

# European Parliamentary election

European Parliamentary  
election on 23 May 2019:  
guidance for Regional  
Returning Officers in Great  
Britain

## Translations and other formats

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# 1 Introduction

This guidance has been prepared in order to assist Regional Returning Officers, Local Returning Officers and their staff as much as possible in developing plans for the European Parliamentary Elections in 2019. It is based on the guidance published for the 2014 European Parliamentary elections, amended to reflect the appropriate dates for 2019 and to incorporate other key changes that we have made in guidance for other election types since 2014, primarily to reflect recent legislation around data protection.

This approach has ensured that we have been able to make the guidance available quickly and without any significant resource investment, taking into account the UK Government's previously stated intention that a European Parliamentary election would not take place in the UK in 2019. It does mean, however, that the guidance also assumes a longer lead-in time to prepare for the polls than would be the case if the decision is taken that this poll should be held. While the legislation remains the same in all cases, we do recognise that some of the activity envisaged by the guidance – such as in relation to planning – will not be possible to deliver in full in the time available.

The Commission's teams in Scotland and Wales, and across England, remain available to respond to any queries you may have about the content of the guidance, and are focussed on working with you to support the effective delivery of your responsibilities.

## Purpose

1.1 The purpose of this guidance is to support Regional Returning Officers (RROs) in carrying out their role at a European Parliamentary election in the electoral region for which they are responsible.

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

- the European Parliamentary Elections Regulations 2004 (including the most recent amendments made by the European Parliamentary Elections (Amendment) Regulations 2013 as well as the amendments made previously by the European Parliamentary Elections (Amendment) Regulations 2009)
- the European Parliamentary Elections (Franchise of Relevant Citizens of the Union) Regulations 2001
- the European Parliamentary Elections Act 2002

- the Representation of the People Acts 1983, 1985 and 2000
- the Representation of the People (England and Wales) Regulations 2001 and the Representation of the People (Scotland) Regulations 2001

1.3 The list above includes only the legislation that makes provision in areas that this guidance relates to and the legislation that is currently in force.

1.4 In addition, 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 RRO in Wales must also have regard to the Welsh Language Act 1993 and the Welsh Language Measure 2011, which require services in Wales to be delivered in the Welsh language.

## How to use this guidance

1.5 The guidance covers:

- RRO role and responsibilities
- Performance standards
- Planning and organisation
- Nominations
- Administering the poll
- Verification, count and result collation
- After the declaration of the result

1.6 Each of these parts covers:

- what you are required to do by law ('musts')
- the principles you should follow in undertaking your role and discharging your statutory duties
- recommended practice to assist you in understanding and discharging your duties
- what we expect you 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 Commission's performance standards can be delivered

1.7 This guidance is supplemented by resources which can be accessed through links contained in the guidance.

1.8 This guidance does not cover your role and responsibilities as a Local Returning Officer (LRO). Guidance for LROs is available separately at [www.electoralcommission.org.uk/i-am-a/electoral-administrator/european-parliamentary-elections](http://www.electoralcommission.org.uk/i-am-a/electoral-administrator/european-parliamentary-elections).

1.9 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.

1.10 Should you have any questions about the guidance or any other matter relating to the administration of elections, we are available to provide on-going support. We will also provide an out-of-hours advice service to deal with urgent electoral administration queries in the run up to and immediately following any scheduled elections. Further information on the provision of our out-of-hours service will be provided through our [Bulletin for electoral administrators](#).

# 2 Roles and responsibilities

## Regional Returning Officer

2.1 Each of the 11 electoral regions in Great Britain has an RRO. The Secretary of State is responsible for designating a RRO for each electoral region. In England and Wales, the RRO must be an Acting Returning Officer, and in Scotland, the RRO must be a UK Parliamentary Returning Officer.

2.2 As RRO you are personally responsible for the following specific aspects of the election:

- the giving of notice of any European Parliamentary election
- the conduct of nomination procedures
- encouraging participation
- the calculation of votes given for each individual candidate and political party, and the allocation of seats
- the declaration of the result

2.3 RROs are responsible for the overall conduct of the election of the Members of the European Parliament (MEPs) for their electoral region and for liaising with and co-ordinating the work of LROs in the electoral region.

2.4 You are personally liable for the conduct of the election relating to your role and duties. You should be prepared to demonstrate robust planning and decision-making processes in the event of any challenge to the election.

2.5 In addition to acting as RRO you will also be the LRO for your counting area and you will need to ensure that you are properly resourced to carry out both functions.

2.6 You must do whatever is necessary to conduct the European Parliamentary election in your electoral region. You can give general or specific directions to LROs for any counting area within your region about the discharge of their functions in relation to European Parliamentary elections, including directions requiring LROs to take specified preparatory steps or to provide you with information that they have or are entitled to have. LROs are required to comply with any direction you have given to them. You can give directions that apply to all LROs, or only to one or some. Further guidance on the issuing of directions is provided from paragraph **2.24**.

2.7 You may appoint one or more deputies to assist you in delivering the election. You should ensure that you appoint one or more deputies to assume

your role in case you are unable to act personally as RRO. You should ensure that any deputies appointed have the skills and knowledge required to carry out the functions that they have been assigned. You are required to make any appointment of a deputy in writing and to include details of the functions that the deputy is authorised to exercise on your behalf. The deputy's acceptance should also be made in writing.

2.8 While you can appoint one or more deputies to discharge any or all of your functions, you cannot delegate your personal responsibility for the conduct of the election or any aspects of it that you are responsible for delivering.

2.9 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 in England and Wales or, in Scotland, a fine not exceeding £5,000.

2.10 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 elections and that are not in accordance with the rules.

2.11 This power allows you to correct procedural errors made by you, as RRO, an Electoral Registration Officer (ERO), a Presiding Officer or a person providing goods or services to you (or any deputies or people assisting any of these). LROs have the same power to correct procedural errors and you should ensure that they consult you before exercising this power.

2.12 Where you or an LRO use the power to correct procedural errors for this election, you should ensure that the error and corrective action taken is explained to those affected including, where applicable, voters and parties, candidates and agents. You should ensure that you keep a record of:

- any errors identified included what the error was and how it occurred
- the impact of the error
- any advice you or the LRO received (including legal advice)
- what measures were taken to correct the error, and how these were communicated

2.13 Where you remedy an act of omission in full by using this power, 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 the votes to be recounted once the result has been declared.

## Insurance and indemnity

2.14 You should ensure that you have appropriate insurance cover and be prepared to demonstrate robust planning and decision-making processes in the event of any challenge to the election and a claim against this cover.

## Your skills and knowledge

2.15 You should have a working knowledge of the relevant legislation governing the conduct of the election. This means that, in addition to having a clear understanding of your 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 the electoral region. You should be able to provide training, advice and guidance to LROs and their staff and, if necessary, direct them in discharging their statutory functions.

2.16 To ensure that LROs have the necessary arrangements in place to deliver well-run elections in their area, you should:

- provide leadership to LROs within your electoral region, which should be supplemented with advice, guidance and training as required, to ensure that the election can be well-run and that voters receive a high-quality service wherever they are voting
- co-ordinate and administer the planning of the election at the electoral region level, in line with the legislation and Electoral Commission guidance and [performance standards](#)
- take all necessary steps to ensure that the local authority provides you with the staff you need to fulfil your role, as they must do by law
- oversee the planning, project management and risk management of the election at electoral region level
- provide guidance and support to LROs in preparing and maintaining a proper project plan and risk management approach for the election
- ensure that LROs have the necessary plans and arrangements in place for the conduct of the elections in their counting area
- provide guidance and support to your staff, monitor progress and receive regular feedback on activities
- support LROs in administering the election and provide appropriate oversight of their work

- working with the Electoral Commission, monitor the performance of LROs and identify and oversee any actions necessary to mitigate any issues arising
- ensure that your staff, and LROs and their staff, are appropriately trained to deliver the roles required of them
- ensure that election accounts are completed in a timely manner
- maintain an effective working relationship with your Single Point of Contact (SPOC)

## Managing the election

2.17 There will be aspects of the election process where you will particularly want to ensure that there is consistency, most notably in the areas that impact on the voters' experience – for example, the issue of poll cards and postal votes, and the staffing of polling stations – as well as in respect of the verification and counting of votes.

2.18 It is for you to decide, based on factors such as your knowledge, experience and relationships with LROs in your area, and taking into consideration issues of scope and scale, how to best achieve the objectives set out in your election plan. Your power to give directions is one tool available for you to use, but whether to give directions, on what matters, and to whom is at your discretion.

2.19 There are various other tools available to you to ensure consistency. As a minimum, you should have in place processes for monitoring how LROs are planning for and administering the polls in their counting areas, including how they are taking into account any directions and/or guidance you have given and whether they are taking the necessary steps to deliver the key outcomes from the perspective of voters and those who want to stand for election, as set out in the performance standards framework for Returning Officers (see **Chapter 3**).

2.20 As a minimum, you should have in place processes for monitoring the delivery of the election across the electoral area, including compliance with any directions and/or guidance you have given and the Commission's performance standards. You should think about how you will support other Returning Officers and electoral administrators in the area in managing the polls and any emerging issues.

2.21 The Commission will be available to support you throughout the election.

2.22 You may choose to issue written guidance to LROs on particular aspects of the election. In order to effectively manage the result collation process, for example, you should put in place a protocol for the transmission

and receipt of local verification and count totals. When we refer to result collation throughout this part, we mean the collation of local verification and count totals, as well as the calculation and allocation of seats.

2.23 In addition, you should arrange training and/or briefing sessions for LROs and their staff.



To be able to achieve the outcome set out in [performance standard 3](#), you will need to have arrangements in place to ensure the consistent delivery of the poll.

To demonstrate that the outcome can be delivered you will need to set out how you intend to ensure consistency of delivery, including whether you have issued (or intend to issue) guidance, and whether and how you have used (or intend to use) your power to give directions.

## Issuing directions

2.24 As part of your planning process you should identify any aspects of the elections in respect of which you are planning to issue directions to LROs, although there may of course be issues that arise at a later stage on which it becomes desirable or necessary for you to give directions at short notice. Your election plan should include plans for developing and issuing directions and a communications strategy to support this, should you decide that it is necessary to use your power to give directions.

2.25 If you are considering giving directions or guidance to LROs you should take into account any relevant criteria in the performance standards framework and/or Electoral Commission guidance. The performance standards framework and Electoral Commission guidance reflect what we and the UK Electoral Advisory Board (EAB) agree that ROs need to do to prepare for and deliver well-run elections. Obtaining this shared agreement, along with the flexibility in how the standards are achieved, should reduce the potential risk of conflict between the requirements of the standards and guidance/directions issued by RROs.

2.26 However, in order that LROs can be clear as to precisely what is expected of them, if you do intend to give any guidance or directions that are different or contrary to the criteria of the standards, please contact your local Commission team in the first instance to discuss the implications so that we can avoid as far as possible there being any unresolved conflicting requirements placed on LROs.

2.27 In deciding whether to give a direction on a particular aspect of the election, and what that direction should be, you should aim wherever possible to consult LROs, so that you can take into account any relevant local factors – including, for example, any combination of polls in any counting areas – in making your decisions. This consultation should help to reduce the risk of any

directions having unintended consequences and potentially maximise the ability of LROs to comply with them.

2.28 Any consultation on possible directions should be planned for and completed in good time to enable the prompt and timely communication of your decision and any associated directions to LROs, to enable them to plan and prepare for the election accordingly.

2.29 If you decide to exercise your power of direction, you should do so with regard to the following principles:

- trust: people should be able to trust the way our elections work
- participation: it should be straightforward for people to participate in our elections (whether as campaigners, candidates or voters) and people should be confident that their vote counts
- consistency across the electoral region: voters and those standing for election receive a consistent high-quality service
- transparency: confidence that the process is well-managed and in the results
- professionalism: robust project management processes in place to ensure that adequate preparations are made in advance of the poll, with risks identified and properly managed, so that the poll can be delivered effectively

2.30 You should communicate any directions to LROs at the earliest opportunity. You should keep a record of what directions have been given, when, and to whom.

2.31 You should ensure that you put in place arrangements to monitor LROs' compliance with any directions you give them. Your plans for giving directions should take account of the fact that there may be circumstances where LROs are unable to comply with a direction, for whatever reason. You should therefore ensure that you develop plans to deal with these situations, which may include establishing a process for considering requests for exceptions to your directions. You should keep a record of any instances where you have agreed that an LRO can deviate from a direction.

## Combined polls

2.32 Legislation sets out the circumstances in which the poll for a European Parliamentary election must or may be combined with the poll for other elections and referendums. In the case of combination **solely** with the poll for a Police and Crime Commissioner election, the Police Area Returning Officer for the Police and Crime Commissioner election discharges the combined functions. In all other cases, the Returning Officer or Counting Officer for one

of the other polls discharges these functions. In those parts of England where the European Parliamentary election is combined with the poll at a local government election the local government RO will take on responsibility for the combined elements of the poll, including:

- the provision of polling stations
- the appointment of Presiding Officers and Poll Clerks
- the notice of situation of polling stations
- the equipment of polling stations
- the notification of the secrecy requirements at polling stations
- signing certificates of employment for polling station staff allowing them to vote at the polling station they are working at, as opposed to the one allocated to them
- authorisation to order the removal of persons from polling stations
- verification of all ballot papers
- where it has been decided to combine the issue of postal votes:
  - the corresponding number list
  - the issue of postal votes including creating a copy of the postal voters list and proxy postal voters list and marking it on issue
  - the opening of postal votes including the marking the returned postal vote statements on the lists and the verification of the personal identifiers on the returned postal voting statements

2.33 If the poll for the European Parliamentary election is combined with the poll for another election or referendum, the majority of your responsibilities as RRO remain the same. The main differences will result from the differences to LROs' responsibilities, as set out above, which in turn have implications for issuing directions and in relation to the verification and counting of votes. Where there are differences, these are made clear in the relevant parts of this guidance.

2.34 You should bear in mind that as each electoral region encompasses a number of counting areas, there may be some places within the electoral region where the poll for the European Parliamentary election will be combined with another poll(s), and other places where it will not. You should ensure that your planning for the election takes into account the potential for this scenario, in particular in respect of your planning for verifying and counting the votes (**see Chapter 6 for more information on the verification and count**).

### **Power to give directions at combined polls**

2.35 The key difference where polls are combined and the LRO does not take on any combined functions is in relation to your power to give directions. In this circumstance, you are only able to exercise your power of direction over LROs in respect of the aspects of the administration of the European Parliamentary election for which they are responsible, which includes printing ballot papers and counting the votes. Your power of direction does not apply to those functions that are not taken on by the LRO for the European Parliamentary elections.

2.36 You should ensure that when you are deciding on any directions you intend to give, and in communicating those directions, you have considered whether and how the direction applies in areas where polls are combined, including whether you may need to give different directions to LROs in those areas. You should make clear when you give any directions whether and how they apply in circumstances where polls are combined.

## **Local Returning Officer**

2.37 An LRO is appointed for each counting area (i.e. for each local authority area) within the electoral region. The appointment of LROs for the European Parliamentary elections flows automatically from appointment as Returning Officer for local government elections in that local authority area.

2.38 LROs are personally responsible for the administration of the election in their counting area and in doing so, and discharging the functions for which they are specifically responsible, they should have regard to any guidance you issue, and must comply with any directions you give them. The functions for which they are responsible include:

- the conduct of the poll
- the printing of the ballot papers, unless you direct otherwise
- the appointment of Presiding Officers and Poll Clerks
- management of the postal voting process
- the verification and counting of votes

2.39 Where the poll at a European Parliamentary election is combined with the poll at a further election or referendum, the LRO will not be responsible for carrying out the combined elements of the poll.



More information on the functions of the local government RO and European Parliamentary LRO is available in [Part A - Returning Officer role and responsibilities](#) of our guidance for Returning Officers at the European Parliamentary election on 22 May 2014 where the poll is combined with the poll at a local government election.

## Electoral Registration Officer

2.40 The Electoral Registration Officer is responsible for maintaining the register of electors and lists of absent voters for their local authority area and is normally a senior officer in the local authority and may also be the Returning Officer.

## 3 Performance standards

3.1 The Electoral Commission sets standards and monitors and reports on the performance of ROs. The performance standards applicable to these polls can be found at [Appendix A – Performance standards for Returning Officers](#).

3.2 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 ROs 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

3.3 The framework includes a standard which specifically covers the role of statutory office holders with a power of direction, such as RROs, and focuses on the co-ordination and management of the poll. Elements of performance standards 1 and 2 – which focus on 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 and enables people who want to stand for election to find out how to get involved and comply with the rules – are also applicable to RROs.

3.4 This guidance sets out what we expect RROs 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.

# Planning and organisation

3.5 You are responsible for co-ordinating the planning for and delivery of the poll across the electoral region to ensure a consistent high-quality experience for voters and those wanting to stand for election.

3.6 The key objective of implementing project and risk management processes is to ensure that adequate preparations are made in advance of the poll, with risks identified and properly managed, so that the poll can be delivered effectively. You should set out what you want to achieve and what success would look like for you and this should be reflected in the objectives and success measures set out in your project plan. You should share your objectives and success measures with LROs to enable them to reflect these in their own plans.

