

Overview

Attending key EU Referendum proceedings

This document is for campaigners who want to know what to expect when attending key proceedings at the EU Referendum.

Contents:

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[The count](#)

Translations and other formats

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Terms and expressions we use

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

You do not have to follow this guidance, but if you do, you will normally be doing enough to comply with the law.

Agents at the EU Referendum

This document explains:

What agents, once appointed, can expect to see at key referendum proceedings.

The document covers:

- attendance at the opening of postal votes (and issue in Northern Ireland)
- attendance at the poll
- attendance at the count

Related documents:

- [Agents at the EU Referendum](#)
-

Summary

If campaigners wish to attend key referendum proceedings they need to appoint a referendum agent in the voting area where they want to attend. The referendum agent can then appoint other agents to attend specific processes.

The referendum and other agents they have appointed can observe key proceedings relating to the referendum, including the opening of postal votes, the poll and the count in that area.

This document takes you through what agents can expect to see at the proceedings they are entitled to attend.

Introduction

1.1 If campaigners wish to attend key referendum proceedings they need to appoint a referendum agent by **12 noon on 31 May 2016** in the voting area where they want to attend. Once appointed, the referendum agent will be able to attend key proceedings and appoint other agents to attend these proceedings too. For further information on appointing agents, see our document on [Agents at the EU Referendum](#).

Postal voting

1.2 In Northern Ireland, some of the postal voting rules are different to those in Great Britain and Gibraltar. Where there are differences, these are highlighted.

Applying to vote by post

1.3 In Northern Ireland, anyone who hasn't already arranged to vote by post in elections will need to apply to vote by post in the EU Referendum by submitting an application to their Electoral Registration Officer.

1.4 **In Great Britain and Gibraltar** applications must be received by 5pm on 8 June 2016. Those who have been appointed to vote as a proxy on behalf of someone else may also apply for a postal vote by the same deadline.

1.5 **In Northern Ireland** applications must be received by 5pm on 3 June 2016. Those who have been appointed to vote as a proxy on behalf of someone else may also apply for a postal vote by applying by the same deadline.

Timing of postal vote issues

1.6 The Chief Counting Officer has directed the window for the despatch of the first batch of postal votes to overseas and UK addresses:

- despatch of postal votes – overseas: between 23 May and 27 May 2016
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- despatch of postal votes – UK: between 27 May and 3 June 2016

1.7 There will be subsequent issues of postal votes in the lead-up to polling day, with a final batch issued to electors around 16 June 2016.

Voting by post

1.8 Once postal voters receive their ballot paper, they will mark it and:

- **in Great Britain and Gibraltar** – complete the postal voting statement by providing their signature and date of birth
- **in Northern Ireland** – complete and sign the declaration of identity in the presence of a witness, provide their date of birth and ask their witness to sign the declaration.

1.9 Completed postal votes must be received by the Counting Officer before 10pm on polling day.

What does the postal ballot pack contain?

- **Envelope A** is the envelope that the elector returns their ballot paper in. It is marked with the letter 'A' and the words 'ballot paper envelope'.
 - **Envelope B** is the envelope that the elector will use to return the ballot paper envelope and the postal voting statement or, in Northern Ireland, the declaration of identity. It is marked with the letter 'B' and the return address.
 - **The postal vote statement** or, in Northern Ireland, the **declaration of identity** contains the elector's name, the number of the ballot paper issued to them, instructions on how to vote by post and space for the elector to sign and provide their date of birth. Additionally, in Northern Ireland, the declaration of identity includes space for a witness to sign.
 - **The ballot paper**
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Attending postal vote proceedings

1.10 A postal voting agent is allowed to attend and observe the opening of returned postal votes and, in the case of Northern Ireland, also attend the issue of postal votes. A postal voting agent has a right to observe, but not to interfere with the processes.

1.11 A referendum agent appointed for the voting area is entitled to do whatever the postal voting agent is entitled to do and may therefore also attend the relevant postal vote proceedings.

