

European Parliamentary election: dealing with doubtful ballot papers

Consistency of approach to the adjudication of doubtful ballot papers is important to ensure that all votes are counted in the same way, regardless of where they are cast across Great Britain.

The Commission has already produced [Dealing with doubtful ballot papers guidance](#) to support LROs with making decisions on doubtful ballot papers. LROs should refer to this guidance, which contains examples of doubtful ballot papers based on previous case law and the specific rules for European Parliamentary elections in Great Britain, and should have copies available at the count.

In recognition of the specific circumstances of these elections and the potential for voters to mark their ballot papers with words or slogans, we have produced this additional resource to support LROs with making judgements on ballot papers that haven't been marked in accordance with the instructions. It is not possible to address every possible situation that may arise so we have focussed on the key principles that would need to be applied, and have illustrated these with some possible examples.

Preparing for adjudication

It is possible that there will be a higher number of doubtful ballot papers that will require adjudication at these elections. For example, we are aware of social media campaigns which are encouraging voters to mark their ballot papers with words or slogans at the European Parliamentary election.

When preparing for adjudication you will need to establish:

- who will undertake adjudications – you will need to ensure that you have an adequate number of Deputy Returning Officers (DROs) and that you appoint them in advance and in writing
- what training will be required to ensure that all DROs understand the adjudication process and the importance of consistency, including a common understanding of what should and should not be allowed and how to escalate decision-making if needed
- how you will ensure candidates and agents in attendance understand how the adjudication process will be managed and where and when it will be carried out

General principles for undertaking the adjudication of doubtful ballots

The following ballot papers will need to be passed to the LRO or an appointed deputy for adjudication:

- those that appear to have no official mark (not the unique identifying mark)
- those appearing to contain more than one vote for a party or individual candidate
- those with any writing or mark by which it appears that the voter can be identified
- those where there is no mark or uncertainty as to the vote

For each ballot paper you adjudicate, you should consider whether the ballot paper clearly shows the voter's intention to vote for one party or individual candidate.

When adjudicating doubtful ballot papers, the whole of the ballot paper should be considered.

The LRO must be satisfied that the voter's intention is clear in order to be able to adjudicate a ballot paper as valid. Each ballot paper should be considered on its own merits and decisions should be taken on a case-by-case basis.

Writing on the ballot paper

In making a decision on the voter's intent, you may need to consider anything that has been written on a ballot paper.

You should consider whether what is written gives a clear indication of a voter's intention to vote for one party or individual candidate. If the name of a party or an individual candidate is written on the ballot paper, case law supports the vote being allowed for that party or individual candidate.

Election of Members of the European Parliament for the [Insert name of Region, e.g. 'North-West Region']	
Vote only once by putting a cross <input checked="" type="checkbox"/> in the box next to your choice	
Change UK - The Independent Group	
1. Arthur John Briggs 2. Derek Torrham 3. Brian Mabb 4. Nigel Hackett 5. Edith Curling	6. Christopher Malcolm Browne 7. Flora Mabel Strand 8. George Gerald Markham 9. Anita Patel 10. Brian Jerome Edwards
Conservative Party	
1. Hugh John Turnbull 2. Diane Valene Tate 3. Edward Hampstead 4. Geoff Maine 5. Hedley Stamp	6. Keith Uphoff 7. Gareth Tudor Atkinson 8. Gemma Sparrowleap 9. Reginald Shoemess 10. Roy Cartnell
Labour Party	
1. James Earl Barton 2. Olivia Latham 3. Francis Pine 4. Roger Donald Stock 5. Jane Deborah Powell	6. Benjamin West 7. Denis Verly 8. Daviane La Fayette 9. Gillian Bridgemoor 10. Paul Leslie Hyde
The Brexit Party	
1. William Gibbs 2. Janet Wheelerlight 3. Donald Geoffrey Deach 4. Gordon Arthur Barnett 5. Victor Hodges	6. Samuel Brickwell 7. Kenneth Sturgeon 8. Joyce Brenda Fennell 9. Carlos Cavalleros 10. Philippa Stewart
UK Independence Party (UKIP) UKIP Make Brexit Happen	
1. Andrew Palmer 2. Russell Chand Valley 3. Lucy Jennifer Brindle 4. Geraldine Lettis 5. Sunita Kendall-Singh	6. Kathleen O'Connell 7. Brinsley Stewart Croft 8. Francesca Seaton 9. Jim Proudfoot 10. Ian David Wainstead
Baker, Cupcake Independent	

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These examples should be allowed for The Brexit Party and Change UK respectively, based on Ruffle v Rogers [1982] QB 1220 and Rule 55(2)(a) and (b).