## Project plan

3.7 You should prepare a project plan, treat it as a 'living document' and keep it under regular review, using it to monitor progress and to inform the development of your lessons learnt report.

3.8 You should ensure that your planning supports the delivery of 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



To be able to achieve the outcome set out in [performance standard 3](#), you will need to develop and implement robust project management processes. This should include evaluating the planning for and delivery of previous polls and identifying lessons learnt, updating plans as required. To demonstrate that the outcome can be delivered you will need to have in place project planning documentation which is kept under regular review. This part of the guidance sets out what this project planning documentation should cover.

The Commission has produced a [template project plan](#) that you may wish to use and adapt to fit your local circumstances. The template includes a number of example deliverables and tasks including all of those that should be included to be able to demonstrate that the outcomes set out in the performance standards can be delivered. In addition to those identified in the

template you should also add in any other deliverables and tasks you identify as necessary, including ones specific to the circumstances in your electoral region.

3.9 The Commission has provided some sample aims and suggested tools that will allow you to measure the extent to which the conduct of the election has been successful as part of the template project plan.

3.10 You should identify any relevant lessons learnt from previous similar electoral events, particularly those with a regional management aspect – which should assist with informing your planning. If you have not delivered a poll with an element of regional coordination previously, you should consider how you can learn from the experiences of others who have carried out such a role.

3.11 Your project plan should include a plan to evaluate procedures post-election and identify lessons learnt. Guidance on reviewing election procedures can be found in **Chapter 8: After the declaration of the result**.

3.12 Your project plan should cover contingency planning and business continuity arrangements. The continuity arrangements should include provisions to cover loss of staff and loss of venues during the election period.

3.13 Your project plan should also identify the resources and staffing required. You should take all necessary steps to ensure that the local authority provides you with the staff you need to fulfil your role, as they must do by law. The Commission has published a [timetable](#) containing the statutory deadlines as set out in the election rules which can be used to assist you in your planning.

## Risk register

3.14 You should prepare a risk register, treat it as a 'living document' and keep it under regular review, using it to monitor the risks and document any changes in risk, as well as ensuring that mitigating actions are identified and are being taken forward, including by LROs where appropriate. Your risk register should consider risk and risk management in relation to your functions as RRO, plus any key risks relevant to the administration of the poll across the electoral region. It should identify the seriousness of any risk by indicating both the likelihood of the risk occurring and the impact of the risk if it did occur.

3.15 In developing your risk register you should ensure that you liaise with and seek input from LROs as necessary, and that they are aware of any risks you identify that may directly affect the election in their counting area, as well as any mitigating actions for which they are responsible.

3.16 The Commission has developed a [template risk register](#) that you may wish to use. The template provides some example risks and suggestions for mitigating those risks. In addition to the risks identified in the template you should also identify any other risks, including ones specific to your electoral region, and how you would mitigate those.

## Staffing

3.17 You should establish a project team to support you in carrying out your functions as RRO. The project team should include the relevant key staff to support you in each specific function.

3.18 In addition to yourself your project team should include:

- other local ROs in the electoral region
- where a local ROs is not also the Electoral Registration Officer (ERO), the ERO
- any appointed deputies
- other election staff members
- any other key personnel you consider appropriate (such as, for example, colleagues from your council's communications team or your local SPOC).

3.19 A record of each meeting should be kept as an audit trail of what was discussed and of any decisions made.

## Maintaining the integrity of the election

3.20 In order to ensure that voters and candidates can have confidence that votes will be cast and counted in the way voters intended, you will need to have in place plans and processes to identify any patterns of activity that might indicate potential electoral fraud. Your plans should include specific steps to identify and deal with any potential electoral fraud, and should also identify how you will communicate your approach to maintaining electoral integrity in order to support public confidence in the election.

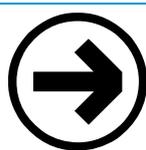
3.21 You should take the lead on integrity issues to produce a single electoral region integrity plan in discussion with the police and all LROs to add to your overall project plan. LROs' own integrity plans should fit within the plan for the electoral region and include any issues they have identified locally. You should ensure that you have considered the specific risks relating to each of the counting areas within the electoral region as a whole, including taking into account previous allegations of electoral fraud and the risk of electoral

fraud allegations relating to other polls taking place on the same day as the European Parliamentary elections.

3.22 You should also share the approach to tackling electoral fraud with parties, candidates and agents at briefing sessions and/or within the information provided to them and consider, where appropriate, inviting the police to attend any such briefing sessions. In some cases, where there is a significant risk of electoral fraud allegations, you should also consider communicating your approach to tackling fraud more widely in advance of polling day to provide reassurance to voters and campaigners.

3.23 Following consultation with Returning Officers, police forces and political parties, the Commission has issued a Code of Conduct for campaigners at elections and referendums. The Code applies to all campaigners, and sets out agreed standards of appropriate behaviour before and during an election or referendum. The Code also makes it clear that if a Returning Officer considers it appropriate to address further specific local risks, and has consulted with relevant national and local parties, we will support them in introducing additional local provisions which go beyond the terms of the nationally agreed Code.

3.24 You should establish and maintain contact with the police at an appropriate level. The police Single Point of Contact (SPOC) officer will be able to provide you with contact details for the relevant force command or lead unit, and will also be able to explain any divisional structure within the force if appropriate. You should ensure that you are provided with the contact details of any divisional SPOCs, and ensure that the LROs in your area schedule regular contact with them.



More detailed guidance on maintaining the integrity of the election, including assessing and managing the risk of electoral fraud is available in [Part B – Planning and organisation](#) of our guidance for LROs.

## Communication

3.25 As RRO you will need to put in place communication plans to support the delivery of the election. These plans should support you in effectively liaising with and coordinating the work of LROs to ensure the consistent delivery of the poll across the electoral region, and with managing stakeholder coordination and communication, including media liaison.

3.26 When developing your communication plans you should consider and document:

- consultation on and the giving of guidance and directions
- disseminating information

- monitoring LRO planning and performance
- communicating your plans for the processes for which you are responsible (such as nominations and result collation)
- coordinating public awareness activity
- providing advice and support to and dealing with enquiries from LROs and their staff.

3.27 Your communication plans should be reflected in your project plan.

3.28 You should to discuss options and issues with local ROs from across the electoral region, with a view to, where possible, reaching consensus on the decisions you need to make to deliver the election and meet the identified objectives and success measures. A record should be kept as an audit trail of what was discussed and of any decisions made.



To be able to achieve the outcome set out in [performance standard 3](#), you will need to develop and implement plans for communicating with LROs. To demonstrate that the outcome can be delivered you will need to have in place plans for communicating with LROs.

## Raising awareness

3.29 You must take such steps as you think appropriate to encourage the participation of electors in the election, and in carrying out such activity you must have regard to any guidance issued by the Electoral Commission. As RRO you should actively take the lead in promoting and sharing good practice and in coordinating awareness activity across the electoral region.

3.30 Your planning should take into account the need to work with LROs in your electoral region to ensure that local and regional awareness activity is coordinated and that clear, consistent messages are communicated effectively to electors.

3.31 When planning public awareness activity in your electoral region you should consider and document:

- the identification of your target audience
- the objectives and success measures of the activity
- risks – identification and mitigation
- resources – financial and staffing

3.32 You should establish a communications network involving a representative of each LRO in your region to share information and coordinate

public awareness activity across the electoral region. This network can also be used to help to ensure that any communication relating to specific aspects of the election, such as the counting of votes or the declaration of results, or issues that arise, for example allegations of electoral fraud or malpractice, are dealt with effectively and consistently across the electoral region.



To be able to achieve the outcome set out in [performance standard 3](#), you will need to develop and implement a strategy for coordinating and delivering public awareness and engaging with electors across the region. To demonstrate that the outcome can be delivered you will need to have in place a strategy for coordinating and delivering public awareness activity and engaging with electors across the region.

### Information to electors

3.33 In order to effectively communicate information to electors you should consider who you want to reach through your awareness activity and the method of communication to be used. You should take advice and seek input from relevant staff at your local authority.

3.34 'Information' covers any information required by the elector in order to successfully participate. This may include information on:

- the election itself
- the date and hours of poll
- the location of polling stations
- any key deadlines (e.g. deadlines for applying for postal or proxy votes)
- how to vote (i.e. how to mark the ballot paper)
- what assistance is available to electors (e.g. information for disabled voters)
- how and when votes are counted
- how the result will be made known

3.35 You should also ensure that all outgoing communications provide appropriate contact details to allow anyone to respond and obtain further information. You should consider what contact details are most appropriate in each case, working with LROs and their staff as required.

3.36 The public may also proactively make enquiries and you need to consider how a consistent approach to addressing such enquires can be achieved. You could, for example, consider developing agreed responses to FAQs for front line staff. We have developed FAQs, also includes Q&A's in relation to the European Parliamentary elections.



The Commission will provide templates and tools on [our website](#) to support you with providing information on elections. There, you can also sign up to Roll Call, the Commission's voter registration newsletter, to receive updates about what resources we will be making available.

There is also a frequently asked questions page on [Your Vote Matters](#), which people should be directed to, for example by providing a link from your own web pages to the Your Vote Matters website.

## Media liaison

3.37 You should ensure that stakeholder coordination and communication is embedded throughout your planning, with particular arrangements in place for working the media, this should include:

- plans for coordinating media liaison within the electoral region, and strategies for dealing with both proactive communication and media liaison in relation to specific events such as the counting of votes and result declaration
- dealing with general media enquiries
- reactive handling of any issues that arise in relation to the election, for example allegations of electoral fraud or malpractice

3.38 It is important that media communication is managed in a coordinated and consistent way across the electoral region in order to maintain public confidence that the election is being well-run. To achieve this effectively there should be a clear process in place for the electoral region to be followed by you, LROs and your respective communications teams to respond to any issues that arise.

## Communication at the verification, count and result collation

3.39 Good communication, both at political party, candidate and agent briefings and media briefings in advance of and at the verification, count and result collation, will allow those present to properly scrutinise the proceedings and will help to build confidence that the result is accurate. Providing information on the processes to be followed can also help to lower the number of queries raised by political parties, candidates and agents and the media and other attendees.

3.40 Our guidance for LROs [Part E: Verifying and counting the votes](#) covers the information that should be provided at the verification and count, and ways in which that might be done. As RRO you also need to consider how to ensure consistency and transparency across the electoral region both in terms of the information that is provided during the verification and count and

when and how that is communicated, taking into account how these processes are organised across the electoral region.

## Accredited observers and Commission representatives

3.41 Observers accredited by the Commission are entitled to observe:

- the issue and receipt of postal ballot papers
- the poll
- the counting of the votes, including the result calculation

3.42 Commission representatives are also entitled to observe these processes and, in addition, are entitled to observe your working practices.

3.43 Accredited observers and Commission representatives do not need to give advance notification of where they intend to observe, but will carry with them a photographic identification card issued by the Commission.

3.44 You should include in your project plan processes to manage potential enquiries from observers and to support their attendance at the electoral processes they are entitled to attend.

3.45 As RRO, this should include making arrangements to enable the provision of information on the location and timing of the result calculation to observers as appropriate.

3.46 You can limit the number of accredited observers who may be present at the collation of results at any one time. You cannot, however, bar accredited observers from attending the collation of results, or set a maximum limit on the number of accredited observers who may attend any part of the electoral process that they are entitled to observe. You must not restrict access to any part of the electoral process by Electoral Commission representatives.

3.47 If you are in doubt about the status of a particular individual seeking to gain access to election processes, you can check the registers of observers on the Commission's website.

3.48 You must have regard to the [Commission's Code of practice for observers](#) when managing the attendance of observers. Observers will have agreed to comply with the standards of behaviour set out in the Commission's Code of practice. If you think there has been a breach of the Code of practice, please inform your local Commission office.



More detailed guidance on observers is available in [Part B – Planning and organisation](#) of our guidance for LROs.

# 4 Nominations

## Electoral deadlines in the South West electoral region

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

4.1 As RRO you are responsible for all aspects of the nomination process at a European Parliamentary election, and your project plan should include plans to deliver the nominations process. This chapter gives guidance on your role and duties during the nomination period.

## Guidance for parties, candidates and agents

4.2 As RRO you should ensure that your 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.

4.3 You will need to work with LROs in your area to coordinate engagement with candidates and agents both locally and at the electoral region level so that those who want to stand for election receive all the information they need to take part, including information on local arrangements. Your project plan should include plans for engaging with candidates and agents.



To be able to meet the outcome set out in [performance standard 2](#) you will need to ensure that information on the election process and spending is easily available for candidates and agents, including through ensuring they are issued with written guidance. To demonstrate that the outcome can be delivered you will need to have in place written guidance to be issued to candidates.

## Guidance on spending limits

4.4 Parties and candidates are required to follow certain rules regarding how much they can spend, who they can accept donations from, and what they must report after the election.

4.5 You should ensure that parties, candidates and election agents, as applicable, are issued with information on the expenses limit, spending returns and declarations in order to enable them to meet reporting requirements.

4.6 The Commission has produced guidance on spending and donations [for candidates and agents](#) and for [political parties](#) which you can use to provide parties, candidates and agents with information on spending returns and declarations in order to enable them to meet their reporting requirements.

## Guidance on the election process

4.7 You should ensure that candidates and/or election agents are issued with written guidance on the election process, including local arrangements. The information should be provided in good time to enable candidates and agents to act on it.

4.8 The purpose of providing written guidance is so that parties, candidates and agents have access to authoritative and comprehensive guidance for reference at any time to ensure that they have all the information they need to take part in an election. It need not always be the case that such written guidance must be produced in hard copy – in some instances it may be appropriate to provide candidates and agents with a link to where they can find the relevant information online – and it will be for the RRO in each case to ensure that candidates can easily access the information they need and to do whatever is necessary to facilitate this.

4.9 As part of your plans for engaging with candidates and agents and supporting their participation in the election, working with the LROs in your area, you will need to determine how information about local arrangements will be provided to candidates.

4.10 Local arrangements will include details from LROs including their contact details and information on the dates, times and venues for the key election processes, including:

- postal vote issue and openings
- polling
- the verification and count

4.11 You could decide to collate and disseminate local information centrally, or to advise candidates and agents to contact the relevant LRO directly. Whatever method you choose you should ensure that candidates and agents can easily access all the information they need in order to be able to participate in the election.

4.12 You should prepare a nomination pack for any political party or person who expresses an interest in standing for election.

4.13 The nomination pack for political parties should contain:

- nomination form
- a form for providing the names of the candidates on the party list
- consent to nomination forms
- a form for the party to request the use of an emblem
- details of how the deposit should be paid, including acceptable methods of payment
- a form for a party standing in more than one electoral region to give notice of appointment of the national election agent
- a form for a party standing in only one electoral region to give notice of appointment of an election agent
- forms to give notice of appointment of any sub-agents
- forms to give notice of appointment of polling agents, postal voting agents and counting agents to LROs
- written guidance for parties, candidates and agents covering key aspects of the electoral process, including the qualifications and disqualifications for election, the nominations process, campaigning dos and don'ts, accessing electoral proceedings and what happens after the declaration of the result
- details of how to obtain a copy of the electoral register and the absent voters' lists for each counting area in the electoral region, and forms to make such requests
- information on the spending limit for candidates and parties at the election and guidance for [candidates and agents](#) and [political parties](#) on spending and donations
- information on local arrangements
- any other relevant information

4.14 The nomination pack for individual candidates should contain:

- a nomination form
- a consent to nomination form
- details of how the deposit should be paid, including acceptable methods of payment

- a form for candidates to give notice of appointment of an election agent
- forms for candidates to give notice of appointment of any sub-agents
- forms for candidates to give notice of appointment of polling agents, postal voting agents and counting agents to LROs
- written guidance for candidates and agents covering key aspects of the electoral process, including the qualifications and disqualifications for election, the nominations process, campaigning dos and don'ts, accessing electoral proceedings and what happens after the declaration of the result
- details of how to obtain a copy of the electoral register and the absent voters' lists for each counting area in the region, and forms to make such requests
- information on the spending limit for candidates at the election and [guidance for candidates and agents on spending and donations](#)
- information on local arrangements
- any other relevant information

4.15 The Commission's guidance for candidates and agents can be found on our website at: [www.electoralcommission.org.uk/i-am-a/candidate-or-agent/european-parliamentary-elections](http://www.electoralcommission.org.uk/i-am-a/candidate-or-agent/european-parliamentary-elections). We have also produced a set of nomination papers [for party candidates](#) and [individual candidates](#) that you can include in your nomination pack, which contains all the forms needed for nomination.

### **Questions from candidates on whether they are eligible to stand**

4.16 Questions of eligibility or disqualification are for the candidate only and you should not give advice on such matters. The candidate should be directed to the Commission's [guidance for candidates and agents](#) in the first instance. Should they have any further concerns, they should be advised to seek their own legal advice.

