

Part E – Verifying and counting the votes

Local government and Police and
Crime Commissioner elections in
England on 5 May 2016: guidance for
Returning Officers

Published December 2015 (last updated March 2016)

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
February 2016	Added chapters 4 - 6	N/A
March 2016	Minor amendment to wording to clarify the process of liaison with the PARO at the end of the verification process when transporting ballot papers to a central count.	5.19
March 2016	Re-published to include legal references.	N/A

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1 Principles for an effective verification and count

1.1 You should ensure that your verification and count arrangements can deliver the key principles for an effective verification and count, which are as follows:

- All processes are transparent, with a clear and unambiguous audit trail.
- The verification produces an accurate result. This means that the number of ballot papers in each box either matches the number of ballot papers issued as stated on the ballot paper account or, if it does not:
 - the source of the variance has been identified and can be explained, and/or
 - the box has been recounted at least twice, until the same number of ballot papers is counted on two consecutive occasions
- The count produces an accurate result, where:
 - for single-member vacancies at a local government election, the total number of votes cast for each candidate and rejected votes matches the total number of ballot papers given on the verification statement for the election
 - for multi-member vacancies at a local government election, the total number of votes given for each candidate added to the number of rejected votes (i.e. the number of completely rejected ballots multiplied by the number of vacancies plus the number of rejected votes from those ballots rejected in part), plus the number of unused votes matches the total number of votes expected (i.e. the total number of ballot papers as given on the verification statement multiplied by the number of vacancies)
- For the Police and Crime Commissioner (PCC) election:ⁱ
 - at the first count, the total number of first preference votes cast for each candidate and rejected votes matches the total number of ballot papers given on the verification statement for the election.
 - at the second count, where required, the ballot papers on which a first preference vote was given to those candidates who did not remain in the contest equals: the total number of ballot papers containing a valid second preference vote for a continuing candidate, plus the total number of ballot papers containing a second preference vote for a candidate not

ⁱ In the case of a PCC election with two candidates, the count produces an accurate result where the total number of votes cast for each candidate and rejected votes matches the total number of ballot papers given on the verification statement for the election.

remaining in the contest, plus the rejected ballot papers at the second count.

- The verification and count are timely.
- The secrecy of the vote is maintained at all times.
- The security of ballot papers and other stationery is maintained at all times.
- The communication of information at the verification and count is clear and timely.

Mayoral referendums / neighbourhood planning referendums

For a mayoral or neighbourhood planning referendum, all references in this part to votes for a candidate should be taken to mean votes for one of the answers to the referendum question.

At a mayoral referendum, all references to 'candidates and agents' should be read as 'petition organisers' and references to 'counting agents' should be read as 'counting observers' appointed for the purposes of the referendum.

At a neighbourhood planning referendum all references to 'counting agents' should be read as 'counting observers' appointed for the purposes of the referendum

Mayoral election

A mayoral election count produces an accurate result where:

a) in the case of an election with two candidates, the total number of votes cast for each candidate and rejected votes matches the total number of ballot papers given on the verification statement for the election.

b) in the case of an election with three or more candidates:

- at the first count, the total number of first preference votes cast for each candidate and rejected votes matches the total number of ballot papers given on the verification statement for the election

- at the second count, where required, the ballot papers on which a first preference vote was given to those candidates who did not remain in the contest equals: the total number of ballot papers containing a valid second preference vote for a continuing candidate, plus the total number of ballot papers containing a second preference vote for a candidate not remaining in the contest, plus the rejected ballot papers at the second count

1.2 In addition to considering how to ensure that your processes will enable you to meet the key principles, you will need to consider other relevant practical factors that will affect the organisation and timing of the verification and count, such as:

- the geography of your area
- the size of your area
- size and capacity of venues
- cost
- transparency for candidates, agents and observers

1.3 You will also need to take into account any guidance or directions from the Police Area Returning Officer (PARO).



Guidance for PAROs on the verification, count and results collation is included in our [Guidance for Police Area Returning Officers: Delivery of key processes](#). Guidance for PAROs on planning for the election is included in our PARO our [PARO Planning guidance](#) document.

