Part A – Returning Officer role and responsibilities

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

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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1   Introduction to this guidance

> Despite a lack of certainty as to some of the detail of the legislation, we have developed this guidance at this stage in order that it can be available in time to support CROs with taking forward planning and early preparations for the delivery of the polls. This guidance has been developed based on the legislation as it currently stands and makes some assumptions about what further legislation will provide for, and so it may be subject to change. We will update and re-publish the guidance as appropriate once the legislation is clear.

Purpose

1.1   The purpose of this guidance is to help Returning Officers in each constituency run a Greater London Authority (GLA) election.

1.2   London Assembly constituencies are made up of two to four London boroughs. Typically, the Returning Officer of the largest borough (usually the one with the most registered electors) is the Constituency Returning Officer (CRO). The CRO is designated by an Order made by the Secretary of State.

1.3   The CRO is responsible for administering the election of Constituency Members to the London Assembly; and, working with the Greater London Returning Officer (GLRO), the elements of the Mayor of London and London-wide Member elections that fall within their constituency area, including the conduct of the poll and the counting of votes.

1.4   Returning Officers for the other boroughs in a constituency, known as Borough Returning Officers (BROs) do not have a statutory function. Nevertheless, the CRO will work closely with BROs on operational issues, such as the identification and booking of polling stations, the appointment of staff and the sending out and opening of postal votes. While this guidance is for CROs, parts of it will also be relevant to BROs. The GLRO will prepare and consult on a Memorandum of Understanding between CROs and BROs. It is important that CROs and BROs use the MoU as a means of discussing and formalising roles and responsibilities.

1.5   The guidance has been produced by London Elects and the Electoral Commission and has been developed in close consultation with members of the UK Electoral Advisory Board (EAB) and the Elections, Registration and Referendums Working Group (ERRWG). It reflects what the Commission, London Elects, the EAB and the ERRWG believe that Returning Officers should expect of their staff in preparing and delivering the 5 May 2016 polls.

How to use this guidance

1.6   The GLRO liaises with and coordinates the work of CROs and has the power to give directions relating to the discharge of their functions at the election. You should therefore read this guidance   in conjunction with any additional guidance or directions issued by the GLRO.

1.7   Throughout this guidance we generally use 'you' to refer to the CRO. Where we refer to the GLRO, this will be explicitly stated.

1.8   This guidance has been produced based on, and should be read in accordance with, the requirements set out in the following legislation (as amended):

- Representation of the People Acts 1983, 1985 and 2000
- Greater London Authority Act 1999
- The Greater London Authority (Assembly Constituencies and Returning Officers) Order 1999
- Political Parties, Elections and Referendums Act 2000
- Representation of the People (England and Wales) Regulations 2001
- The Greater London Authority Elections (Election Addresses) Order 2003
- Electoral Administration Act 2006
- The Greater London Authority Elections Rules 2007
- Political Parties and Elections Act 2009
- Electoral Registration and Administration Act 2013

1.9   You are also required to have regard to the public sector equality duty contained in Section 149 of the Equality Act 2010 when carrying out your duties. The guidance is divided into six areas:

- Part A – Returning Officer roles and responsibilities
- Part B – Planning and organisation
- Part C – Administering the poll
- Part D – Absent voting
- Part E – Verifying and counting the votes
- Part F – After the declaration of results

1.10 Each of these parts covers:

- what you as CRO, and the GLRO, are required to do by law ('musts')

- what we expect you to have in place, and what we would expect to see to be satisfied that the key outcomes of the Commission's performance standards can be delivered
- recommended practice to help you understand and discharge your duties

1.11 This guidance is supplemented by resources which can be accessed through links contained throughout the guidance.

2　The May 2016 election

2.1　The GLA elections are a significant event bringing with it its own particular challenges. Your work to deliver well-run polls will come under considerable scrutiny – from voters, candidates, political parties and the media, including social media.