## **Candidate and agent briefings**

4.17 You should ensure that parties, candidates and/or election agents are offered a briefing session on the election process, including local arrangements. The briefings should allow for the fact that there may be people who have little or no knowledge of election rules and procedures or who have not been involved in elections for some time. All briefing sessions should highlight the importance of following the election rules. In particular, you should provide a briefing on the nomination process, including deadlines, submission rules, the use of commonly used names, and the use of party names, descriptions and emblems, to ensure that those who want to stand for

election have the necessary information to enable them to understand what they need to do. You should also cover what standards of behaviour you expect from supporters in the area of the polling place on polling day.



The College of Policing Authorised Professional Practice have produced guidance on Maintaining order and preventing undue influence outside polling stations. This document is designed to help the police think about how best to approach the issue of policing polling stations and offers some practical steps to help them reduce the likelihood of problems arising and deal with any that occur. Although it is aimed at the single point of contact (SPOC) it may also be of use to you, particularly in communicating to candidates and agents the standards of behaviour expected from supporters in the area of the polling place. It should be read in conjunction with section 3 of the Code of conduct for campaigners: electoral registration, postal voting, proxy voting and polling stations.

4.18 While you should invite all potential candidates to a briefing session ahead of or at the start of the nominations period, you may choose to hold an additional briefing session after the list of candidates standing for election has been confirmed after the close of nominations.

4.19 Your briefing session(s) should also highlight any security arrangements that have been put in place in consultation with the police. You may wish to invite your police single point of contact (SPOC) to attend any briefing sessions, or to provide written material that you can provide to candidates and agents.

4.20 You should also work with LROs in your region to determine whether they should provide briefings in their counting area and to agree the content of any such briefing sessions, which could include their local arrangements, such as details of postal vote issue and openings, polling, and the verification and count.

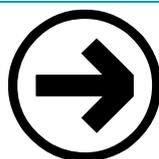


To be able to meet the outcome set out in [performance standard 2](#) you will need to ensure information on the election process and spending is easily available for candidates and agents, including through providing briefing sessions. To demonstrate that the outcome can be delivered you will need to arrange briefing sessions and produce briefing resources.

## Supply of the register

4.21 Although not required for the nomination process, as there is no requirement for nominations to be subscribed by registered electors, an individual candidate (i.e. those not included on a party list) or an election agent of a party fielding a list of candidates at the election can request a copy of the full electoral register and absent voters lists for every counting area within the region in which the candidate or party list is standing, for electoral purposes.

4.22 Registers and absent voters lists can only be supplied if the candidate or the election agent (as appropriate) has made a written request to the ERO. The request can only be made once a person has become an individual candidate or once a party has submitted a list of candidates and appointed an election agent. The Commission has produced template [electoral register](#) and [absent voters list](#) request forms that candidates and election agents can use.



For further details on when a person becomes a candidate and when a party fielding a list of candidates can appoint an election agent, see [Part 2a](#) and [Part 2b](#) of our guidance for candidates and agents.

4.23 While the legal responsibility for receiving and supplying registers to individual candidates or election agents rests with the ERO for each counting area, you should have in place plans for managing or coordinating requests from and supply of copies of the register to candidates and agents to ensure that all individual candidates and election agents of political parties can be supplied with registers in such a way that they have timely and easy access to them.

4.24 For example, you may consider supplying the registers centrally on behalf of the EROs, and include a request form in the nomination pack that covers all counting areas. The benefit of this approach is that it could operate so that candidates or election agents would only need to complete one request form covering all counting areas and receive their registers from a single place, instead of having to approach each ERO separately with individual requests. You would need to also consider, however, the practicalities of collating the registers and in particular the updates to the register, and discuss and agree with the EROs how the various registers and updates to them could be brought together for subsequent timely supply, including how this would work for both printed and data copies. The registers must be supplied in data form unless a printed copy has been specifically requested.



Detailed information on access and supply of the full electoral register and absent voters lists to candidates, registered political parties (who can request a copy at any time) and others can be found in [Part 4: Maintaining the register throughout the year](#) of our guidance for EROs.

## The nomination process

### The nomination period

4.25 This section provides guidance on the administration of the nominations process at the European Parliamentary election. Questions of eligibility or disqualification are for the candidate only and you should not give advice on such matters. The candidate should be directed to the

Commission's guidance for candidates and agents at a European Parliamentary election in the first instance. Should they have any further concerns, they should be advised to seek their own legal advice.

4.26 Nomination papers can be delivered to you between the hours of 10am and 4pm on any day after the date you publish the notice of election until the close of nominations.

4.27 The close of nominations is 4pm on the nineteenth working day before the poll (i.e. **4pm on 25 April 2019 (4pm on 24 April 2019 in the South West electoral region)**). This deadline cannot be moved for any reason. If a completed set of nomination papers and the deposit have not been delivered by hand by that time, the nomination has not been made which means that you cannot rule the nomination valid or invalid.

## Forms for nomination

4.28 The following forms will need to be submitted by an individual candidate:

- the nomination form
- consent to nomination

4.29 The following forms will need to be submitted by a party:

- the nomination form
- the list of candidates
- the consents to nomination signed by each candidate on the list

4.30 The nomination form, list of party candidates and the consents to nomination (collectively referred to hereafter as the 'nomination papers') are not prescribed, although the content of the forms is. Parties and candidates do not have to use a nomination or consent form that you have produced, as long as their forms contain all of the required information. See **paragraphs 4.70** onwards for further details on what information is required.

4.31 If a political party wishes to use one of the party's registered emblems on the ballot paper they must make a written request to you before the close of nominations.

4.32 Nomination papers can only be produced in English or, in Wales, in English and/or Welsh, and not in any alternative languages or formats.

4.33 The Commission has produced a set of nomination papers [for party candidates](#) and [individual candidates](#), which include all of these forms, which you can provide to parties and candidates.

## Additional requirement for candidates who are EU citizens

4.34 A candidate who is an EU citizen (other than a British, Irish, Maltese or Cypriot citizen) will be required as part of their nomination to make a declaration stating, amongst other things:

- that they are not standing as a candidate at the same European Parliamentary election in any other EU Member State, and
- that they have not been deprived of the right to stand as a candidate due to a judicial decision or an administrative decision that can be subject to a judicial remedy ('relevant disqualifying decision') in the EU Member State of which they are a national.

4.35 The form of the required declaration is not prescribed, although the content of the declaration is prescribed. There are also requirements relating to information from the designated contact point in the EU Member State of which the candidate is a national. See **paragraph 4.45** for further details of the relevant requirements for the declaration and information.

## Informal checks

4.36 You should ensure that all candidates have the opportunity to have their nomination papers informally checked prior to their formal submission.

4.37 All candidates, agents and nominating officers of registered political parties should be given an equal opportunity to access an informal check. Informal checks are designed to assist candidates and parties with participating effectively in the electoral process so that, if possible, any errors made by them in completing the paperwork do not deny electors the opportunity to vote for that candidate or party. You should consider how you are going to manage this process, for example by putting in place an appointment system.

4.38 When conducting an informal check it should be made clear that the nomination papers are being looked at informally. At the conclusion of the informal check, you should offer to return the nomination papers if an issue has been identified. If no issues have been identified, you should offer to accept them formally.



To be able to meet the outcome set out in [performance standard 2](#) you will need to ensure that candidates, agents and nominating officers of registered political parties have the opportunity to have their nomination papers informally checked prior to their formal submission. To demonstrate that the outcome can be delivered you will need to have in place arrangements for candidates, agents and nominating officers of registered political parties to have their nomination papers informally checked.

## Delivery of nomination papers

4.39 Nomination papers must be delivered to the precise location specified by you on the notice of election.

4.40 You should provide clear signage from the entrance of the building to the room set aside for delivery. This route, or an appropriately signposted alternative, should be fully accessible.

4.41 You or an appointed deputy must be present throughout the period for nominations and during the period for objections and only you and your staff should deal with nominations. You should give information to other local authority staff or other staff in the buildings you occupy, such as reception staff, as to what to do if a person tries to deliver a nomination paper to them, making it clear that they should not handle nomination papers and should not offer to deliver them but should instead direct them to you.

## Times and manner of delivery

4.42 Nomination papers must be delivered between 10am and 4pm from the day after the notice of election is published until 4pm on the nineteenth working day before the poll (i.e. **4pm on 25 April 2019 (4pm on 24 April 2019 in the South West electoral region)**). This deadline cannot be extended for any reason.

4.43 Where there is a requirement to deliver a nomination paper by hand, delivery is determined as being when the paper is hand-delivered at the place specified in the notice of election. The emblem request form may be submitted by post. In this case, delivery is determined when the papers are delivered at the place specified in the notice of election.

4.44 No appointment is required to deliver nomination papers, and on receipt you or your staff should endorse the documents with the date and time of delivery.

## Delivery of declarations and other information by candidates who are citizens of certain EU Member States

4.45 As set out in **paragraph 4.34** above, any candidate who is an EU citizen (other than a British, Irish, Maltese or Cypriot citizen), whether standing as an individual candidate or as a candidate on a party list, must, in order for their nomination to be valid, make a declaration that they are not disqualified from standing for election.

4.46 The declaration can be submitted before or after the publication of the notice of election and must be delivered to you no later than the close of nominations (**4pm on 25 April 2019 (24 April 2019 in the South West electoral region)**).

4.47 If the declaration is delivered to you **by 4pm on 15 April 2019 (4pm on 12 April 2019 in the South West electoral region)**, there is no need for the candidate to provide the required information from the designated contact point in addition to their declaration (although they can do so if they wish). Where the required information is not provided by the candidate, the UK Government (via the Cabinet Office) must seek this information from the EU Member State of which the candidate is a national and provide it to you.

4.48 If the declaration is delivered **after 4pm on 15 April 2019 (4pm on 12 April 2019 in the South West electoral region)** certain information must be delivered in addition to the declaration. This information must have been provided to the candidate by the designated contact point in the EU Member State of which the candidate is a national and must state either that the candidate has not been deprived of the right to stand as a candidate in that State through a relevant disqualifying decision or that no such disqualification is known to the designated contact point. The information must be delivered to you no later than the close of nominations (**4pm on 25 April 2019 (24 April 2019 in the South West electoral region)**).

4.49 You should encourage any candidate who is an EU citizen (other than a British, Irish, Maltese or Cypriot citizen) to deliver their declaration to you as early as possible so that the required information from the relevant EU Member State can be obtained by the UK Government and provided to you as quickly as possible. This will help to reduce the risk that a candidate included on the statement of parties and individual candidates nominated is later found to be disqualified from standing.

4.50 The other nomination papers do not need to be submitted at the same time as the declaration, but they must all be submitted by the nomination deadline.

4.51 You must forward **any** declaration that you receive **at any time** (even if it is accompanied by the required information from the relevant designated contact point) as soon as practicable to the Secretary of State (via the Cabinet Office). The Secretary of State will ask the designated contact point to confirm whether the candidate has been deprived of the right to stand as a candidate through a relevant disqualifying decision in that EU Member State and provide you with any response.

4.52 You should send any declarations to the Secretary of State via the Cabinet Office by emailing a copy to [elections@cabinet-office.gsi.gov.uk](mailto:elections@cabinet-office.gsi.gov.uk). You should attach a copy of the declaration from the candidate and make it clear in the subject field of the email that the email concerns a declaration from an EU candidate. You should also provide an email address to which Cabinet Office should send information received from the candidate's home state

about the candidate's eligibility to stand, and your contact telephone number in case of any queries.<sup>i</sup>

## Who may deliver the nomination papers?

### Political parties

4.53 The nomination form and list of candidates for a political party may only be delivered by the following people:

- the party's registered Nominating Officer
- a person authorised in writing by the Nominating Officer to deliver the nomination papers on their behalf

4.54 The nomination form and list of candidates must be delivered by hand by one of the people listed above. If they are delivered by anyone else they must not be accepted. These documents cannot be submitted by post, fax, email or any other electronic means, and so any received in this way must not be accepted. Delivery by hand can include delivery by a courier. You should ask to see the authorisation, where delivery is by a person authorised in writing by the Nominating Officer, so that you are able to ensure that the requirements have been complied with.

4.55 The consent to nomination required to be given by each candidate on the party's list can be delivered by anyone. However, consents to nomination must also be delivered by hand and not by post, email, fax or other electronic means, except in certain specified circumstances, as set out in paragraph 4.108. Delivery by hand can include delivery by a courier.

4.56 A declaration and, where appropriate, supporting information for a candidate who is an EU citizen (other than a British, Irish, Maltese or Cypriot citizen) can be delivered by anyone but must be delivered by hand and not by post, email, fax or other electronic methods. Delivery by hand can include delivery by a courier.

### Individual candidates

4.57 The nomination form for an individual candidate may only be delivered by the following people:

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<sup>i</sup> The Cabinet Office will provide RROs with contact telephone numbers closer to the time of the election for queries about dealing with declarations from EU candidates.

- the candidate
- a person authorised in writing by the candidate to deliver the nomination papers on the candidate's behalf

4.58 The nomination form must be delivered by hand by one of the people listed above. If they are delivered by anyone else they must not be accepted. The nomination form cannot be submitted by post, fax, email or any other electronic means, and so any received in this way must not be accepted. Delivery by hand can include delivery by a courier. You should ask to see the authorisation, where delivery is by a person authorised in writing by the candidate, so that you are able to ensure that the requirements have been complied with.

4.59 The candidate's consent to nomination can be delivered by anyone. However, it must also be delivered by hand and not by any other means except in certain specified circumstances, as set out in **paragraph 4.108**. Delivery by hand can include delivery by a courier.

4.60 A declaration and, where appropriate, supporting information for a candidate who is an EU citizen (other than a British, Irish, Maltese or Cypriot citizen) can be delivered by anyone but must be delivered by hand and not by post, email, fax or other electronic methods. Delivery by hand can include delivery by a courier.

## Changes to nomination forms

4.61 Once a nomination form and, in the case of a party, the list of candidates has been formally delivered, it cannot be returned to the party or candidate and no changes can be subsequently made to it (subject to your power to correct minor errors). At the point of formal submission you should therefore endorse the form and list, as appropriate, with the date and time of delivery, so that you have a record of when each was formally submitted.

4.62 If a party or individual candidate later decides that they want to make changes, for example if a party wants to change the description, the only way this can be done is by the party or individual candidate delivering a new nomination form and, in the case of a party, list of candidates (whether or not there are any changes to the list itself) within the statutory timeframe. Similarly, if the party wants to make changes to its list of candidates a new nomination form must be submitted at the same time (whether or not there are any changes to the form itself).

4.63 In all cases, the later delivered nomination form (and list of candidates, where appropriate) will supersede the earlier delivered nomination form/list.

4.64 Consents to nomination and the deposit do not need to be delivered again, although if a new candidate has been added to the party's list of

candidates, their consent to nomination must be delivered (**for further details on the delivery of consents to nomination see paragraph 4.106**).

## Attendance at the delivery of nomination papers

4.65 Only certain people have the right to attend the delivery of nomination papers. In addition to those attending to deliver a nomination form and to you and your staff, these are:

- an individual candidate standing nominated or a candidate named on a party list from the point you receive a nomination for that candidate or party in question
- an election agent of a political party that has submitted a nomination (whether or not the nomination is valid) or of an individual candidate (whether or not they have submitted a nomination)
- a person authorised in writing to deliver a nomination form for an individual candidate or a political party (whether or not they have done so)

4.66 These people can be present and also inspect and, within the permitted time, object to the validity of any nomination form or list of candidates. **Paragraph 4.132** provides more information on the making of objections, including the time within which objections may be made.

4.67 Electoral Commission representatives and one person appointed by each of the candidates (both those standing individually and on a party list, so long as the candidate stands nominated) are also entitled to attend the nomination of candidates but are not permitted to object to any of the nominations.

4.68 No other person is allowed to attend the delivery of nomination papers. Nomination papers are not open to public inspection; they are only open to inspection by the people mentioned in this section.

## Multiple nomination forms

4.69 There is no limit on the number of nomination forms and, in the case of a party, the list of candidates that may be delivered for the same candidate or party. Any nomination form delivered after a previously delivered nomination form supersedes the earlier nomination form. The same applies to the list of candidates accompanying a nomination form. The validity of the nomination of a candidate or a party list and the details to go on the statement of persons nominated and the ballot papers must be based on the latest nomination form and list that is delivered.

# Requirements of nomination

4.70 This section contains an explanation of what must be provided for parties and candidates to stand nominated. It is designed to assist you in reviewing and ultimately determining the validity of nomination forms and other documents.

4.71 You should remind any person delivering a document that it is a criminal offence to knowingly make a false statement of the name or home address of a candidate at the election. You may warn them that the penalty for a false statement is an unlimited fine in England and Wales, £10,000 in Scotland and/or up to one year's imprisonment.

## Nomination form

4.72 The nomination form itself is not prescribed, but the form must contain specified information.

4.73 The nomination form for a political party must:

- state the registered party name
- if the party wishes to use a description, contain a registered party description
- include a statement that the party is nominated by or on behalf of the Nominating Officer of the registered party
- be signed by the person making it
- be accompanied by a list of candidates (see paragraph 4.90 for further details of the list)

4.74 The nomination form for an individual candidate must:

- state the candidate's full name (surname and forenames in full), with the surname first followed by their other names
- give their home address in full
- if the candidate wishes the word 'Independent', and/or 'Annibynnol' in Wales, to appear on the ballot paper, include a statement to this effect. No other descriptions are allowed for candidates who are not standing on behalf of a registered political party.
- be signed by the person delivering it

## Party names and party/candidate descriptions

4.75 The legislation is precise about the use of descriptions.

4.76 Individual candidates can only use the description 'Independent', and/or 'Annibynol' in Wales, or no description. If the candidate doesn't wish to use a description, the candidate description section of the nomination form should be left blank.

