

The Electoral Commission

Code of practice for electoral observers

Issued under sections 6F and 6G of the Political Parties, Elections and Referendums Act 2000 (PPERA).

In relation to reserved elections, referendums and election petitions:

laid before each House of Parliament pursuant to section 6F(5) PERA following consultation with the Secretary of State under section 6F(4) PERA and

published under section 6F(6) PERA.

In relation to Scottish Parliamentary general elections, elections under section 9 of the Scotland Act 1998 and local government elections in Scotland:

laid before the Scottish Parliament pursuant to section 6G(5) PERA following consultation with Scottish Ministers under section 6G(4) PERA and

published under section 6G(6) PERA. In relation to general elections of Members of the Senedd and local government elections in Wales:

laid before Senedd Cymru pursuant to section 6G(6) PERA following consultation with Welsh Ministers under section 6G(5) PERA and published under section 6G(7) PERA.

About this code

This code and other guidance published by the Electoral Commission

This code is a statutory code of practice. The Electoral Commission, representatives of the Electoral Commission, accredited observers and relevant officers must have regard to this code when exercising any function relating to the observation of electoral events. This code is different from any non-statutory codes or guidance that the Electoral Commission publishes because it has been laid in the UK Parliament, Scottish Parliament and Senedd Cymru.

The Electoral Commission also publishes non-statutory guidance about the Electoral Observer Scheme and publishes up to date guidance about what elections are being held and which laws apply on its website. Where this code or any related guidance says that something must be done, this means that it is a requirement in either primary or secondary legislation. When this code refers to 'electoral events', it means those proceedings specified in section 6A of PERA.

This code does not include a full list as it is subject to change. A complete list of relevant electoral events can be found in the guidance produced by the Electoral Commission. When this code refers to 'accredited observers', it means those accredited by the Electoral Commission to observe electoral events.

When this code refers to 'individual observers', it means individuals that have been accredited by the Electoral Commission.

When this code refers to 'nominated observers', it means individuals who are on an accredited organisations' list of nominated observers.

When this code refers to 'observers', it means those accredited by the Electoral Commission to observe electoral events and Electoral Commission staff who are carrying out observation at electoral events.

When this code refers to 'relevant officers', it means those listed in section 6E PPERA. This code does not include a full list as it is subject to change. A complete list of Relevant Officers can be found in the guidance produced by the Electoral Commission.

Introduction

The Electoral Commission is responsible under the Political Parties, Elections and Referendums Act 2000 (PPERA) for accrediting individuals and organisations who wish to observe electoral processes at elections, relevant referendums and certain recall petitions held in the United Kingdom. The Electoral Commission is also required to produce a code of practice on attendance of observers at elections.

Purpose of this code

This document outlines the accreditation process, as well as the rights and obligations of observers at electoral events in the UK. Section 6A of PPERA allows accredited observers to attend the proceedings set out in Section 3 as they relate to electoral events in the UK set out in legislation and listed in Electoral Commission guidance. The entitlement of accredited observers to attend proceedings at electoral events does not extend to observation of the Electoral Commission carrying out its statutory duties, or the electoral registration functions of a local authority. The code explains how to become an accredited observer including eligibility requirements and the standards of behaviour expected from observers. The code also provides guidance for electoral officials in respect of working with observers. This code applies to accredited individuals, accredited organisations and those representing them, and Electoral Commission staff carrying out electoral observation.

The application process

Eligibility

There are two types of accredited observer at electoral events in the UK: individuals and observer organisations. Individuals and organisations can be accredited to observe the poll, verification, the count, and the issue or receipt of postal votes at electoral events. Anyone over the age of 16 can apply to be an accredited observer

Any organisation can apply to be an accredited organisation. An accredited organisation may nominate individuals to attend electoral events on their behalf. The Electoral Commission may require accredited organisations to carry out checks on individuals prior to their nomination and may limit the number of observers an organisation may nominate at any one time. An individual cannot be a nominated observer for more than one organisation at any one time.

Accredited observers are required to act with political impartiality at all times during their period of accreditation.

The Electoral Commission maintains a public register of accredited observers which is published online. This public register is the only official list of accredited observers and includes the name of all accredited observers.

All those entered on the register will be issued with identification by the Electoral Commission. Full details of the form of identification will be set out in the guidance that accompanies this code.

Application

The Electoral Commission is responsible for accrediting individuals and organisations to observe electoral events in the UK.

All applications to be an accredited observer must be made to the Electoral Commission. Before applying, applicants should read this Code of Practice and the guidance produced by the Electoral Commission for electoral observers.

