who is entitled to attend has an unrestricted view of the proceedings, while also ensuring that they will not be able to interfere with the work of your staff.

3.4 You should take all necessary steps to ensure that anyone attending does not interfere with or compromise the secrecy of the vote. The secrecy requirements will be set out in venue leaflets and on posters produced by London Elects.

3.5 There is no requirement for those attending to arrive by a certain time, and so those entitled to attend should be admitted whenever they arrive. Also, a procedure should be in place so that any attendee who wishes to leave and return later is not prevented from doing so.

3.6 You can, at your discretion, permit other people to attend the proceedings if you are satisfied that it will not impede the efficient verification or counting of votes and you have either consulted the candidate at the Constituency Assembly Member election or the election agent at the London-wide Assembly Member election in advance, or thought it impracticable to do so⁵.

Controlling admission

3.7 You are responsible for accrediting attendees at the constituency count (i.e. to attend your count venue). The GLRO is responsible for accrediting attendees at the Mayoral and London-wide Assembly Member counts (ie. to attend City Hall and any of the count venues).

3.8 In practice, London Elects will fulfil a coordinating role in the accreditation process. In addition to arrangements to ensure you and your staff are accredited and admitted swiftly and efficiently, there will be processes for accrediting and admitting:

- the media, with registration via londonelects.org.uk and overseen by London Elects
- candidates, agents, observers and those you or the GLRO permit to attend

3.9 London Elects will establish an accreditation process and system for you to input into. This will help to ensure:

- accreditation arrangements are consistent across the venues
- those, and only those, who are entitled to attend are accredited and on arrival receive passes and the appropriate level of access (and that ID requirements are consistent)
- the proper and consistent application of CROs' entitlement to limit the number of counting agents^{ii 6}

ⁱⁱ The CRO may limit the number of counting agents, but in doing so must ensure that: a) the number is the same in the case of each candidate; and b) the number allowed to a candidate must not (except in special circumstances) be less than the number obtained by dividing the number of count staff by the number of candidates.

- efficient and secure reception, entry and access arrangements

3.10 The reception arrangements at each venue will be designed and staffed by London Elects, in consultation with you and drawing on the support of your staff, including to aid identification.

3.11 Reception staff will be briefed that Commission representatives and accredited observers do not need to provide advance notification and are entitled to access the count venue on production of their observer or Commission representative identification badge.

3.12 Access to the e-counting system itself is controlled by smart cards and PINs.

3.13 London Elects will liaise with the police prior to the count to ensure appropriate policing arrangements are put in place. Security staff will operate around the clock from 4 to 7 May inside the venue. Venue operators' usual security arrangements will also be in place.

Counting agents



Guidance on the appointment of counting agents can be found in [Part C – Administering the poll](#).

3.14 You must give counting agents reasonable facilities for overseeing the verification and counting of the votes, and provide them with relevant information⁷. Counting agents have a number of important roles to play at the count:

- they observe the counting process and make sure it is accurate
- if they disagree with a decision by you to reject a ballot paper, you must mark on the e-counting system that the rejection has been objected⁸
- if a count is suspended for any reason or there is a break in proceedings, counting agents can add their own seals when you seal the ballot boxes and envelopes⁹

3.15 Candidates and election agents can do anything a counting agent is allowed to do¹⁰.

3.16 Venue layouts have been designed to allow counting agents and others to oversee the ongoing verification and counting of the votes. Access to the area within which the count machines sit will be restricted to count staff, with the external perimeter accessible by count attendees. The operation of the scanners will be visible and dual PC screens will make it easy to see the information being entered and the adjudications being made. There will also be big screens in the venue and a PA system over which count progress can be announced.

3.17 If agents or observers are dissatisfied in any way with the manner in which the proceedings on the day are being carried out, the opportunity should always be available for them to make direct representations to you at the earliest opportunity so that any concerns may be considered, explanations and reassurances given, and any corrective action taken if necessary.