4.77 Political parties must use the registered party name and may also use one of the descriptions the party has registered with the Commission.

4.78 You should firstly check that the party name and, if applicable, the party description as given on the nomination form is registered on the Commission's register of political parties (<https://pefonline.electoralcommission.org.uk/search/searchintro.aspx>) and matches it exactly. If it does not, you must reject that nomination. Even if a registered party is well-known, it is vital to check the register of political parties for the exact details of the party as registered with the Commission.

4.79 Registered political parties may register up to 12 descriptions with the Commission. Where a registered political party has chosen not to register any descriptions, only the exact party name as registered with the Commission can be used.

4.80 In Wales, a party may use either the English registered name, Welsh registered name or both and, if they choose, a registered description. Alternative registered names and English translations of party names other than those in English or Welsh are listed on the website under 'other name'.

4.81 For the purposes of maintaining a clear audit trail and in case of any future challenges, you should print a copy of the relevant part of the Commission's register of political parties showing the descriptions and party name at the time of your determination.



For up-to-date information about registered political parties, registered descriptions and registered emblems, you should check the register of political parties on the Commission's website at <https://pefonline.electoralcommission.org.uk/search/searchintro.aspx>.

If you have any queries, you should contact [your local Commission office](#).

4.82 The removal or substitution of any registered descriptions may take effect up to and including the day before the date of publication of the notice of election for any particular election (note that this is not the last day for publication of the notice of election but the **actual** day of publication). After that point, any removals or substitutions of any party descriptions do not apply for that election.

4.83 For example, if you decide to publish your notice of election before the last day that the notice must be published, it is possible that a nomination may be submitted which bears a registered party description that no longer appears on the register of political parties. If the deletion of the description

has taken effect on or after the day that you have published your notice of election the deletion does not apply to your election and the 'old' description is still valid. In any such circumstances you can check with your [local Commission office](#) whether or not the submitted party description applies for your election.

4.84 You should also note that political parties may change their registered party name and emblems, and add any new description if they previously had registered fewer than 12, at any time until [ E-19 ] **25 April 2019 (all electoral areas except the South West), 24 April (SW electoral region only).**

### **Descriptions not yet registered**

4.85 Where a party attempts to submit a nomination form bearing a description that has yet to be registered, you should advise the party not to formally submit it, but to take it back and submit it once the description has been successfully registered.

4.86 If a party formally submits their nomination form with a description that is not yet registered, you must determine the nomination invalid on the basis that, when the determination is made, the description provided does not match any registered with the Commission. You may wish to contact the Commission for confirmation that a description is not yet registered before making your determination. You can do this by contacting your [local Commission office](#).

### **Request for a party emblem**

4.87 If requested, a political party can choose to have a registered emblem displayed on the ballot paper. Individual candidates are not entitled to use an emblem of any kind.

4.88 The Nominating Officer of the party or someone on their behalf must make the request in writing. Where signatures are required, the original signed version of each completed paper must be submitted. Documents without original signatures cannot be accepted. It must be received by you before the last time for delivery of nomination papers. If the party has more than one registered emblem, the form should specify which one they want to use. If the party does not specify one you should try to contact the party and ask them to select one, and explain that if they do not select a particular emblem before the close of nominations, you will not be able to print an emblem against their party's name on the ballot paper.

4.89 The party may provide a high-resolution copy of the emblem for use in the printing of ballot papers, or may request that you download the emblem from the Commission's website. You should ensure that whatever copy is used is in the same form as the registered emblem. Further guidance on the printing of ballot papers is provided in [Part C](#) of our guidance for LROs.

## Candidate details

4.90 A political party must submit a list of candidates (the ‘party list’) with the nomination form. The number of candidates on the list must not be more than the number of MEPs to be elected in the electoral region. At the result calculation, seats must be allocated to the candidates in the order they appear on the party list.

4.91 The required information to be provided on the party list for each candidate is set out below.

4.92 Individual candidates are also required to give these details, and these must be provided on the nomination form itself.

### Candidate’s full name

4.93 Each candidate’s full name – their surname and all of their forenames in full – must be listed on the nomination form (in the case of an individual candidate) or on the party list (in the case of a party list candidate). Individual candidates must give their surname first followed by all of their other names. The legislation does not prescribe how each candidate’s name should appear on the party list.

4.94 Parties and candidates should be advised not to include prefixes or suffixes as part of their full name. If a prefix or suffix is included as part of an actual name the nomination would not be invalid as a result, but the prefix or suffix should not be transferred to the statement of parties and individual candidates nominated or the ballot paper. If a nomination form or party list contains a prefix or suffix as part of a candidate’s actual name, you should inform the person submitting the paper or list that it will not appear on the statement of persons nominated or the ballot paper, but that the party’s or the candidate’s nomination has not been affected.

4.95 However, if a candidate has a title, they can use this as their full name. For example, if the candidate’s actual name is Joseph Smith, but their hereditary title is Joseph Avon, they can use the name Joseph Avon as their full name.

### Commonly used names

4.96 Where a candidate commonly uses a different surname or forename, the commonly used name may be given on the nomination form or party list in addition to their full name.

4.97 The only grounds you have for rejecting a commonly used name is that you consider that:

- its use may be likely to mislead or confuse electors, or
- it is obscene or offensive

4.98 It is not for you to decide whether the given commonly used name is a 'name' as such or to embark on any enquiries. If you are providing informal advice, you may wish to draw the Nominating Officer's and/or candidate's attention to our [guidance for candidates and agents](#) on commonly used names and highlight that any given commonly used name should be a name that the candidate genuinely commonly uses.

4.99 On the ballot paper the names of party list candidates for all parties will appear under that party's name and in the order in which they are listed on the party's list of candidates. The names of individual candidates (i.e. those not included on a party list) appear in alphabetical order by surname after the party lists, with the candidate's surname first followed by the forename(s).

4.100 On the statement of parties and individual candidates nominated the names of the candidates included on each party's list of candidates must be shown as they are given in that list. If the names on the list are given forename followed by surname, the party list candidates should appear in that way on the statement. The names of individual candidates must be shown surname first on the statement. For further details of the content and publication of the statement of parties and individual candidates nominated see **paragraph 5.47**.

4.101 The tables below contain a number of worked examples of various combinations of commonly used names to illustrate how they would affect the appearance of the candidate's name on the statement of parties and individual candidates nominated and the ballot paper:

## Party list candidates

Candidate's actual forenames in full	Candidate's actual surname	Commonly used forenames	Commonly used surname	Name to go on statement of persons nominated	Name to go on ballot paper
Ann	Elector	Elsie	Voter	Voter, Elsie	Elsie Voter
Ann	Elector	[none]	Voter	Voter, Ann	Ann Voter
Ann	Elector	Elsie	[none]	Elector, Elsie	Elsie Elector

## Individual candidates

Candidate's actual surname	Candidate's actual forenames in full	Commonly used surname	Commonly used forenames	Name to go on statement of persons nominated	Name to go on ballot papers
Elector	Ann	Voter	Elsie	Voter, Elsie	VOTER, Elsie
Elector	Ann	Voter	[none]	Voter, Ann	VOTER, Ann
Elector	Ann	[none]	Elsie	Elector, Elsie	ELECTOR, Elsie

4.102 If no commonly used forenames or commonly used surname are given for a candidate then their actual forenames or surname, as appropriate, will go on the statement of parties and individual candidates nominated and on the ballot paper.

4.103 You should advise the Nominating Officer and/or the candidate that the use of commonly used names applies only to the statement of parties and individual candidates nominated and the ballot paper. The candidate's actual

name should appear on any other documents that are required to show the candidate's name, such as the candidate's election expenses returns.

4.104 If you refuse the use of a commonly used name, the validity of the nomination remains unaffected. Instead, the effect is that the candidate's actual name will appear on the statement of parties and individual candidates nominated and the ballot paper. This should be made clear to Nominating Officers and candidates and agents and you must write to the candidate and (if applicable) party setting out the reasons for refusing to allow the use of the commonly used name.

### **Candidate's home address**

4.105 The full home address of each candidate must be given on the nomination form (in the case of an individual candidate) or on the party list (in the case of a party list candidate).

### **Candidate's consent to nomination**

4.106 Each candidate must give their written consent to nomination. The candidate's consent must state:

- for a candidate standing on a party list, the name of the party the candidate is standing for
- the candidate's date of birth in full (day, month and year)
- that the candidate is aware of the provisions of Section 10 of the European Parliamentary Elections Act 2002 (i.e. the disqualifications)
- that to the best of the candidate's knowledge and belief they are not disqualified from the office of MEP

4.107 The consent must be signed and dated by the candidate and the date must be on or within one month before the last day for the delivery of nomination papers. The signature must be witnessed, and the witness must sign the form and give their full name and address. Where signatures are required, the original signed version of each completed paper must be submitted. Documents without original signatures cannot be accepted.

4.108 There is an exception to the requirement for consent to be given in writing. If you are satisfied that, due to the absence of the candidate from the UK, it is not reasonably practicable for the candidate to provide their consent in writing, you can treat a candidate's consent given by telegram or other similar means of communication such as email, fax, or scanned document sent electronically as being written consent. The consent is deemed as having been given on the date it is sent, and does not need to be attested. In the case of a candidate living in Gibraltar and standing in the South West electoral region, if the place fixed by the RRO for delivery of nominations is in the UK the candidate can send their consent electronically.

## Deposit

4.109 In order to be validly nominated, an individual candidate or someone acting on the candidate's behalf or a person acting on behalf of a political party must deposit the sum of £5,000 with you. This sum must be paid by the close of nominations. If the deposit is given to you by someone acting on behalf of a party or candidate, the person delivering the deposit must give you their name and address, unless they have already provided this information as part of their notification of appointment as an election agent.

4.110 You have some discretion over how you will accept payment of the deposit. Payment must be accepted where it is made by legal tender (cash in British pounds only) or a UK or Gibraltar banker's draft. You can choose to accept funds by means of a building society cheque, a debit or credit card or the electronic transfer of funds if facilities are available to you, although you are not required to. If you decide to accept any of these methods you should list them on the notice of election and make any requirements you have clear in the nomination pack.

## EU citizen declaration and information

4.111 A candidate who is an EU citizen (other than a British, Irish, Maltese or Cypriot citizen) must provide a declaration about their eligibility to stand for election by the deadline for the delivery of nominations.

4.112 The declaration must be made by the candidate and must contain the following:

- the candidate's name
- the candidate's nationality
- the candidate's date and place of birth
- the candidate's last address in the EU Member State of which they are a national
- the candidate's home address in the UK or Gibraltar
- if the candidate is or has at any time been a registered elector in a locality or constituency in the EU Member State of which they are a national, the name of the locality or constituency where they were, as far as they know, last registered

4.113 The declaration must also state that the candidate:

- is not standing as a candidate in the same European Parliamentary election in any other EU Member State, and
- has not been deprived of the right to stand as a candidate through a judicial decision or an administrative decision that can be subject to a

judicial remedy ('relevant disqualifying decision') in the EU Member State of which the candidate is a national

4.114 In addition to the candidate's declaration, you must also be provided with information from the designated contact point in the EU Member State of which the candidate is a national as to whether the candidate is disqualified due to a relevant disqualifying decision. This information must state either that the candidate has not been deprived of the right to stand as a candidate in that State through a relevant disqualifying decision or that no such disqualification is known to the designated contact point. This information does not need to be provided in English. Paragraphs **4.45** to **4.52** set out the process for this information to be obtained and provided to you. Paragraphs **4.123** to **4.125** below set out the effect of the information, once received, on the candidate's nomination.

## Determining nominations

4.115 There is case law which makes clear that Returning Officers must not undertake any investigation or research into any candidate and that their duty does not go beyond seeing that a nomination form is correct on its face. As RRO, you should not, for example, investigate whether a name given on a nomination form is genuine. You will also need to disregard any personal knowledge you may already have of the candidate. Any determinations need to be made on the basis of the form itself.<sup>ii</sup>

4.116 You should determine a nomination as soon as is practicable after the necessary documents and deposit have been formally submitted. The sooner you carry out the formal determination, the greater the chances of any Nominating Officers or candidates who have made a mistake and whose nomination has been rejected being able to submit new papers before the close of nominations.

## Party nominations

4.117 The only grounds you have for determining the nomination of a political party, together with its party list, as invalid are:

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<sup>ii</sup> In very limited circumstances, there is an exception, also based on case law, to the principle of accepting nomination papers at face value. You may come across a situation where the candidate's nomination is clearly a sham and the nomination is not actually a nomination and does not need to be determined - for example, if a form is submitted for 'Mickey Mouse of Disney Land'

- that the contents of the nomination form are not as required by law, or
- that the number of candidates on the party list is more than the number of MEPs to be elected in the electoral region

4.118 If by the deadline for delivery of nomination papers you have not had delivered to you, for each candidate included on a party list, any one of the following (as applicable):

- a consent to nomination
- for a candidate who is required to make a declaration as an EU citizen their declaration **and**, where this declaration was delivered after **4pm on 15 April 2019 (after 4pm on 12 April 2019 in the South West electoral region)**, the required information from the designated contact point in the EU Member State of which the candidate is a national

you must delete that candidate's name from the party's list of candidates. The party's nomination and that of the other candidates on the list are not affected.

4.119 If a candidate is an EU citizen (other than a British, Irish, Maltese or Cypriot citizen) and you have received information by the time that you are determining the nomination from the designated contact point in the EU Member State of which the candidate is a national (via the Secretary of State) that the candidate is disqualified from standing for election, you must delete that candidate's name and address from the party's list of candidates. Paragraph **5.124** contains further guidance on what to do if you have not yet received this information.

### **Individual candidate nominations**

4.120 The only grounds that you have for determining an individual candidate's nomination as invalid are:

- that the particulars of the candidate are not as required by law, or
- that the candidate is disqualified by the Representation of the People Act 1981 or Article 3(e) of the European Parliament (Disqualification) (United Kingdom and Gibraltar) Order 2009 (i.e., they have been convicted of an offence, have been sentenced to be imprisoned or detained for more than a year, and are detained anywhere in the UK, Ireland, the Channel Islands, the Isle of Man or Gibraltar (or are unlawfully at large)), or
- where the candidate is an EU citizen (other than a British, Irish, Maltese or Cypriot citizen), that you have received information from the designated contact point in the EU Member State of which they are a national (via the Secretary of State) that the candidate is disqualified from standing for election (see paragraph **4.123** for further guidance on

what to do if you have not received this information by the time you are determining the nomination)

4.121 We have produced a [nominations checklist for Regional Returning Officers](#) which sets out what you will need to consider and specific things to look out for when determining a nomination.

4.122 If by the deadline for the submission of nominations the required £5,000 deposit has not been received by you, the party or candidate in question has not been validly nominated, and there is therefore no need to make a formal determination.

### **What to do if, at the point of determining a nomination, you have not received the required information about candidates who are EU citizens**

4.123 If you are still to receive information from another EU Member State via the Cabinet Office as to whether a candidate who is an EU citizen (other than a British, Irish, Maltese or Cypriot citizen) has been deprived of standing as a candidate due to a relevant disqualifying decision in the EU Member State of which they are a national, you can nevertheless make your determination about the nomination without that information. As long as the candidate is otherwise entitled to remain on the party list or stands nominated as individual candidate, their nomination must be treated as valid.

4.124 The candidate's name must also be included on the statement of parties and individual candidates nominated and the ballot paper provided that you have not received information that the candidate has been deprived of the right to stand as a candidate due to a relevant disqualifying decision in the EU Member State of which they are a national before publishing the statement. If you receive such information after you have determined the nomination as valid but before you have published the statement of parties and individual candidates nominated, you must either delete the candidate's name and address from the party's list of candidates or determine their nomination as an individual candidate as invalid, whichever is appropriate.

4.125 If you receive information after you have published the statement of parties and individual candidates nominated that a candidate has been deprived of standing as a candidate due to a relevant disqualifying decision in the EU Member State of which they are a national, the poll proceeds and the votes cast for the candidate's party or the individual candidate are counted as normal. The candidate in question is, however, disregarded for the purposes of allocating seats. Further guidance on dealing with disqualified candidates at the allocation of seats is set out in paragraph **6.58**.

### **What to do after your formal determination**

4.126 Once you have made a decision that a nomination is valid, it cannot be challenged during the election, although it may be challenged after the election by way of an election petition.

4.127 If a nomination is determined to be invalid you must state that fact on the nomination form, write on it the reasons for rejection and sign it. If you delete a candidate's name from a party's list of candidates, you must also state that fact on the nomination form, write on it the reasons for the deletion and sign it.

4.128 If a nomination is ruled invalid, it is important to take steps to contact the Nominating Officer and/or candidate and agent as soon as possible so that they may have the opportunity wherever possible to submit another set of nomination papers before the close of nominations.