The issue of postal votes – Northern Ireland only

1.12 The Electoral Office of Northern Ireland have published on their website the [notices of postal vote issue and opening times](#), which include the maximum number of postal voting agents that may be appointed at each session.

1.13 The Deputy Counting Officer will explain the postal vote issuing process to agents and may provide information on the procedures to be followed. Agents should comply with any instructions that the Deputy Counting Officer has given.

The opening of postal votes

1.14 **In Great Britain and Gibraltar**, at each opening session the Counting Officer will decide whether or not the date of birth and signature provided by electors on their postal voting statements match the signature and date of birth previously provided and held on their records. If there is a mismatch, the postal vote will be rejected.

1.15 **In Northern Ireland**, a Deputy Counting Officer will decide whether or not the date of birth and signature provided by electors on their declaration of identity match the signature and date of birth previously provided and held on record. If there is a mismatch, the postal vote will be rejected. The Deputy Counting Officer will also check to ensure that the signature of a witness has been included on the declaration.

1.16 A postal voting agent has a right to observe, but not to interfere with the opening process. A postal voting agent can,

however, object to the decision to reject a postal vote. It will not affect the Counting Officer's (or Deputy Counting Officer's) decision, but they will record any objections by marking the postal voting statement with the words 'rejection objected to'.

1.17 Like postal voting agents, the referendum agent is also entitled to object to a rejection.

1.18 The Counting Officer (or Deputy Counting Officer) will explain the postal vote opening process to agents and may issue agents with information on the procedures to be followed, including instructions on what agents can and cannot do at the session. Agents should comply with any instructions that the Counting Officer (or Deputy Counting Officer) has given.

Requesting information relating to the levels of returned postal votes

1.19 Referendum agents and postal voting agents may make a request to the Counting Officer for information on the number of postal ballot papers that have been returned.

1.20 In practice, the number will be the number of postal votes that have been opened, as it will only be at opening sessions that the number of covering envelopes received back will be counted. This number will not exactly match the number of postal votes going through to the count, as some covering envelopes will not include a ballot paper and others will have their contents rejected during the opening process. Nevertheless, this figure will provide campaigners with an indication of levels of returns.

1.21 There are no restrictions on the use of this statistical information and campaigners may use and publicise this information before the close of poll if they wish.

Duty to maintain secrecy at the opening of postal votes

1.22 Ballot papers will be kept face down throughout a postal vote opening session. Anyone attending an opening session must not attempt to see how individual ballot papers have been marked. It follows therefore that keeping a tally of how ballot papers have been marked is not allowed.

For more information see:

- [Secrecy requirements – postal voting](#)

1.23 In addition, anyone attending a postal vote opening must not attempt to look at identifying marks or numbers on ballot papers, disclose how any particular ballot paper has been marked or pass on any such information gained from the session. Anyone found guilty of breaching these requirements faces a fine or imprisonment.

When are postal votes opened and how will referendum agents know when an opening session is taking place?

1.24 It is likely that several opening sessions will take place before polling day, as well as on polling day itself.

1.25 The Counting Officer must give referendum agents at least 48 hours' notice of when and where the sessions will take place. They will also tell referendum agents how many postal voting agents will be allowed to attend each session.