Accredited observers

3.18 Electoral observation is a legitimate and valuable part of the electoral process, and care should be taken not to hinder or obstruct any observers. While you are permitted to limit the number of observers who may be present at any one time during the verification and count¹¹, you should exercise caution in doing so. You are not entitled to bar all observers from the verification and count, only to limit the number of observers present at any one time, and this discretion must be exercised reasonably.

3.19 You must have regard to the [Commission's Code of practice for observers](#) when managing the attendance of observers.



Further guidance on accredited observers can be found in [Part B – Planning and organisation](#).

Commission representatives

3.20 Commission representatives are entitled to attend the verification and count and to observe your working practices¹². They can ask questions of your staff and of agents, but will not do so if this would obstruct or disturb the conduct of proceedings. You are not allowed to limit the number of Commission representatives at the verification and count.

The media

3.21 London Elects is leading on media engagement and requirements. It is in discussions with the principal broadcasters and is also hosting a series of media briefings in the run up to the elections at City Hall. As well as covering technical requirements and media facilities, these briefings will be used to explain the electoral process and the restrictions the media should adhere to. London Elects will also prepare press packs.

3.22 Venue layouts include designated space and facilities for the media to report on results. A London Elects press officer will be on hand to liaise with media representatives. However, you also have an important role in ensuring the media have the opportunity to accurately report count progress and results. You should provide an opportunity for the media to raise any issues or requirements with you.

3.23 As with all attendees, you must ensure that media representatives do not interfere with the process or compromise the secrecy of the vote¹³. Media representatives must abide by any decisions you and the GLRO jointly make on the use of cameras and other recording equipment.

3.24 All media representatives attending in their capacity as such should be accredited by London Elects.

4 Transporting materials from polling stations to the count

4.1 The correct and orderly receipt of ballot boxes and materials from polling stations is an important component of an accurate verification process. In GLA elections this is a three stage process:

- collecting the ballot boxes and materials from the polling stations at one or more central locations in your constituency
- moving the ballot boxes and other stationery necessary for the count overnight to the count venue
- laying out the ballot boxes in the designated count area before the official start of the count

4.2 It is your responsibility to design and implement effective processes, in liaison with your Borough Returning Officers.

Collecting the ballot boxes and polling station materials at your central location(s)

4.3 You should put in place a team of staff to receive materials from polling stations at your central location(s). Your team should use a checklist to ensure that all ballot boxes and ballot paper accounts are accurately accounted for, as well as any packets containing postal votes handed in at polling stations. You should make arrangements to manage vehicular traffic.

4.4 Where Presiding Officers are required to deliver the ballot boxes personally, it should be made clear to the staff receiving the ballot boxes that no Presiding Officer should be allowed to leave until their ballot box and all of the documents and packets have been received and checked off.

4.5 At this point you should check the arithmetic on the ballot paper account, with reference to the number of unused ballot papers. Check the other packets of returned materials and any polling station logbook to try to identify any reason for missing or additional ballot papers. Ensure that returned postal ballots have not been added to the number of votes cast in the polling station. Consider contacting the Presiding Officer to ask them to try to explain any discrepancies.

4.6 You are prohibited from opening the sealed packets of tendered ballot papers, but you must by law open and then reseal the packet containing the

tendered votes list¹⁴. All packets that are opened must be resealed after the contents are counted¹⁵.

4.7 You are not permitted to open the sealed packets containing the corresponding number lists and certificates of employment, the marked copies of the register and the lists of proxies¹⁶.

4.8 The unused ballot papers should be retained in the constituency where they can be checked again if needed during the count to aid reconciliation.

Postal votes

4.9 Postal ballot papers previously received and opened will have been processed and stored securely in ballot boxes with the accompanying ballot paper account. There are no facilities for opening postal votes at count venues, so any postal ballot packs delivered to polling stations must be opened and processed at a formal postal vote opening session (see [Part D: Absent voting](#)) before being transported to the count centre with the other ballot papers. You must give notice of the time and place of this session, just as you would any other session.

