

Part F – After the declaration of results

Police and Crime Commissioner and
local government: guidance for
Returning Officers

December 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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Updates to this document

Updated	Description of change	Paragraph number
March 2016	Re-published to include legal references.	N/A
June 2016	Updated to amend telephone number for the Election petitions office	3.8
October 2019	Re-published to include updated legal references and to take account of the EU General Data Protection Regulation (GDPR) and the Data Protection Act 2018	N/A
December 2019	Updated to reference police areas where the PCC takes on the fire and rescue authority function.	

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1 Storage and disposal of documents

In Essex, North Yorkshire, Northamptonshire and Staffordshire the candidate elected to the role of PCC also holds the fire and rescue authority function.

1.1 You should maintain a document retention policy which sets out the period in which you will retain all election documents and your reason 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 **1.10**, **1.11** and **1.13** rests with the Electoral Registration Officer (ERO), who must keep them for a year¹.

1.3 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 them². You should liaise with them at an early stage to put in place arrangements for the forwarding of the prescribed documents after the declaration 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 registration officer.

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

1.5 The relevant registration officer is:

Principal area elections³

- the registration officer of the local authority in whose area the principal area election is held, or
- if the electoral area comprises any part of the area of more than one local authority, the registration officer of the local authority in whose area the greater or greatest (as the case may be) number of electors is registered

Police and Crime Commissioner elections⁴

- the registration officer of the local authority which comprises the voting area, or

- if the voting area comprises any part of the area of more than one local authority, the registration officer of the local authority in whose area the greater or greatest (as the case may be) number of electors is registered

Combined authority mayoral elections⁵

At combined authority mayoral elections, the ERO for each constituent council will hold the election documents that are relevant to their area.

Neighbourhood planning referendums⁶

At neighbourhood planning referendums, you must forward the documents to the ERO of the local authority. Where the referendum area crosses local authority boundaries, the ERO of the local authority in whose portion of the referendum area the highest number of electors is registered.

Parish elections⁷

- the registration officer of the local authority in whose area the election is held and in which the parish or community is situated, or
- if the electoral area comprises any part of the area of more than one local authority, the registration officer of the local authority in whose area the greater or greatest (as the case may be) number of electors is registered

Local authority mayoral elections⁸

- the registration officer of the local authority in whose area the mayoral election is held, or
- if the electoral area comprises any part of the area of more than one local authority, the registration officer of the local authority in whose area the greater or greatest (as the case may be) number of electors is registered

Mayoral referendums⁹

- the registration officer of the local authority by or in respect of which the referendum is held, or
- if the electoral area comprises any part of the area of more than one local authority, the registration officer of the local authority in whose area the greater or greatest (as the case may be) number of electors is registered

Neighbourhood planning referendums¹⁰

- the registration officer of the relevant council, or

- if the referendum area comprises any part of the area of more than one relevant council, the registration officer of the relevant council in whose portion of the referendum area the greater or greatest (as the case may be) number of electors is registered

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. You must seal all of the relevant documentation in separate packets¹¹ and mark each packet with a description of its contents, the date of the election and the elections to which it relates.
 - In respect of the local government election¹², the label must include the name of the ward to which it relates.
 - In respect of the PCC election, the label must include the name of the police area.¹³
 - In addition, 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 verification and count 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 registration officer, and ensure that all of the items are accounted for and delivered securely in accordance with data protection requirements. Paragraphs **1.10**, **1.11** and **1.13** 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

Further details on the definition of 'relevant electoral area' can be found in [Part A - Role and responsibilities](#).

Neighbourhood planning referendums

At a neighbourhood planning referendum postal vote documents must also be marked with the name of the neighbourhood area¹⁴

1.8 Where two or more polls are combined you must endorse each packet with a description of the area to which they relate¹⁵. The label should also clearly state which contest the packet relates to. If it relates to all polls (such as the copies of the marked registers), it should list all of the polls.