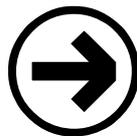
2 Preparing for the verification and counts

2.1 This chapter covers the general considerations you will need to make when preparing for the verification and counts in your area.

2.2 There are a variety of methods for arranging verification and count processes. At local government elections, it is for you as Returning Officer to decide which approach is most appropriate for your local circumstances. At the PCC elections, it is for you as LRO, in discussion with the PARO, to decide which approach is most appropriate for your local circumstances.

2.3 If you are also the PARO, you should be satisfied that the verification plans of in police area are designed and managed sufficiently to secure an accurate result in which everyone can have confidence.

2.4 In either case, your project plan should include your arrangements for the management of the verification and counts.



This guidance should be read alongside our [verification and count toolkit](#), which covers the more practical aspects of running the verification and count, as well as the decisions you will need to make on how best to manage these processes.

We recognise that there is no ‘one-size-fits-all’ approach which can be applied to running the verification and count process at an election. Every area has its own set of local circumstances that will influence the decisions that you must make in running the verification and count processes. The toolkit we have developed has been designed to ensure consistency of outcomes, following the principles set out in Chapter 1, while providing flexibility in recognition of varying local circumstances.

2.5 At the local government elections, as RO, you are responsible for the counting of votes and declaring the results for the local election.

2.6 At the PCC election, as LRO, you are responsible for the verification and counting of the votes for your voting area (unless the PARO has given notice that they will take on responsibility for this) and the transmission of the local total for the voting area to the PARO.

2.7 If you are also the PARO, you are responsible for the collation and calculation of votes given for each candidate across the PCC voting area and the declaration of the result. You may also give notice that you are taking on the responsibility for the counting of the votes.



Information about roles and responsibilities can be found in [Part A – Role and responsibilities](#) of the Commission’s guidance and in our [PARO Planning guidance](#) document.

Planning for the verification and count

2.8 As set out in [Part B – Planning and organisation](#), to plan effectively for the election, you should prepare a project plan that is treated as a ‘living document’, keeping it under regular review, and using it to monitor progress.

2.9 You should keep your plan for the resourcing and delivery of the verification and count under review, taking into account the particular context of the elections.

2.10 You should review your assumptions to ensure they continue to be realistic and robust, including your assumptions on turnout, the number of candidates, speed and capability of count staff and expected timing for completing the various count stages. Such a review will help inform a realistic assessment of whether you will be able to deliver the overall plan for the count, and whether and when it may be necessary to implement contingency plans. In all cases your plan should be flexible enough to allow you to respond if any of your assumptions change, covering what contingency actions you will take in such circumstances.

2.11 To help build confidence in your plans for the verification and count, you should, as a minimum, share information on your plan with local political parties, elected representatives and prospective candidates. To help manage expectations you should also identify in advance those decisions about the management of the count to be taken in consultation or agreement with candidates and agents, and make clear to them on what basis you will be making decisions. This may include, for example, decisions on recounts and the suspension of the count. While you should seek input from those affected or interested to inform your decision-making, ultimately the responsibility for making decisions remains with you.

Timing of the verification and count

2.12 Our [timing of election counts report](#) sets out the overarching principle that should underpin decision-making in relation to the timing of election counts, that is, the need to ensure accurate results in which voters, candidates and political parties have confidence.

2.13 For both the local government and the PCC elections, the counting of votes must begin as soon as practicable after the close of poll¹. The verification of local government and PCC elections can be carried out simultaneously, however where you are verifying both polls simultaneously, all ballot boxes must be opened and the contents verified before the counting of the votes is commenced².



At the PCC election, the PARO can direct as to the time by which the verification of ballot papers must start. You should engage with the PARO at an early stage to discuss and develop timings for all of the verification and count processes.

