

Combined authority mayoral elections in England

Guidance for candidates and agents

Part 6 of 6 – After the declaration of result

March 2023

This document applies to combined authority mayoral elections in England. It does not apply to any other mayoral election or to district, borough, county, county borough or unitary authority elections, parish or community council elections, or elections to the Greater London Authority. Our guidance and resources for other elections can be accessed from our website at:

<https://www.electoralcommission.org.uk/i-am-a/candidate-or-agent/local-elections-england>

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Essential information

This section of the document contains our guidance on what happens after the result has been announced at a combined authority mayoral election. 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.

In this document, we use 'you' to refer to the candidate. 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](#). If an election is called, you will be able to obtain a copy of the specific timetable for that election from the Combined Authority Returning Officer.

We are here to help, so please contact us if you have any questions. See our [Overview document](#) for contact details.

This document does not cover [local authority mayoral elections](#) or elections for the [Mayor of London](#). You can access guidance for those elections through our website.

Data protection legislation applies to the processing of all personal data.

Please contact the [Information Commissioner's Office](#) for further information about how the current data protection legislation affects you.

Declaration of acceptance of office (if elected in Greater Manchester or West Yorkshire only)

1.1 If you are elected in Greater Manchester or West Yorkshire, where the combined authority mayor will also take on the functions of a Police and Crime Commissioner, you may not exercise Police and Crime Commissioner functions as mayor until you have made the declaration of acceptance of office.

Return of deposit

1.2 Your deposit will be returned to you by the next working day following the declaration of the result if you poll more than 5% of the total number of valid first preference votes cast across the combined authority area.¹

1.3 The deposit will be forfeited if you have polled less than, or equal to, 5% of the total number of valid first preference votes cast across the combined authority area.

Election petitions

1.4 The outcome of a combined authority mayoral election can be challenged through an election petition. For further details on challenging an election, see paragraph **1.9**.

What happens to the election paperwork after the result is announced?

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1.5 After the result is declared, all election documents are securely held by the Electoral Registration Officer for a period of 12 months.²

1.6 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 **1.15** for further information.

Submitting your election spending returns

1.7 Within 35 calendar days of the election result being declared your election agent will need to prepare and submit to the Combined Authority Returning Officer an election spending return.³ In addition, 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.⁴

1.8 More information on what must be included in the return is contained in [Part 3 - Spending and donations](#).

Supplementary information

Lodging an election petition

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

1.10 An election petition can be presented by:⁵

- a person claiming to have been a candidate at the election, or
- at least four electors (not anonymously registered electors) who had a right to vote at the election (although they need not have voted).

1.11 The allowable grounds for a petition are that⁶:

- the successful candidate was disqualified at the time of the election
- the successful candidate was not duly elected
- the election was invalidated by corrupt or illegal practices
- the election was invalidated by general corruption or the employment of a corrupt agent

1.12 Normally a petition must be presented within 21 calendar days after the date of the poll.⁷ 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.

1.13 For any questions relating to election petitions and the process for lodging petitions, including to confirm the deadlines, you should contact:

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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
Fax: 0870 324 0024

1.14 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

1.15 Except for spending returns and declarations, all other election documents available for supply and inspection are retained by the Electoral Registration Officer for each local authority in the combined authority area. Each Electoral Registration Officer will retain and make available for inspection the documents that relate to their area. Contact details for Electoral Registration Officers can be found on <https://www.electoralcommission.org.uk/i-am-a/voter>

Inspection and supply of the marked registers and lists of absent voters⁸

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

1.17 You can inspect or obtain copies of the marked register of electors and lists of absent voters after the election if you make

a request in writing to the relevant Electoral Registration Officer(s).

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

1.19 The request for inspection must specify:⁹

- 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 you wish to inspect the documents, and
- whether you would prefer to inspect the documents in a printed or data form.

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

1.21 The request for supply must specify:¹⁰

- 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

1.22 The requested document will be supplied for a fee of £10 plus £2 for printed and £1 for data versions per 1,000 entries.¹¹

1.23 Note that after 12 months these documents, held by the Electoral Registration Officer, will be destroyed, unless a court order directs otherwise.¹²

1.24 Under current data protection legislation personal data processed for any purpose shall not be kept for longer than is

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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.

Inspection of other election documents¹³

1.25 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
- the Ballot Paper Refusal List (information from this list can only be disclosed to the relevant elector or proxy on request following their refusal)¹⁴

1.26 After 12 months all of the election documents that are held by the Electoral Registration Officer, with the exception of election spending returns, will be destroyed, unless a court order directs otherwise.¹⁵

Nomination papers may only be inspected during the time for delivery of nomination papers, and only by certain people. Further details can be found in [Part 2a: Standing as an independent candidate](#) or [Part 2b: Standing as a party candidate](#).

Inspection of election spending returns¹⁶

1.27 The spending returns and declarations are held by the Combined Authority Returning Officer. Spending returns and declarations can be inspected by any person after they have been submitted. Copies can also be made for a fee of 20p per side per page.

1.28 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.

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- ¹ Rule 60(2) Schedule 1 Combined Authorities (Mayoral Elections) Order 2017
- ² Rule 64 Schedule 1 Combined Authorities (Mayoral Elections) Order 2017
- ³ Representation of the People Act 1983 (RPA 1983) s.81
- ⁴RPA 1983 s.82
- ⁵ RPA 1983 s.128
- ⁶ RPA 1983 s.127, s.164, s.165
- ⁷ RPA 1983 s.129
- ⁸ Representation of the People (England and Wales) Regulations 2001 (RPR 2001) reg.118
- ⁹ RPR 2001 reg.118(2)
- ¹⁰ RPR 2001 reg.117(3)
- ¹¹ RPR 2001 reg.120(2)
- ¹²Rule 64 Schedule 1 Combined Authorities (Mayoral Elections) Order 2017
- ¹³ RPR 2001 reg.118
- ¹⁴ Voter Identification Regulations 2022 s.32
- ¹⁵ Rule 64 Schedule 1 Combined Authorities (Mayoral Elections) Order 2017
- ¹⁶ RPA 1983 s.89