## Correction of minor errors

4.129 You are permitted to correct minor errors made on nomination forms or party lists at any time before you publish the statement of parties and individual candidates nominated. This includes the correction of obvious errors of spelling of a candidate's details or a political party's registered description. Dealing with the 'obvious' errors of spelling may not be straightforward, as what is obvious to one person may not be so to another. Care should be taken in exercising this power. You should attempt to contact the Nominating Officer of the party or the candidate or agent before making any minor error amendment.

4.130 You must have regard to the Commission's guidance on the correction of minor errors.

4.131 Errors in a candidate's home address, either on a party's list of candidates or an individual candidate's nomination form, do not affect the full operation of a nomination, as long as the address can be commonly understood.

## Objections to nomination

4.132 The only people who are entitled to object to a nomination are those who are entitled to attend, as set out in paragraph **4.65**.

4.133 An objection can only be made to the validity of a nomination form or a party's list of candidates.

4.134 Objections can only be made at the following times:

- for nominations delivered before the last day for nominations (i.e. on or before 25 April 2019 (on or before 24 April 2019 in the South West electoral region)): **between 10am and 12 noon on the last day for delivery of nominations (25 April 2019 (24 April 2019 in the South West electoral region))**.
- for nominations delivered on the last day for delivery of nominations (25 April 2019 (24 April 2019 in the South West electoral region)): **up to 5pm on the same day**, unless the objection is to the sufficiency or

nature of the particulars of a registered party or candidate on the party's list or of the particulars of an individual candidate, in which case the objection must be made at or immediately after the time the paper is delivered.

4.135 You should consider any objection that you receive during the allowed time for objections to be made. You should not undertake any investigation or hear any representations in support of or challenging any fact or statement given on the nomination form or party list of candidates. You must decide any objection as soon as practicable after it is made and in any event within 24 hours after the close of nominations. (i.e. **before 4pm on 26 April 2019 (before 4pm on 25 April 2019 in the South West electoral region)**).

4.136 You should limit the objection process to the nomination forms and party lists of candidates. Where, as a result of an objection, you decide that a nomination you have already determined should have been ruled invalid, you must show on the statement of parties and individual candidates nominated any party or person (whether on a party's list of candidates, or an individual candidate) who is no longer validly nominated together with the reason why they no longer stand nominated, and you should inform the person and/or the party, as appropriate.

4.137 If it appears to you that an individual candidate might be disqualified from standing for election by the Representation of the People Act 1981 or Article 3(e) of the European Parliament (Disqualification) (United Kingdom and Gibraltar) Order 2009, (i.e. they have been convicted of an offence and have been sentenced to be imprisoned or detained for more than a year, and are detained anywhere in the UK, Ireland, the Channel Islands, the Isle of Man or Gibraltar (or are unlawfully at large)), you must as soon as practicable after the close of nominations publish a draft of the part of the statement of parties and individual candidates nominated that shows persons who have been and stand nominated as individual candidates. An additional objection period is allowed in respect of those candidates, from 10am to 4pm on the next working day following the close of nominations.

4.138 The draft statement must be headed 'draft statement of individual candidates nominated' and must contain a notice stating that any person who wishes to object to the nomination of any individual candidate on the ground that he is disqualified from standing for election by the Representation of the People Act 1981 or Article 3(e) of the European Parliament (Disqualification) (United Kingdom and Gibraltar) Order 2009 may do so between 10am and 4pm at the place specified by you in the notice. The notice must also specify the date on which such objections can be made (the next working day following the close of nominations).

4.139 If you receive an objection during this period you should resolve it as soon as possible and before the deadline for publishing the statement of parties and individual candidates nominated (see paragraph **5.47** for guidance on the publication of the statement).

## Storage of the nomination papers

4.140 You must keep the nomination papers secure and allow inspection by the persons listed in '[Attendance at the delivery of nomination papers](#)'. Once the deadline for making objections has passed, you should store the nomination papers securely for one year after the election.

## Withdrawal of a party or individual candidate

4.141 It is possible for a validly nominated party to withdraw its nomination, and for an individual candidate to withdraw their candidature. Notices of withdrawal must be delivered by hand in person (not by post, email, fax or other methods of delivery) and not by post, email, fax or other electronic methods to the place for delivery of nominations. Delivery by hand can include delivery by a courier. There are no restrictions on who can deliver the notice of withdrawal.

4.142 For a political party to withdraw its nomination, the Nominating Officer or a person they have authorised in writing must sign a notice of withdrawal, which must be delivered by 4pm on the nineteenth working day before the poll (i.e. **by 4pm on 25 April 2019 (by 4pm on 24 April 2019 in the South West electoral region)**). A candidate included on a party's list of candidates cannot withdraw, although the party can submit a new nomination and list of candidates at any time until the deadline for delivery of nominations (for further details about submitting new nomination papers see paragraphs **4.61 to 4.64**).

4.143 For an individual candidate to withdraw their candidature, the candidate must sign a notice of withdrawal, attested by one witness, which must be delivered by 4pm on the nineteenth working day before the poll (i.e. **by 4pm on 25 April 2019 (by 4pm on 24 April 2019 in the South West electoral region)**).

4.144 The withdrawal notice is not prescribed in legislation. We have produced a [template withdrawal notice](#) that you could give to any party or candidate who requests one.

4.145 When a political party or individual candidate has withdrawn, you must include the name of the party and its candidates or of the individual candidate on the statement of parties and individual candidates nominated, indicating that they no longer stand nominated together with the reason why they no longer stand nominated. For further guidance on the publication of the statement of parties and individual candidates nominated, see **Chapter 6 below**.

4.146 The details of any political party (and its list of candidates) or individual candidate that remains validly nominated at the deadline for withdrawals must be printed on the ballot papers. If a political party or individual candidate has

not withdrawn by the deadline, their details must go forward to the ballot paper, even if they subsequently change their mind and wish to withdraw.

## Nomination in more than one area

4.147 It is an offence for a person to consent to nomination as a candidate in more than one electoral region at a European Parliamentary election held on the same date.

## Uncontested elections

4.148 If the total number of validly nominated candidates in an electoral region is the same as or fewer than the number of seats, the election is uncontested and those candidates must be declared elected. No poll is held. Paragraph **5.47** onwards contains further guidance on publishing the statement of parties and individual candidates nominated.

## Returning deposits

4.149 Where a party or individual candidate has paid a deposit but is not shown as standing nominated in the statement of parties and individual candidates nominated, for example because you have determined that their nomination is not valid, you must return the deposit to the person who made it or their personal representatives as soon as practicable after publication of the statement of parties and individual candidates nominated. Paragraph **5.47** onwards contains further guidance on publishing the statement of parties and individual candidates nominated.

# 5 Administering the poll

## Electoral deadlines in the South West electoral region

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

## Agents at the election

### National election agent for a political party

5.1 Any party standing for election in more than one European Parliamentary electoral region must appoint a national election agent who acts as the election agent for all of the electoral regions where the party is fielding a list of candidates. There can be only one national election agent for each party at any given time. The national agent can be, but is not required to be, the party's registered Nominating Officer.

5.2 Unlike other election agents, the appointment of the national election agent must be notified to the Secretary of State by or on behalf of the registered Nominating Officer of the party by the latest time for delivery of withdrawals, which is 4pm on the nineteenth working day before the poll (i.e. by **4pm on 25 April 2019 (by 4pm on 24 April 2019 in the South West electoral region)**). If no appointment is made by this deadline the party's registered Nominating Officer is deemed to have appointed themselves as national election agent.

5.3 Unless the election agent being declared is the Nominating Officer the declaration must either be made and signed by the agent being appointed or must be accompanied by a written declaration of acceptance signed by the agent being appointed. [Forms for the notification of appointment of a national election agent](#) have been developed by the Commission which you can use to provide to parties and Nominating Officers for this purpose.

5.4 The national election agent is required to have an office within the UK. The Secretary of State will publish the names, addresses and office addresses of the national election agents (and any updates if an agent's appointment is revoked, or an agent dies, and a new agent is appointed). We understand that the Cabinet Office will provide this information to RROs and also intend to publish it on the Cabinet Office website.

## Election agent for a political party or an individual candidate

5.5 A political party standing for election in only one European Parliamentary electoral region and each individual candidate (i.e. those not included on a party list) must appoint an election agent. The name and address of the agent must be declared in writing to you by or on behalf of the party's Nominating Officer (for a political party) or by or on behalf of the individual candidate by the latest time for delivery of withdrawals, which is 4pm on the nineteenth working day before the poll (i.e. by **4pm on 25 April 2019 (by 4pm on 24 April 2019 in the South West electoral region)**). If no appointment is made by this deadline the party's registered Nominating Officer or the individual candidate, as appropriate, is deemed to have appointed themselves as election agent.

5.6 Unless the election agent being declared is the Nominating Officer or the individual candidate, the declaration must either be made and signed by the agent being appointed or must be accompanied by a written declaration of acceptance signed by the agent being appointed. Forms for the notification of appointment of an election agent have been developed by the Commission which you can use to provide to [parties and Nominating Officers](#) and [individual candidates](#) for this purpose.

5.7 The election agent is required to have an office within the UK or, for a party or candidate standing for election in the South West electoral region, the UK or Gibraltar, and the office address must be declared to you at the same time as the appointment of the agent is declared to you. This address is the address to which all claims, notices, legal process and other documents may be sent and can be the agent's home address.

5.8 Upon notification of an election agent's name, address and office address, you are required to publish a notice setting out those details as soon as possible. You should provide a copy of the notice to all LROs in your electoral region for local publication.

## Death of an agent or revocation of an agent's appointment

5.9 An election agent cannot resign and must fulfil the duties required of them unless and until the party or individual candidate revokes their appointment.

5.10 A Nominating Officer or individual candidate can revoke the appointment of their national election agent or election agent (as appropriate) at any time. The Nominating Officer or individual candidate can also revoke their own appointment as election agent or national election agent (as appropriate) at any time.

5.11 If an election agent dies or has their appointment revoked, a new appointment must be made to either the Secretary of State (for a national election agent) or to you (for an election agent).

5.12 The notice of appointment of election agents must be updated if any agent's appointment is revoked, or an agent dies, with the new agent's details published on the revised version. You should send a copy of the revised notice to LROs for local publication. Paragraphs **5.34** and **5.40** provide further information on the publication of notices.

### **National agent or election agent of a political party**

5.13 In the case of the death of a national election agent or an election agent, a new appointment must be made on the day of the death or the following day. If no new appointment is made, the party's Nominating Officer is deemed to have appointed themselves as national election agent or election agent (as appropriate) from the time of death. This deemed appointment can be subsequently revoked.

5.14 If the appointment of a national election agent or an election agent is revoked, the party's Nominating Officer is deemed to have appointed themselves as national election agent or election agent (as appropriate).

5.15 Once you are satisfied that the Nominating Officer is to be treated as the national election agent or election agent (as appropriate) you must publish a revised version of the notice of appointment of election agents with the new agent's details.

5.16 A deemed appointment can be subsequently revoked in the same way as an actual appointment.

### **Election agent of an individual candidate**

5.17 In the case of the death of an election agent of an individual candidate, a new appointment must be made on the day of the death or the following day. If no new appointment is made, the individual candidate is deemed to have appointed themselves as election agent from the time of death.

5.18 If the appointment of an election agent is revoked, the individual candidate is deemed to have appointed themselves as election agent.

5.19 Once you are satisfied that the Nominating Officer is to be treated as the national election agent or election agent (as appropriate) you must publish a revised version of the notice of appointment of election agents with the new agent's details. Where an individual candidate is to be treated as their own election agent, the agent's officer is deemed to be at the address given in the statement of parties and individual candidates nominated.

5.20 A deemed appointment can be subsequently revoked in the same way as an actual appointment.

## Sub-agents

### Sub-agents for a political party

5.21 A national election agent of a political party or a person authorised by them can appoint a sub-agent to act in any electoral region or part of an electoral region in which the party is standing. A national election agent can appoint one sub-agent for the entire electoral region and one sub-agent for any part of the electoral region. A sub-agent appointed for an entire electoral region may, once appointed, appoint sub-agents for parts of that electoral region. Where sub-agents are appointed in respect of parts of an electoral region, only one sub-agent may be appointed for each part.

5.22 An election agent of a political party standing in only one electoral region can appoint a sub-agent to act in any part of the electoral region in which the party is standing. Only one sub-agent may be appointed for each part.

5.23 A sub-agent is required to have an office within the UK or, for a party standing for election in the South West electoral region, the UK or Gibraltar, and the office address must be declared to you at the same time as the appointment of the sub-agent is declared to you. This is the address to which all claims, notices, legal process and other documents may be sent.

5.24 A sub-agent can do anything that the election agent is entitled to do within the area to which they are appointed.

5.25 The national election agent, or someone acting on their behalf, or the election agent (as applicable) must declare to you in writing the name, address and office address of each sub-agent they have appointed and the area in which they may act by the fifth working day before the day of the poll (i.e. by **16 May 2019**). You should include a form for the notification of appointment of sub-agents in your nomination packs. We have produced [a form for the notification of appointment of sub-agents](#) which you could use for this purpose.

5.26 The national election agent or someone acting on their behalf, or election agent (as applicable) can revoke the appointment of a sub-agent at any time. If a sub-agent dies or has their appointment revoked the national election agent (or someone acting on their behalf) or the election agent (as appropriate) may appoint a new-sub agent by declaring in writing the name, address, office address and area of appointment of the new sub-agent to you.

5.27 Once the name, address, office address and area of a sub-agent have been declared to you, you must give public notice of these details. You should forward this notice to the LROs in the electoral region (and any updates if a sub-agent's appointment is revoked and a new sub-agent is appointed) for local publication.

## Sub-agents for an individual candidate

5.28 An election agent of an individual candidate can appoint a sub-agent to act in any part of the electoral region in which the candidate is standing. Only one sub-agent may be appointed for each part.

5.29 A sub-agent is required to have an office within the UK or, for a candidate standing for election in the South West electoral region, the UK or Gibraltar. The office address must be declared to you at the same time as the appointment of the sub-agent is declared to you. This is the address to which all claims, notices, legal process and other documents may be sent.

5.30 A sub-agent can do anything that the election agent is entitled to do within the area to which they are appointed.

5.31 The election agent must declare to you in writing the name, address and office address of each sub-agent they have appointed and the area in which they may act by the fifth working day before the day of the poll i.e. by **16 May 2019**). You should include a form for the notification of appointment of sub-agents in your nomination packs. We have produced [a form for the notification of appointment of sub-agents](#) which you could use for this purpose.

5.32 The election agent can revoke the appointment of a sub-agent at any time. If a sub-agent dies or has their appointment revoked the election agent may appoint a new-sub agent by declaring in writing the name, address, office address and area of appointment of the new sub-agent to you.

5.33 Once the name, address, office address and area of appointment of a sub-agent have been declared to you, you must give public notice of these details. You should forward this notice to the LROs in the electoral region (and any updates if a sub-agent's appointment is revoked and a new sub-agent is appointed) for local publication.

## Other agents

Other agents can be appointed to observe the opening of postal votes, the poll and the count in each counting area. Notice of these appointments must be given to the relevant LRO. You should have in place plans for coordinating arrangements for the appointment of agents across the electoral region and liaising with the LROs in your area to determine how best to ensure that this process is as straightforward as possible for parties, candidates and agents, and ensure that the arrangements are clearly communicated.



More information on the appointment of postal voting, polling and counting agents is available in Part C – Administering the poll of our guidance for [LROs with a standalone European Parliamentary election](#) and for ROs with a [combined local and European Parliamentary election](#).

# Production and publication of notices

## How to give public notice

5.34 You must give any public notice that you are required to give by law by posting the notice in a conspicuous place or places within the electoral region. This includes local authority offices, noticeboards, libraries and other public buildings. In addition, the notice may also be given in such other manner as you think fit.

5.35 In order to ensure that voters can receive the information they need, in an accessible format and within time for them to cast their vote, you should ensure that information on the polls, including the notices of election and notices of poll, are easily accessible to voters, such as through the local authority website.

5.36 If you are making information available on your website you should ensure it is accessible to all voters. For example, if you are providing information in PDF format, you should be aware that if certain steps are not followed when creating PDFs they may not be compatible with screen readers and other assistive technologies. The UK Government has produced [a guide to producing accessible PDFs](#) you can refer to. You could also speak to your authority's equalities officer for advice.

5.37 In accordance with data protection legislation, you will need to consider whether it is appropriate or necessary for the notices to remain published, on your website or elsewhere, beyond the expiry of the petition period for that election. Where the notices serve specific purposes, i.e. advising who will be a candidate at the election, once the election is over, and the opportunity to question that election has passed, they serve no further purpose. Therefore, you should either remove the notices, or remove the personal data contained in the notices, once the petition deadline for the election has passed.

5.38 Data protection legislation does permit personal data to be stored for longer periods if the data will be processed solely for archiving purposes in the public interest, or for scientific, historical, or statistical purposes and subject to the implementation of appropriate safeguards. For notices of election results, for example, you should retain these on your website as they are for public interest and historical and statistical purposes.



