

# The Electoral Commission

## **Media Handbook**

### **England and Wales Local Government elections**

**Thursday 4 May 2017**

**March 2017**

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**Note: This handbook is also available in [Welsh](#).**

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### Websites

[www.electoralcommission.org.uk](http://www.electoralcommission.org.uk)

The Commission's website has a dedicated section for journalists featuring the Electoral Commission's news and views – including our press releases and statements. Our website has information on political party donations in the run-up to the election and has a 'Guidance' area with information for candidates and those administering the election.

[www.yourvotematters.co.uk](http://www.yourvotematters.co.uk)

This website provides information for the public on how to register and vote and forms they can print off to register and apply to vote by post or proxy. It includes a postcode search facility allowing people to find contact details for their local electoral registration office and an interactive 'polling station walkthrough'.

[www.gov.uk/register-to-vote](http://www.gov.uk/register-to-vote)

This website is where the public can register to vote online. It's quick and easy to use. Since its launch in June 2014, millions of applications to register to vote have been submitted. **We encourage its use in as many articles that you write about the election as possible so that your readers know where they can register.**

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# 1 Who's who at the 4 May elections and their responsibilities?

The following polls are taking place on 4 May 2017:

- local government principal area elections (i.e. district, borough, county borough and unitary authority elections)
- local authority mayoral elections in England
- combined authority mayoral elections in England
- parish and community council elections **(not covered by this handbook)**

Elections of combined authority mayors are taking place for the first time. They will be taking place in:

- Cambridge and Peterborough
- Greater Manchester
- Liverpool City region
- Tees Valley
- West Midlands
- West of England

**Please note:** The mayor of the Greater Manchester Combined Authority will take on the function of the Police and Crime Commissioner. This is not the case for the other Combined Authority areas, however, where the role of Police and Crime Commissioner remains in place.

Other elections taking place can be viewed [here](#).

## 1.1 Electoral Registration Officers (ERO)

Electoral Registration Officers (or EROs) are responsible for the preparation and maintenance of the electoral registers and list of absent voters within their area. They must ensure that the electoral registers are as accurate and complete as possible.

## 1.2 Returning Officer

### Local Government Returning Officer (local government RO)

The local government RO is personally responsible for the conduct of the local government election, including the nomination process, counting the votes and declaring the result.

**If there is a combined authority mayoral election there will also be a:**

### Combined Authority Returning Officer (CARO)

Each of the combined authority areas where mayoral elections are taking place has a Combined Authority Returning Officer (CARO). A list of these is available [here](#).

Each CARO is responsible for the overall conduct of the Combined Authority Mayoral (CAM) election in their area, and for liaising with and co-ordinating the work of local Returning Officers (local ROs) in their area.

The CARO is responsible for the nomination process and for calculating and declaring the result of the election. The CARO will liaise with and coordinate the work of local Returning Officers in their combined authority area, and they also have the power to give directions to local Returning Officers relating to the discharge of their functions at the election.

### **Local Returning Officer (local RO)**

The local RO is responsible for running the combined authority mayoral election at a local level. They are responsible for administering the conduct of the poll, the issue and opening of postal ballot papers and the counting of votes for their voting area.

### **1.3 Presiding Officers**

Presiding Officers are appointed by local government ROs and local ROs to run polling stations. Duties include organising the layout of the polling station, supervising poll clerks, issuing ballot papers, assisting voters, accounting for all ballot papers and ensuring that ballot boxes are transported securely to the count venue.

### **1.5 Department for Communities and Local Government (DCLG)**

The Cities and Government Devolution Act 2016 established the election of combined authority mayors, giving DCLG responsibilities including:

- Setting the rules for the elections
- Setting the spending limits for candidates in the elections

DCLG will also be running a public information campaign for those areas where CAM elections will be taking place.

DCLG is responsible for the policy concerning CAMs and will support the elections by running a publicity campaign to raise awareness and understanding amongst voters.

### **1.6 The Electoral Commission**

The Electoral Commission is the independent body which oversees elections and regulates political finance in the UK. We work to promote public confidence in the democratic process and ensure its integrity.. Our role in the May elections is to:

- produce guidance for ROs and CAROs, setting performance standards and reporting on how well they have done
- produce guidance for candidates standing for election and their agents
- produce guidance for non-party campaigners that are campaigning at the election
- register political parties
- publish details of where candidates get their money from and how they spend it
- promote public awareness of voter registration
- report on the conduct of the elections
- publish details of where political parties and candidates get their money from and how they spend it
- promote public awareness of the elections and how to take part in them; and
- report on the conduct of the elections

