

Senedd election

Guidance for candidates and agents

Part 6 of 6 – After the declaration of results

January 2016 (updated October 2020)

This document applies to the Senedd elections. Our guidance and resources for other elections in the UK can be accessed from our website at: <https://www.electoralcommission.org.uk/i-am-a/candidate-or-agent>

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Essential information

This section of the document contains our guidance on what happens after the results of a Senedd election have been announced. Supplementary information, which may only be relevant to some candidates, is provided at the back of this document. You can also view this supplementary guidance by clicking on the links within this document or by clicking on the chapter heading on the contents page.

We are here to help, so please contact us if you have any questions.

See our [Overview document](#) for contact details.

In this document, we use 'you' to refer to all types of candidates at elections to the Senedd. We refer to candidates who are not included on a party list at the regional election as 'individual regional candidates'.

We use 'must' when we refer to a specific requirement. We use 'should' for items we consider to be minimum good practice, but which are not legal or regulatory requirements.

Deadlines mentioned in this document are generic and we have published a generic election timetable on our website.

For scheduled elections, we will publish an election timetable containing the specific deadlines for those polls which you can download from our [website](#).

Oath of allegiance or affirmation and information for new Members

1.1 If elected, you will receive information explaining the process for taking up your seat as a Member of the Senedd. This will cover practical issues such as when you can take the oath or make the affirmation and who to contact if you have any questions.

1.2 If elected, staff of the Senedd Commission will also give you advice and assistance so you can familiarise yourself with your role and with the way the Senedd works.

1.3 Before a person can sit and vote in the Senedd they must take the oath of allegiance or make an affirmation to the monarch. This will take place at the start of the new session of the Senedd.

1.4 Until a Member has taken the oath or made the affirmation, they must not do anything as a Member of the Senedd other than participate in the election of the Presiding Officer or Deputy Presiding Officer. Members of the Senedd are unable to take the oath or affirmation until confirmation of their election has been received from the Returning Officer. Arrangements will be in place for this to happen quickly.

1.5 A detailed programme of support will be available during your first few weeks as a Member of the Senedd. You will also be given advice on setting up an office in your constituency or region, taking on staff and your duties as an employer. You will be provided with an office in Tŷ Hywel and ICT equipment as soon as is practical after the election. Further information is

available on the Senedd website: <https://senedd.wales/work-opportunities/becoming-a-member-of-the-senedd/>

1.6 If you would like to discuss any of the matters above, please contact: memberlearning@senedd.wales / dysgraelodau@senedd.cymru

Return of deposit

Constituency election

1.7 Those constituency candidates who have polled more than 5% of the total number of valid votes cast in the constituency will have their deposit returned by the Constituency Returning Officer by the next working day following the declaration of result.

1.8 Those candidates who have polled equal to or less than 5% of the total number of valid votes cast in the constituency will lose their deposit.

Regional election

1.9 The deposit made by or on behalf of any individual regional candidate or registered party list that has polled more than 5% of the total number of valid votes cast at the regional election will have their deposit returned by the Regional Returning Officer by the next working day following the declaration of result.

1.10 Those individual regional candidates and registered parties that have polled equal to or less than 5% of the total number of valid votes cast in the region will lose their deposit.

Election petitions

1.11 The outcome of a Senedd election can be challenged through an election petition. For further details on challenging an election, see paragraph **1.19**.

What happens to the election paperwork after the results are announced?

1.12 After the results are declared, all election documents are securely held by the Electoral Registration Officer for a period of 12 months from the date they are received.

1.13 Most documents are available for public inspection. Please note that ballot papers are not open to public inspection. If you wish to inspect election documents, see paragraph **1.27** for further information.

Submitting your election spending returns

1.14 If you stood for election at the constituency election, within 35 calendar days of the election result being declared your election agent will need to prepare and submit an election spending return to the Constituency Returning Officer.

1.15 If you stood for election as an individual regional candidate, within 35 calendar days of the election result being declared your election agent will need to prepare and submit an election spending return to the Regional Returning Officer.

1.16 In addition, in the case of constituency and individual regional candidates, both you and your election agent will need to sign a declaration stating that the return is complete and correct to the best of your knowledge and belief.

1.17 More information on what must be included in a candidate spending return is contained in [Part 3 - Spending and donations](#). We have also produced forms which you can use to complete your return. These forms – and accompanying detailed notes explaining how to complete and submit your return – can be found under Part 3 [on our website](#).

Political parties contesting the Senedd election must also report the details of their campaign spending to us. Detailed information can be found in our [guidance document for political parties](#).

1.18 Regional party list candidates must submit a declaration to the Regional Returning Officer that the party spending return is correct. This must be done within seven working days of the party submitting their return to the Electoral Commission.