The documents that you have a duty to forward

1.9 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 above.¹⁶ In that case, the ERO will need to ensure that they have a mechanism in place to record the date of receipt, so that they know when to destroy the documents that have been forwarded

1.10 From the polling stations¹⁷:

- 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

1.11 From the postal vote issues and openings:¹⁸

- 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 packets of unused postal ballot papers
- the unopened postal ballot packs received after the close of poll or returned as undelivered (these can be forwarded at a subsequent date)

1.12 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 relevant parts of the list of postal votes that have failed the identifier checks¹⁹. 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 Electoral Registration Officer (ERO) knows in which cases they should not send out a postal vote identifier rejection notice²⁰.



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

1.13 From the counts²¹, and separately for each of the local government and PCC elections:

- 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

1.14 Retention and inspection guidance for [local government elections](#) and for [PCC elections](#) to assist with the correct handling of the materials is available for download from our website.

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

1.16 The materials for each poll including counted and rejected ballot papers and all other count materials must be packaged separately.²²

Mayoral election

At these polls, the packets must be marked with the name of the electoral area for which the election was held.

Neighbourhood planning referendum

At these polls, the packets must be marked with the name of the relevant council (except for postal vote documents, which must be marked with the name of the neighbourhood area).

Election notices published on your website

1.17 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.

1.18 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 in England

1.19 In England, a candidate must complete a home address form as part of their nomination.

1.20 For local government elections the home address forms must be kept securely stored for a period of 35 working days after the result has been declared.

- The home address forms 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.

1.21 For the PCC election the home address form must be kept securely stored for a period of 21 working days after the day the result was declared.

- The home address forms must be securely destroyed on the next working day after the 21 day period. However, if an election petition relating to the election is presented within the 21 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.

Combined authority mayoral elections

At combined authority mayoral elections, home address forms must be securely destroyed on the next calendar day after the 35-day period. However, if an election petition relating to the election is presented within the 35 calendar 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

2.1 At the local government election, you must give public notice of the name of each candidate elected and of the total number of votes given for each candidate (whether elected or not), together with the number of rejected ballot papers²³. 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 in the notice.²⁴

2.2 You must also inform the Proper Officer of the council, who may be the chief executive or some other senior officer, of the name of each candidate elected.²⁵

2.3 At the PCC election, after transmitting the local totals from the first and second counts to the PARO, and once the PARO has authorised you to do so, you must give public notice of the following:

- On conclusion of the first count, the contents of the statement of first preference votes for each candidate and the statement of rejected votes.
- On conclusion of the second count, the contents of the statement of second preference votes for each remaining candidate and the statement of rejected votes (if a second count was required)



Further details on drawing up the statements of first and second preference votes can be found in chapter 6 of [Part E – Verifying and counting the votes](#).

2.4 At the PCC election, it is the PARO who produces the notice of result. The PARO must send a copy of the notice to LROs. As soon as practicable after receiving a copy of the notice you must give public notice of it within your voting area.²⁶

2.5 In all cases, you should ensure that the notices are made available to all those interested as soon as possible, including by publishing them 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.



At parish council elections, you must inform the Proper Officer of the district in which the parish is situated of the name of each candidate elected. You must also inform the Proper Officer of the parish council. If there is no Proper Officer of the parish, you should give notice to the chair of the parish.²⁷

Local authority mayoral election²⁸

Giving public notice of the result

You must give public notice of the result and inform the Proper Officer of the council of the result of the election. You must give public notice of:

- the name of the successful candidate
- the total number of first preference votes given for each candidate
- the number of rejected ballot papers at the election separated into each reason for rejection, and
- if second preference votes were counted:
 - the total number of second preference votes given for each of the candidates remaining in the contest after the count of the first preference votes, and
 - the number of ballot papers rejected for the purposes of the count of second preference votes on the ground that they were unmarked or void for uncertainty as to the second preference vote.

