



YOUR LONDON. YOUR VOTE

The
Electoral
Commission

Part F – After the declaration of results

Greater London Authority elections:
guidance for Returning Officers

January 2016 (updated October 2019)

In this guidance we use 'must' when we refer to a specific legal requirement. We use 'should' for items we consider to be recommended practice, but which are not legal requirements.

Translations and other formats

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Tel: 020 7271 0500

Email: publications@electoralcommission.org.uk

Updates to this document

Updated	Description of change	Paragraph number
February 2016	Amended date.	2.12
March 2016	Re-published to include legal references.	N/A
June 2016	Updated to amend telephone number for the Election petitions office	3.6
October 2019	Update to data protection legislation and the provisions for candidates to withhold their home address. Updated contact details for the Election petitions office	N/A

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1 Storage and disposal of documents

1.1 You should maintain a document retention policy which sets out the period in which you will retain all election documents and your reasons for doing so. You should ensure that you do not retain documents for longer than the period specified in your document retention policy and that they are securely destroyed at the appropriate point.

Our [resource](#) on the EU General Data Protection Regulation and the Data Protection Act 2018 contains further information on the storage of personal data and on document retention, including what should be included in a document retention policy

1.2 The legal responsibility for keeping the election documents listed in paragraphs **1.9, 1.10 and 1.11** rests with the ERO, who must keep them for a year.¹

1.3 The election documents must be forwarded to the relevant electoral registration officer (ERO). The relevant ERO for each Assembly constituency can be found on the [London Elects'](#) website.² In practice, however, the Greater London Returning Officer will arrange for the storage of the used ballot papers after the count, and will provide instructions on how to prepare the packets for storage.

1.4 If you are not also the ERO, you must securely forward the documents to them and the one year starts from the date the ERO receives them³. You should liaise with them at an early stage to put in place arrangements for the forwarding of the prescribed documents after the declarations of results. You should ensure that all of the documentation is kept secure and accounted for during the process of being forwarded to the relevant ERO.

1.5 In any case, at all times, all packets and receptacles containing election documents should be stored securely so that nobody can tamper with them.

1.6 You should maintain a clear audit trail when packaging the documents as this will help to ensure that retrieval of documents is facilitated should anyone wish to inspect the public documents. The packaging and labelling system you use should both provide secure storage and support timely retrieval.

1.7 A clear audit trail and transparent process can be achieved by:

- Producing clear labels for each packet.⁴ You must seal all of the relevant documentation in separate packets and mark each packet with a description of its contents and the date of the election and the name of the Assembly constituency.

- the labels should state how long the packet is to be kept and when it is to be destroyed (unless otherwise directed by a court order)
- the labels for documents open to public inspection and for documents that are not open to public inspection should be different. As a minimum, the packets containing documents not open to public inspection should clearly state this fact
- Ensuring that you have factored the parcelling up of documents into your planning.
- Covering packing instructions as part of your training for polling station staff and when training postal voting and count supervisors. Providing written instructions should also help to reduce the risk of documents being packaged wrongly. A [template graphical guide to packaging materials at the close of poll](#) is available, which you could adapt and provide to polling station staff.
- Creating a list of all documents to be forwarded. You should keep a record of all of the materials that you have a duty to send to the relevant ERO, and ensure that all of the items are accounted for and delivered securely in accordance with data protection requirements. Paragraphs **1.9, 1.10, 1.11 and 1.12** below provide lists of documents that you have a duty to forward. You should also:
 - record the number of parcels you have despatched
 - record the details of the relevant ERO to whom they have been sent
 - obtain a receipt from the relevant ERO indicating that the parcels have been safely received

The documents that you have a duty to forward

1.8 You must seal up the election documents listed below and, on the completion of the counting of ballot papers, if you are not also the ERO, you must forward these to them as set out below. In that case, the ERO will need to ensure that they have a mechanism in place to record the date of receipt, so they know when to destroy the documents that have been forwarded.