Transporting the ballot boxes to the count

4.10 You should put in place a plan and arrangements for transporting the ballot boxes and ballot paper accounts to the count overnight after polling day. London Elects staff will be on hand to guide vehicles at the count centre. However, you should ensure you have staff in place to unload the ballot boxes and to account for all the boxes and corresponding ballot paper accounts.

4.11 The ballot boxes should be set out in the lay down area for your constituency in the count venue. At this point, your team should also complete the batch control sheets, transferring the numbers from the ballot paper account. The batch control sheets will have been pre-printed with the relevant polling station data entered from the web portal and will have the unique bar code for that batch on the system.

4.12 London Elects has provided guidance on batch and ballot box labelling.

4.13 London Elects will provide security staff to stay with the ballot boxes until the morning to ensure their security. You may also assign your own staff to stay with the ballot boxes.

5 The count

Overview

5.1 You are responsible for verifying and counting the ballot papers for all of the GLA elections votes cast in your constituency (ie. votes not just in the Constituency Assembly Member election, but also in the Mayoral and London-wide Assembly Member elections). You declare the outcome of the Constituency Assembly Member election. The Greater London Returning Officer (GLRO) aggregates and declares the result of the London-wide Assembly Member and Mayor of London elections at City Hall.

5.2 The constituency level counts are based at three regional count centres:

- Excel
 - Constituencies: Bexley & Bromley; City & East; Lambeth & Southwark; Greenwich & Lewisham; Havering & Redbridge
- Alexandra Palace
 - Constituencies: Barnet & Camden; Brent & Harrow; Ealing & Hillingdon; Enfield & Haringey; North East
- Olympia
 - Constituencies: Croydon & Sutton; Merton & Wandsworth; South West; West Central

5.3 Counting will begin at 8am on Friday 6 May 2016.

5.4 The votes will be counted electronically. E-counting uses machines to scan ballot papers and specially designed software to count the votes. The electronic process approximates the process used in a manual count and the same principles apply, but there are differences and it is important you and your staff understand the end to end process.

5.5 The Greater London Returning Officer (GLRO) has procured an e-counting service and is overseeing delivery of the e-counting contract. The contract is with IntElect, who also delivered the e-counting system for the 2012 elections. The system for May 2016 is essentially the same as that used in 2012 ([video of the process](#)).

5.6 You must by law use the system provided. The law only permits you to dispense with the electronic counting system after the count has commenced in the event of a system failure and with the permission of the GLRO.

5.7 This guidance does not cover the detailed count process or related logistics. Separate instructions and training on the e-count process will be provided by the GLRO and e-counting contractor. What it does do is outline the key principles and critical success factors for the count – which to a large extent apply to any count, electronic or manual. It also provides a broad overview of the e-counting process.

Counting the votes

5.8 The e-count follows a clear process with discrete steps, shown in the flow chart appended at the end of this document.

5.9 The process focuses on 'batches': all of the used ballot papers from a given polling station or postal vote ballot box, accompanied by a pink batch control sheet. Each batch must pass through four core steps sequentially, from registration to scanning, to verification (and rescanning if necessary) and finally onto adjudication (including any manual entry). However, different batches will be at different stages of the count at different times: scanning, verification and adjudication will be going on in parallel.

5.10 Your oversight and management of this process is critical to the success of the count. It is important you use the management information available on the e-count system and your own regular assessments to track progress, resolve issues and ensure the count is progressed efficiently. You should take particular care to ensure the scanners and PC workstations remain busy to optimise the pace at which the count can progress.

5.11 You will be able to draw on the support of the IntElect centre manager and technical staff and the London Elects Venue director and her team. It is important you work closely and communicate regularly with IntElect and London Elects staff.