Returning deposits²⁹

At a mayoral election, the £500 deposit made by or on behalf of a candidate must be returned if, after the counting of the first preference votes (including any recount) is completed, the candidate is found to have polled more than 5% of the total number of valid first preference votes polled by all candidates in the election. If the candidate is found to have polled equal to or less than 5% of the total number of valid first preference votes cast, the deposit must not be returned.

If the threshold is met, the deposit must be returned to the person who made it.³⁰

The deposits that are required to be returned must be returned not later than the next working day after the result of the election is declared. This deadline would be met should you post a cheque no later than the next working day after the result of the election is declared.

Forfeited deposits

The deposit made by or on behalf of a candidate will be forfeited to the local authority if, after the counting of the valid first preference votes (including any recount) is completed, the candidate is found not to have polled more than 5% of the total number of valid first preference votes polled by all candidates in the election.

Combined authority mayoral elections

When authorised to do so by the Combined Authority Returning Officer (CARO), you must draw up the final statement of local totals for your area and give public notice of³¹:

- the contents of the statement on conclusion of the first count
- the contents of the statement on conclusion of the second count (if a second count was required)

For details of what these statements must include, see [Part E: Verification and count](#).

The CARO is responsible for giving notice of the result for the combined authority area and returning the deposits. Guidance on the return of deposits can be found in our guidance for CAROs '[Delivery of key processes](#)'.

Mayoral referendum³²

You are required by law to inform the Proper Officer of the council of the result of the mayoral referendum. You must also give public notice of the result of the referendum, the number of ballot papers counted, the total number of votes cast for each answer and the number of rejected ballots separated into each reason for rejection.³³

Neighbourhood planning referendums³⁴

Where the referendum does not cross local authority boundaries

After declaring the result, you are required by law to inform the Proper Officer of the council of the result of the referendum. You must also give public notice of the result of the referendum, the number of ballot papers counted, the total number of votes cast for each answer and the number of rejected ballot papers separated into each reason for rejection.³⁵

Where the referendum crosses local authority boundaries

As Counting Officer, you are required to give public notice of your local totals when authorised by the Chief Counting Officer to do so³⁶.

It is the Chief Counting Officer who gives public notice of the overall result. They must inform the Proper Officer of each council of the result of the referendum. They must also give public notice of the result, the number of ballot papers counted, the total number of votes cast for each answer and the number of rejected ballot papers separated into each reason for rejection³⁷.

2.6 In all cases, you should ensure that the notices you are responsible for are made available to all interested parties as soon as possible, including by publishing them on the 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

PCC election

2.7 The PARO is responsible for managing the return and forfeiture of deposits at the PCC election.



Guidance for PAROs on managing the return and forfeiture of deposits can be found in chapter 8 of the [PARO guidance: delivery of key processes](#).

Statements as to postal ballot papers

2.8 You must complete a statement as to postal ballot papers for each electoral area at local government elections and for the PCC election in your voting area.³⁸ Even where the issue of postal votes has been combined, you are still required to produce a statement of postal ballots for each of the polls.



In Essex, North Yorkshire, Northamptonshire and Staffordshire the candidate elected to the role of PCC also holds the fire and rescue authority function.

In these police areas the postal voting statement must refer to the election of the Police, Fire and Crime Commissioner [insert name of police area] police area.

Mayoral referendum

You have a legal duty to complete a statement as to postal ballot papers for the voting area at a mayoral referendum.

Neighbourhood planning referendum

You have a legal duty to complete a statement as to postal ballot papers for the referendum area at a neighbourhood planning referendum.

2.9 These documents are 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 statements 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 statements accurately using the figures recorded at the issue, receipt, opening and verification of postal votes.



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 [local government election](#) and for the [PCC election](#), which should be used. The accompanying guidance notes should support you in completing these.

2.11 You must provide a copy of the completed statements for the local government election to the Commission. You must provide a copy of the completed statement for the PCC election to the Secretary of State and to the Commission.

2.12 The statements for the local government elections must not be provided before the tenth calendar day after polling day but must arrive no later than the twenty-fifth calendar day after polling day.³⁹ If either of those days is not a working day, the time is extended to the next working day.