1.9 From the polling stations:⁵

- the packet containing:
 - list of tendered votes
 - list of voters with disabilities assisted by companions
 - declarations made by companions of voters with disabilities
 - list of votes marked by the Presiding Officer
 - statements relating to votes marked by the Presiding Officer

- list of persons to whom ballot papers are delivered after the correction of a clerical error or as a result of a decision on a court appeal
- marked copies of the register of electors, the marked list of proxies and any marked copy notices issued as a result of the correction of a clerical error or a decision on a court appeal
- the packets containing the completed polling station corresponding number lists
- certificates of employment on duty on polling day

1.10 From the postal vote issues and openings:⁶

- marked copies of the postal voters' list and proxy postal voters' list
- the packets containing the completed postal vote corresponding number lists
- the packets of postal voting statements accepted as valid
- the packets of rejected postal votes
- the packets of rejected postal ballot paper envelopes
- the lists of cancelled, lost and spoilt postal ballot papers
- the packet of spoilt postal ballot papers and accompanying documents
- the packet of lost postal ballot papers containing any part of the postal ballot pack that was not lost and which was returned to you before you issued a replacement
- the packet of postal ballot papers, statements and envelopes that have been cancelled
- the unused postal ballot papers
- unopened postal ballot packs received after the close of poll or returned as undelivered (these can be forwarded at a subsequent date)

1.11 You must also forward to the ERO, at the same time as you are forwarding the above election documents the statement as to postal ballot papers and the list of postal votes that have failed the identifier checks⁷. You should also forward at the same time your record of any instances where you suspect an offence may have been committed, so that the ERO knows in which cases they should not send out a postal vote identifier rejection notice.

For further information on the contents of the various lists relating to postal voting, see [Part D: Absent voting](#).

1.12 From the counts and separately for each of the contests:⁸

- the packet containing the electronic record (if any)
- all ballot papers separately stored as:
 - counted ballot papers
 - rejected ballot papers
 - unused ballot papers (both ordinary and tendered) and spoilt ballot papers (placed together)
 - used tendered ballot papers

- ballot paper accounts, the result of the verification of the ballot paper accounts and the statement of rejected ballot papers

1.13 Retention and inspection guidance to assist with the correct handling of the materials is available to download from our website.

1.14 You should ensure you have process in place to retrieve data and securely destroy it at the appropriate time in accordance to electoral law and with your document retention policy.

1.15 The GLRO, for practical reasons, will arrange for the storage and retention of used ballot papers and various documents listed at paragraph **1.9**. The GLRO will provide staff with instructions on how to pack the ballot papers and various documents in readiness for storage.

Election notices published on your website

1.16 You will need to consider whether it is appropriate or necessary for the various election notices published on your website to remain there beyond the expiry of the petition period for the election. Where each notice serves a specific purpose, 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 such notices published on your website, or remove the personal data contained in these notices, once the petition deadline for that election has passed.

1.17 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 election results, for example, you should retain these on your website as they are for public interest and historical and statistical purposes.

Destruction of home address forms

1.18 A candidate must complete a home address form as part of their nomination.

1.19 Home address forms must be kept securely stored for a period of 35 working days after the result has been declared.

1.20 They must be securely destroyed on the next working day after the 35 day period. However, if an election petition relating to the election is presented within the 35 working days, the home address forms must be kept securely until the conclusion of the petition proceedings (including any appeal from such proceedings). They must then be securely destroyed on the next working day following the conclusion of the proceedings or appeal.

2 Post-election activity

Providing notice of the results



Further guidance, covering the practical aspects of notifying the results will be provided by London Elects.

2.1 For the Constituency Assembly Member election you must give public notice of the name of the candidate elected, the total number of votes given to each candidate (whether elected or not), together with the number of rejected ballot papers as shown in the statement of rejected ballot papers. You should also include the description (if any) of each candidate⁹. When a candidate has used their commonly used name to stand in the election, you should use both their full name and the commonly used name on the notice.

2.2 The results for the London-wide Assembly Member contest and for the Mayoral contest are declared by the GLRO¹⁰. The GLRO should provide a copy of the notices to CROs for them to publish locally.

2.3 In all cases, you should ensure that a copy of the notices are made available to all those interested as soon as possible, including by publishing it on your local authority's website.



To be able to achieve the outcome set out in [performance standard 1](#), you will need to ensure that the results are communicated to voters in a clear and timely way.

To demonstrate that the outcomes can be delivered you will need to have in place arrangements for communicating results to voters.