5.12 This section of guidance focuses on two critical stages of the count in particular: verification and adjudication. If the votes are not verified and adjudicated properly and consistently, you and others will not be able to have confidence in the final result.

The start of the count

5.13 Before the verification and count begin, you should address candidates, agents and all others in attendance to explain the different processes that you are going to follow and how agents can observe and participate in the adjudication of doubtful ballot papers.

5.14 To mark the start of the count, and the audit of the count, the IntElect centre manager will go through the reference data held on the system with you – including the electorates and the list of batches – and produce a 'zero count report'. This shows there is no pre-loaded data in the system and you will need to sign a copy. You should also show the report to interested agents.

5.15 The first way in which counting agents oversee a fair count is by making sure all ballot papers are counted. As part of your ballot box reception process, your team will have arranged the boxes in the designated space in your constituency's area of the count centre prior to the start of the count. They will also have completed the batch control sheets. At the start of the count, the boxes should be opened and the batches prepared as stacks in

one or more of the pre-assembled trays. You should not mix the ballot papers from any ballot box with the ballot papers from any other ballot box – unless those ballot boxes are from the same polling station and both relate to the GLA elections.

5.16 Counting agents should be able to see that the ballot boxes have been fully emptied. When a box has had a seal attached by an agent at the close of the poll, particular care should be taken to show to any agents and observers present that this seal is still intact prior to it being broken.

5.17 You must, by law, take proper precautions to ensure the security of the ballot papers and the relevant stationery during any break in the count proceedings.

5.18 Counting agents should then be able to clearly follow the journey of the batches through the next two stages of the process: the registration of each batch on the system and then scanning, checking all the ballot papers are fed into the machines and are properly accounted for. However, counting agents will not be able to stop the machines to query particular ballot papers or touch them in any way.

Scanning

5.19 Scanning is the process of running the ballot papers through the scanners so that the marks on the ballot paper can be read and votes recorded in the database. The software counts the marks in the boxes provided, applying the correct election rules. A ballot paper that has been through a scanner will have one of three outcomes:

- Ballot paper identified and voter marks on the ballot paper are clear and the vote is valid and unambiguous according to the inbuilt rules – and the vote(s) are therefore recorded by the system.
- Ballot paper identified but voter marks are not evident, unclear, outside the voting boxes or the intention of the voter is otherwise doubtful. An image of the ballot paper is taken for adjudication.
- Ballot paper cannot be scanned, identified or fails the security rules. Here, nothing is recorded by the e-count system and the ballot paper is ejected by the scanner into a separate tray and folder to be examined by your team.

5.20 Scanners must be staffed at all times and breaks should be organised to accommodate this.

Verification

5.21 The verification of the used, unused and spoiled ballot papers is a legal requirement and a prerequisite for declaring accurate results that those involved can have confidence in. It has two main purposes:

- to ensure and demonstrate that all ballot papers issued at polling stations and all returned postal ballot papers are counted
- to provide the figures with which the count must reconcile

5.22 You should keep both purposes in mind when conducting the various stages of the verification process.

5.23 The training of Presiding Officers – coupled with ballot paper accounts produced in a clear, easy-to-complete format – will provide a firm foundation for the verification process.

5.24 Once a batch has been registered and scanned, it passes to the verification stage of the e-count. Although verification is made up of various processes, this is the critical reconciliation stage: you and your team are checking the number of ballot papers scanned (plus those that were unable to be scanned) in each contest matches the numbers on the batch control sheet taken from the ballot paper account.