If a political viewpoint or slogan is marked on the ballot paper rather than the full name of a party, you may consider that the voter's intention is not clear and reject the ballot paper. For example, if a word or words such as 'Brexit', 'no Brexit', 'Change', 'Independence', 'People's Vote' or 'Remain' is written on the ballot paper, although these may form part of party names or descriptions, they are also political concepts which could be supported by more than one party or individual candidate standing for election; this could make it difficult to determine that the voter has clearly indicated an intention to vote for one party or individual candidate.

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1. Arthur John Baggis	6. Christopher Malcolm Browne
2. Derek Tranham	7. Flora Mabel Strand
3. Brian Hittak	8. George Gerald Markham
4. Nigel Haskatt	9. Anita Patel
5. Edith Garing	10. Brian Jerome Edwards
<input type="checkbox"/>	
Conservative Party	
1. Hugh John Turnbull	6. Keith Upshott
2. Diane Valerie Tate	7. Gareth Tudor-Mousmouth
3. Edward Hempstead	8. Gemma Sparrowstep
4. Oaif Malone	9. Reginald Stoveess
5. Hadley Stamp	10. Roy Carmel
<input type="checkbox"/>	
Labour Party	
1. James Earl Barton	4. Benjamin West
2. Owen Latham	7. Denis Verby
3. Francis Pine	8. Devonne La Penette
4. Roger Donald Stock	9. Gillian Bratgergryn
5. Jane Deborah Powell	10. Paul Leslie Hyde
<input type="checkbox"/>	
The Brexit Party	
1. William Gibbs	6. Samuel Brindwell
2. Janel Whelanright	7. Kenneth Shugeon
3. Donald Geoffrey Beach	8. Joyce Brenda Fensell
4. Gordon Arthur Bunnor	9. Carlos Cavalleros
5. Victor Hedges	10. Philippa Stovest
<input type="checkbox"/>	
UK Independence Party (UKIP) UKIP Make Brexit Happen	
1. Andrew Colmer	6. Kathleen O'Connell
2. Russell Charles Volley	7. Brimsby Stewart Cest
3. Lucy Jennifer Berran	8. Franonica Seaton
4. Geraldine Lettis	9. Jim Proudfoot
5. Suzie Kendall-Sogh	10. Ian David Wainstead
<input type="checkbox"/>	
Baker, Cupcake Independent	
<input type="checkbox"/>	

This example should be rejected as the voter's intention is not clear.

You may also need to consider where any words or slogans are written on the ballot paper. For example, is it clear that the voter intended the mark or marks that they made to be for one party or individual candidate?

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3. Brian Atkink	8. George Gerald Matham	
4. Nigel Hackett	9. Anita Patel	
5. Edith Culling	10. Brian Jerome Edwards	

Conservative Party

1. Hugh John Turnbull	6. Keith Uphoff	<input type="checkbox"/>
2. Diane Valerie Tale	7. Gareth Tudor-Moynouth	
3. Edward Hampstead	8. Gemma Spornoleop	
4. Geoff Staine	9. Reginald Showens	
5. Hedley Stamp	10. Roy Carnall	

Labour Party

1. James Earl Barton	4. Benjamin West	<input type="checkbox"/>
2. Olivia Latham	7. Denis Verly	
3. Francis Pine	8. Devone La Fayette	
4. Roger Donald Stock	9. Gillian Bridgerorth	
5. Jane Deborah Powell	10. Paul Leslie Hyde	

The Brexit Party

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2. Janet Wheelerlight	7. Kenneth Sturgeon	
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4. Gordon Arthur Bunnett	9. Carlos Cavelleros	
5. Victor Hedges	10. Philippa Stewart	

UK Independence Party (UKIP)
 UKIP Make Brexit Happen

1. Andrea Palmer	6. Kathleen O'Connell	<input type="checkbox"/>
2. Russell Chand Valley	7. Brinsley Stewart Croft	
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Baker, Cupcake Independent

These examples should be allowed as the voter's intention is clear.

If you are of the view that the paper clearly shows the voter's intention to vote for one party or individual candidate then the vote should be allowed. The law provides that unless the way the ballot paper is marked identifies the voter, a ballot paper on which a vote is marked must not be rejected if the voter's intention is clear.

If you are of the view that the voter's intention is unclear, the vote should be rejected.

The decision on any particular ballot paper, including the question as to whether an intention to vote for a particular party or individual candidate clearly appears, rests with the Local Returning Officer.