To be able to achieve the outcome set out in performance standard 1, you will need to ensure that information on the polls, including the notice of election and notice of poll, is easily accessible to voters, such as through the local authority website. To demonstrate that the outcome can be delivered you will need to ensure that information on the polls can be easily accessed through the local authority website.



See Part B – ‘Planning and organisation’ for more general guidance on communicating information to electors.

5.39 You should have robust proof-checking processes in place to ensure that there are no errors on the notices you are required to publish. Having robust proof checking processes in place could help detect any errors and avoid any potential data breaches before they occur.



To be able to achieve the outcome set out in performance standard 1, you will need to ensure that you have robust processes in place for ensuring that there are no errors on the notice(s) of election. To demonstrate that the outcome can be delivered you will need to have in place processes for the proof-checking of the notice(s).

5.40 You should have in place plans for managing or coordinating the publication of notices that LROs are required to publish locally, to ensure that they are made accessible. You will also need to consider how you will supply any notices for local publication by the LRO to ensure LROs are supplied with notices in such a way to enable timely publication.

## Translation and formats of notices

5.41 You must, where you consider it appropriate to do so, ensure that notices are translated or provided in another format. You may produce them:

- in Braille
- in languages other than English (or in Wales, English and Welsh)
- using graphical representations
- in audio format
- using any other means of making information accessible

5.42 This does not include nomination papers, which may not be produced in alternative languages or formats. However, both the enlarged hand-held and display copies of the ballot paper(s) must have the instructions for voters printed at the top of the paper(s), and these words may be translated into languages other than English or, in Wales, English and Welsh.

## Notice of election

5.43 You are required to publish the notice of election by not later than 25 working days before polling day (i.e. by **15 April 2019** (by **12 April 2019** in the **South West electoral region**). You must also provide the LRO for each counting area in your electoral region with a copy of the notice for local publication.

5.44 The notice of election must include the following:

- the place and times at which nomination papers can be delivered, and state that nomination papers may be obtained at that place and within those times
- where you have decided to accept electronic payments, the arrangements for electronic payment of parties' and candidates' deposits
- the date of the poll if the election is contested
- the date by which applications for absent votes (including emergency proxies) and any cancellations or changes to absent voting arrangements must reach the ERO in order to be effective for the election

5.45 The notice should also include the date by which applications for registration must reach the ERO in order to be effective for the election.

5.46 The address given for the delivery of nomination papers should be exact, and include any room number. This will avoid any doubt should nominations be delivered close to the deadline. All reception staff at offices of the building and other connected buildings should be informed that they should not take receipt of nomination papers.



To be able to achieve the outcome set out in performance standard 1, you will need to ensure that you have robust processes in place for ensuring that there are no errors on the notice(s) of election. To demonstrate that the outcome can be delivered you will need to have in place processes for the proof-checking of the notice(s).

## Statement of parties and individual candidates nominated and notice of poll

5.47 If there are no objections to nomination papers or lists of candidates, you are required to publish a statement of parties and individual candidates nominated for the electoral region at the close of the period for making objections, which is 5 pm, 19 working days before the poll (i.e. **5pm on Thursday 25 April 2019 (5pm on 24 April 2019 in the South West electoral region)**). If there are any objections, you must publish the notice once these have been resolved and by not later than 4pm, 18 working days before the poll (i.e. **4pm on 26 April 2019 (4pm on 25 April 2019 in the South West electoral region)**).

5.48 If there are more candidates than there are seats, there must be a poll. In such a case you must include in the statement of persons and parties nominated the notice of poll, which must set out the date and hours of the poll. Paragraph **5.57** contains further details about what to do if the election is not contested.

5.49 You must provide each LRO with a copy of the statement as soon as it is published for local publication.

5.50 You must also send a copy to the Electoral Commission. Please email a PDF of the statement to [pef@electoralcommission.org.uk](mailto:pef@electoralcommission.org.uk) or send a hard copy to the following address:

Party and Election Finance  
The Electoral Commission  
3 Bunhill Row  
London  
EC1Y 8YZ

5.51 The statement of parties and individual candidates nominated must include:

- any parties that have been and stand nominated and their list of candidates
- any individual candidates who have been and stand nominated
- any other parties, party list candidates or individual candidates who have been nominated but no longer stand nominated, together with the reason why they no longer stand nominated
- if the poll is contested, the notice of poll
- if the poll is not contested, a declaration that all of the candidates shown have been elected (see also paragraph **5.57 below**)

5.52 The parties must be listed first, in alphabetical order of their party names, with the party name followed by the registered party description, if any. The whole party name must be taken into account in the ordering, including the word 'The' where it is used at the beginning of any party name.

5.53 The names and home addresses of the candidates on the party's list of candidates must also be shown on the statement with the party name and description (if any). The candidates' names must be listed in the order in which they appear on the party's list of candidates.

5.54 The names of any individual candidates must be listed after the political parties and appear in alphabetical order of their surname. Where there are two or more candidates with the same surname, the alphabetical order of the other names will decide which candidate is listed first.

5.55 If a person has requested the use of a commonly used name on their nomination form or on a party's list of candidates, the commonly used name must be shown on the statement instead of the actual name. If, however, you have rejected the use of any commonly used name as you think it is likely to mislead or confuse electors, or is obscene or offensive, the actual name must

be published on the statement of parties and individual candidates nominated instead of the commonly used name.

5.56 Where an individual candidate has requested the use of a commonly used surname, the candidate's alphabetical position on the statement of parties and individual candidates nominated (and on the ballot paper) must be made by reference to their commonly used surname.

### **Uncontested elections**

5.57 If the election is uncontested, you must include in the statement of parties and individual candidates nominated, in addition to the names of the parties, party list candidates and individual candidates, a declaration that all of the candidates shown have been elected.

5.58 You must send a copy of the statement including the declaration to the Secretary of State. The RRO for the South West electoral region must also send the statement to the Chief Secretary of the Government of Gibraltar.

### **Notice of situation of polling stations**

5.59 LROs are also required to publish a notice of the situation of polling stations for their counting area and to give a copy of this notice to all election agents as soon as practicable after giving the notice.

5.60 As part of your consideration about how best to provide information to candidates and agents in a coordinated and consistent manner, you should liaise with LROs to decide how best they can discharge their duty to provide copies of the notice of situation of polling stations to election agents, enabling parties, candidates and agents to easily access this information for the whole of the electoral region. As part of your discussions, you should consider whether the notices will be collated and disseminated centrally by you or whether they will be provided directly by each LRO.

## **Production of ballot papers**

5.61 LROs are responsible for the production of ballot papers for their counting area, unless you direct otherwise (for example, if you decide to procure the ballot papers centrally). If you intend to take on responsibility for the printing of ballot papers you should notify the relevant LRO(s) at the outset of the election planning process, and provide them with information as soon as possible about when and how ballot papers will be delivered to them for issue in postal ballot packs and use in polling stations.

5.62 The ballot paper must be in the relevant form set out in the legislation and printed according to the directions for printing specified in those regulations. However, you should liaise with the LROs regarding ballot paper production and take such steps as you consider necessary, including giving guidance or directions to LROs as you think appropriate, to ensure that the

form and content of the ballot papers meet the legislative requirements and are consistent across the whole of the electoral region.

## Printing specifications

5.63 [Part C](#) of our guidance for LROs covers the production of ballot papers including the official mark, printing of candidates' details and the form of the reverse of the ballot paper.

5.64 If the ballot papers are to be printed locally, you should consult with LROs early on in the planning process to enable them to confirm their requirements and printing arrangements with their suppliers at an early stage. In particular you should ensure that LROs have arrangements in place (including any necessary contingency arrangements) well in advance of the poll that will enable ballot papers to be printed to the required specification, including where there may be a high number of parties and candidates contesting the election.

5.65 Although the final content of the ballot paper cannot be confirmed until nominations have closed, you will need to make decisions about the following elements of the ballot paper at an early stage:

- colour
- ballot paper numbers
- unique identifying mark
- the 'official mark'

5.66 In particular, you will need to consider how to ensure that no two ballot papers in the electoral region are the same. For example, if you reach a decision that the unique identifying marks to be used across the electoral region are to be formed of a repeat of the ballot paper number with a prefix, you should consider developing unique prefixes for each counting area which would then give LROs flexibility as to how they number the ballot papers within their counting area.

## Ballot paper colour

5.67 The colour of the ballot paper is not prescribed, nor is the colour to be used for tendered ballot papers, although tendered ballot papers must be a different colour from the ordinary ballot papers. At combined polls, different-coloured ballot papers must be used for each poll.

5.68 As RRO, you should decide at an early stage in the planning process and in consultation with the LROs in your electoral region, what colour the European Parliamentary ballot papers will be in your electoral region. In deciding on the ballot paper colour you should take into account accessibility issues relating to colour and contrast. [Section 6](#) of the Commission's [Making](#)

[your mark](#) good practice design guidance contains advice on choosing ballot paper colours.

## Individual candidate and party list details

5.69 Unless you are taking responsibility for producing the ballot papers, you will need to provide LROs with the party and candidate details which are to appear on the ballot paper, in addition to any emblems that parties have requested. Parties, party list candidates and individual candidates must appear on the ballot paper as listed as in the statement of parties and individual candidates nominated.

5.70 The details that are to be printed on the front of the ballot paper and that you need to provide are:

5.71 For each party

- party name
- party description (if applicable)
- party emblem (if applicable)
- forename(s) and surname of the candidates on the party list

For each individual candidate:

- surname and forename(s)
- description (if applicable)

5.72 If a party has requested it, the requested emblem of the party must be printed to the right of the party's name and description (if any). Where a party's emblem is to be included, it must be in the exact same form as the registered emblem. Paragraphs 2.40-2.45 of [Part C](#) of our guidance for LROs sets out how party names and descriptions and party emblems should be printed on the ballot paper.

## After the close of nominations

5.73 Once the deadline for withdrawal of nominations has passed, you will need to give clear and timely information to LROs about the final details of the ballot paper to enable them to confirm the exact specifications with their printers and commence printing. This includes the precise size and layout, and the party and candidate details.

5.74 You should have processes in place to ensure that LROs print the ballot papers correctly, including that the party and candidate details on the ballot paper are reproduced accurately, and that the correct emblems and font type and size have been used. You should provide a template ballot paper

that LROs can use as a basis for printing the ballot papers in their counting area, and against which they can check printing proofs and final versions of the ballot papers.



To be able to achieve the outcome set out in [performance standard 1](#) you will need to ensure you have robust processes in place for ensuring that there are no errors on the ballot papers. To demonstrate that the outcome can be delivered, you will need to ensure LROs have in place a process for proof-checking ballot papers.

## Death of a candidate

5.75 If a candidate dies during the course of the European Parliamentary election campaign, there are no provisions for the poll to be countermanded or abandoned. If you receive proof that a candidate has died and you are satisfied that this is the case, you must request each LRO to provide each Presiding Officer with a sufficient number of notices to inform voters that the candidate has died for display in every compartment of every polling station.

5.76 You must return the deposit of a deceased individual candidate as soon as practicable after you are satisfied of the candidate's death to the candidate's personal representatives. You will need to take care to establish how best to return the deposit and to whom, depending on how and by whom it was made.

## Absent voting

5.77 You should consider how you are going to work with LROs to ensure that all absent voters across the electoral region receive a consistently high quality of service, irrespective of where they are registered.

5.78 Postal votes must be issued as soon as practicable. In practice, this means that, once the deadline for withdrawals has passed, postal ballot papers should be issued to existing electors who have applied for a postal vote. You should liaise with the LROs regarding their plans for issuing postal votes in their counting area to ensure that arrangements are in place to ensure that electors receive their postal ballot papers as soon as possible and the timing for dispatching postal votes is consistent across the electoral region.

5.79 If there are any combined polls in your area, you will also need to consider what approach to take to the combination of the issue of postal votes, in consultation with the Returning/Counting Officer for the other poll(s). You should, for example, consider the impact on the voter, previous practice, types of electoral events, likely size of the ballot papers, supplier capability, and IT, staffing and venue requirements.

## 6 Verification, count and result collation

6.1 As RRO, you are responsible for the overall conduct of the election in your electoral region and you should therefore take such steps as are necessary to ensure that it is administered to a consistent standard across the electoral region, to ensure a consistent high-quality experience for voters and those wanting to stand for election. One of the aspects of the election process where you will particularly want to ensure that there is consistency is the verification and counting of votes, as well as in the transmission of local totals.

6.2 You have the power to give general or specific directions to LROs relating to the discharge of their functions at the European Parliamentary election, including the verification and count. However, this power to give directions does not extend to the combined elements of the poll that are administered by the relevant Returning Officer or Counting Officer where polls have been combined.

6.3 Where the poll at a European Parliamentary election has been combined with the poll at another election or referendum, the relevant Returning Officer or Counting Officer will be responsible for verifying the ballot papers at all polls. In this case, your power of direction will not extend to the verification of European Parliamentary ballot papers. The LRO will, however, remain responsible for the counting of the votes for their counting area and you will therefore continue to have the power to issue directions on the preparations for and administration of the count.

6.4 Where polls have been combined, you should liaise with the relevant Returning Officer or Counting Officer to ensure consistency in the verification across the electoral region. We would expect them to work in consultation with you and take into account any guidance you have issued on the verification.

6.5 Arrangements must be made for verification as soon as practicable after the close of the poll and for the local counts to be completed as soon as practicable after the 'material time', i.e., 10pm on Sunday 26 May, once polling has closed across the whole of the European Union. LROs or their staff must not disclose the number of votes cast for any party or individual candidate to anyone except you or your clerks until after 10pm on Sunday 26 May. Regardless of the stage the count has reached by the material time, the count cannot be considered in law to be completed until after that time and none of the procedures that must be followed on completion of counting (for example, sharing provisional local totals with any candidates and agents present or declaring the local totals) can take place until after that time.

6.6 Subject to this provision, as RRO you should consider when, where and how the verification and counting of votes should be carried out for all counting areas in the electoral region and give guidance and direction to LROs as you consider necessary.

6.7 On completion of the verification procedure at a standalone European Parliamentary election, LROs must inform you of the total number of ballot papers counted. Where polls have been combined, you will need to obtain the verification statement from the relevant Returning Officer or Counting Officer to enable you to check the local count totals against the verification statement and identify any potential variances. LROs must also inform you of the contents of the statement of local count totals, once it has been prepared.

6.8 You should make your decisions about how you intend the verification, counting and result collation to be organised and managed across the electoral region, including the processes to be followed in collating the local totals, at an early stage in the process and in consultation with the LROs in your electoral region. Once agreed, you should communicate your plans to LROs in time for them develop their own plans for verification and counting accordingly.

## Principles for effective verification, count and result collation processes

6.9 In developing your plans, processes and protocols you should have regard to the following key principles:

- All processes are **transparent**, with a clear and unambiguous audit trail. You should ensure that all processes are transparent, with everything carried out in clear view of all those entitled to attend, and information provided to attendees on the processes to be followed.
- The verification, count and result collation produce **accurate outcomes** which are accepted. You should ensure that these processes are capable of producing an accurate result, with a clear audit trail.
- The verification, count and result collation are **timely**. You should ensure that appropriate resources are in place to ensure that the verification, count and result collation 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, including at times where the ballot papers are being transported or stored between processes.
- There is consistent and open communication of information.

6.10 You will need to consider each key stage that contributes to the overall result, including verifying the ballot papers and counting the votes in each of the counting areas, collating the local totals, and calculating the result, and ensure that these are organised, managed and delivered in such a way as to ensure these principles can be met.

6.11 In addition to considering how to ensure that your processes will enable you to meet the key principles, you will need to consider other relevant practical factors that will affect the organisation and timing of the verification and count, such as:

- the geography of the electoral region
- the number of local authorities/counting areas within the electoral region
- other polls taking place in the electoral region
- size and capacity of venues
- cost
- transparency for candidates
- the earliest time at which local totals can be shared with candidates and agents, and the results can be declared

## The decision-making process on the verification, count and transmission of local totals

6.12 You should consult LROs on your proposals for when and how to verify and count the votes, identifying any planning assumptions you have used to inform your proposals. You should also engage in dialogue with those who have an interest before making your decision, including prospective candidates, political parties, voters and the media. You should explain what factors are relevant to your decision and make clear the implications of your proposals for when the result may be declared. While you should seek input from those affected or interested to inform your decision-making, ultimately the responsibility for making decisions remains with you as RRO.

6.13 Your consultation and decision-making should be planned for and completed in good time, before the formal election campaign period begins, to enable your decisions to be communicated to LROs so that they can reflect them in their planning for the verification and count.

6.14 Once made, you should record your decisions and the information you took into account in making them, and be able to explain the reasons for your decisions if asked. You should communicate your decisions to LROs and also to those who may be affected or interested, including candidates and agents, political parties, voters, the media and any others whose views you sought or received before making your decisions.

6.15 If different arrangements will be in place in different parts of the electoral region, you should ensure that you communicate clearly to candidates and agents and political parties, and others who may be attending or observing verification or count processes, which aspects of those processes may differ, and why.