Deposits

Constituency contest¹¹

2.4 The £1000 deposit made by or on behalf of a candidate in a Constituency Assembly Member contest must be returned if the candidate has polled more than 5% of the total number of valid votes cast in the constituency. If the candidate polled equal to or less than 5% of the total number of valid votes cast, the deposit must not be returned.

2.5 If the candidate in the Constituency Assembly Member contest polled more than 5% of the valid votes cast, you must return the deposit to the person who made it no later than the next working day after the result of the

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

2.6 Where a deposit is not to be returned, it will be forfeited to the Greater London Authority. The GLRO will provide information on where to send forfeited deposits.¹²

London-wide Assembly Member and Mayor of contests

2.7 The GLRO is responsible for managing the return and forfeiture of deposits at the London-wide Assembly Member and Mayor of London contests.¹³



Guidance for GLROs on managing the return and forfeiture of deposits is available in [GLRO guidance – delivery of key processes](#)

Statement as to postal ballot papers

2.8 You must complete a statement as to postal ballot papers for the elections.

2.9 This document is vital for the accounting of postal votes and for ensuring that voters have confidence that their vote will be counted in the way they intended. The statement should form part of the arrangements that you have in place to maintain a clear audit trail of the postal voting and count processes. You should complete the statement accurately using the figures recorded at the issue, receipt, opening and verification of postal votes.¹⁴



Further details on record-keeping throughout the administration of the postal voting process are provided in [Part D – Absent voting](#).

2.10 The Commission has produced a [template statement as to postal ballot papers](#) for the election, which should be used. The accompanying guidance notes should support you in completing this.

2.11 You must provide a copy of the statement to the Secretary of State and to the Commission. Details of how to provide a copy of the statement to the Commission will be provided through a Bulletin.¹⁵

2.12 The statements must not be provided before the tenth working day after the day of poll but must arrive no later than 15 working days following that day.

Data collection and feedback

2.13 You will also be requested to send information and data to the Commission relation to the elections.

2.14 Forms for collecting information and data, and accompanying guidance notes for completion, as well as a feedback form, will be circulated separately and will also be [available on the Commission's website](#).

Accounting for the elections

2.15 Elections to the Greater London Assembly and for the Mayor of London are funded by the Greater London Authority.

2.16 Detailed guidance and instructions for accounting for the election will be provided by London Elects.

Payment of creditors

2.17 You should keep receipts before and throughout the period of the elections for all services/work provided, and pay all creditors as soon as possible after the elections.

Payment of fees to staff

Income tax

2.18 Under tax rules a standard starter checklist, which is issued at the time of appointment must be completed. It needs to be completed once rather than reviewed every year. You will need to issue a P60 form to the employee at the end of the tax year.

HMRC real-time information

2.19 All election payments made will be subject to HMRC's real-time information tax payment system. You should ensure that you liaise with your local authority's finance and HR departments to ensure that you can comply with the tax rules for all your employees, including any temporary and short-term contract staff. Further guidance is available from [HMRC](#).

Automatic enrolment into a workplace pension

2.20 All employers with staff working in the UK must comply with automatic enrolment requirements. Further guidance is available from the [Pensions Regulator](#).

Return of equipment

2.21 You should make arrangements to return any equipment, such as polling booths, to storage.

Candidates' and parties' election spending

2.22 Agents and candidates at elections to the Greater London Authority, whether Constituency-Member candidates, London-wide Member candidates or candidates for the Mayor of London election, must follow rules about how much they can spend, who they can accept donations from, and what they must report after the election. Failure to follow the rules could lead to committing an offence and losing their seat if elected¹⁶.

2.23 The Commission is required by law to monitor compliance of the rules for candidates.¹⁷

2.24 We have produced guidance for candidates and agents on election spending and the required returns; in addition, candidates and agents can also download the return of candidate election spending form with integrated explanatory notes, the declaration by the election agent as to election spending and the declaration by the candidate as to their election spending. These documents can all be downloaded from [our website](#).



[Part 3](#) of our guidance for candidates and agents for the Greater London Authority elections explains the rules. We have also produced [an expert paper](#) which covers splitting costs across the election.