2.14 You should engage with local political parties, candidates and agents as part of your decision making process, so that there is a well-informed local dialogue about the timing of the counts in the context of the local circumstances. Decisions on the timing of the counts should be taken before the notice of election is published and those with an interest, including local political parties and broadcasters, should be informed at an early stage.

2.15 There may well be an expectation among candidates, parties and the media that the results will be declared as soon as possible after the close of poll. Working closely with the PARO, you will need to plan carefully how to manage the expectations of parties, candidates and the media.

2.16 The period of time specified for the counts to take place should be such that you can resource and conduct well-run count processes within it, ensuring accurate results in which voters, candidates and agents can have confidence.

2.17 Your plan should also identify key points during the count process at which you will review progress against the expected schedule. This progress review should be used to keep candidates and agents, as well as the PARO, informed of progress at the count.

Staffing and training

2.18 In order to ensure that voters can have confidence that their votes will be counted in the way they intended, you will need to put in place appropriate resources to ensure the verification and count are timely.



To be able to achieve the outcome set out in [performance standard 1](#), you will need to put in place appropriate resources to ensure the verification and count are timely.

To demonstrate that the outcome can be met you will need to set out how the verification and count is to be organised and managed, including the process you followed to arrive at your decision.



Further guidance on staffing the verification and count and the training of verification and count staff can be found in [Part B – Planning and organisation](#).

Layout and equipment at the verification and count venue(s)

2.19 Layout plans of your verification and count venue(s) should also be prepared. A good layout will be informed by the verification and count model you decide to adopt, consideration of the workflows you intend to follow and the space you will have available.

2.20 So that those attending the count can have confidence that the count process is well-managed and can have confidence in the results, you should ensure that all your processes are transparent, with everything at the verification and count carried out in clear view of all those entitled to attend.

2.21 You should ensure that all equipment, including the equipment to be used to transmit information and local totals to the PARO, is set up and tested in advance of the verification and count. You should also ensure that you have contingency arrangements in place in case of equipment or power malfunction.



Further guidance on selecting verification and count venues can be found in [Part B – Planning and organisation](#). For practical guidance on how to lay out your verification and count venue(s) and a checklist of useful materials, see our verification and count resource '[Planning for an effective verification and count: a toolkit for Returning Officers](#)'.



To be able to achieve the outcome set out in [performance standard 2](#), you will need to ensure count processes are transparent, with everything at the verification and count carried out in clear view of all those entitled to attend, with information provided to attendees on the processes to be followed.

To demonstrate that the outcome can be delivered you will need to have in place a layout plan of the count and have in place information to be provided to attendees at the count.

Communicating during the verification and count

2.22 Good communication, both at candidate and agent briefings in advance of the verification and count and at the event itself, allows those present to properly scrutinise all of the processes and will help to build confidence. Providing information on the processes to be followed can also help to lower the number of queries raised by candidates and agents – in particular from new or inexperienced candidates or agents – thus reducing the pressure on staff.

2.23 You should, for example, produce and distribute an information pack to anyone attending the count. You should liaise with the PARO to ensure that the pack also includes relevant information on how the PCC election result will be calculated and declared.

2.24 Using a public address system to make announcements about what is happening where and when throughout the verification and count processes will help keep candidates and agents informed and will alert them to any particular processes they may wish to observe closely (e.g. the adjudication of doubtful ballot papers).

2.25 To ensure transparency of communication between counting staff and other attendees at the count (including counting agents) you should make clear in instructions to those attending the count that any questions should be communicated via count supervisors rather than counting assistants.

2.26 Also, if agents or observers are dissatisfied in any way with the manner in which the proceedings are being carried out, the opportunity should always be available for them to make direct representations to you at the earliest opportunity so that any concerns may be considered, explanations and reassurances given, and any corrective action taken if necessary.



To be able to achieve the outcome set out in [performance standard 2](#), you will need to ensure that count processes are transparent, with everything at the verification and count carried out in clear view of all those entitled to attend, with information provided to attendees on the processes to be followed.

To demonstrate that the outcome can be delivered you will need to have a layout plan of the count and have in place information to be provided to attendees at the count and arrangements to communicate progress at the count.

