

Part A – Local Returning Officer role and responsibilities

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

Translations and other formats

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1 Introduction to this guidance

This guidance has been prepared in order to ensure that Regional Returning Officers, Local Returning Officers and their staff have as much certainty as possible in developing contingency plans in relation to European Parliamentary Elections having to take place 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 stated intention that a European Parliamentary election will 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 assist Local Returning Officers (LROs) with the practice and procedure of running a European Parliamentary election. It should be read in conjunction with any additional guidance or directions issued by the Regional Returning Officer (RRO) as part of their role in co-ordinating the delivery of the European Parliamentary election in their electoral region.

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 that is currently in force.

1.4 Revised data protection legislation applied from 25 May 2018 and applies to the processing of all personal data. Local Returning Officers (LROs) are personally responsible for ensuring that they comply with the requirements of data protection legislation. In addition to the updates made to this guidance, the Commission published a [resource](#) in February 2018 to support you in meeting your obligations under the EU General Data Protection Regulation (GDPR) and the Data Protection Act 2018, as they relate to your electoral administration responsibilities.

1.5 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. Returning Officers in Wales must also have regard to the Welsh Language Act 1993 and the Welsh Language (Wales) Measure 2011, which require services in Wales to be delivered in the Welsh language.

1.6 In addition, you must comply with any directions given to you by your RRO relating to the discharge of your functions at a European Parliamentary election.

How to use this guidance

1.7 The guidance is divided into six areas:

- Part A - Returning Officer role and responsibilities
- [Part B – Planning and organisation](#)
- [Part C – Administering the poll](#)
- [Part D – Absent voting](#)
- [Part E – Verifying and counting the votes](#)
- [Part F – After the declaration of results](#)

1.8 Each of these parts cover:

- what you are required to do by law ('musts')
- 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
- recommended practice to assist you in understanding and discharging your duties

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

1.10 Should you have any questions about the guidance or any other matter relating to the administration of elections, our [local Commission teams](#) 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 The RRO is by law responsible for:

- 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/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 The RRO has the power to give general or specific directions to LROs relating to the discharge of their functions at the election, including directions requiring LROs to take specified preparatory steps or to provide any information that they have or are entitled to have.

2.5 Details of the RROs appointed for each region in Great Britain can be found on our website.

Local Returning Officer

2.6 An LRO is appointed for each counting area within the electoral region. The LRO will be the person who is the Returning Officer for the relevant local government area. The LRO will act for a particular counting area within the electoral region, the counting area is defined as the local government area.

2.7 As LRO, you play a central role in the democratic process. Your role is to ensure that the election is administered effectively and that, as a result, the experience of voters and those standing for election is a positive one. You should set out at an early stage what you want to achieve and what success would look like for you.

2.8 The RRO has overall responsibility for the conduct of the election in their electoral region. As LRO you are personally responsible for the administration of the election in your counting area. In administering the election in your counting area and discharging the functions for which you are

specifically responsible, you should have regard to any guidance issued by the RRO, and must comply with any directions they have given to you.

2.9 The functions for which you are responsible include:

- the printing of the ballot papers (unless the RRO directs otherwise)
- the appointment of Presiding Officers and Poll Clerks
- management of the postal voting process
- the verification and counting of votes

2.10 While you can appoint one or more deputies, known as a Deputes in Scotland, to discharge any or all of your functions, you cannot delegate your personal responsibility for delivering the election. Further information on the appointment of deputies can be found in [Part B – Planning and organisation](#).

2.11 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.

2.12 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 for which you are responsible and that are not in accordance with the rules.

2.13 This power allows you to correct procedural errors that you, as LRO, an Electoral Registration Officer (ERO), a Presiding Officer, or a person providing goods or services to you or the RRO (or any deputies of any of these) make.

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

2.15 As you are personally liable for the conduct of the election you should ensure that you have insurance cover and that it is up-to-date. You should be prepared to demonstrate robust planning and decision-making processes in the event of any challenge to the election and a claim against the insurance policy.

Your skills and knowledge

2.16 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 your counting area.