## 2 Timetable for elections on 4 May 2017

| Event  | Election  | Date (deadline if not midnight)  |
|--|---|--|
| Publication of notice of election  | All   | Not later than Monday 27 March   |
| Regulated period for campaign spending by candidates begins                | All   | No earlier than Tuesday 28 March 2017 for candidates   |
| Delivery of nomination papers  | All, excluding combined authority mayoral elections | From the date stated on the notice of election up to 4pm on Tuesday 4 April                                      |
| Delivery of nomination papers  | Combined authority mayoral elections                | Between 10am and 4pm on any working day after publication of the notice of election until 4pm on Tuesday 4 April |
| Deadline for withdrawals of nomination                                     | All   | 4pm on Tuesday 4 April   |
| Publication of statement of persons nominated                              | All   | Not later than 4pm on Wednesday 5 April  |
| Deadline to apply to register to vote                                      | All   | Thursday 13 April  |
| Deadline to apply to vote by post  | All   | 5pm on Tuesday 18 April  |
| Deadline to apply to vote by proxy (except for emergency proxies)          | All   | 5pm on Tuesday 25 April  |
| First date that electors can apply for a replacement for lost postal votes | All   | Thursday 27 April  |

| Event   | Election | Date (deadline if not midnight)  |
|---|----------|--|
| <b>Polling day</b>  | All      | <b>Thursday 4 May</b>  |
| Last time that electors can apply for a replacement for spoilt or lost postal votes | All      | 5pm on Thursday 4 May  |
| Deadline for emergency proxy applications   | All      | 5pm on Thursday 4 May  |
| Election count  | All      | <b>Results expected to be announced during Friday 5 May.</b>                       |
| Last day for submission of candidate spending returns                               | All      | <b>Result declared 4 May - 8 June</b><br><br><b>Result declared 5 May - 9 June</b> |

# SECTION A – Candidates

## 3 Becoming a candidate

### 3.1 Who can become a candidate?

Anyone that wants to become a candidate in the polls on 4 May 2017 must be:

- At least 18 years old on the day of the candidate's nomination
- A British or qualifying Commonwealth citizen, or a citizen of a European Union country

They must also meet at least one of the following four qualifications:

- Be, and continue to be, registered as a local government elector in the local authority area or combined authority area (as appropriate) that they are standing in from the day of their nomination onwards.
- Occupy as owner or tenant any land or other premises in the local authority area or combined authority area (as appropriate) that they are standing in during the whole of the 12 months before the day of their nomination and the day of election.
- Have as a main or only place of work during the 12 months prior to the day of their nomination and the day of election in the local authority area or combined authority area (as appropriate) that they are standing in
- Have lived in the local authority area or combined authority area (as appropriate) that they are standing in during the whole of the 12 months before the day of their nomination and the day of election.

### 3.2 Are there any rules barring a candidate from standing?

In all cases the rules around standing for election and the disqualifications that apply are complex. For more detailed guidance on what disqualifies someone from standing to be a candidate in May's elections, see Part 1 of the relevant Electoral Commission guidance for candidates and agents:

- [principal area elections](#)
- [local authority mayoral elections](#)
- [combined authority mayoral elections \(excluding Greater Manchester\)](#)
- [combined authority mayoral elections \(Greater Manchester only\)](#)

### **3.3 How does someone become a candidate?**

The earliest that a person can officially become a candidate is on the last day for the publication of notice of election, which is on the 27 March 2017.

A person will officially become a candidate on this day if on or before this date they have already declared themselves a candidate at the election (or another person has declared them to be a candidate).

If the declaration is after this date, they will become a candidate on the date such a declaration is made, or on the date that they submit their nomination papers, whichever is the earlier.

### **3.4 What does someone that wants to stand as a candidate have to do?**

All prospective candidates must submit the following to the Returning Officer by 4pm on 4 April 2017:

- A completed nomination form
- Their consent to nomination
- If they are standing for a registered political party, a certificate from that political party authorising them to so stand.

In addition, some candidates require subscribers in support of their nomination and a deposit as follows:

#### **Principal area candidates**

- The signatures of 10 registered electors from the relevant ward

#### **Local authority mayoral candidates**

- The signatures of 30 registered electors from the local authority
- A deposit of £500, returnable if they receive more than 5% of the valid first preference votes

#### **Combined authority mayoral candidates**

- The signatures of at least 100 registered electors in the combined authority area, with at least 10 from each constituent council.
- A deposit of £5,000, returnable if they receive more than 5% of the valid first preference votes

Further information on standing for election can be found in the Electoral Commission's [guidance for candidates and agents](#).

### **3.5 Who are the candidates?**

The deadline for prospective candidates to submit nomination papers is 4pm on 4 April 2017. The relevant Returning Officer will publish a statement of persons nominated not later than 4pm on 5 April 2017. This will usually be available on the respective local authority website. Once this has been published, you will be able to see the full list of candidates.