2.13 The statement for the PCC elections must not be provided before the tenth working day after polling day but must arrive no later than the twenty-fifth working day after polling day⁴⁰.

2.14 The Cabinet Office administers returns on behalf of the Secretary of State, and the statements should be sent to elections@cabinetoffice.gov.uk using a subject title of '[authority name] – Form K return for the Secretary of State'. Details of how to provide this information to the Commission will be provided in a Bulletin.

Data collection and feedback

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

2.16 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

2.17 The costs for running a local government election are paid for by the local authority⁴¹. The local authority will provide you with instructions for accounting for the elections.

2.18 PCC elections are funded by the UK Government and claims for fees and charges for the election are administered through the Elections Claims Unit, which is part of the Cabinet Office. Detailed guidance and instructions for accounting for the election, including how to apportion costs where polls are combined, will be provided by the Cabinet Office. Contact details for the Elections Claims Unit are as follows:

Email: returning.officers@cabinetoffice.gov.uk

Electoral Claims Unit
Cabinet Office
Ground Floor Roseberry Court
St Andrews Business Park
Central Avenue
Norwich
NR7 0HS

Parish and community council elections

At a parish or community council election, costs for running the election will be paid by the principal area council⁴². The principal area council may, however, require the parish or community council to repay any costs incurred. As set out in [Part B: Planning and organisation](#), you will therefore need to liaise with the parish or community council at an early stage regarding the costs of running an election, to ensure that the necessary budget is in place.

Combined authority mayoral elections

At a combined authority mayoral election, the costs for running the election are paid for by the combined authority⁴³.

Payment of creditors

2.19 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

2.20 Under tax rules a standard starter checklist, which is issued at the time of appointment, must be completed. It needs to be completed only once rather than be 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

2.21 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

2.22 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

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

Candidates' election spending

Local government election

2.24 All election agents must submit a candidate's spending return to the Proper Officer of the council, together with relevant invoices and receipts, within **35 calendar days** of the declaration of result of the election (unless the last day of the period falls on a weekend or bank holiday, in which case the last days moves to the next working day⁴⁴),

Combined authority mayoral elections

At a combined authority mayoral election, the proper officer will be the CARO⁴⁵

2.25 The legislation also requires candidates and their agents 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 declaration 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 calendar days of coming back into 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.⁴⁶

2.26 The Proper Officer must retain a copy of each local government election spending return and declaration, and any accompanying documents, for a period of two years beginning with the date when the return is received and, during that period, make copies available for public inspection without charge. Anyone can also request copies of the returns and accompanying documents, which must be supplied on payment of the fee of 20p per side. 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 and accompanying documents may be destroyed.⁴⁷

2.27 The Commission has produced forms guidance for candidates and agents on spending and donations, which you can provide to candidates and agents in order to enable them to meet their reporting requirements.



At parish and community council elections, candidates must, within 28 calendar days after the day of the election (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), submit their election spending returns, accompanied by a declaration as to spending completed by the candidate, to the Proper Officer of the council. No agent's declaration is required. Guidance and forms for parish and community candidates can be found on our website at: <http://www.electoralcommission.org.uk/i-am-a/candidate-or-agent/parish-and-community-council-elections-in-england-and-wales>.⁴⁸

Returns for these elections must be retained for a period of 12 months after their receipt. After this period, the Proper Officer if requested, must return them to the candidate, or may destroy them.

2.28 The Commission has also published [guidance for Proper Officers to help deal with any outstanding candidate spending returns](#) at local elections.

Returns to the Electoral Commission on request

2.29 Legislation imposes spending limits and reporting requirements for candidates' campaigns, and gives the Electoral Commission the function of monitoring compliance with the rules on candidates' election spending and donations to candidates.