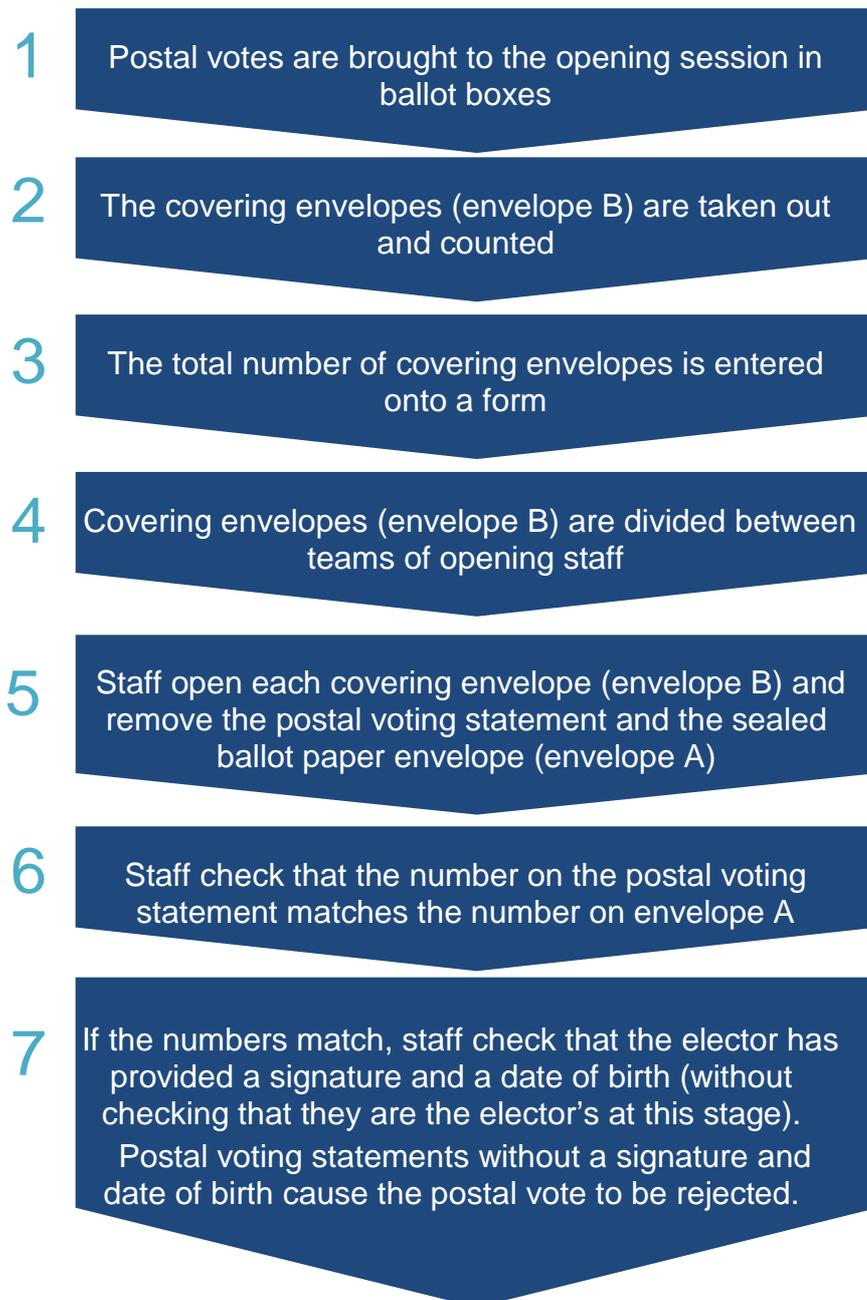
1.26 **In Great Britain and Gibraltar** there will be a final opening session after the polls have closed to open any postal votes handed in to polling stations. This session may be held at the count venue or in another location. The Counting Officer will advise referendum agents of the location for the final opening.

1.27 **In Northern Ireland** postal votes cannot be handed into polling stations.

1.28 Below are two flowcharts summarising the postal vote opening processes in Great Britain and Gibraltar on the one hand, and Northern Ireland on the other:

Flowchart of the opening session process in Great Britain and Gibraltar

1.29 The postal vote opening process in Great Britain and Gibraltar can be summarised as follows:



A very small number of voters do not need to sign their postal voting statement. These voters will have been granted a waiver because they are unable to sign or provide a consistent signature due to a disability or an inability to read or write. The postal voting statement sent to such electors will make this clear.