5.25 A discrepancy may arise from:

- an error in counting the unused ballot papers
- a mistake in the arithmetic on the ballot paper account
- an error transferring the ballot paper account details onto the batch control sheet
- entering the batch control details onto the system incorrectly
- ballot papers being cross-posted in polling places that have more than one ballot box
- voters not putting ballot papers in the ballot box and walking off with them
- a scanner operator error
- ballot papers being misplaced during the count
- unaccountable errors

5.26 If a ballot paper account does not reconcile, the batch is placed on hold and you should explore the reason for the discrepancy thoroughly, including:

- making a full arithmetical check
- checking the record of issued ballot boxes to see if more than one ballot box was issued to the polling station and ensuring that all boxes allocated to the station have been opened and accounted for
- checking whether the ballot box has come from a multiple polling station location and, if it has, complete the verification of the ballot paper

- account(s) for the other polling station(s) within that location to see if there is a compensating error
- checking the ballot box storage area to ensure all ballot boxes have been fully emptied and all floors and surfaces for ballot papers that may have been dropped

5.27 After assessing the reason for the discrepancy, you have three options:

- If the discrepancy is caused by an error with the ballot paper account, adjust the ballot paper account to correct the identified error, so that the ballot paper account and number of votes in the batch reconcile, and pass the batch.
- Authorise that the batch can be passed, using the number of ballot papers counted as the verified figure, despite a discrepancy remaining. You must document the reason for the discrepancy on the system
- Send the batch to be rescanned. Batches should not be scanned more than three times.

5.28 You should discuss any discrepancies with any agents present. Similarly you should share and discuss print outs of the interim verification report as the count progresses. This details, by batch, any discrepancies between the number of ballot papers recorded on the ballot paper account and the number actually accounted for – together with the reason for the discrepancy as recorded by your team.

Adjudication

5.29 Once a batch has passed verification, it moves on to adjudication.

5.30 The e-count software has in-built rules to determine whether a clearly valid vote (i.e. where there is absolutely no doubt as to its validity) has been cast and to count it accordingly. Those ballot papers in a batch which do not have a clearly valid vote, contain marks outside the voting boxes, which fail the security rules or cannot otherwise be automatically counted need to be adjudicated. Adjudication should begin as soon as the first batch has been verified.

5.31 Although the mechanics of the process are somewhat different when using e-counting, the principles remain the same. You and your staff must:

- take time to ensure that a considered decision is given in every case
- always be clear and consistent
- determine whether the intention of the voter clearly appears

5.32 You must reject a ballot paper:

- that does not bear the official mark (a microdot logo on the reverse) but **not** if it is only missing the unique identifying mark (in the form of a barcode)

- on which anything is written or marked by which the voter can be identified (except the printed ballot paper number or other unique identifying mark)
- that is unmarked
- or, that is void for uncertainty
- for the Constituency Assembly Member election, where votes are given for more than one candidate
- for the London-wide Member election, where votes are given for more than one party or individual candidate

5.33 However, unless the ballot paper is marked in a way that identifies the voter, a vote marked in the following ways must not be rejected if the voter's intention is clear:

- elsewhere than in the proper place
- otherwise than by means of a cross, or
- by more than one mark

5.34 At the Mayoral election the legislation provides that you must reject a ballot paper:

- that does not bear the official mark (a microdot logo on the reverse) but **not** if it is only missing the unique identifying mark (in the form of a barcode)
- on which anything is written or marked by which the voter can be identified
- that is unmarked
- that is void for uncertainty
- in relation to the first preference count
 - that a first preference vote be given for not more than one of the candidates
- In relation to the second preference count (where required)
 - that a second preference vote be given for not more than one of the candidates

5.35 Only ballot papers with a valid first preference vote can have their second preference vote counted.

5.36 The review of doubtful papers is a two stage process, not unlike in a manual count: standard adjudication and Returning Officer adjudication. It is important your count staff are clear about the decisions they are and are not empowered to take at standard adjudication; in other words, where it can and cannot be deemed that the voter's intention is immediately clear. Where it is not immediately clear, the ballot paper must be referred to Returning Officer adjudication. No votes can be rejected at standard adjudication. However, a blank ballot paper can be marked as such.

5.37 Votes that cannot be scanned, for example because the barcode was damaged, are ejected from the scanner separately. Though they stay with the batch, they are placed in a separate wallet. It is at Returning Officer

adjudication that these ballot papers are manually reviewed and the votes entered into the system where appropriate.