Supplementary information

Lodging an election petition

1.19 Only certain people can lodge an election petition, and only under specific circumstances.

1.20 A Senedd election petition can be issued by:

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

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

- undue election, or
- undue return

1.22 There is a separate judicial process for challenging the election of a Senedd Member on the grounds that they were or are disqualified, by application to the High Court.

1.23 The Member whose election or return is complained about must be a respondent to the petition. If the petition complains about the conduct of the Returning Officer (either the Constituency Returning Officer and/or the Regional Returning Officer) or their staff during the election, the Returning Officer(s) must also be a respondent.

1.24 Normally a petition must be presented within 21 calendar days of the name of the elected candidate being returned to

the Clerk of the Senedd. However, if the petition complains of corrupt or illegal practices involving the payment of money or other reward, or an illegal practice relating to election spending, further time may be allowed.

1.25 For any questions relating to election petitions, including to confirm the deadlines for lodging an election petition, you should contact:

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

Email: Election_Petitions@hmcts.gsi.gov.uk

Phone: 0207 947 6877

1.26 There are costs attached to an election petition. If you are considering lodging an election petition, we strongly recommend that you take independent legal advice.

Inspection and supply of election-related documents

1.27 Except for spending returns and declarations, all other election documents available for supply and inspection are retained by the Electoral Registration Officer. Contact details are available on <https://www.electoralcommission.org.uk/i-am-a/voter>.

Inspection and supply of the marked registers and lists of absent voters

1.28 The marked electoral registers and lists of absent voters show who has been issued with ballot papers, who has returned their postal vote, and who has had a proxy vote cast on their behalf.

1.29 You can inspect or obtain copies of the marked register of electors and lists of absent voters after the election if you make a written request. If you stood as a constituency candidate, you can inspect or obtain copies of the marked registers and lists of absent voters across the constituency. If you stood as an individual regional candidate or if you were a candidate on a party list who has been elected as a Regional Senedd Member you can have access to the marked registers and lists of absent voters across the region.

1.30 To inspect or obtain copies of the marked registers and lists of absent voters you must make a request in writing to the relevant Electoral Registration Officer. Contact details are available on <https://www.electoralcommission.org.uk/i-am-a/voter>.

1.31 You should be aware that you can only use the information obtained from these documents for research or electoral purposes.

1.32 The request for inspection must specify:

- which documents are requested
- the purposes for which the information in any document will be used
- where the request is to inspect the marked register or lists, any reason why inspecting the full register or unmarked lists would not be sufficient to achieve that purpose
- who will inspect the documents
- the date on which they wish to inspect the documents, and
- whether they would prefer to inspect the documents in a printed or data form

1.33 Inspection is under supervision and will be free of charge. You will not be able to take copies, but may make handwritten notes.

1.34 The request for supply must specify:

- which of the marked register or lists (or the relevant part of the register or lists) are requested

- whether a printed copy of the records or lists is requested or a copy in data form
- the purposes for which the marked register or lists will be used and why the supply or purchase of a copy of the full register or unmarked lists would not be sufficient to achieve that purpose

1.35 The requested document will be supplied for a fee of £10 plus £2 for printed and £1 for data versions per 1,000 entries.

1.36 After 12 months these documents will be destroyed, unless a court order directs otherwise.

Inspection of other election documents

1.37 You can inspect other election documents, but you will not be allowed to make any notes or take copies of these documents. The only documents that cannot be inspected are:

- the ballot papers
- the corresponding number lists
- the certificates allowing polling station staff to vote at the polling station they are working at
- nomination papers

1.38 After 12 months all of the election documents, with the exception of election spending returns, will be destroyed, unless a court order directs otherwise.

1.39 Under data protection legislation, personal data processed for any purpose shall not be kept for longer than is necessary for that purpose. If you request and are supplied with any of the information listed above, once the purpose for collecting this data has passed, you need to consider if there is a reason for you to retain that data. If there is not you should ensure secure destruction of any data held.

Nomination papers may only be inspected during the time for delivery of nomination papers, and only by those entitled to attend. Further details can be found in [Part 2a – Standing at the constituency election](#) and [Part 2b - Standing at a regional election](#).

Inspection of election spending returns

1.40 Spending returns and declarations held by the Constituency Returning Officer and Regional Returning Officer can be inspected by any person after they have been

submitted on payment of a fee of £1.50. Copies can also be made for a fee of 15p per side per page.

1.41 Spending returns and declarations are kept for two years. You can request to have them returned to you or your agent at the end of this period. If you or your agent does not want them back, the documents may be destroyed.