- 8 If the statement or ballot paper envelope is missing, or the numbers on the statement and ballot paper envelope do not match, the document(s) are set aside, recorded and stored in secure packets
- 9 The Counting Officer must verify the dates of birth and signatures provided on the statements
- 10 The Counting Officer must be satisfied that the dates of birth and signatures on the statements match those previously provided and held on record
- 11 Following verification of the signatures and dates of birth, postal voting statements are removed from the tables
- 12 Staff open the ballot paper envelopes (envelope A) and remove the ballot paper
- 13 Staff check that the number on the back of the ballot paper matches the number on the ballot paper envelope (envelope A)
- 14 Valid ballot papers (**not** votes) are counted and the total number is recorded
- 15 All valid ballot papers are placed into ballot boxes and stored securely before being delivered to the count venue for counting after the close of poll

The Counting Officer will match up postal voting documents received separately, provided the statement is completed correctly and received by the close of poll.

Ballot papers must be kept face down throughout this process.

Valid ballot papers are those ballot papers whose related postal voting statement has passed the signature and date of birth checks.

Invalid ballot papers are set aside and stored in secure packets.

Invalid and rejected postal voting statements in Great Britain and Gibraltar

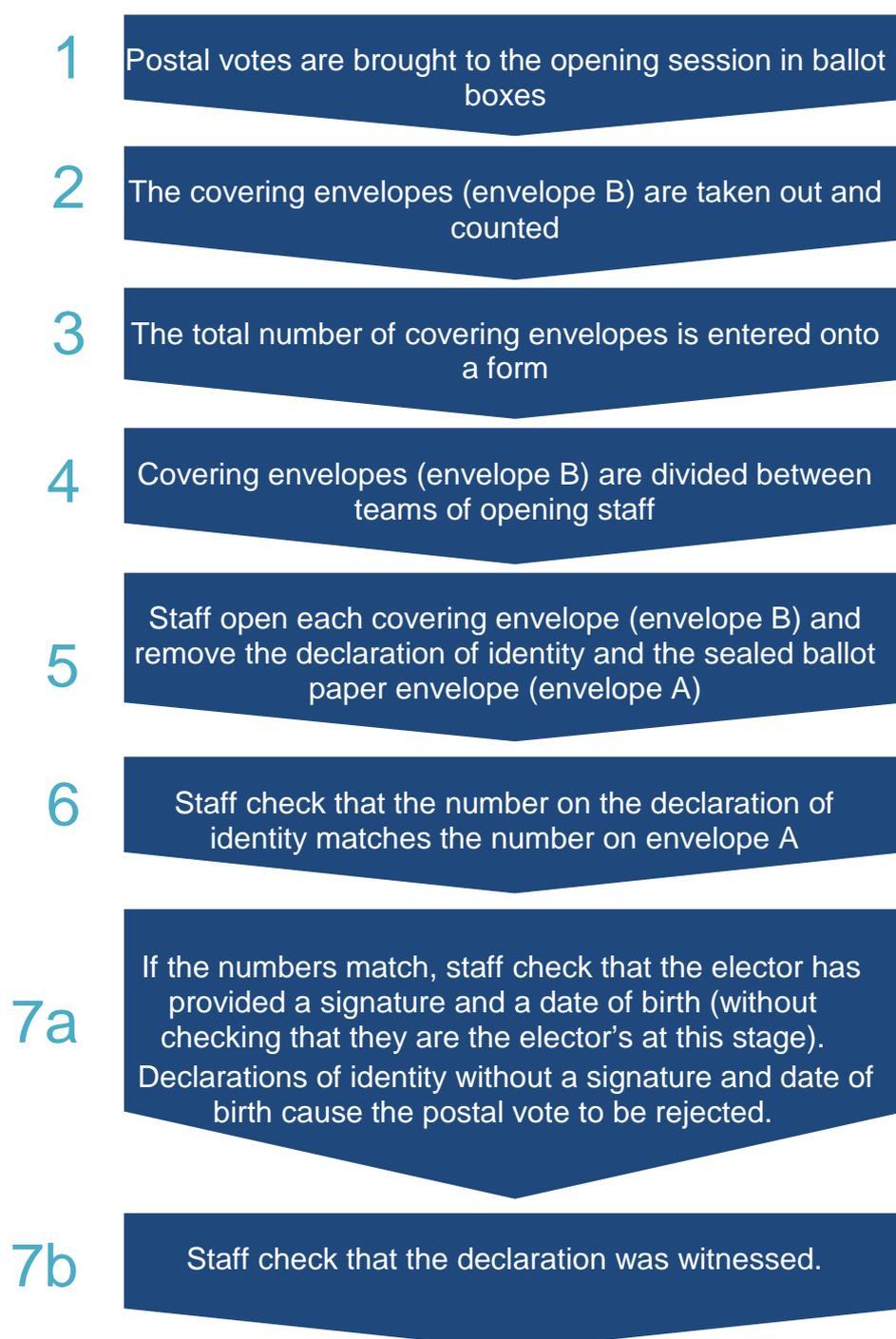
1.30 Unless a waiver has been granted, the Counting Officer will reject a postal voting statement if a signature and/or date of birth is missing or if a signature and/or date of birth does not match that provided on the original application.