2.2　Even if you have worked as a CRO before, there have been changes in legislation – and landscape – since 2012, such as the introduction of IER, which make this poll different from any other GLA elections you may have delivered previously.

2.3　This chapter highlights some of the particular aspects of context relevant to this election which you should ensure underpin all aspects of your planning.

Nature of the contests

2.4　It is important that there is effective cooperation between the GLRO, CROs, BROs and their staff to ensure that the elections are administered consistently across Greater London and all voters receive the same high-quality service, irrespective of where they live. Voters will be asked to vote in three different contests and close cooperation between Returning Officers and their staff will be essential to ensure that clear and consistent information on the elections and how to cast their vote is provided to the electorate.

2.5　There will potentially be close contests at the 5 May 2016 polls. The evolving political landscape could mean that even in places where there have traditionally been large majorities this may no longer be the case, meaning the focus and circumstances could be different from anything experienced at a GLA election in your area before.

2.6　There may be a significant number of new or less experienced political parties, candidates and agents who are unfamiliar with the practices and processes of an election and who will need your assistance to be able to participate effectively.

2.7　Particularly given the possibility of close contests, you should be prepared for the integrity of the election to be scrutinised. Allegations and cases of electoral fraud will not only have a negative impact on the confidence of electors and campaigners, but they may also have a significant impact on your capacity to manage the election process effectively. It is therefore crucial that you put in place detailed and robust plans for monitoring and maintaining the integrity of the election in your area. You should work closely with the GLRO and local police, ensuring you have in place good lines of communication for referring any allegations.

2.8 The level of interest in the GLA elections may be greater than at the elections in 2012. This could manifest itself in different ways – from a higher turnout to more intense scrutiny by the media, including social media.

2.9 You will need to be prepared to react to events which could have an impact on the effective delivery of the poll, and this will include having robust contingency plans that you can turn to where required. If, for example, there are televised debates, these could result in a late surge of registration and absent voting applications, as well as having an impact on turnout and could alter the traditional pattern of when completed postal votes are returned.

2.10 Higher turnout would mean more voters at polling stations, and it is vital that appropriate provision is made, with the numbers of stations and the numbers of staff within them sufficient to deal with the number of electors allocated to them. Although the legislation allows any voters in a queue at their polling station at 10pm to vote, the need to ensure that voters do not face undue delays in voting and can receive a high-quality service still remains.

2.11 The media focus on the verification, count and declaration of results will be significant and it will be important to manage expectations, not only of the media but of all with an interest in the results, by consulting on your proposed approach and subsequently communicating clearly what you expect to deliver and by when.

Registration of electors

2.12 The focus on the numbers of those registered and not registered is as high profile as it has ever been, and this is set to continue.

2.13 IER – and online registration in particular – brings greater opportunities for you and the Electoral Registration Officers for your constituency to engage local residents in the democratic process and to boost the levels of registration amongst under-registered groups, with the GLA election providing a strong hook for local public engagement activity. Opportunities for working with local partners who can reach out to voters in under-registered groups in your area could be a valuable part of your engagement work locally and should be sought out and seized.

2.14 The potential for a high number of applications for registration close to the deadline for the election should be anticipated and built into your plans, reflecting lessons learnt from the experience of the May 2015 elections. The impact of such applications and related questions from residents about their registration status is not only relevant to the Electoral Registration Officer but will also have implications for the administration of the poll and your plans should ensure you are able to respond effectively.

3   Roles and responsibilities

Greater London Returning Officer

3.1   The GLRO is appointed by the GLA and has overall responsibility for coordinating the elections across Greater London. The GLRO is a senior officer of the GLA, independent of the Authority and the Mayor in respect of their electoral functions.

3.2   The GLRO is responsible for the nomination process and calculating and declaring the results at the Mayor of London and London-wide Assembly Member polls.

3.3   The GLRO and CROs must cooperate with each other in the discharge of each of their functions.

3.4   The GLRO has the power to give general or specific directions to CROs relating to the discharge of their functions as set out in the election rules, including to provide any information that they have or are entitled to have. It is the duty of each CRO to discharge their functions in accordance with any direction that is given by the GLRO.