2.30 If requested to do so, Proper Officers must send copies of candidates' election spending returns to the Commission. Copies of the returns sent to the Commission must include all accompanying documentation, including declarations.⁴⁹

2.31 The Commission may also ask you to provide the following:

- electorate figures for each ward used to calculate the candidates' spending limit
- the candidates' spending limit provided to candidates, if applicable
- a list of all candidates who stood for election, including their party (if any), and whether they were successful
- confirmation of who has not submitted a return, has submitted an incomplete return or has submitted a late return and what, if anything, the Proper Officer has already done about such cases

- addresses of election agents for any candidates who failed to submit returns

Local authority mayoral elections⁵⁰

At a mayoral election the Proper Officer must, as soon as is reasonably practicable after receiving a candidates' election spending return or declaration, send a copy of any returns or declarations to the Commission. Additionally, the Proper Officer must send copies of any accompanying documents to the Commission if so requested.

Combined authority mayoral elections⁵¹

At a combined authority mayoral election, the CARO must, as soon as is reasonably practicable after receiving a candidates' election spending return or declaration, send a copy of any returns or declarations to the Commission. Additionally, they must send copies of any accompanying documents to the Commission if so requested. Further details can be found in our [CARO guidance – Delivery of key processes](#).

PCC election

2.32 The PARO is responsible for dealing with candidate spending returns⁵².



Guidance for PAROs on their post-election responsibilities can be found in chapter 8 of the [PARO guidance: delivery of key processes](#)

3 Challenges to the election results

Election petitions

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

Who can bring an election petition at a local government election and on what grounds?

3.2 A local government election petition can be presented by:⁵³

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

3.3 The allowable grounds for a local government election petition are that:⁵⁴

- the person whose election is questioned was not duly elected
- the person whose election is questioned was disqualified at the time of the election
- 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 can bring an election petition at a PCC election and on what grounds?:

3.4 An election petition for a PCC election can be presented by⁵⁵:

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

3.5 The allowable grounds for a petition are that⁵⁶:

- the person whose election is questioned was not duly elected
- the person whose election is questioned was disqualified at the time of the election
- 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?

3.6 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 RO, LRO or PARO) may also be a respondent to the petition⁵⁷.

Deadlines for bringing petitions

3.7 A petition at a local government election or at a PCC 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.⁵⁸

3.8 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

3.9 Any person may apply to the High Court for a declaration that a local government councillor or a Police and Crime Commissioner (or in the relevant areas a Police, Fire and Crime Commissioner) is, or at any time since being elected has been, disqualified from being a local government councillor or Police and Crime Commissioner (or in the relevant areas a Police, Fire and Crime Commissioner) (as appropriate).

Local authority and combined authority mayoral elections⁵⁹

Any person may apply to the High Court for a declaration that a local authority mayor or combined authority mayor is, or at any time since being elected has been, disqualified from being a mayor.

3.10 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 outcome 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 elections. 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
- if you are not also the PARO, what worked well and what could be improved when working with them
- 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 election

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
- if you are not also the PARO, the PARO and their staff
- electors
- candidates, agents and political parties
- local organisations of disabled people, older people and minority ethnic groups, and the council's access officers

Combined authority mayoral elections

In addition to the above, you should ensure that you seek feedback from the CARO and review what worked well and what could be improved for the future.

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. ROs, LROs, PAROs 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, ROs, LROs, PAROs 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 Rule 66 of the PCCE 2012 Order, Rule 52 Principal Areas Rules 2006, rule 52 Parishes and Communities Rules 2006, rule 47 Mayoral Elections Rules 2007, rule 62 Combined Authorities Mayoral Rules 2017, rule 43 Conduct of Referendums (England) Rules 2012, rule 43 Conduct of Referendums (Wales) Rules 2008, rule 45 Neighbourhood Planning Referendums Rules 2012