1.31 Rejected statements are attached to the relevant ballot paper or ballot paper envelope. They are marked as 'rejected' and shown to any agents present.

1.32 Agents can object to the Counting Officer's decision to reject any postal vote and, if they do, the words 'rejection objected to' are added to it. However, the Counting Officer's decision is final and the postal vote will remain rejected.

Flow chart of the opening session process in Northern Ireland

1.33 The postal vote opening process in Northern Ireland can be summarised as follows:



- 8 If the declaration **or** ballot paper envelope is missing, or the numbers on the declaration and ballot paper envelope do not match, the document(s) are set aside, recorded and stored in secure packets
- 9 The DCO must verify the dates of birth and signatures provided on the declarations
- 10 The DCO must be satisfied that the dates of birth and signatures on the declarations match those previously provided and held on record
- 11 Following verification of the signatures and dates of birth, declarations of identity are removed from the tables
- 12 Staff open the ballot paper envelopes (envelope A) and remove the ballot paper
- 13 Staff check that the number on the back of the ballot paper matches the number on the ballot paper envelope (envelope A)
- 14 Valid ballot papers (**not** votes) are counted and the total number is recorded
- 15 All valid ballot papers are placed into ballot boxes and stored securely before being delivered to the count venue for counting after the close of poll

The DCO will match up postal voting documents received separately, provided the declaration of identity is completed correctly and received by the close of poll.

Invalid and rejected postal voting statements Northern Ireland

1.34 The Deputy Counting Officer will reject a declaration of identity if:

- it isn't witnessed
- a signature and/or date of birth is missing
- a signature and/or date of birth does not match that previously provided by the elector and held on record

1.35 Rejected declarations are attached to the relevant ballot paper or ballot paper envelope. They are marked as 'rejected' and shown to any agents present.

1.36 Agents can object to the Deputy Counting Officer's decision to reject any postal vote and, if they do, the words 'rejection objected to' are added to it. However, the Deputy Counting Officer's decision is final and the postal vote will remain rejected.

Polling stations

1.37 Referendum agents are entitled to observe proceedings inside polling stations. Additionally, they may appoint agents to attend polling stations. See [Agents at the EU Referendum](#) for details on how to appoint polling agents.

Who can vote at polling stations?

1.38 Most people choose to vote in person at their polling station. Any person on the polling station's electoral register can vote at the polling station at the referendum, unless:

- they are a registered postal voter
- they are a registered proxy voter and their proxy has already voted for them or has applied to vote on their behalf by post
- they are not 18 years of age or older on polling day
- they are a citizen from certain other EU countries and don't hold any other nationality that would entitle them to vote at the referendum. Citizens from Ireland, Malta and Cyprus, although also EU citizens, are entitled to vote at the referendum.