## **4 Campaigning at the election**

### **4.1 What can candidates say about one another during the campaign?**

As at all elections, it is illegal to make a false statement about the personal character of a candidate in order to affect their election. Rules about defamation also apply to election materials.

The police may investigate allegations of the specific electoral offence of making a false statement. Defamation issues are a matter for the civil courts.

As with all elections, the Electoral Commission does not have any regulatory role in relation to the content of campaign material or what candidates say about each other.

### **4.2 Are there any electoral rules regarding campaign materials?**

Yes, by law, candidates must use “imprints” on all their printed campaign material.

### **4.3 What is an “imprint”?**

All printed material (i.e. posters, placards and leaflets) must include the name and address of the printer and promoter (the person who authorised the material to be printed). This is so that electors can be clear about the source of the campaign material. It is an offence not to include an imprint on election material.

The Electoral Commission also recommends that candidates, wherever possible, place an imprint on their electronic materials (i.e. websites, emails and social media platforms), but this is not a legal requirement.

### **4.4 Can candidates see the electoral register?**

Yes. Candidates (once they officially become one) are entitled to receive, free of charge, a copy of the full electoral register and the lists of people voting by post or proxy (the absent voters’ lists) for the constituency that they are contesting.

Candidates can only use the full electoral register to help them campaign and to check that donations they receive come from a permissible source.

### **4.5 Is there an election address booklet for mayoral candidates?**

Candidates at local authority mayoral and combined authority mayoral elections are entitled to have an election address (or campaign statement) included in a booklet that the Returning Officer/Combined Authority Returning Officer will send to all registered electors. Candidates who want their election address included must contribute to the production costs of the booklet. The Returning Officer/Combined Authority Returning Officer must pay the postage.

## 5 Candidate spending limits and rules on accepting donations

### 5.1 What is the regulated period for the May elections?

The regulated period for the 2017 combined authority mayoral elections in England and local government elections in England and Wales begins on the **day after the date** you officially become a candidate and ends on polling day, **4 May 2017**.

The earliest date you can officially become a candidate is the last date for publication of the notice of election, which will be **Monday 27 March 2017**.

You will become a candidate on this date if you or others have already announced your intention to stand.

### 5.2 What are the spending limits?

For CAMs, the spending limit applies during the regulated period and is calculated using a base amount of **£2,362**

- **multiplied** by the total number of constituent councils,
- **plus 5.9p** for every entry in the register of electors to be used at the election.

For local government election candidates, the spending limit is calculated using a base figure of **£740**, plus **6p** per local government elector in the ward where the candidate is standing.

### 5.3 How do candidates know how many people live in the area they are standing in?

To assist candidates and agents in calculating their spending limit, the CARO or RO will be able to provide candidates with:

- the number of constituent councils in the combined authority area
- the number of electors in the combined authority area

The candidate or their agent must request this information in writing and the CARO or RO must provide it as soon as practicable after they receive their request.

### 5.4 What activities count towards the spending limit?

Candidate spending includes the costs of:

- Advertising of any kind. For example, posters, newspaper adverts, websites or YouTube videos.
- Unsolicited material sent to voters. For example, letters, leaflets or emails sent that aren't in response to specific queries.
- Transport costs. For example, hire cars or public transport for the candidate's campaigner.
- Public meetings
- Staff costs. For example, an agent's salary, or staff seconded to you by their employer.
- Accommodation. For example, a campaign office.
- Administrative costs. For example, telephone bills, stationery, photocopying and the use of databases.

### **5.5 Are there any activities that don't count towards the spending limit?**

Yes. Activities that do not count include:

- anything (except adverts) appearing in a newspaper or on a licensed broadcast channel
- public meeting rooms
- volunteer time including time spent by your staff that you do not pay them for
- use of someone's main residence, provided free of charge
- use of someone's personal car or other means of transport acquired principally for that person's personal use and provided free of charge
- general computer equipment bought for the candidate's personal use

### **5.6 Is there a limit on donations a CAM or local government candidate can accept?**

No. However, candidates can only accept donations, cash or in-kind, worth more than £50 towards their campaign spending from a permissible, mainly UK based source.

All donations worth more than £50 must be published in the candidate's spending return. Candidates are not required to declare donations with a value of £50 or less in their spending return.

## 5.7 Who can make donations to candidates?

Anyone can make a donation worth less than £50 to candidates.

Candidates must ensure they only accept donations of more than £50 from a permissible source. Donations that are not from a permissible source must be returned to the donor within 30 days. After that, the donation may be forfeited.