3.5   The GLRO can be contacted through London Elects.

London Elects

3.6   London Elects has the central role in organising GLA elections. It is made up of staff from the GLA and is based at City Hall. The team is directly accountable to the GLRO.

3.7   They can be contacted at:

Address: City Hall, 110 The Queens Walk, London SE1 2AA
Tel: 020 7983 4444
Email: info@londonelects.org.uk

3.8   The team oversees the budget for the election, plans and coordinates the overarching logistics, administers the process through which the Mayor and the London Assembly members are nominated, organises the printing of the ballot papers and, the day following the poll, the electronic counting of the votes.

3.9   London Elects works closely with CROs and with the 32 boroughs and the City of London to deliver the election. They coordinate training, provide support and help to ensure consistency across London.

3.10 London Elects has a role to make sure the election process is transparent and everyone involved is well informed. This includes educating

electors about the voting process and the role of the Mayor of London and the London Assembly, helping candidates understand what is required and what is happening, liaising with the media and communicating the results of the election.

Constituency Returning Officers

3.11 You play a central role in the democratic process. Your role is to ensure that the election is administered effectively and that, as a result, the experience of voters and those standing for election is a positive one. Effective working between the GLRO and all ROs across London will be a critical factor in ensuring the delivery of a consistent, high-quality experience for all voters and candidates in the GLA election. You should set out at an early stage what you want to achieve and what success would look like for you.

3.12 As CRO you are personally responsible for:

- publishing the notice of election for the constituency contest
- the nomination process for the constituency contest
- publishing the statement of persons nominated and the notice of poll for the constituency contest
- provision and equipment of polling stations
- appointing polling station staff
- organising the poll for all three contests
- the postal vote process for all three contests
- verifying and counting the votes for that part of the mayoral contest that falls within the constituency, the constituency contest and,that part of the London-wide assembly member contest that falls within the constituency
- the declaration of the constituency result
- transmitting the results of the three contests to the GLRO

3.13 Your duties as CRO are separate from your duties as a local government officer. As CRO you are not responsible to the local authority but are directly accountable to the courts as an independent statutory office holder.

Breach of official duty and power to correct procedural errors

3.14 While you can appoint one or more persons to discharge any or all of your functions as CRO, you cannot delegate your personal responsibility for delivering the election.

Borough Returning Officers

You will want to use the support and local knowledge of Returning Officers in each borough and the City of London to help you deliver the election.

The GLRO will prepare and consult on a Memorandum of Understanding. It will provide a framework within which joint working between CROs and BROs should take place. It will cover roles such as:

- identifying polling stations

- appointment of polling station staff

- conduct of the poll

- issue and receipt of postal votes

It is important that CROs and BROs use the MoU as a means of discussing and formalising roles and responsibilities, including the delegation of responsibilities from the CRO to the BRO. Where the CROs and BROs decide to take a different approach, this must be jointly agreed and documented.

You will be able to download a copy of the MOU from the London Elects website once it's available.

You should also consider appointing the BRO as Deputy Returning Officer with specific duties for that borough or the City of London.

3.15 You are also subject to breach of official duty provisions. This means that if you or your appointed deputies are, without reasonable cause, guilty of any act or omission in breach of official duty you (and/or they) are liable on summary conviction to an unlimited fine.

3.16 You have the power to take such steps as you think appropriate to remedy acts or omissions that arise in connection with any function of the election for which you are responsible and that is not in accordance with the rules.

3.17 This power allows you to correct procedural errors that you as CRO, an ERO, a BRO, a Presiding Officer or a person providing goods or services to you (or any deputies of any of these) make.

3.18 Where you remedy an act or omission in full by using your power to correct a procedural error, you will not be guilty of an offence of breach of official duty. You should remember that the power to correct procedural errors does not enable you to recount the votes once the constituency result has been declared.