5.38 You must ensure adjudication is transparent and undertaken in full view of candidates and agents. Standard adjudication will be visible on outward facing screens and the decisions being made by staff must be clear to those observing. If a candidate or agent disagrees with any decision being made at standard adjudication, then the ballot paper must be passed onto Returning Officer adjudication.

5.39 Returning Officer adjudication should be shown on the large screen to ensure all candidates and agents can observe the process. Counting agents may object to your decision to reject a ballot paper and at this point the objection must be recorded against the ballot paper. Although observers should be able to see this process, they do not have the legal right to object to the rejection of a ballot paper. If an RO adjudication queue is building, you may wish to use one or more of the standard adjudication PC workstations. If you do so, you must clearly announce that you plan to use the workstation for that purpose.

5.40 The GLRO will consult on and issue guidance to assist in the determination of doubtful ballot papers. You should apply the guidance consistently and share it with counting agents. However, the decision to accept or reject a vote is ultimately yours and is final: it can only be challenged by way of an election petition.

6 Concluding the count

Final verification statement and provisional results

6.1 The system will indicate when all of the batches have passed through all stages of the e-count (including adjudication) and you should then print out and review the final verification statement. You should make copies available to counting agents. You should, over the course of the count, have shared interim statements with agents so the final statement should simply be an evolution of those interim statements.

6.2 You should be satisfied that the figures are accurate before proceeding to a provisional result (in the case of the Constituency Assembly Member election) or provisional local totals (in the case of the London-wide Assembly Member and Mayoral elections).

6.3 Once satisfied, you should advise candidates and agents of the provisional result and local totals and seek their agreement before moving to the final results. This process should be undertaken within the framework of maximum openness and transparency implemented throughout the count.

6.4 You should give the candidates and agents time to digest the provisional result/local total before proceeding with the declaration. You should make clear that candidates and particular agents (i.e. election agents and those counting agents who were marked as being able to request a recount on their appointment) are entitled to request a recount – or, following a recount, a further recount.

Recounts

6.5 You must consider any request for a recount but by law may refuse if in your opinion the request is unreasonable.

6.6 The GLRO has directed that you inform him of any requests for a recount before exercising your power to grant or refuse the request.

6.7 If you agree to recount the votes, the candidates and agents present at the count should be informed before the recount commences and briefed on the processes you are going to follow. As with the original count, any recount should be carried out in full view of those present.

6.8 The candidates and agents must be consulted on the revised provisional result in the same way as they were consulted on the provisional result at the conclusion of the first count.

It is possible to have more than one recount. Again, it is for you to consider any request, and you may refuse if in your opinion the request is unreasonable.

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

Equality of votes

6.10 When two or more candidates for the Constituency Assembly Member election have the same number of votes and are tied for first place, you must decide between the candidates by lot. Whichever candidate wins the lot is deemed to have received an additional vote which enables them to be declared elected.

6.11 Lots should not be drawn where the equality of votes is between candidates who are not tied for first place and therefore cannot be elected.

6.12 The method of drawing lots is for you to decide. Examples of types of lot include:

- ballot papers, each marked with a vote for one of the candidates with the same number of votes, placed in a container, such as an empty ballot box, mixed around, and then one drawn by you
- slips of paper with the candidates' names on them, placed in sealed envelopes, shuffled and then drawn by you

6.13 You should announce that you intend to proceed with the drawing of lots, explaining precisely what is about to happen and the method to be used. Candidates, agents, Commission representatives and accredited observers should be present during any preparation and the actual drawing of lots.

6.14 If you use the first method described above, you should, in full view of any candidates and agents, and in the presence of any Commission representatives and accredited observers, fold and place a previously counted ballot paper for each of the candidates with the same number of votes in an empty ballot box. An assistant should raise the box to a height where you are unable to see the papers inside the box, but are still able to reach inside to pick one. After mixing, you should draw one of the ballot papers from the box, open it, and read the name of the candidate with the vote marked against their name out loud. That candidate is then adjudged to have been allotted an additional vote.