Permissible donors in the UK are defined as:

- an individual on a UK electoral register
- a GB registered political party
- a UK registered company which is incorporated within the EU and carries on business in the UK
- a UK registered trade union
- a UK registered building society
- a UK registered limited liability partnership
- a UK registered friendly society
- a UK based unincorporated association

## 5.8 To what extent can political parties fund their candidates?

Many political parties run a local 'fighting fund' for their candidate. If the fund is managed and controlled by the party and not the candidate, then donations to the fund are usually treated as having been made to the party.

However, during the regulated period, any donations made by the party to a candidate above £50 must be reported in the candidate's spending return.

## 5.9 Who do candidates report their regulated spending to and when?

Candidates must submit their campaign spending returns to their Returning Officer or CARO within **35 days of the election result being declared**.

If no spending is incurred, a nil return must be submitted by the candidate (or their agent).

## 5.10 What happens if a candidate exceeds their spending limit?

Allegations relating to the Representation of the People Act (RPA) 1983, including candidate spending, are generally made to the relevant local police force to consider.

Whilst the Electoral Commission does have a statutory duty to monitor compliance with parts of the RPA relating to candidates and agents' expenses, it is not legally empowered to investigate and impose sanctions for offences under the RPA.

## 6 Electoral fraud

The Representation of the People Act 1983 specifies a number of criminal offences relating to electoral fraud. The relevant police force for the area in which the election is taking place would investigate any allegations that an offence may have taken place.

Every police force has designated a Single Point of Contact officer (known as a SPOC) to lead on election-related crime, who will give advice to local police officers. Anyone making an allegation should be prepared to give the police a statement and substantiate their concerns. People can also choose to contact Crimestoppers anonymously on 0800 555 111.

**Anyone, including candidates, politicians and members of the public, who has evidence of electoral fraud taking place should report it to the police immediately, using the 101 non-emergency number unless there is a crime in progress**

### 6.1 What are the different types of voting offences?

Offences include:

#### **Personation**

This is where an individual votes as someone else (whether that person is living or dead or is a fictitious person), either by post or at a polling station, in person or as a proxy. Aiding, abetting, counselling or procuring the offence of personation is also an offence.

#### **Undue influence / Intimidation**

A person is guilty of undue influence if they directly or indirectly make use of or threaten to make use of force, violence or restraint, or inflict or threaten to inflict injury, damage, loss or harm, in order to induce or compel any voter to vote or refrain from voting.

A person may also be guilty of undue influence if they impede or prevent any voter from freely exercising their right to vote – even where the attempt is unsuccessful.

Undue influence doesn't exclusively relate to physical access to the polling station. For example, a leaflet that threatens to make use of force in order to induce a voter to vote in a particular way could also be undue influence.

#### **Bribery**

A person is guilty of bribery if they directly or indirectly give any money or procures any office to or for any voter, in order to induce any voter to vote or not vote.

## **Treating**

A person is guilty of treating if either before, during, or after an election they directly or indirectly give or provide any food, drink, entertainment or provision to corruptly influence any voter to vote or refrain from voting. Treating requires a corrupt intent - it does not apply to ordinary hospitality.

## **False statements**

It is an offence to make or publish a false statement of fact about the personal character or conduct of a candidate in order to affect the return of a candidate at an election.

False statements that are not about a candidate's personal character or conduct are not illegal under electoral law, but could be considered as libel or slander.

It is an offence to knowingly provide a false statement on a nomination paper.

## **Multiple voting and proxy voting offences**

There are various offences regarding multiple voting and proxy voting, including voting (whether in person, by post or by proxy) when subject to a legal incapacity to vote and voting more than once in the same election.

## **False information in connection with registration and absent voting**

It is an offence to supply false registration information to an Electoral Registration Officer. It is also an offence to supply false information in connection with an application for a postal or proxy vote.

### **6.2 How confident can the electorate feel about postal voting?**

Postal voting on demand is more secure following a tightening of the law in 2006 and is used by around 20% of the electorate nationally.

Postal voters have to provide their signature and date of birth when applying for a postal vote, and also when casting their postal vote. Both records are checked. If the Returning Officer is not satisfied that they match, the ballot paper is rejected.

The system has been further strengthened by the introduction of Individual Electoral Registration in 2014. Anyone applying to register to vote, first has to provide their date of birth and National Insurance number, before going on to provide the additional information above if they want to cast their vote by post.

### **6.3 How does the Electoral Commission work with political parties to prevent postal vote fraud?**

The Electoral Commission has recently agreed with political parties to strengthen its [Code of Conduct](#) on the handling of postal vote applications and postal ballot packs

by political parties, candidates and canvassers. The Code says parties and candidates:

- should **never** assist in completing a ballot paper - instead, candidates should always refer the voter to the Returning Officer's staff who may be able to arrange a home visit or provide assistance at the polling station.
- should **never** handle or take any completed ballot paper from voters. Instead, voters should be encouraged to post their postal ballot pack themselves - alternatively, the Returning Officer's staff can be contacted to arrange for it to be collected.