The only electors who need to bring a poll card with them to vote are those who have registered anonymously because of risks to their safety.

1.39 Electors will receive a poll card before the referendum telling them where and when they can vote. Electors do not need to take their poll card to the polling station in order to vote.

1.40 Registered postal voters cannot be issued with a ballot paper at the polling station.

1.41 **In Great Britain and Gibraltar** voters can return their completed postal ballot pack to their polling station on polling day. Alternatively, they may return their postal vote to polling stations in the voting area (the elections office will be able to provide details) or by hand to the Counting Officer at the elections office. Postal ballot packs returned to polling stations must be handed to polling station staff and not placed in the ballot box.

1.42 **In Northern Ireland** voters cannot return their completed postal votes to a polling station.

Polling station opening hours

1.43 Polling stations will be open on polling day between 7am and 10pm.

Finding the location of polling stations

1.44 The Counting Officer must give public notice of the location of polling stations no later than 1 June 2016. They will give a copy of this notice to referendum agents soon after this.

What does a polling agent do?

1.45 Polling agents have a number of important roles to play on polling day. They can:

- be present in the polling station before the opening of the poll to watch the Presiding Officer show the empty ballot box before it is sealed
- detect personation and prevent people voting more than once in the referendum (other than as proxies)
- be present when the Presiding Officer marks a ballot paper at the request of an elector who needs assistance marking a ballot paper because of a disability or an inability to read or write
- report to the referendum agent any improper activities and keep notes, if required, for giving evidence in court
- be present at the close of poll when the various packets of documents are sealed
- attach their seal to any packets made up by the Presiding Officer at the close of poll, including the ballot box

1.46 The referendum agent can also do anything that a polling agent is entitled to do.

Any voters waiting in a queue at their polling station at 10pm will be allowed to vote, even if they haven't been issued with a ballot paper.

While a polling agent can observe the poll, they do not have to be present in a polling station for polling and related procedures to take place.

Personation is when an individual votes as someone else (whether that person is living or dead, or is a fictitious person).

Polling agents' seals cannot be attached to ballot boxes at the start of or during the poll.

Requesting information on the number of ballot papers issued at a polling station

1.47 In **Great Britain**, referendum agents and polling agents present in a particular polling station may request that polling station staff provide them with information on the number of ballot papers that have been issued in that polling station. Polling station staff will not make or provide any calculation of turnout.

1.48 Polling station staff will provide information on the number of ballot papers that have been issued wherever possible, but will not deal with such a request where to do so, in their opinion, would negatively impact on any voters who are in a queue or waiting to be issued with a ballot paper. Where polling station staff cannot deal with a request at a particular time, they will advise the agent to return later, when the information will be provided where possible.

1.49 Agents can make more than one request throughout polling day, but staff will not deal with requests from a particular agent more frequently than once an hour.

1.50 In **Northern Ireland**, as at an election, polling station staff will display a notice of the number of ballot papers issued in that polling station by the polling station entrance at 12 noon, 5pm and 9pm.

1.51 In **Gibraltar**, information on the number of ballot papers issued will be made available for the voting area as a whole, broken down by polling station. This reflects normal practice at elections in Gibraltar. The information will be available online at <http://www.parliament.gi/referendum>.

1.52 There are no restrictions on the use of this statistical information and campaigners may use and publicise this information before the close of poll if they wish.

Maintaining the secrecy of the ballot

1.53 Anyone attending a polling station has a duty to maintain the secrecy of the ballot. In particular, the following information must not be disclosed:

For more information see:

[Secrecy requirements – the poll](#)

- the name or electoral number of who has or has not voted
- the number or other unique identifying mark on the ballot paper

1.54 You must also not try to ascertain how a voter has voted or what answer they are about to vote for.

1.55 A polling agent can mark off on their copy of the register of electors those voters who have applied for a ballot paper. If the polling agent leaves the polling station during the hours of polling, they must leave the marked copy of the register in the polling station to ensure that secrecy requirements are not breached.