² Rule 68 of the PCCE 2012 Order, Rule 54 Sch 2 Local Elections (Principal Areas) (England and Wales) Rules 2006 (Principal Areas Rules 2006), Rule 54 Sch 2 Local Elections (Parishes and Communities) (England and Wales) Rules 2006 (Parishes and Communities Rules 2006), Rule 59 Sch 1 Local Authorities (Mayoral Elections) England and Wales Regulations 2007 (Mayoral Elections Rules 2007), rule 64 Sch 1 Combined Authorities (Mayoral Elections) Order 2017 (Combined Authorities Mayoral Rules 2017), rule 45 Sch 3 Local Authorities (Conduct of Referendums) (England) Regulations 2012 (Conduct of Referendums (England) Rules 2012), rule 45 Local Authorities (Conduct of Referendums) (Wales) Regulations 2008 (Conduct of Referendums (Wales) Rules 2008), rule 47 Sch 3 Neighbourhood Planning (Referendums) Regulations 2012 (Neighbourhood Planning Referendums Rules 2012)

³ Local Elections (Principal Areas)(England and Wales) Rules 2006 (SI 2006/3304) Sch 3 Rule 52

⁴ Police and Crime Commissioner Elections Order 2012 (SI 2012/1917) Art 2

⁵ Rule 62(3) Combined Authorities Mayoral Rules 2017

⁶ Rule 2(3) Neighbourhood Planning Referendums Rules 2012

⁷ Local Elections (Parishes and Communities)(England and Wales) Rules 2006 (SI 2006/3305) Sch 3 Rule 52

⁸ Local Authorities (Mayoral Elections)(England and Wales) Regulations 2007 (SI 2007/1024) Sch 3 Rule 57

⁹ Local Authorities (Conduct of Referendums)(England) Regulations 2012 (SI 2012/323) Sch 5 Rule 45 & Local Authorities (Conduct of Referendums)(Wales) Regulations 2008 Sch 3 Rule 43

Neighbourhood Planning (Referendums) Regulations 2012 (SI 2012/2031) Sch 5 Rule 2

¹¹ Rule 66 of the PCCE 2012 Order, Rule 51 Principal Areas Rules 2006, rule 51 Parishes and Communities Rules 2006, rule 57 Mayoral Elections Rules 2007, rule 44 Neighbourhood Planning Referendums Rules 2012, rule 42 Conduct of Referendums (England) Rules 2012, rule 42 Conduct of Referendums (Wales) Rules 2008, rule 61 Combined Mayoral Authority Rules 2017

¹² SI 2006/3304 Sch 3 Rule 45; SI 2006/3305 Sch 3 Rule 51; SI 2007/1024 Sch 3 Rule 56

¹³ SI 2012/1917 Sch 3 Rules 65 and 66

¹⁴ Neighbourhood Planning Referendums Rules 2012, Sch 3 Rules 65 and 66

¹⁵ Rule 44 Sch 4 of the PCCE Order 2012, Rule 45(1)(e) Schedule 3 Local Elections (Principal Areas) (England and Wales) Rules 2006, rule 45(1)(e) Schedule 3 Local Elections (Parishes and Communities) (England and Wales) Rule 2006

¹⁶ SI 2012/1917 Sch 3 Rules 65 and 66; SI 2006/3304 Sch 3 Rules 51 and 52; SI 2006/3305 Sch 3 Rules 51 and 52; SI 2007/1024 Sch 3 Rule 57; SI 2012/323 Sch 5 Rules 44 and 45

¹⁷ Rule 47 Sch 3 of the PCCE Order 2012,, Rule 52(1) Principal Areas Rule s2006, rule 52(1) Parishes and Communities Rules 2006, rule 57(1) Mayoral Elections Rules 2007, rule 62 Combined Authorities Mayoral Rules 2017, rule 45(1) Conduct of Referendums (England) Rules 2012, rule 45(1) Conduct of Referendums (Wales) Rules 2008, rule 45 Neighbourhood Planning Referendums Rules 2012

¹⁸ SI 2012/1917 Sch 2 Rule 59; Representation of the People (England and Wales) Regulations 2001 (SI 2001/341) Reg 91

¹⁹ Rule 59 Schedule 3 of the PCCE Order 2012, Regulation 91(1)(b), (3A) and (3B) 2001 Regulation