Some Returning Officers may also identify the need to develop and seek agreement to specific local provisions which supplement the terms of the nationally agreed Code, in order to address identified local risks.

#### **6.4 What happens if a political party breaches the code of conduct?**

The Electoral Commission asks political parties to investigate any reported breaches and take action to ensure that any problems are not repeated. This includes potentially taking disciplinary action against party members.

#### **6.5 Who is responsible for putting in place plans to deal with electoral fraud?**

The primary responsibility for ensuring that robust plans to prevent and detect fraud are in place lies with the Returning Officer and the Electoral Registration Officer(s) for each constituency. They must work closely with their local police force.

|  |
|--|
| <p><a href="#">Guidance</a> has been published to support police officers and SPOCs as they put in place plans to prevent and detect electoral fraud in England and Wales. This guidance, which builds on work previously carried out by the Electoral Commission and the National Police Chiefs Council, now forms part of the College of Policing's Authorised Professional Practice for police forces in England and Wales.</p> |
|--|

#### **6.6 What is the Electoral Commission doing to prevent fraud at the 2017 elections?**

The Commission is working particularly closely with Returning Officers and local police forces in areas where there have been allegations of electoral fraud at previous elections, and where additional measures may therefore need to be put in place. We're confident that Returning Officers and local police forces in these areas are building on experience to put robust plans in place, and we're supporting them by sharing information and examples of good practice to help strengthen their plans up to and beyond the May elections.

We have focused on their:

- plans for dealing with registration and absent voting applications (for example, ensuring properties where large numbers of people have applied to be on the electoral register are checked)
- arrangements with the relevant police force for identifying and responding to potential electoral fraud are in place
- training for polling station staff on the risk of personation

### **6.7 The Electoral Commission published a report examining fraud in some South Asian communities. What's being done ahead of the elections in May 2017 to make sure fraud doesn't take place in those communities?**

The [Commission's report](#) identified a combination of factors that meant that some electors from the South Asian community were vulnerable to fraud including:

- strong community networks vulnerable to abuse by unscrupulous campaigners
- low levels of awareness about what's acceptable campaigning activity and low awareness about how to report electoral fraud
- reduced activity by political parties in some areas that may have exacerbated vulnerabilities by allowing community networks to mediate between campaigners and voters.

The Commission has developed a range of resources for Returning Officers and police forces to use to raise awareness of what's acceptable behaviour at election time. Materials have also been translated to help people for whom English is not their first language.

The Commission is also working with CrimeStoppers to make sure people can report concerns about electoral fraud anonymously by calling 0800 555 111. This includes being able to provide information in another language via a translation service.

The Electoral Commission has produced [detailed guidance](#) to help all Returning Officers across England, Scotland and Wales put in place plans to prevent and detect electoral fraud. **But equally importantly, candidates and political parties must ensure that their supporters don't cross the line between robust and lively campaigns and electoral fraud.**

## SECTION B – The voter

### 7 Registering to vote

#### 7.1 Who can vote in 4 May elections?

A person can vote if they are registered in the local government register in an area where elections are taking place; and are:

- Aged 18 or over on polling day
- A British citizen
- An Irish, EU or qualifying Commonwealth citizen

British citizens living overseas who are registered as overseas electors cannot vote in local government elections. Service voters stationed abroad are still eligible to vote in local government elections.

#### 7.2 What is the deadline to apply to register to vote in the elections on 4 May?

The deadline to apply to register is **Thursday 13 April 2017**.

#### 7.3 What is the deadline for applying to vote by post or by proxy?

The deadline for applying for a postal vote is **5pm, Tuesday 18 April 2017**.

The deadline for applying for a proxy vote, except in an emergency, is **5pm, Tuesday 25 April 2017**.

The deadline for applying for a proxy vote as a result of an emergency is **5pm, Thursday 4 May 2017**.

#### 7.4 How can someone register to vote?

Voters can now go online to apply to register at [www.gov.uk/register-to-vote](http://www.gov.uk/register-to-vote).

People can still apply by completing a paper registration form if they prefer. They can contact their local electoral registration office for forms or download them [here](#).

#### 7.5 Can someone register at two different addresses?

Yes. A person can register to vote at more than one address, as long as they are resident at each address. However, they can only vote once in the same election.

#### 7.6 How do members of the armed services register and vote?

Service personnel and their spouses or civil partners, serving in the UK or overseas, can register either at their home address or their barracks in the usual way, or as a 'service voter'. Service voters fill out an armed services declaration so they can be registered when away from their home address on duty.