3.19 As CRO you are personally liable for the conduct of the election in your constituency and you should ensure that you have insurance cover and that it is up-to-date. You should be prepared to demonstrate robust planning and

decision-making processes in the event of any challenge to the election and a claim against the insurance policy. The team at your local authority dealing with insurance may be able to help determine what existing cover is in place and available, and to provide advice as to whether it should be extended.

Your skills and knowledge

3.20 You should have a working knowledge of the legislation governing the conduct of the election. This means that, iIn addition to having a clear understanding of your particular statutory functions, you should have an overview of what the legislation contains and an understanding of how it affects the administration of the election, so that you can review, question where necessary, and quality-assure the whole process in your constituency.

3.21 There are management responsibilities attached to your role. For example, you should:

- obtain the staff and resources necessary to deliver a well-run election
- draw in support, skills and expertise from across your own local authority
- ensure that staff are appropriately trained to deliver the roles required of them
- provide direction to staff, monitor progress and receive regular feedback on activities
- support the staff administering the election and provide appropriate oversight of their work
- oversee the planning, project management and risk management of the election and incorporate any lessons learnt from previous polls
- identify and oversee any actions necessary to mitigate any issues arising
- maintain an effective working relationship with the GLRO and staff at London Elects
- if you are not also the ERO, maintain an effective working relationship with the ERO in your borough
- maintain an effective working relationship with the EROs in the other borough(s) in your constituency
- seek advice and assistance from the BRO and staff at the other borough(s) in your constituency
- maintain an effective working relationship with your police Single Point of Contact (SPOC)
- ensure election accounts are completed in a timely manner

4 Performance standards

4.1 The Electoral Commission sets standards and monitors and reports on the performance of Returning Officers. The performance standards applicable to the May 2016 polls can be found at Appendix A – Performance standards for Returning Officers.

4.2 The framework was developed around the key outcomes from the perspective of voters and those who want to stand for election, and in particular whether Returning Officers are taking the necessary steps to deliver the following outcomes:

- Voters are able to vote easily and know that their vote will be counted in the way they intended
- It is easy for people who want to stand for election to find out how to get involved, what the rules are, and what they have to do to comply with these rules, and they can have confidence in the management of the process and the result

4.3 Parts B to F of this guidance include what we expect Returning Officers will need to have in place, and what we would expect to see to be able to be satisfied that the key outcomes of the standards can be delivered.

Appendix A – Performance standards for Returning Officers in Great Britain

Performance standard 1: Voters		
Ensuring that planning for and delivery of the poll enables voters to vote easily and know that their vote will be counted in the way they intended		
Outcome	What does the RO need to do to achieve the outcome	What will demonstrate how the outcome has been met
Voters receive the information they need, in an accessible format and within time for them to cast their vote	• Develop and implement robust project management processes • Evaluate planning for and delivery of previous polls and identify lessons learnt, updating plans as required • Put in place arrangements to manage contractors and suppliers to ensure that the work is delivered as required by the specification • Ensure robust processes are in place for ensuring that there are no errors on voter materials, notice of poll and notice of election • Ensure poll cards are received by voters as soon as possible so that	• Project planning documentation which is kept under regular review • Planning documentation reflecting lessons learnt • Arrangements in place for the management of contractors and suppliers • Processes for the proof-checking of voter materials, notice of poll and notice of election • Information on the method for delivery of poll cards, including an estimation of when poll cards will be delivered • Information on the poll easily

	voters have the maximum amount of time to act on the information • Ensure information on the poll, including the notice of election and notice of poll, is easily accessible to voters, such as through the local authority website	accessed through the local authority website
Voters receive a high-quality service	• Ensure that access needs are taken into account when planning for and setting up polling stations • Decide on the allocation of electors and staff to polling stations to ensure polling stations are properly staffed so that voters receive a high-quality service, giving consideration to the factors set out in Commission guidance • Ensure polling station staff are trained to set-up polling stations in such a way that takes account of voter needs • Ensure postal ballot packs are received by voters as soon as possible so that voters have the maximum amount of time to act on the information	• Assessment regarding access needs, identifying any problems and actions taken to remedy these • Approach taken to allocating electors and staff to polling stations • Guidance/training provided to polling station staff • Information on the method for delivery of postal ballot packs, including an estimation of when postal ballot packs will be delivered