To be able to achieve the outcome set out in [performance standard 3](#), you will need to ensure count processes are designed and managed to secure an accurate result. To demonstrate that the outcome can be delivered you will need to have in place information on how the verification and counting is to be organised and managed, including the process you followed to arrive at your decision.

## When to verify and count the votes

6.16 As RRO you should consider when the verification and counting of votes should be carried out for all counting areas in the electoral region, give guidance and direction to LROs as you consider necessary and ensure that LROs are able to deliver to these timings.

6.17 In 2012, following a period of consultation which identified issues related to the timing of counts that had arisen at elections across the UK in recent years, the Commission published *Timing of election counts*.<sup>iii</sup> This [report](#) summarises our conclusions and recommendations, and sets out the overarching principle that should underpin Returning Officers' decision-making in relation to the timing of election counts, that is, the need to ensure an accurate result in which voters, candidates and political parties can have confidence.

6.18 As RRO you need to consider this principle carefully when deciding when and how the votes in each counting area in the electoral region will be

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iii *The timing of election counts: Report and recommendations*, The Electoral Commission, July 2012. Available at

[http://www.electoralcommission.org.uk/\\_data/assets/pdf\\_file/0003/149511/Timing-of-election-counts.pdf](http://www.electoralcommission.org.uk/_data/assets/pdf_file/0003/149511/Timing-of-election-counts.pdf)

verified and counted. You need to ensure that you are confident that both your and LROs' processes are managed and resourced in a way that supports the production of a timely and accurate outcome.

6.19 Your decision as to the timing of the count should take account of the following:

- **Each European Parliamentary election is a single poll producing one result for the electoral region as a whole.** Each counting area's total counts towards a result for the electoral region as a whole and therefore it will be important to identify a defined period of time during which all the votes will be counted and totals announced for each counting area.
- **The result of the election must be accurate.** Underpinning the approach to the timing of the count is the need to ensure an accurate result in which voters and candidates can have confidence. This means that the period of time specified for the count to take place must be such that LROs can resource and conduct a well-run count process within it.
- **The potential for and extent of combined polls in the electoral region.** Where polls are combined, whether in some or all counting areas, you will need to take this into account in identifying the options for timing of the verification and counting of the votes for the European Parliamentary election. You should obtain information from LROs about the other polls taking place and plans for verification and counting at the other polls, and use this information to inform your planning assumptions. When you communicate your decisions you should make clear what factors related to combination you have taken into account in making them, and any particular implications of your decisions for areas with combined polls. You should also ensure that you provide parties, candidates and agents at the European Parliamentary election with information for all counting areas, highlighting where combination exists and has had an impact on the decision, including where this has resulted in different arrangements being in place.

6.20 You should keep your plans under review to deal with any emerging situations, such as by-elections being called for the same day as the European Parliamentary election poll.

**Other practical considerations.** There are also a number of other practical factors that you may want to take into account in developing your proposals and making your decision about when the votes will be counted, such as: the geography of the area, the number of counting areas in the electoral region; and resources, including availability of staff and venues.

## How to verify and count the votes

6.21 There are a variety of methods for verifying the ballot papers and counting the votes. You can decide whether to require LROs to use particular methods, or to leave it to each LRO to choose their preferred method based on what is most appropriate for their local circumstances. It is for you to decide in conjunction and consultation with LROs in your area which approach to take.

6.22 However the verification and count are organised and managed, you should be able to satisfy yourself that LROs' plans for the verification and count are designed and managed to secure an accurate result in which everyone can have confidence.

6.23 Whatever counting method is used it should be transparent and lead to an accurate outcome. Calculating an accurate result relies on accurate verification and count figures, and you will need to consider specifically what steps you will take to ensure that the local totals you receive from LROs are accurate before you accept them. You should produce templates of all documents which LROs will be required to complete during the verification and count process to provide a clear audit trail.

6.24 The mini-count approach is one counting method that is particularly effective in achieving an accurate result. In this approach, the verified ballot papers are arranged into smaller batches and the count process is undertaken within that batch. If there is a variance at the end of the mini-count the variance relates only to a specific batch or batches of ballot papers, and can therefore be resolved within that mini-count, avoiding the need to potentially have to re-count all the ballot papers.

## Adjudication of doubtful ballot papers

6.25 The Commission has developed guidance for LROs on the adjudication of doubtful ballot papers. This is contained in [Part E: Verifying and counting the votes](#) of the guidance for LROs and in a separate [booklet on adjudicating doubtful ballot papers](#). You should consider how you will work with LROs in your electoral region to ensure that the ballot papers for the whole electoral region are adjudicated consistently. This should include consideration of the need for providing briefing or training sessions for LROs and whether you should give any additional guidance or directions as to how LROs should adjudicate doubtful ballots.

6.26 The categorisation and recording of rejected ballot papers by grounds for rejection is an important part of ensuring there is a clear audit trail for the count, supporting confidence in the result. You should consider how to ensure that LROs are clear as to how rejections should be categorised and recorded.

## Recounts

6.27 Candidates, election agents (including a party's national election agent) and counting agents authorised to request a recount may request that the LRO recounts the votes at the completion of the count. No other counting agents or persons attending the count can request a recount. The LRO may refuse such a request if they consider it to be unreasonable.

6.28 Any protocol you have produced for how LROs should communicate with you should include details of what process LROs should follow in the case of a recount request. For example, you could instruct LROs to inform you of all requests for a recount; include information on circumstances where you would consider it appropriate for the LRO to refuse a recount and ask to be consulted where an LRO is considering the refusal of a recount request.

## Transmission of local totals

6.29 In order to effectively manage the result collation process you should put in place a protocol for the transmission and receipt of local verification and count totals. You should also consider arranging training and/or briefing sessions for LROs and their staff and consider conducting a trial run of the process.

## The result collation

6.30 You are responsible for putting in place a result collation process for the electoral region to enable you to calculate the result of the election. You should also develop and implement protocols as necessary for the communication of information between LROs and you, including the communication of local count totals, and communication of information to parties, candidates and agents, the media and other relevant stakeholders. These protocols will underpin and help you and LROs manage the information flow throughout the verification and count and through to the declaration of the result.



The Chief Counting Officer for the referendum on the voting system for the UK Parliament in 2011 put in place a communication protocol which you may find helpful in developing your own protocol for communicating with LROs. You can [download a copy](#) from our website.

6.31 You should ensure that you have prepared appropriate information to explain the processes you are going to follow during the result collation to any political parties, candidates, agents, observers and media who are present. As a minimum you should explain your role as RRO and identify, where appropriate, your deputies and key result collation staff and explain their roles. You should also explain how the result collation process will work, including how this relates to the verification and counting of votes across the electoral region, and set out the key stages in the process.

6.32 You should announce at the start of the event the earliest point at which the result could be declared and give an indication of when you would expect to declare the result. You should make announcements regularly during proceedings to keep attendees informed about what is happening where and when.

6.33 Attendees at the result collation should be kept informed throughout the process and you will therefore need to consider how and at what stages in the process you will obtain information from LROs to be able to provide timely information and updates to attendees at the result collation. You will need to reflect in your communication protocols what information needs to be shared about the progress of the verification and count in each of the counting areas, and ensure that consistent information is communicated to you by LROs regularly throughout the count. You will also need to ensure that you plan for providing LROs with regular updates on the progress of the processes across the electoral region, so that they can communicate this information locally.

6.34 If agents or observers are dissatisfied in any way with the manner in which the proceedings 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.

6.35 The following paragraphs set out the planning and principles that should underpin the setting up of the results collation and the protocols for transmitting information, as well as the key legal requirements and how the event will work in practice.

## Planning for the collation of local totals

6.36 You should decide on the processes and mechanisms you will use to collate local verification and count totals from LROs in order to calculate the result of the election. You should also consider what you may need to put in place to support these processes, including protocols and systems, and ensure that they are followed consistently. Whatever processes and mechanisms you use, you will need to ensure that they meet the principles set out in paragraph **6.9** and comply with the requirements set out in legislation, as summarised in paragraph **6.42 below**.

6.37 You should consider how best to organise and manage the two-way transfer of information between you and LROs, and the checking, recording and collating of information from LROs through to the calculation of the result. As part of this, you should determine whether you need to put in place IT systems or programmes to facilitate this. As a minimum you should produce a protocol for the communication of information between LROs and you and your staff working on the result collation process, including the process for checking local totals and authorising them to be shared publicly.

6.38 You should also build contingencies into your plans in case any facility, building or technology that you intend to use becomes unavailable. You should also carry out tests and rehearsals of the process and any supporting systems you intend to use, involving your staff and LROs and their staff, to ensure that everyone involved understands and is familiar with how the process works and what their responsibilities are and to enable any issues to be identified and resolved before the event itself.



To be able to achieve the outcome set out in [performance standard 3](#), you will need to develop a process for receiving and submitting local totals. To demonstrate that the outcome can be delivered you will need to have in place arrangements for managing the process of collating local totals, including any protocols and guidance issued to LROs.

## Access to the result collation

6.39 You should ensure that all processes that form part of collating the local totals from the counting areas in the electoral region, calculating the total numbers of votes given and allocating the seats are transparent and carried out in clear view of all those entitled to attend, with information provided to attendees on the processes to be followed.

6.40 Only the following people are entitled to attend the results collation:

- you and your clerks
- the Nominating Officer of each political party standing for election in your electoral region
- election agents (or someone on their behalf, such as a sub-agent)
- candidates (whether standing on a party list or as an individual candidate)
- one person chosen by each candidate
- Electoral Commission representatives
- accredited observers

6.41 You may also permit other people to attend the result calculation. In deciding whether to allow others to attend you should consider whether this would interfere in any way with the proceedings.

## The collation process

6.42 The law sets out the collation process that must be followed. The key steps are:

- Each LRO verifies the ballot paper accounts for their counting area and draws up a statement as to the result of the verification.
- Each LRO informs the RRO of the total number of verified ballot papers. The RRO collates all the verification figures for the electoral region.
- Each LRO counts the votes for their counting area and shares the provisional result with the candidates and agents, including the designated counting agent for each party and individual candidate. If the count has started before the close of all polls in the EU, the LRO or his clerks must not disclose the number of votes given for each party and individual candidate to anyone other than you and your clerks until after all the polls have closed in the EU. Candidates and agents may request a recount.
- Once the candidates and agents have had the opportunity to request a recount (and any recount has been completed), the LRO draws up a statement of local totals including the number votes cast for each party/individual candidate, and a statement of rejected ballot papers categorised by reason for rejection.
- Each LRO informs the RRO of the contents of the statement of local totals.
- The RRO authorises each LRO to give public notice of the statements of rejected ballot papers and local totals (see paragraphs **6.43 - 6.50**).
- The RRO collates all the local totals for the electoral region received from LROs. As soon as practicable after the RRO has received all of the local totals for the electoral region, they must calculate the total number of votes given for each party and individual candidate within the electoral region.
- The RRO must give the persons entitled to be present reasonable facilities for satisfying themselves that the results of the calculation are accurate. In particular, any person entitled to be present may require the RRO to do the calculation again but the RRO may refuse to do so if in their opinion the request is unreasonable.
- Once the agents have had the opportunity to check the figures (and any recalculation has been completed), the RRO must allocate the seats.
- The RRO must give the persons entitled to be present reasonable facilities for satisfying themselves that the results of the allocation are accurate. In particular, any person entitled to be present may require the RRO to do the allocation again but the RRO may refuse to do so if in their opinion the request is unreasonable.
- Once the agents have had the opportunity to check the figures (and any re-allocation has been made) the RRO declares to be elected those

candidates on a registered party's list and those individual candidates that have been allocated seats.

- The RRO also prepares a statement setting out:
  - The total number of valid votes given to each party and individual candidate.
  - The totals for each party and individual candidate at each stage of the calculation of the allocation of seats.
  - The full name and home address of the candidates who have been elected.
  - Whether there are remaining candidates on each of the party lists who have not been elected.

## Checking and approving local totals

6.43 As RRO you are responsible for authorising LROs to give public notice of the statements of local totals of number of votes cast and ballot papers rejected. Checking and authorising these totals is a key stage in ensuring that the result is accurate and that there is a clear and unambiguous audit trail. You therefore need to have in place a thorough and robust checking process to be able to satisfy yourself that the local totals are accurate and that information and figures are recorded and transmitted accurately by LROs, and recorded and collated accurately by you and your staff.

6.44 Calculating an accurate result relies on accurate verification and count figures, and you will need to consider specifically what steps you will take to ensure that the local totals you receive from LROs are accurate before you authorise the publication of the local statement.

6.45 You should liaise with LROs in planning and developing the process for collating, checking and approving local totals, and give whatever guidance or direction you consider appropriate to ensure you can achieve an accurate result that is accepted. You should produce and share in advance with LROs templates of all documents which you will require them to complete during the collation of local totals (whether electronically or in hard copy) to ensure that all information is recorded and transmitted in a consistent way and to provide a clear audit trail.

6.46 At each stage, before any figures are formally accepted by you, they should be checked with the LRO who has provided them, including checking for any transcription errors.

6.47 In particular, you should consider how to ensure that the following are recorded and transmitted consistently and accurately:

- the total number of ballot papers going forward to the count, ensuring that this figure includes all ballot papers from polling stations and postal vote openings

- the total number of votes cast for each party and individual candidate
- the total number of rejected votes and the numbers recorded in each category for rejection

6.48 The total number of valid votes cast and the total number of rejected votes should reconcile back to the total number of ballot papers that have gone forward to the count.

6.49 If there is any variance in these figures, you should require the LRO to take whatever steps you think are necessary and appropriate to try to resolve the variance, and to adequately explain any remaining variance to you.

6.50 Once you are satisfied with the local totals you may authorise the LRO to give public notice of the statement of local totals.

## The calculation of the regional total

6.51 As soon as practicable after you have been informed of the local totals by all of the LROs in your region you must calculate the total number of votes cast in the electoral region for each party and each individual candidate by adding together the totals from all of the counting areas within the electoral region.

### Recalculation of the regional total

6.52 As soon as you have calculated the regional total you should inform those people who are entitled to attend the result collation (see above) and who are present of the total you have calculated and give them the opportunity to satisfy themselves that your calculations are accurate.

6.53 Any of those people who are entitled to attend and are present may request that you recalculate the total. You may refuse such a request if you consider it to be unreasonable.

## Allocation of seats

6.54 MEP seats are allocated using the d'Hondt formula. The first seat is allocated to the party or individual candidate that has received the highest number of votes cast in the electoral region. Each subsequent seat is allocated to the party or individual candidate that has the highest number of votes after the following calculation, which is carried out after the allocation of each seat:

- the total number of votes received by each of the parties or individual candidates, divided by
- the number of seats that party/candidate has already been allocated plus 1

6.55 At every stage of the calculation the figure to be divided is the **original** vote total for the party or individual candidate. In calculating figures, when the calculation of the total at any stage includes a fraction, that fraction must be taken into account and it must not be rounded.

### Order of allocation

6.56 The seats each political party is allocated are filled by the candidates in the order in which their names appear on their party list.

6.57 Once an individual candidate has been allocated a seat, or a party has been allocated as many seats as there are candidates on its list, they are not included in the calculation for the allocation of the remaining seats.

6.58 If information is received from the relevant EU Member State after the statement of parties and persons nominated has been published which shows that a candidate has been deprived of the right to stand as a candidate through a relevant disqualifying decision in the Member State of which the candidate is a national (see paragraphs **4.123** to **4.125**) you must not include that candidate in the allocation of seats if they are an individual candidate, or if they are a candidate on a party list, you must treat that candidate as being omitted from the party's list of candidates when allocating seats.

### Worked example of allocation of seats

	Party A	Party B	Party C	Party D	Party E
<b>Votes</b>	330,000	280,000	160,000	60,000	15,000
<b>Seat 1</b>	<b>330,000</b>	280,000	160,000	60,000	15,000
<b>Seat 2</b>	165,000	<b>280,000</b>	160,000	60,000	15,000
<b>Seat 3</b>	<b>165,000</b>	140,000	160,000	60,000	15,000
<b>Seat 4</b>	110,000	140,000	<b>160,000</b>	60,000	15,000
<b>Total seats</b>	<b>2</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>0</b>

6.59 In the worked example in the table above 5, there are four seats available and these have been allocated as follows:

- **Seat 1** – Party A obtained the highest number of votes (330,000) and is therefore entitled to the first available seat.
- **Seat 2** – The allocation of the next seat is calculated by dividing the total number of votes each party received by the number of seats it has already been allocated in the region, plus one. As a result, Party A's original total must be divided by two, while the other parties' totals are

still divided by one and so remain the same. Party B, with its total of 280,000, wins the second seat.

- **Seat 3** – To calculate the allocation of the third seat, both Party A's and Party B's total number of votes are divided by two, while Party C, Party D and Party E still have their totals divided by one. This results in this seat being allocated to Party A with its total of 165,000.
- **Seat 4** – As Party A now has two seats, its original total of 330,000 is divided by three. At this stage, Party C, with a total of 160,000, wins the fourth and final seat.