#### 7.7 Can prisoners vote?

Remand prisoners (those who have not been convicted and sentenced) can vote. Convicted prisoners detained because of their sentence cannot.

## 8 The voting process

### 8.1 When will polling stations be open?

All polling stations open at 7am and close at 10pm.

### 8.2 What happens if someone is in a queue to enter a polling station at 10pm?

Any voter who arrives at their polling station before 10pm and is in a queue waiting to vote at 10pm **will be able to vote**.

Legislation was changed by the UK Government in 2013 to allow this to happen following a recommendation by the Electoral Commission.

### 8.3 What voting system is used in mayoral elections?

If there are only two candidates standing at the election, the mayor is elected under the first-past-the-post electoral system, whereby the candidate with the most votes is elected.

If there are more than two candidates, the mayor is elected under the supplementary vote system. Voters can vote for a first and second choice candidate they want to elect.

### 8.4 How do voters complete their ballot paper for mayoral elections?

If there are more than two candidates, the mayor is elected under the supplementary vote system. Voters can cast a first and second choice from a list of candidates who will either be part of a political party or standing as an independent candidate.

The ballot paper will list all the candidates and voters will vote for their first choice candidate by marking an 'X' in the first choice column and for their second choice candidate by marking an 'X' in the second choice column. If a candidate obtains more than 50% of the first choice votes, they will be declared elected. If no candidate obtains more than 50% of the first choice votes, all candidates except for those in first and second place are eliminated. The ballot papers showing a first preference for one of the eliminated candidates are checked for their second preference. Any second preference votes for the remaining two candidates are then added to their first preference votes and the candidate with the most votes is elected.

### 8.5 What voting system is used in the local government elections?

The electoral system used to elect councillors is 'first past the post'. Under this system, the candidate with the most votes is elected first, then if required the candidate with the second highest number of votes is elected, then the third placed candidate. No candidate needs to get more than half of the votes cast.

In the event of a tie, then a candidate is selected by the drawing of lots (i.e. a method of selection by chance such as tossing a coin or picking a name out of a hat).

## 8.6 How do voters complete their ballot paper for the local government elections?

Voters can choose from a list of candidates on the ballot paper who will either be part of a political party or standing as an independent candidate. In order to cast a vote, a voter should simply put an X (a cross) next to the one candidate that they wish to vote for.

## 8.7 What different ways are there for someone to vote in these elections?

People can choose to vote in one of three ways: in person, by post or by proxy.

### 8.8 In person

Registered voters can visit their local **polling station** between 7am and 10pm on Thursday 4 May to cast their votes. Voters should arrive in plenty of time to avoid missing out on having their say.

- Before polling day, voters will be sent a 'poll card' which includes details of where their polling station is.
- Voters can only vote at the polling station on this card.
- Polling station staff will be on hand to explain the ballot paper(s) and how to vote.
- Voters do not need to take their poll card with them to the polling station but doing so will speed up the process.

### 8.9 By post

If voters do not wish to, or are unable to go to a polling station, they may apply for a postal vote. Voters may apply for a postal vote for a specific election, a specific period of time, or for all elections.

To vote by post, registered electors need to apply for a postal vote before 5pm, Tuesday 18 April 2017.

- Postal ballot papers will be sent directly to voters about a week before polling day.
- Voters should complete their ballot papers and send them back straight away, so they arrive before 10pm on Thursday 4 May.
- Votes arriving after 10pm on Thursday 4 May will not be counted. The only exception is if a person is in a queue at a polling station at 10pm for the purpose of returning a completed postal ballot. In that limited circumstance, the postal ballot may be returned after 10pm.

- If voters don't leave enough time to post their vote, they may take it by hand to a polling station in their voting area from 7am to 10pm on polling day.
- Voters must also remember to complete the postal voting statement – with their signature and date of birth or their vote will not be counted.

### **8.10 By proxy**

Voters can register for a '**proxy vote**'. This means they ask someone they trust to vote on their behalf for the candidate they wish to vote for. They need to complete and sign a form and return it to their local electoral registration office by 5pm, Tuesday 25 April 2017

### **8.11 Is it mandatory to use pencils in polling stations? Can a pen be used?**

There is nothing in law which states whether a pen or a pencil should be used to mark a ballot paper. Pencils have been used to mark ballot papers for practical reasons: for example, with ink pens there is a chance the ink may dry or spill. Also, ink may cause some transfer of the mark the voter has made on the ballot paper when they fold it, thus potentially leading to a rejection as it may look like they have voted for more candidates than they are entitled to. Should a voter wish to, they are able to use a pen to mark their ballot paper.