2.25 Election agents for Constituency Assembly Member candidates must deliver a candidate spending return to you, together with relevant invoices and receipts, within 35 calendar days of the declaration of result of the election.¹⁸



Spending returns and declarations for London-wide Assembly candidates and for candidates for the Mayoral of London must be delivered to the GLRO. Further information is available in [GLRO guidance – delivery of key processes](#).

2.26 The legislation also requires election agents and candidates to submit declarations confirming the candidate's election spending return is complete and correct. The election agent's declaration must be submitted at the same time as the return. The candidate's declarations must be submitted within seven working days of the election agent submitting the return. However, if the candidate is out of the UK when the return is submitted to you, they must make the declaration within 14 days after returning to the UK (unless the last day of the period falls on a weekend or bank holiday, in which case the last day moves to the next working day) and submit it to you as soon as possible.¹⁹

2.27 The Commission may ask you to provide copies of spending returns for the Constituency Assembly Member contest. Where this is required, we will provide information about how to do this separately.²⁰

2.28 Where requested, please supply the following information to enable us to carry out our compliance duties:

- electorate figures for the constituency
- a list of all candidates who stood for election, including their party or descriptor (if any) and whether they were elected
- confirmation of who has not delivered a return or declaration, has delivered an incomplete return or has delivered a late return or declaration and what, if anything, you have already done about such cases
- addresses of election agents for any candidates who failed to deliver returns

2.29 You must retain a copy of each election spending return and declaration, and any accompanying documents, for a period of two years beginning with the date when the return is received²¹ and, during that period, make copies available for public inspection without charge. Anyone can also request copies of the returns or declarations and any accompanying documents, which must be supplied on payment of the fee of 20p per side.²² The addresses of individuals who have made donations to candidates must be removed from all inspection copies and copies supplied on request. At the end of the two-year period if the candidate or the relevant election agent requests them, they must be returned to the candidate. Otherwise the returns, declaration and accompanying documents may be destroyed²³.

2.30 You must also, within 10 days after the deadline for receipt of spending returns, publish a notice in not less than two newspapers circulating in the constituency of the time and place at which the returns and declarations and any accompanying documents can be inspected. You must also send a copy of the notice to the election agents.²⁴

Spending returns from non-party campaigners

2.31 Non-party campaigners at elections to the Greater London Authority have a spending limit for each contest in which they campaign. They cannot spend above the limit without authority from the agent for the candidate on whose behalf they are campaigning. Where a non-party campaigner spends

above the limit, they must submit a return to you within 21 days of the result. This includes a declaration that the return they are submitting is correct.²⁵



Guidance for non-party campaigners at the Greater London Authority elections is available in our [factsheet](#).

3 Challenges to the election results

3.1 Election petitions can be used to challenge the result of elections.

Who can bring an election petition and on what grounds?

3.2 An election petition for an Assembly or Mayoral election can be presented by:

- a person claiming to have been a candidate at the election, or
- four or more persons who voted as electors at the election or who had a right to vote at the election, except for electors registered anonymously²⁶

3.3 The allowable grounds for a petition are that there has been an:²⁷

- undue election, or
- undue return, or
- the election was avoided by corrupt or illegal practices or on the grounds specified in Sections 164 and 165 of the Representation of the People Act 1983 (as amended)

Who is made a respondent?

3.4 The person whose election is questioned will most probably be made a respondent to the petition. If the petition relates to the conduct of the election, the relevant Returning Officer(s) (whether CRO, BRO or GLRO) may also be a respondent to the petition.²⁸

Deadlines for bringing petitions

3.5 A petition at an Assembly election or at a Mayoral election must normally be presented within 21 calendar days after the day on which the election was held. Further time may be allowed in certain circumstances.²⁹

3.6 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 and the process for submitting petitions, including to confirm the deadlines, you should contact the Elections Petitions Office:

The Election Petitions Office
Room E113
Royal Courts of Justice
Strand
London WC2A 2LL

Email: Election_Petitions@justice.gov.uk
Phone: 020 7947 6877

Judicial determination of disqualification

3.7 Any person may apply to the High Court for a declaration that an Assembly Member or the Mayor of London is, or at any time since being elected has been, disqualified from being an Assembly Member or Mayor (as appropriate).³⁰

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

4 Review of election procedures

4.1 You should carry out a thorough evaluation of all processes outlined in your project plan, seeking feedback from appropriate stakeholders, and produce a lessons learnt document which will be used to inform the project plan and risk register for future polls.