| Voters have confidence that their vote will be counted in the way they intended | • Maintain a clear audit trail of the issue, receipt and opening of postal ballot packs
• Have in place processes to identify any patterns of activity that might indicate potential integrity problems, including what steps are to be taken to deal with any such problems
• Maintain the secure storage of ballot papers and postal ballot packs at all times
• Put in place appropriate resources to ensure the verification and count is timely
• Ensure the results are communicated to voters in a clear and timely way
• Ensure count processes are designed and managed to secure an accurate result, with a clear audit trail | • Arrangements to maintain a clear audit trail of the issue, receipt and opening of postal ballot packs
• Processes for dealing with integrity problems
• Arrangements for securely storing ballot papers and postal ballot packs
• Information on how the verification and counting is to be organised and managed, including the process you followed to arrive at your decision
• Arrangements for communicating results to voters
• Arrangements in place to maintain a clear audit trail of the count processes |

Performance standard 2: Those who want to stand for election

Ensuring that planning for and delivery of the poll enables people who want to stand for election to find out how to get involved, what the rules are, and what they have to do to comply with these rules, and enables them to have confidence in the management of the process and the result

Outcome	What does the RO need to do to achieve the outcome	What will demonstrate how the outcome has been met
People who want to stand for election receive all the information they need to take part	• Ensure information on the election process and spending is easily available for candidates and agents, including through providing briefing sessions and ensuring they are issued with written guidance • Ensure that candidates have the opportunity to have their nomination papers informally checked prior to their formal submission	• Written guidance issued to candidates • Date(s) of briefing sessions and briefing resources • Arrangements in place for candidates to have their nomination papers informally checked prior to formal submission
Candidates have confidence that the process is well-managed, and have confidence in the results	• Ensure that those entitled to attend postal vote opening sessions are able to follow what is happening, where and when • Ensure count processes are transparent, with everything at the verification and count carried out in clear view of all those entitled to	• Layout plan of postal vote opening sessions • Information provided to attendees at postal vote opening sessions • Layout plan of the count • Information provided to attendees at the count

	attend, with information provided to attendees on the processes to be followed • Ensure count processes are designed and managed to secure an accurate result, with a clear audit trail • Have in place processes to identify any patterns of activity that might indicate potential integrity problems, including what steps are to be taken to deal with any such problems	• Arrangements in place to communicate progress at the count • Arrangements in place to maintain a clear audit trail of the count processes • Processes for dealing with integrity problems

Performance standard for statutory office holders with a power of direction

Performance standard 3: Co-ordination and management of the poll		
Co-ordinating the planning for and delivery of the poll to ensure a consistent high-quality experience for voters and those wanting to stand for election		
Outcome	What does the statutory office holder need to do to achieve the outcome	What will demonstrate how the outcome has been met
To ensure that local ROs have the necessary arrangements in place to deliver well-run elections in their area	• Develop and implement robust project management processes • Develop guidance and issue directions where necessary to ensure the effective administration of the polls in each local RO area • Develop and implement plans for communicating with local ROs • Develop and implement a strategy for co-ordinating and delivering public	• Project planning documentation which is kept under regular review • Arrangements for ensuring the consistent delivery of the poll, including guidance issued and whether and how you have used your power to give directions • Plans for communicating with local ROs • A strategy for co-ordinating and

	awareness and engaging with electors across the area • Where appropriate, develop a process for receiving and submitting local results	delivering public awareness activity and engaging with electors across the area • Arrangements on how you intend to manage the process of collating local results, including any protocols and guidance issued to local ROs