²⁰ PCC Rules 2012 Sch 2 rules 55, Reg 87 2001 Regulations

²¹ PCC Rules 2012 sch 3 rule 65, Reg 51 of the 2001 Regulation

²² Rule 37 Sch 4 of the PCCE Order 2012,Rule 43(2) Sch 3 Local Elections (Principal Areas) (England and Wales) Rules 2006, rule 43(2) Sch 3 Local Elections (Parishes and Communities) (England and Wales) Rule 2006, Rule 45(2) Sch 3 Combined Authorities (Mayoral Elections) Order 2017, rule 45(2) Sch 3 Local Authorities (Mayoral Elections) (England and Wales) Regulations 2007, rule 35(2) Sch 5 Neighbourhood Planning

(Referendums) Regulations 2012, rule 36(2) Sch 5 Local Authorities (Conduct of Referendums) (England) Regulations 2012

²³ Rule 62 of the PCCE 2012 Order, Rule 50(1)(c) Principal Areas Rule s2006, rule 50(1)(c) Parishes and Communities Rules 2006

²⁴ SI 2006/3304 Sch 3 Rule 50; SI 2006/3305 Sch 3 Rule 50; SI 2007/1024 Sch 3 Rule 54

²⁵ SI 2006/3304 Sch 3 Rule 50

²⁶ SI 2012/1917 Sch 3 Rule 62

²⁷ SI 2006/3305 Sch 3 Rule 50

²⁸ SI 2007/1024 Sch 3 Rule 54

²⁹ SI 2007/1024 Sch 3 Rule 55

³⁰ Rule 55(1) Mayoral Elections Rules 2007

³¹ Rule 59(3)(b) Combined Mayoral Elections Rules 2017

³² SI 2012/323 Sch 5 Rule 43

³³ Rule 43(b) and (c) Conduct of Referendums (England) Rules 2012, Conduct of Referendums (Wales) Rules 2008

³⁴ SI 2012/2031 Sch 5 Rules 42 and 43

³⁵ Rule 42 Neighbourhood Planning Referendums Rules 2012

³⁶ Rule 43(4)(b) Neighbourhood Planning Referendums Rules 2012

³⁷ Rule 43(5)(d) Neighbourhood Planning Referendums Rules 2012

³⁸ SI 2012/1917 Sch 2 Rule 59; SI 2001/341 Reg 91

³⁹ SI 2001/341 Reg 91

⁴⁰ SI 2012/1917 Sch 2 Rule 59(5) and (6)

⁴¹ Section 36(4) Representation of the People Act (RPA) 1983

⁴² Section 36(5) RPA 1983

⁴³ Section 36(4C) RPA 1

⁴⁴ Section 81(1) RPA 1983

⁴⁵ Section 81(1) RPA 1983

⁴⁶ Representation of the People Act 1983 (RPA 1983) s81 and 82

⁴⁷ RPA 1983 s 89

⁴⁸ RPA 1983 s90

⁴⁹ RPA s87A

⁵⁰ Section 87A(1)(c) RPA 1983 as amended by Regulations 3(4) and (4) and Sch 2 Local Authorities (Mayoral Elections) (England and Wales) Regulations 2007

⁵¹ Section 87A(1)(c) RPA 1983 as amended by Article 3(2) and (4) and Sch 2 Paragraph 1(24) Combined Authorities (Mayoral Elections) Order 2017

⁵² PCC Rules 2012 art 40

⁵³ RPA 1983 s 128

⁵⁴ RPA 1983 s 127

⁵⁵ PCC Rules 2012 Sch 9 and RPA 1983 s 128

⁵⁶ PCC Rules 2012 Sch 9 and RPA 83 s127

⁵⁷ RPA 83 s128 and PCC Rules 2012 sch 9

⁵⁸ RPA 1983 s129

⁵⁹ By virtue of s2(2A) and (2B) LGA 1972 and s107A(6) Local Democracy, Economic Development and Construction Act 2009