### **8.12 Can voters take selfies or other photos in the polling station?**

The law relating to obtaining information in polling stations and disclosing such information is complex. Given the risk that someone taking a photo inside a polling station may be in breach of the law, whether intentionally or not, our advice is against taking any photos inside polling stations.

### **8.13 Is it ok for someone to take a picture of their postal ballot and post it on social media showing how they have voted?**

Postal ballot papers are treated differently in electoral law, compared to polling station ballot papers. A postal voter may take a picture of their own postal ballot paper and publicise it (including via social media).

However, while the postal voter themselves may publicise the information, if someone else persuades or induces them to make this information available, they would be committing an offence. If there are any suggestions or allegations that this could be happening, the person making the complaint should be advised to report the matter to the police

## 9 Challenging the result

### 9.1 Can the result be challenged after it has been announced?

Someone can challenge the result of an election by issuing an election petition. This is a legal action and will be adjudicated by a judge in court.

A petition at a local government election must normally be presented within 21 calendar days after the day on which the election was held. Further time may be allowed in certain circumstances.

There is also a separate judicial process for challenging the election of a councillor, combined authority mayor, or local authority mayor on the grounds that they were, or are, disqualified, by application to the High Court.

For more information challenging the result of an election, see Part 6 of our Guidance for candidates and agents for:

- [principal area elections](#)
- [combined authority mayoral elections](#)
- [local authority mayoral elections](#)

## **10 Raising awareness of voter registration**

### **10.1 What are Electoral Registration Officers (EROs) doing to encourage people to register to vote?**

EROs are legally responsible for maintaining the electoral register for their local authority area and are at the forefront of efforts to get as many people as possible onto the registers.

EROs will have detailed plans in place to raise awareness of voter registration in their areas. These plans will also set out how they will encourage groups who are less likely to be registered to vote to do so before the registration deadline.

EROs will use a range of advertising methods to reach their local residents, including sending letters to households encouraging people to register to vote and many have developed partnerships with local schools and colleges to encourage young people to register to vote.

### **10.2 What is the Electoral Commission doing to encourage people to register to vote?**

The Commission's campaign ahead of the May elections will raise awareness of the polls across Great Britain and aim to ensure voters understand how to register to vote and complete their ballot paper.

As well as an advertising campaign that will run across TV, radio and digital channels, supported by PR activity to boost the message nationally through the media, the Commission provides template resources for local authorities to use as part of their public engagement work.

The online advertising began its initial phase on 20 February before launching in full on 6 March. TV, video-on-demand and radio advertising will join from 20 March, and all voter registration advertising will cease on the respective registration deadlines.

A combination of updated adverts from previous campaigns (including our award winning 'What?' ad), and entirely new creative for our digital and print advertising will be used during this campaign. This will focus on a new theme: 'The local elections are happening on your doorstep'.

The Commission has also produced a briefing for Parliament on our voter registration campaign and you can see this on our website [here](#).

### **10.3 How can other organisations help encourage people to register to vote?**

Like at all recent elections, the Electoral Commission will be working with a range of partner organisations – from the corporate, public and voluntary sectors – to try and reach traditionally under-registered voters and encourages them to register to vote.

The Electoral Commission has produced a range of free resources and toolkits which provide practical suggestions for organisations that want to run their own registration drives or other activity ahead of this year's polls. These are all available on the website [here](#).

#### **10.4 What information will voters in areas with local authority mayoral and Combined Authority Mayoral elections receive?**

Local Returning Officers are responsible for creating a candidate information booklet for their respective local authority mayoral election.

Combined Authority Returning Officers are responsible for creating a candidate information booklet for their area and this will also be available as a downloadable PDF for viewing or printing.

# SECTION C – Count events

## 11 The count and declaration of results

### 11.1 Who is responsible for the count?

The relevant Local Government Returning Officer or Local Returning Officer has overall responsibility for the counting of the votes at their respective election. This includes ensuring Presiding Officers transport ballot boxes from polling stations to the count venue in a secure and timely manner; and that those recruited to count ballot papers have been well trained in how to carry out their duties.

At CAM elections, it is CAROs who are responsible for collating the contents of the local verification statements and the count totals for each constituent council, and calculating and declaring the overall result for the combined authority area. It is for each CARO to determine how best to manage this process in their combined authority area.

### 11.2 When will counts start?

The relevant returning officer should take reasonable steps to begin counting the votes given on the ballot papers as soon as practicable after the close of the poll. Polls close at 10pm.

### 11.3 How will I know when the results will be declared in different areas?

The Commission will collect and publish information from returning officers about where their respective count events will take place and the projected declaration times. When this information is available we will update the Commission's website and this handbook.