1.56 Any person found guilty of breaching the secrecy requirements faces a fine or imprisonment.

What is the normal voting process?

1.57 The normal voting process at a polling station is straightforward and can be summarised as follows:

Polling station staff will...

- ask voters for their name and address (and, in Northern Ireland, check their photographic identification), and make sure they are eligible to vote
- mark a straight line against the voter's entry on the register of electors
- call out the number and name of the elector
- write the elector number on a list next to the number of the ballot paper to be issued
- ensure the ballot paper includes the official mark (e.g. a barcode or watermark)
- fold the ballot paper and then hand it to the voter unfolded

The voter will...

- mark the ballot paper in private in the polling booth
- fold the ballot paper and show the ballot paper number and unique identifying mark on the back of the ballot paper to the Presiding Officer
- place the ballot paper in the ballot box and leave the polling station

1.58 The Presiding Officer can assist anyone who is unable to mark the ballot paper themselves. Alternatively, a voter may bring along someone they know and trust to assist them in marking their vote. A person can only assist a maximum of two voters at the referendum.

1.59 The Counting Officer may arrange for the collection of any postal votes that electors have handed in at polling stations throughout polling day. This does not apply in Northern Ireland, where postal votes cannot be returned to polling stations. The Presiding Officer must seal any returned postal votes in a packet before they are collected. Any agents present can add their own seal to the packet if they wish.

Tellers

1.60 Tellers are people who stand outside polling places and record the elector numbers of electors who have voted. They can then identify likely supporters who have not voted and encourage them to vote before the close of poll.

1.61 Tellers have no legal status and voters can refuse to give information to them. Tellers do not feature at elections or referendums in Northern Ireland.

1.62 We have produced a factsheet of [tellers' dos and don'ts](#), as well as more comprehensive [guidance on the activities of tellers](#). The guidance aims to ensure that everyone knows precisely what is and is not acceptable and is designed to promote appropriate standards of conduct. The Counting Officer may also provide their own version of guidance to tellers.

The Counting Officer is in charge of the conduct of the referendum. If they are concerned by the activities of tellers, they can ask tellers to comply with agreed behaviour or leave the polling place.

What happens after polls close?

1.63 Once all voters who have been issued with a ballot paper have voted, the ballot box is sealed by the Presiding Officer and polling agents can add their own seal if they wish. After the Presiding Officer has completed all of the paperwork, the sealed ballot box is taken to the count venue.

The count

1.64 Counts will take place in each voting area across the UK and Gibraltar. Referendum agents are entitled to observe the count in the voting area they have been appointed to and may also appoint agents to attend the count in that voting area. See [Agents at the EU Referendum](#) for details on how to appoint counting agents.

What does a counting agent do?

1.65 Counting agents have a number of important roles to play at the count:

- they observe the counting process and make sure that it is accurate
- they can draw to the attention of count staff any doubtful ballot papers
- if they disagree with a decision by the Counting Officer to reject a ballot paper, they can ask the Counting Officer to mark on the ballot paper “rejection objected to”
- if a count is suspended for any reason, counting agents can add their seals when the Counting Officer seals the ballot boxes and envelopes
- if they are the ‘designated counting agent’, they can request a recount at voting area level

1.66 A referendum agent can do anything a counting agent is allowed to do, including requesting voting area recounts.

When and where will the count take place?

1.67 The Chief Counting Officer has directed that the verification and counting processes begin at 10pm UK time. The Counting Officer will notify the counting agents that have been appointed in their voting area of the location of the count.