## Equality of votes

6.60 If at any stage of the allocation of seats two or more parties/individual candidates have the same number of votes and, at that stage, this number is higher than any of the other parties/individual candidates, they are each allocated a seat. If there are not enough unallocated seats remaining for this to happen, including where there is only one remaining seat, one vote must be added to the total number of votes cast for each of the parties or individual candidates concerned and the calculation for this stage must be repeated.

6.61 If after this calculation there is still a tie, you must draw lots to decide which party or individual candidate is allocated the seat (or each seat, if there is more than one). Whichever party or candidate wins the lot is allocated the seat.

6.62 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 parties/individual 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 parties'/individual candidates' names on them, placed in sealed envelopes, shuffled and then drawn by you

6.63 You should make an announcement that you intend to proceed with the drawing of lots between the tied parties or individual candidates having an equal number of votes at that stage of the allocation, 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.

6.64 If you use the first method described above, you should, in full view of any candidates and agents, and in the presence of Commission representatives and accredited observers, fold and place a previously counted ballot paper for each of the parties or individual 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 party or individual candidate with the vote marked against their name out loud. That party or individual candidate is then allocated the seat.

6.65 Similar preparations should be made should you decide to use the alternative method outlined above.

6.66 A statement should be added to the result sheet to the effect that:

‘Following an equality of votes at X stage, lots were drawn and, as a consequence, the [*second, third, fourth etc.*] seat was allocated to X.’

## Declaring the result

6.67 You must declare the name of the party list and individual candidates who are elected.

6.68 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.

6.69 The following factors should be taken into account when considering the declaration of the result:

- Decide on the exact location in the venue where the result will be declared and who will be on the platform at this time. The platform should be accessible for all those who need to get up on it. Some Returning Officers make use of display boards to provide a backdrop for the announcement of results.
- Any announcement equipment should be in place and checked before the count begins.
- Double-check that the results are accurate, and written in the form of words for oral delivery in order to avoid any errors. Media representatives will be keen to ensure that their transmission of results is accurate and so may ask for a written copy to be issued at the time the announcement is made.

6.70 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.

6.71 For more information on the post-result notices and other post-election procedures see **Chapter 8: After the declaration of the result.**

# 7 After the declaration of the result

## Post-election activity

### Providing notice of the result

7.1 You must give public notice of the result statement (see paragraphs **5.34** and **5.40** for guidance on what constitutes ‘public notice’ and paragraph **6.42** for guidance on what the statement must include). You should ensure that the notice of result is made available to all interested parties as soon as possible, including by publishing it on your or your local authority’s website.

7.2 You should also send a copy to each LRO for local publication.

7.3 You must send a copy of this public notice to the Secretary of State.<sup>iv</sup> The RRO for the South West region must also send a copy of this public notice to the Chief Secretary of the Government of Gibraltar.



To be able to achieve the outcome set out in [performance standard 1](#), you will need to ensure that the result is communicated to voters in a clear and timely way. To demonstrate that the outcome can be delivered you will need to have in place arrangements for communicating results to voters.

### Deposits

7.4 You must return the deposit of any party or individual candidate that has polled more than 2.5% of the total number of valid votes cast at the election. You must return the deposit to the person who made the deposit or their personal representatives not later than the next working day after the election result was declared.

7.5 If you are returning a deposit by cheque, it is treated as being returned on the day on which the cheque is posted.

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<sup>iv</sup> The Cabinet Office will provide RROs with details of the address to which the notice should be sent.

7.6 Any party or individual candidate that has not polled more than 2.5% of the total number of valid votes must forfeit their deposit, whether or not they have been allocated a seat. You must send any forfeited deposits to Her Majesty. The Cabinet Office will provide further information on this process.

## Data collection and feedback

7.7 You will be requested to send information and data to the Commission relating to the elections.

7.8 The Commission will be reporting on the administration of the European Parliamentary elections, and will be seeking your feedback to inform our report.

7.9 Forms for collecting information and data, and accompanying guidance notes for completion, will be circulated separately and will also be available on our website at <http://www.electoralcommission.org.uk/i-am-a/candidate-or-agent/european-parliamentary-elections>.

## Accounting for the election

7.10 European Parliamentary elections are funded by the UK Government. There will be a Fees and Charges Order, which will set out how much you will be able to claim. The Cabinet Office will provide guidance on accounting for the elections.

# Candidates' election spending

7.11 There are rules on election spending by candidates at European Parliamentary elections, and rules on the donations they receive towards their campaigning. The Election Commission monitors and takes steps to ensure candidates and their agents comply with these rules.

7.12 Your role is to ensure that the documents candidates and their agents have to submit to you are retained appropriately and available for public inspection.

7.13 The Commission has produced guidance on spending and donations which you can use to provide parties, candidates and agents with information on spending returns and declarations in order to enable them to meet their reporting requirements. Parties, candidates and agents can also download the

relevant forms and explanatory notes from our website.<sup>v</sup> The Commission will also publish guidance for RROs to help deal with any outstanding candidate spending returns.

## Individual candidates' spending returns

7.14 Individual candidates have to account for their election spending and donations over £50 towards their campaign. The election agent of every individual candidate must submit a campaign spending return to you together with any accompanying documents, such as relevant invoices and receipts, and a declaration as to the contents of the return within 50 calendar days of the date the election result is declared.

7.15 Individual candidates must also submit a declaration as to the contents of the return within seven working days of the election agent submitting the return. If the candidate is outside the UK or, in the case of an individual candidate who is resident in Gibraltar standing for election in the South West electoral region, outside Gibraltar, the declaration must be made within 14 calendar days after the candidate's return to the UK (or Gibraltar). If a candidate is acting as their own agent, they are only required to submit one declaration.

## Retention of individual candidates' spending returns

7.16 You must retain a copy of each European Parliamentary election spending return and declaration relating to an individual candidate, and any accompanying documents, for a period of twelve months from the date on which you received it. During that period, you must make the copies available for public inspection without charge in your office or another convenient place chosen by you. You must also provide copies of the returns, declarations or any accompanying documents on request.

7.17 You must remove the addresses of individuals who have made donations to individual candidates from all copies of statements of donations made available for inspection or supplied on request. You should also ensure that personal data is suitably redacted from these copies.

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<sup>v</sup> Guidance, forms and notes for individual candidates are available at [www.electoralcommission.org.uk/i-am-a/candidate-or-agent/european-parliamentary-elections](http://www.electoralcommission.org.uk/i-am-a/candidate-or-agent/european-parliamentary-elections) and for party list candidates at [www.electoralcommission.org.uk/i-am-a/party-or-campaigner/guidance-for-political-parties/campaign-spending](http://www.electoralcommission.org.uk/i-am-a/party-or-campaigner/guidance-for-political-parties/campaign-spending).

7.18 At the end of the twelve month period the returns, declarations and accompanying documents may be destroyed.

### **Publicising the time and place for inspection of individual candidates' spending returns and declarations**

7.19 Within 10 days of the deadline for individual candidates to submit their spending returns to you, you must publish in at least one newspaper circulating in the electoral region (in the South West electoral region, at least one newspaper circulating in that part of the electoral region which is in England and at least one newspaper circulating in that part of the electoral region which is in Gibraltar) a notice of the time and place at which the returns, declarations and accompanying documents can be inspected.

7.20 If you have not received one of the required returns or declarations you must state this in the notice. If you subsequently receive a return or declaration, you must publish, in the same way as the first notice, a notice within 10 days after its receipt of the time and place at which that return, declaration and accompanying documents can be inspected.

### **Party list candidates' declarations as to personal expenses**

7.21 Party list candidates must submit a declaration as to their personal expenses to you within 50 calendar days of the date the election result is declared.

### **Returns to be forwarded to the Electoral Commission**

7.22 You must forward copies of all the candidate returns and declarations you receive from individual candidates and party list candidates to the Commission. The Commission may also ask you to provide copies of invoices and receipts on request.

7.23 Please email PDF copies to [pef@electoralcommission.org.uk](mailto:pef@electoralcommission.org.uk). Alternatively, you can forward copies of all documents to the following address:

Party and Election Finance  
The Electoral Commission  
3 Bunhill Row  
London  
EC1Y 8YZ

# Challenges to the result of the election

## Election petitions

7.24 Election petitions can be used to challenge the result of European Parliamentary elections.

7.25 An election petition can be issued by:

- a person claiming to have been a candidate at the election, or
- a person claiming to have had a right to be elected or returned at the election
- a person who voted as an elector at the election or who had a right to vote at the election, except for an elector registered anonymously

7.26 The allowable grounds for a petition are that:

- a successful candidate was not duly elected
- the results were not duly declared
- the election was invalidated by the following corrupt or illegal practices:
  - personation: when any individual votes as someone else (whether that person is living or dead or is a fictitious person)
  - other voting offences specified in regulation 24 of the European Parliamentary Elections Regulations 2004 including offences such as voting or acting as a proxy while disqualified or acting as a proxy for more than two people who are not close relatives; voting twice at the same election; knowingly appointing two proxies for the same election

7.27 A petition cannot be made on the grounds that a candidate was disqualified from standing. There is a separate judicial process for challenging the election of an MEP on the grounds that they were or are disqualified (see paragraph **7.33**).

7.28 The person whose election is questioned by the petition will most probably be made a respondent to the petition. As RRO, you will be a respondent to the petition as well if the petition relates to your conduct of the election, and if it relates to the conduct of the election by an LRO(s), they will also be a respondent.

7.29 A petition must be presented within 21 days after the day on which the result of the election was declared.

7.30 Any person who is considering presenting an election petition should be advised to take their own legal advice. For any questions relating to election petitions, including to confirm the deadlines, you should contact the Election Petitions Office.

7.31 In England and Wales, you should contact

The Election Petitions Office  
Room E15  
Royal Courts of Justice  
Strand  
London WC2A 2LL  
Email: [geraint.evans@hmcts.gsi.gov.uk](mailto:geraint.evans@hmcts.gsi.gov.uk)  
Phone: 020 7947 6687/6926  
Fax: 0870 324 0024

7.32 In Scotland, you should contact:

The Elections Petitions Office  
Court of Session  
Parliament House  
Parliament Square  
Edinburgh EH2 1RQ  
Phone: 0131 240 6747  
Fax: 0131 240 6755

## Judicial determination of disqualification

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

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

7.35 Any person who is considering applying for a judicial declaration of disqualification should be advised to take their own legal advice.

## Review of election procedures

7.36 Your project plan for the election should include plans to carry out a thorough evaluation of all processes after the election and to produce a lessons learnt report which can be used to inform planning for future electoral events. Your evaluation process should involve seeking feedback from the relevant Local Returning Officers across your electoral region and other appropriate stakeholders.

7.37 The Commission has provided, as part of the [template project plan](#), some sample objectives and suggested tools that will allow you to measure the extent to which the conduct of the election has been successful.

## The review

7.38 The scope of the review should cover all aspects of the election. Your project plan should be used as the starting point for the review, and each process that was planned for and carried out should be reviewed.

7.39 A key part of the review will be the consideration of the aims and objectives set out in your project plan and measuring your performance against these.

7.40 You should pay particular attention to reviewing:

- your project planning
- whether you were able to secure adequate resources
- the effectiveness of your management and co-ordination structure, including the monitoring of LROs' planning for and delivery of the election
- the effectiveness of your communication strategies and methods
- the recruitment and training of staff
- the management of the nomination process
- the organisation and delivery of the result collation process
- the suitability of venues used
- the processing and handling of queries
- any issues affecting the security/integrity of the election

7.41 As part of the review you should seek feedback from appropriate stakeholders, including:

- staff
- electors
- candidates, agents and political parties
- LROs and their staff
- local organisations of disabled people, older people and minority ethnic groups, and the council's access officers

7.42 Once you have reviewed all aspects of the election and sought feedback from appropriate stakeholders you should produce a lessons learnt document. The lessons learnt document should include an analysis of what

practices were successful and where these could be used elsewhere, what you would do again or do differently, and key recommendations. The lessons learnt report should then be used to inform your project plan and risk register for future electoral events. You should also provide feedback to LROs as part of their review of the conduct of the election in their counting area.

# Appendix A – Performance standards for Returning Officers

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	<ul style="list-style-type: none"> <li>• Develop and implement robust project management processes</li> <li>• Evaluate planning for and delivery of previous polls and identify lessons learnt, updating plans as required</li> <li>• Put in place arrangements to manage contractors and suppliers to ensure that the work is delivered as required by the specification</li> <li>• Ensure robust processes are in place for ensuring that there are no</li> </ul>	<ul style="list-style-type: none"> <li>• Project planning documentation which is kept under regular review</li> <li>• Planning documentation reflecting lessons learnt</li> <li>• Arrangements in place for the management of contractors and suppliers</li> <li>• Processes for the proof-checking of voter materials, notice of poll and notice of election</li> </ul>

	<p>errors on voter materials, notice of poll and notice of election</p> <ul style="list-style-type: none"> <li>• Ensure poll cards are received by voters as soon as possible so that voters have the maximum amount of time to act on the information</li> <li>• 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</li> </ul>	<ul style="list-style-type: none"> <li>• Information on the method for delivery of poll cards, including an estimation of when poll cards will be delivered</li> <li>• Information on the poll easily accessed through the local authority website</li> </ul>
<p>Voters receive a high-quality service</p>	<ul style="list-style-type: none"> <li>• Ensure that access needs are taken into account when planning for and setting up polling stations</li> <li>• 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</li> <li>• Ensure polling station staff are trained to set-up polling stations in</li> </ul>	<ul style="list-style-type: none"> <li>• Assessment regarding access needs, identifying any problems and actions taken to remedy these</li> <li>• Approach taken to allocating electors and staff to polling stations</li> <li>• Guidance/training provided to polling station staff</li> <li>• Information on the method for delivery of postal ballot packs,</li> </ul>

	<p>such a way that takes account of voter needs</p> <ul style="list-style-type: none"> <li>• 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</li> </ul>	<p>including an estimation of when postal ballot packs will be delivered</p>
<p>Voters have confidence that their vote will be counted in the way they intended</p>	<ul style="list-style-type: none"> <li>• Maintain a clear audit trail of the issue, receipt and opening of postal ballot packs</li> <li>• 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</li> <li>• Maintain the secure storage of ballot papers and postal ballot packs at all times</li> <li>• Put in place appropriate resources to ensure the verification and count is timely</li> </ul>	<ul style="list-style-type: none"> <li>• Arrangements to maintain a clear audit trail of the issue, receipt and opening of postal ballot packs</li> <li>• Processes for dealing with integrity problems</li> <li>• Arrangements for securely storing ballot papers and postal ballot packs</li> <li>• Information on how the verification and counting is to be organised and managed, including the process you followed to arrive at your decision</li> <li>• Arrangements for communicating results to voters</li> </ul>

	<ul style="list-style-type: none"><li>• Ensure the results are communicated to voters in a clear and timely way</li><li>• Ensure count processes are designed and managed to secure an accurate result, with a clear audit trail</li></ul>	<ul style="list-style-type: none"><li>• Arrangements in place to maintain a clear audit trail of the count processes</li></ul>
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## 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
<p>People who want to stand for election receive all the information they need to take part</p>	<ul style="list-style-type: none"> <li>• 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</li> <li>• Ensure that candidates have the opportunity to have their nomination papers informally checked prior to their formal submission</li> </ul>	<ul style="list-style-type: none"> <li>• Written guidance issued to candidates</li> <li>• Date(s) of briefing sessions and briefing resources</li> <li>• Arrangements in place for candidates to have their nomination papers informally checked prior to formal submission</li> </ul>

<p>Candidates have confidence that the process is well-managed, and have confidence in the results</p>	<ul style="list-style-type: none"> <li>• Ensure that those entitled to attend postal vote opening sessions are able to follow what is happening, where and when</li> <li>• 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</li> <li>• Ensure count processes are designed and managed to secure an accurate result, with a clear audit trail</li> <li>• 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</li> </ul>	<ul style="list-style-type: none"> <li>• Layout plan of postal vote opening sessions</li> <li>• Information provided to attendees at postal vote opening sessions</li> <li>• Layout plan of the count</li> <li>• Information provided to attendees at the count</li> <li>• Arrangements in place to communicate progress at the count</li> <li>• Arrangements in place to maintain a clear audit trail of the count processes</li> <li>• Processes for dealing with integrity problems</li> </ul>
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# 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	<ul style="list-style-type: none"> <li>• Develop and implement robust project management processes</li> <li>• Develop guidance and issue directions where necessary to ensure the effective administration of the polls in each local RO area</li> </ul>	<ul style="list-style-type: none"> <li>• Project planning documentation which is kept under regular review</li> <li>• Arrangements for ensuring the consistent delivery of the poll, including guidance issued and whether and how you have used your power to give directions</li> </ul>

	<ul style="list-style-type: none"> <li>• Develop and implement plans for communicating with local ROs</li> <li>• Develop and implement a strategy for co-ordinating and delivering public awareness and engaging with electors across the area</li> <li>• Where appropriate, develop a process for receiving and submitting local results</li> </ul>	<ul style="list-style-type: none"> <li>• Plans for communicating with local ROs</li> <li>• A strategy for co-ordinating and delivering public awareness activity and engaging with electors across the area</li> <li>• Arrangements on how you intend to manage the process of collating local results, including any protocols and guidance issued to local ROs</li> </ul>
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