6.15 A statement should be added to the result sheet to the effect that:
'Following an equality of votes, lots were drawn and, as a consequence, an extra vote was allotted to candidate X.'

Finalising and declaring the constituency results and local totals

6.16 The candidate with the greatest number of votes at the Constituency Assembly Member election must be declared elected. Public notice of the name of the winning candidate and their description (if any) must be made, which must by law include details of the votes given for all the candidates and the number of rejected votes broken down into the relevant categories.

6.17 The local totals of the number of votes given at the London-wide Assembly Member election and the Mayoral election must be sent to the GLRO as soon as practicable. These local totals should include the rejected votes broken down into the required categories.

6.18 You must give notice of the local totals once the GLRO has authorised you to do so.

6.19 In practice, the e-count system will produce a statement of the results, local totals and required breakdowns. The information will also be transmitted, pending your approval, securely to City Hall for the GLRO to review and to allow for the local totals to be aggregated.

6.20 The venue will be equipped with a podium and PA system over which you should make the declaration. London Elects will prepare a declaration script for you to refer to. You may need to repeat the declaration so that those in attendance are able to hear the detail clearly, particularly where there is noise from those attending.

6.21 When a candidate has used their commonly used name to stand in an election, you should use both their full name and their commonly used name when declaring the result.

6.22 Media representatives will be keen to ensure that their transmission of results is accurate and so you should take steps to provide media representatives with a written copy of the declaration at the time the announcement is made as this will help them to ensure that their transmission of figures is accurate.

6.23 Once a result is declared, it is final and cannot be amended. The power to correct procedural errors does not empower you to correct an incorrect result once it has been declared.

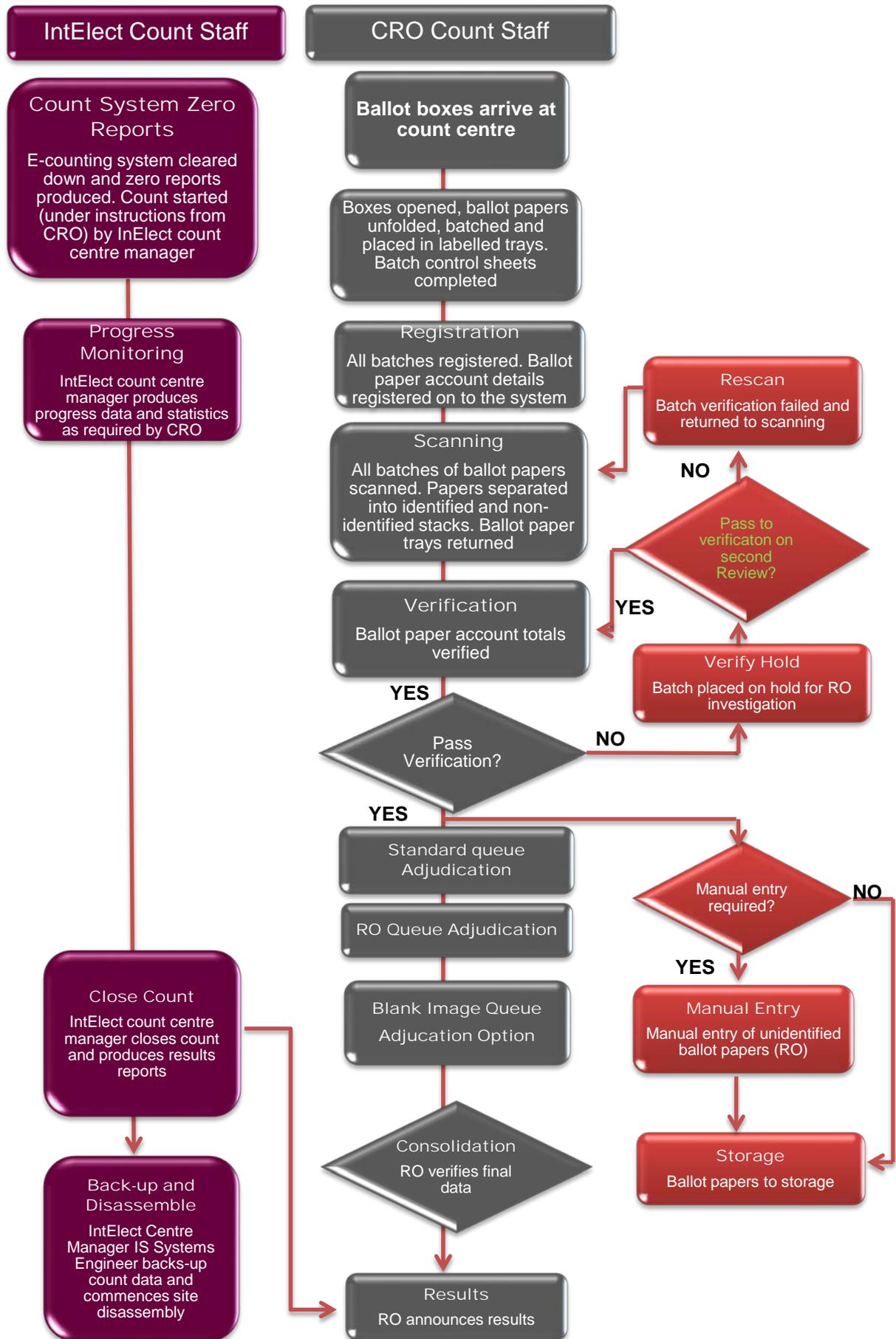
6.24 The Mayor and London-wide Assembly results will be announced by the GLRO at City Hall once all the constituency counts have been completed.