How the votes will be counted

Check-in

- 1 The Counting Officer's staff deliver the ballot boxes from the polling station to the count venue
- 2 The Counting Officer's staff check in ballot boxes as they arrive at the count venue

Verification

- 3 Ballot boxes are emptied onto tables and the empty boxes are shown to agents
- 4 Staff count the ballot papers from each polling station
- 5 Staff verify that the number of ballot papers matches the number of papers issued, as recorded on the Presiding Officers' ballot paper accounts
- 6 The verified ballot papers are shown to referendum and counting agents face up
- 7 The Counting Officer determines the reasons for any discrepancies and produces a final verified total
- 8 The Counting officer produces a statement of the verification. Agents can view or copy this statement if they wish
- 9 Staff sort ballot papers into votes for each answer to the referendum question i.e. 'Remain' and 'Leave'

Counting of the votes

- 10 Staff count the number of votes cast for each answer to the referendum question i.e. 'Remain' and 'Leave'

The Counting Officer can refuse to recount if they think the request is unreasonable.

12

Recounts

1.68 A recount may only be requested at voting area level and the request may only be made by a referendum agent appointed to the voting area, or a counting agent specifically designated for this purpose. Information on their appointment is included in [Agents at the EU Referendum](#).

1.69 There is no provision for a regional or national recount. Once the local totals have been submitted to the Regional Counting Officer and approved, no recount can take place.

What if the vote on a ballot paper is not clear?

1.70 A ballot paper will not be counted if:

- it does not bear the official mark
- a vote is given for both answers to the referendum question
- anything is written or marked by which the voter can be identified
- it is unmarked or does not indicate the voter's intention with certainty

1.71 The Counting Officer must draw up a statement showing the number of ballot papers rejected for these reasons.

1.72 If the voter's intention is clear on a ballot paper and the voter cannot be identified by any mark or writing, it will not be void if a vote is marked:

- elsewhere than in the proper place
 - by other means than a cross (e.g. a tick)
-

- by more than one mark

1.73 The Counting Officer must mark the word “rejected” on any ballot paper that is rejected. They must add the words “rejection objected to” if a counting agent objects to the Counting Officer’s decision. For more details on the adjudication of doubtful ballot papers, see the [supplementary information](#) section.

Collation of totals and aggregation of the result

1.74 The referendum will produce a single result for the whole of the UK and Gibraltar, which will be calculated from the collation of the totals for each of the 382 voting areas. The Chief Counting Officer will use a secure electronic results collation system for the collation of the local and regional totals.

1.75 Once the Counting Officer has shared the provisional total with the agents and they are satisfied that their figures are accurate, they will relay their count total to the Regional Counting Officer. In Northern Ireland, the count total for Northern Ireland will be relayed by the Counting Officer directly to the Chief Counting Officer. Once the figures are approved by the Regional Counting Officer (or Chief Counting Officer in the case of Northern Ireland), the Counting Officer will be able to declare their local count totals.

1.76 The Regional Counting Officer will collate the local totals for all voting areas in their electoral region to produce a regional total. They will relay the regional total to the Chief Counting Officer who, if satisfied that it is accurate, will approve the figures and authorise the declaration of the regional total. The Regional Counting Officer will then proceed to declare their regional total as soon as practicable after that.

1.77 The Chief Counting Officer will collate the totals from the 11 electoral regions in Great Britain and the total for Northern Ireland. Once this has been completed, the Chief Counting Officer will be able to declare the result of the referendum.

Supplementary information

Doubtful ballot papers

1.78 To assist Counting Officers, we have produced guidance on how to adjudicate votes on ballot papers that may appear doubtful. This guidance is contained in our booklet [Dealing with doubtful ballot papers](#). We have also produced [a placemat of allowed and rejected votes](#) for quick reference.

1.79 The examples given in these documents are based on the referendum rules. Please note that while these documents provide guidance for Counting Officers, each individual Counting Officer has the ultimate responsibility for making a decision on individual ballot papers. Their decision to reject a particular ballot paper during the count or recount is final and can be reviewed only via a judicial review.