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

- oversee the planning, project management and risk management of the elections for which you are responsible and incorporate any lessons learnt from previous polls
- identify and oversee any actions necessary to mitigate any issues arising
- take all necessary steps to ensure that the local authority provides you with the required staff, as they are required to do by law
- ensure that staff are appropriately trained to deliver the roles required of them
- support the staff administering the election and provide appropriate oversight of their work
- provide direction to staff, monitor progress and receive regular feedback on activities
- maintain an effective working relationship with the RRO and their staff
- if you are not also the ERO, maintain an effective working relationship with them
- maintain an effective working relationship with your police Single Point of Contact (SPOC)
- ensure that election accounts are completed in a timely manner

3 Performance standards

3.1 The Electoral Commission sets standards and monitors and reports on the performance of ROs. The performance standards 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 Parts B to F of this guidance set out what we expect LROs will need to have in place, and what we would expect to see to be able to be satisfied that the key outcomes of the standards can be delivered.

Appendix A – Performance standards for Local 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
<p>Voters receive the information they need, in an accessible format and within time for them to cast their vote</p>	<ul style="list-style-type: none"> • Develop and implement robust project management processes • Evaluate planning for and delivery of previous polls and identify lessons learnt, updating plans as required • Put in place arrangements to manage contractors and suppliers to ensure that the work is delivered as required by the specification • Ensure robust processes are in place for ensuring that there are no errors on voter materials, notice of poll and notice of election 	<ul style="list-style-type: none"> • Project planning documentation which is kept under regular review • Planning documentation reflecting lessons learnt • Arrangements in place for the management of contractors and suppliers • Processes for the proof-checking of voter materials, notice of poll and notice of election • Information on the method for delivery of poll cards, including an estimation of when poll cards will be

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

<p>Voters have confidence that their vote will be counted in the way they intended</p>	<ul style="list-style-type: none"> • Maintain a clear audit trail of the issue, receipt and opening of postal ballot packs • Have in place processes to identify any patterns of activity that might indicate potential integrity problems, including what steps are to be taken to deal with any such problems • Maintain the secure storage of ballot papers and postal ballot packs at all times • Put in place appropriate resources to ensure the verification and count is timely • Ensure the results are communicated to voters in a clear and timely way • Ensure count processes are designed and managed to secure an accurate result, with a clear audit trail 	<ul style="list-style-type: none"> • Arrangements to maintain a clear audit trail of the issue, receipt and opening of postal ballot packs • Processes for dealing with integrity problems • Arrangements for securely storing ballot papers and postal ballot packs • Information on how the verification and counting is to be organised and managed, including the process you followed to arrive at your decision • Arrangements for communicating results to voters • Arrangements in place to maintain a clear audit trail of the count processes

Performance standard 2: Those who want to stand for election

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

Outcome	What does the RO need to do to achieve the outcome	What will demonstrate how the outcome has been met
People who want to stand for election receive all the information they need to take part	<ul style="list-style-type: none"> • Ensure information on the election process and spending is easily available for candidates and agents, including through providing briefing sessions and ensuring they are issued with written guidance • Ensure that candidates have the opportunity to have their nomination papers informally checked prior to their formal submission 	<ul style="list-style-type: none"> • Written guidance issued to candidates • Date(s) of briefing sessions and briefing resources • Arrangements in place for candidates to have their nomination papers informally checked prior to formal submission
Candidates have confidence that the process is well-managed, and have confidence in the results	<ul style="list-style-type: none"> • Ensure that those entitled to attend postal vote opening sessions are able to follow what is happening, where and when • Ensure count processes are transparent, with everything at the verification and count carried out in clear view of all those entitled to 	<ul style="list-style-type: none"> • Layout plan of postal vote opening sessions • Information provided to attendees at postal vote opening sessions • Layout plan of the count • Information provided to attendees at the count

	<p>attend, with information provided to attendees on the processes to be followed</p> <ul style="list-style-type: none"> • Ensure count processes are designed and managed to secure an accurate result, with a clear audit trail • Have in place processes to identify any patterns of activity that might indicate potential integrity problems, including what steps are to be taken to deal with any such problems 	<ul style="list-style-type: none"> • Arrangements in place to communicate progress at the count • Arrangements in place to maintain a clear audit trail of the count processes • Processes for dealing with integrity problems
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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"> • Develop and implement robust project management processes • Develop guidance and issue directions where necessary to ensure the effective administration of the polls in each local RO area • Develop and implement plans for communicating with local ROs • Develop and implement a strategy for co-ordinating and delivering public 	<p>Project planning documentation which is kept under regular review</p> <p>Arrangements for ensuring the consistent delivery of the poll, including guidance issued and whether and how you have used your power to give directions</p> <ul style="list-style-type: none"> • Plans for communicating with local ROs

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