Applications can be submitted at any time. The Electoral Commission may set deadlines for applications ahead of significant electoral events. Applications received after these deadlines cannot be guaranteed to be assessed ahead of the electoral event.

Applicants should complete their applications according to the process set out in the guidance produced by the Electoral Commission for electoral observers.

If an application is refused, the reason(s) for refusal will be provided in writing. There is a right of appeal.

Decision making criteria

Before granting an application, the Electoral Commission must be satisfied that the applicant is eligible to be an observer and will be able to comply with the requirement for political impartiality.

An individual is eligible to be an observer if they:

- are over the age of 16
- have not been found or reported guilty (under the Representation of the People Act 1983 or any other UK electoral legislation) of a corrupt or illegal electoral practice anywhere in the UK; and
- have not had accreditation revoked by the Electoral Commission within the last five years.

An application may be refused if the Electoral Commission is not satisfied that the applicant is politically impartial.

An application may be refused if the Electoral Commission is not satisfied that the applicant will not disrupt the electoral proceedings or cause reputational harm to the Electoral Commission or the Electoral Observer Scheme.

The Electoral Commission's guidance includes further details about the decision-making criteria.

Standards for observers

All accredited observers are expected to comply with the standards of behaviour set out in this code and Electoral Commission guidance.

Accredited observers who fail to abide by the standards of behaviour set out in this code may have their accreditation revoked.

Conduct of electoral observers

All accredited observers must abide by the following principles:

- Respect the laws of the United Kingdom and the authority of electoral bodies
- Maintain strict political impartiality at all times
- Maintain the secrecy of the ballot
- Not obstruct the electoral process
- Provide appropriate identification when required
- Maintain the accuracy of observations and professionalism in drawing conclusions
- Maintain proper personal behaviour.

Failure to meet the standards

The Electoral Commission will revoke accreditation if an individual observer, organisation or nominated observer is found or reported guilty (under the Representation of the People Act 1983 or any other electoral legislation in the United Kingdom) of a corrupt or illegal electoral practice anywhere in the United Kingdom.

Accredited observers who exhibit disruptive behaviour at an electoral event can be removed from electoral proceedings.

Accredited observers must respect the authority of Returning Officers, Presiding Officers and Counting Officers. The power of relevant officers to remove accredited observers for disruptive behaviour or misconduct is in addition to their general power to keep order at the relevant electoral proceeding. Accredited observers are subject to the lawful directions of Relevant Officers. If an accredited observer is removed from a particular electoral proceeding, the Electoral Commission may revoke their accreditation if it is considered that the individual was not abiding by this Code and the standards set out in it.

Organisations whose nominated observers exhibit disruptive behaviour may also have their accreditation revoked if the organisation does not promptly remove the individual from their list of nominated individuals.

The individual or organisation will be notified in writing of the outcome of the accreditation review. Where accreditation is revoked, the reason(s) for revocation will be set out in writing. There is a right of appeal.

Facilitating electoral observation

Access to electoral proceedings

Electoral observation is a legitimate and valuable part of the electoral process and care should be taken not to hinder or obstruct any accredited observers or Electoral Commission staff carrying out observation.

Accredited observers are entitled to observe proceedings at electoral events. They are entitled to observe:

- The issue or receipt of postal ballot papers
- The poll

- The verification and counting of votes.

Individual observers accredited by the Electoral Commission are also entitled to attend the count at a recall petition.

Managing access to electoral proceedings

Relevant Officers may limit the number of accredited observers who may be present at any one time at an electoral proceeding.

Relevant Officers may not exclude or limit the number of Commission staff observers who may be present at an electoral proceeding. Relevant Officers must not exclude all accredited observers from electoral proceedings. Numbers should only be limited where the presence of accredited observers is, or is likely to:

- hinder the conduct of electoral proceedings;
- jeopardise the secrecy of the ballot;
- compromise the security of the venue or attendees; or
- compromise the health and safety of attendees.

A decision to limit the number of accredited observers in attendance at electoral proceedings must not be taken unreasonably. The duty on Relevant Officers to allow attendance of accredited observers and Commission staff observers does not detract from the duty to comply with the relevant election and referendum rules concerning the attendance of people at electoral proceedings. The Commission provides detailed guidance for Relevant Officers on their wider duties and obligations.

Dealing with disruptive behaviour

Relevant Officers have a general power to keep order at electoral proceedings. Relevant Officers may, at any time during electoral proceedings, remove an accredited observer who exhibit disruptive behaviour.

Further guidance

The Electoral Commission also publishes non-statutory guidance for accredited observers and for relevant officers. This sets out further details about the Electoral Observer Scheme, what elections are being held, and which laws apply. These can be found on the Electoral Commission's website