4.2 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 elections has been successful. The Commission has also provided an evaluation plan as part of the template project plan to assist you with the review process.



To be able to achieve the outcome set out in [performance standard 1](#), you will need to evaluate planning for and delivery of previous polls and identify lessons learnt, updating plans as required.

To demonstrate that the outcomes can be delivered you will need to have in place planning documentation reflecting lessons learnt.

The review

4.3 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.

4.4 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.

4.5 You should pay particular attention to reviewing:

- your project planning
- whether you were able to secure adequate resources
- if you are not also the ERO, what worked well and what could be improved when working with them
- what worked well and what could be improved when working with the GLRO and London Elects
- how contractors have been managed and whether they delivered work to the required specification
- the equipment and stationery used
- recruitment and training of staff
- the suitability of venues used
- the management of nominations, polling stations, the absent voting process, and the verification and counts

- the processing and handling of queries
- any issues affecting the security/integrity of the elections

4.6 As part of the review you should seek feedback from appropriate stakeholders.

4.7 You should seek feedback from the following:

- your staff
- if you are not also the ERO, the ERO
- the BRO and elections staff from other local authorities in the constituency
- the GLRO and London Elects' staff
- electors
- candidates, agents and political parties
- local organisations of disabled people, older people and minority ethnic groups, and the council's access officers

4.8 To obtain feedback from your staff, for example, you should consider inviting a number of them, including polling station staff, to a discussion in order to address all aspects of the polling station process, from training and briefing sessions through to dealing with difficult situations on polling day. You could also take into account any feedback provided in reports returned by Presiding Officers and polling station inspectors.

4.9 Once you have reviewed all aspects of the elections 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 the project plan and risk register for future polls.

5 Freedom of Information requests

5.1 Following the elections you may receive requests under the Freedom of Information Act 2000. CROs, the GLRO and EROs are not a public authority under this Act and, as such, are exempt from the disclosure requirements imposed by it.

5.2 However, where possible, CROs, the GLRO and EROs should disclose the requested information, provided this information is already in the public domain, or the information requested does not include personal data. An example of non-personal data would be statistical data providing the total number of electors registered in your area or the turnout of postal voters.

¹ Greater London Authority Elections Rules 2007 (GLA Rules) sch 1 rule 59; sch 2 rule 62; sch 3 rule 62

² GLA Rules art 2

³ GLA Rules sch 1 rule 57; sch 2 rule 60; sch 3 rule 60

⁴ GLA Rules sch 1 rules 56 and 57; sch 2 rules 59 and 60; sch 3 rules 59 and 60

⁵ GLA Rules sch 1 rule 57; sch 2 rule 60; sch 3 rule 60

⁶ Representation of the People (England and Wales) Regs 2001 (RPR 2001) Reg89 and 91

⁷ Regulation 91(1)(b), (3A) and (3B) 2001 Regulations

⁸ GLA Rules sch 1 rules 56 and 57; sch 2 rules 59 and 60; sch 3 rules 59 and 60

⁹ GLA Rules sch 1 rule 54

¹⁰ GLA Rules sch 2 rule 57

¹¹ GLA Rules sch 1 rule 55

¹² GLA Rules sch 1 rule 55

¹³ GLA Rules sch 2 rules 10 and 58; sch 3 rules 10 and 58

¹⁴ RPR 2001 Reg91

¹⁵ RPR 2001 Reg91

¹⁶ Representation of the People Act 1983 (RPA 83) s76

¹⁷ Political Parties Elections and Referendums Act 2000 (PPERA) s145

¹⁸ RPA 83 s81

¹⁹ RPA 83 s82

²⁰ RPA s87A

²¹ RPA 83 s89

²² RPR2001 art 10

²³ RPA 83 s89

²⁴ RPA 83 s88

²⁵ RPA 83 s75

²⁶ RPA 83 s128

²⁷ RPA 83 s127

²⁸ RPA 83 s128

²⁹ RPA 83 s129

³⁰ Local Government Act 1972 s92