6.25 A more detailed breakdown of results, including at ward level, will be available a few days after the count. London Elects will make these detailed statistics available on its website.



For information on giving notification of the result and other post-election procedures, see [Part F – After the declaration of results](#).

Appendix: Flowchart of the e-count.



¹ Rule 47(2), Constituency Members Election Rules (CMER); rule 48(2) London Members Election Rules (LMER); and rule 47(2) Mayoral Election Rules (MER), Schedules 1 to 3, Greater London Authority Elections Rules 2007.

² Ibid and rules 55(2), LMER and 54(2), MER.

³ Rule 30, CMER; rule 31, LMER; and rule 30, MER.

⁴ Rule 47(4), CMER; rule 48(4), LMER; and rule 47(4), MER.

⁵ Rule 47(3), CMER; rule 48(3), LMER; and rule 47(3), MER.

⁶ Rule 30(6), CMER; rule 31(6), LMER; and rule 30(6), MER.

⁷ Rule 47(4), CMER; rule 48(4), LMER; and rule 47(4), MER.

⁸ Rule 50(10), CMER; rule 51(10), LMER; and rule 50(11), MER.

⁹ Rule 49(10), CMER; rule 50(9), LMER; and rule 49(9), MER.

¹⁰ Rule 30(13) and (14), CMER; rule 31(13) and (14), LMER; and rule 30(13) and (14), MER.

¹¹ Rule 30(13) and (14), CMER; rule 31(13) and (14), LMER; and rule 30(13) and (14), MER.

¹² Sections 6A and 6B, PPERA and rule 47(2)(f), CMER; rule 48(2)(f), LMER; and rule 47(2)(f), MER.

¹³ Rule 47(3), CMER; rule 48(3), LMER; and rule 47(3), MER.

¹⁴ Rule 49(6), CMER; rule 50(6), LMER; and rule 49(6), MER.

¹⁵ Ibid.

¹⁶ Rule 56(4), CMER; rule 59(4), LMER; and rule 59(4), MER.