### 11.4 Who is entitled to attend the count?

The following people are entitled by law to attend the count:

- The relevant Returning Officer and their staff
- candidates and one guest
- election agents (at a CAM election count, a sub agent may also attend if they are acting in place of the election agent)
- counting agents
- Electoral Commission representatives
- accredited observers
- the elected mayor (only at local authority mayoral election counts)
- any other person permitted to attend by the returning officer

Members of the media and photographers who want to attend a count must contact the relevant Returning Officer to request permission to attend the count and declaration of the results

## 11.5 How are the votes counted and the results announced?

There are four stages to the count process.

### 1) Receipt of ballot boxes

- Postal ballot boxes and ballot boxes from the polling stations arrive at the count venue.

### 2) Verification

- Staff count the postal ballot papers and verify that the number of ballot papers in postal ballot boxes matches the numbers recorded by the Returning Officer.
- Staff also count the ballot papers from each polling station. They verify that the number of ballot papers matches the number of papers issued, as recorded on the Presiding Officer's ballot paper accounts.
- The Returning Officer produces a statement showing how many ballot papers have been received against how many ballot papers were expected.

### 3) Counting of the votes

#### **All scheduled elections excluding mayoral elections with three or more candidates**

- Staff sort ballot papers by candidate.
- Staff then count the number of votes cast for each candidate.
- The Returning Officer will share the provisional result with candidates and their agents. At this point, a candidate or their agent can ask for a recount of the votes. The Returning Officer can refuse the request if they think it's unreasonable.

#### **Mayoral elections where there are three or more candidates**

- Staff sort ballot papers by candidate according to the first choice.
- Staff then count the number of first choice votes cast for each candidate.
- The Returning Officer will share the provisional result with candidates and their agents. At a CAM election this will be the provisional local total. At this point, a candidate or their agent can ask for a recount of the votes. At a CAM election, recounts can only be requested at local authority level; combined authority-wide recounts are not allowed. The Returning Officer can refuse the request if they think it's unreasonable.
- If a candidate obtains more than 50% of the first choice votes across the whole of the local authority (for local authority mayoral elections) or across the

combined authority (for combined authority mayoral elections) they are declared elected.

- If no candidate obtains more than 50% of the first choice votes, the top two candidates (or more if there is a tie) remain in the contest while the rest are eliminated.
- The ballot papers for the eliminated candidates will now be sorted according to their second choice.
- Staff will then count the number of second choice votes for the remaining candidates and this figure will be added to the first choice votes
- The Returning Officer will share the provisional result with the remaining candidates and their agents. At a CAM election this will be the provisional local total. At this point, a candidate or their agent can ask for a recount of the votes. At a CAM election, recounts can only be requested at local authority level; combined authority-wide recounts are not allowed. The Returning Officer can refuse the request if they think it's unreasonable.

#### 4) Declaration of the result

##### **All scheduled elections excluding mayoral elections with three or more candidates**

- The Returning Officer will declare the number of votes cast for each candidate and will then announce the name of the candidate(s) with the most votes as duly elected.

##### **Mayoral elections where there are three or more candidates**

- The Returning Officer will declare the number of first and second choice votes for each remaining candidate and will then announce the name of the candidate with the most first and second choice votes as duly elected.

**In areas where CAM elections are taking place, the CARO will be responsible for collating the contents of the local verification statements and the count totals for each constituent council, as well as calculating and declaring the overall result for the combined authority area. Candidates and their agents may request the CARO to re-calculate the result. Recounts of votes can only be requested at local authority level; combined authority-wide recounts are not allowed. The CARO can refuse the request if they think it's unreasonable.**

#### **11.6 What happens with spoiled ballot papers?**

Once the verification phase of the count is complete, ballot papers will be sorted by candidate and any doubtful ballot papers will be identified. The returning officer will adjudicate any doubtful ballot papers in the presence of candidates and agents and the Commission has provided guidance to help them do this.

Spoilt ballot papers are sealed separately to other ballot papers and then the returning officer will announce how many ballot papers were rejected after they have announced the results of the election.

### **11.7 How does the opening of postal votes fit into this process?**

It's likely that several postal vote opening sessions will take place before polling day, as well as on polling day itself.

The returning officer must give candidates at least 48 hours' notice of when and where the sessions will take place. At each opening session, the returning officer will decide whether or not the date of birth and signatures provided by electors on their postal voting statements match the signature and date of birth previously provided and held on record. If the returning officer is not satisfied that they match, the vote is rejected.

Candidates can observe the process or appoint a postal voting agent to do so. 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.

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.

### **11.8 Can I film at count events?**

Anyone wishing to attend and film at count events must seek advance permission from the relevant Returning Officer.