2.27 You should consider the following when determining what information you will provide to anyone attending the verification and count on the processes to be followed, and how you will provide it:

- Placing information posters and boards throughout the verification and count venue. These should be large enough to be clearly visible, and should show the key members of staff and provide an overview of the procedures to be followed in order to help attendees identify what is happening and where. You may wish to provide pictures of yourself and your key staff to help attendees identify you at the count. This information could also be provided in advance of the count, for example, as part of an information pack.
- Providing a layout plan of the venue, indicating the key areas of interest for counting agents and observers.
- Appointing a member of staff to respond to queries and to act as liaison between candidates, agents, observers and key staff.
- Providing a hand-out listing all ballot box numbers and the names of the polling stations they relate to.

- Providing a copy of the template verification and count paperwork that will be used to communicate the outcome of the verification and count, with an indication of the level at which the information will be provided (e.g. ward level / polling district level) – to be followed by provision of the actual verification statements and statements of results for the local government elections and of the local totals for the PCC election.



For practical guidance on communicating information at the verification and count venue, see our verification and count resource '[Planning for an effective verification and count: a toolkit for Returning Officers](#)'.

Managing attendees

2.28 Your plans should include mechanisms for managing the expectations of those attending the verification and count, so all attendees know what to expect and what their role is. They should also cover how you will maintain the secrecy of the vote throughout the verification and count.

2.29 You should ensure that all attendees at the count, including candidates, their guests, election agents, counting agents, observers and the media, are briefed on and fully understand the process for conducting the count and the standards of behaviour which are expected of them at all times. You should make clear in both written and face-to-face briefings for attendees that you will be excluding attendees from the count venue if their behaviour interferes with the effective conduct of the count. This should help count staff to carry out verification and count activities without interference from counting agents and other observers.

2.30 You should also decide on a policy for the use of mobile phones and photography / filming in the verification and count venue and provide this information to those who are entitled to attend in advance.

2.31 Tickets or admission passes should be issued to everyone entitled to attend the count, except for accredited observers and Commission representatives who will be wearing pink or silver accreditation badges. You should give consideration to issuing different-coloured tickets or passes to identify the different categories of attendees. This may be particularly helpful at combined polls for easily distinguishing who can attend specific verification and count processes.

2.32 You should liaise with the police to check that their plans for managing the public space outside the count venue will enable people entitled to attend the count to enter and leave the venue freely and without obstruction.



See **Chapter 3 – Attendance at the verification and count** for further guidance on who is entitled to attend the verification and count.

Ensuring the security of ballot papers



To be able to achieve the outcome set out in [performance standard 1](#), you will need to maintain the secure storage of ballot papers at all times.

To demonstrate that the outcome can be delivered you will need to have in place arrangements for securely storing ballot papers.

2.33 You should take all necessary steps to ensure the security of ballot papers and relevant stationery from the close of poll through to the declaration of the results, particularly where ballot papers need to be transported from the verification to the count or where a break in proceedings means the ballot papers need to be stored between the conclusion of the verification and the commencement of the count.

2.34 You should ensure the security of the ballot papers at all times. If you need to store ballot papers, you must store them in sealed ballot boxes in a secure place, allowing agents to attach their seals to the ballot boxes. You should always open the sealed ballot boxes in clear view of any candidates and agents present, so they can satisfy themselves that nobody has interfered with the ballot papers and the ballot boxes.

2.35 You should liaise with your local police Single Point of Contact (SPOC) when deciding on the most appropriate method for ensuring secure storage.

2.36 You should also brief candidates and agents about your arrangements, so that they can have confidence in the integrity of the count.



For practical information on ensuring the security of ballot boxes and ballot papers see our verification and count resource '[Planning for an effective verification and count: a toolkit for Returning Officers](#)'.

3 Attendance at the verification and count(s)



To be able to achieve the outcome set out in [performance standard 2](#), you will need to ensure count processes are transparent, with everything at the verification and count carried out in clear view of all those entitled to attend, with information provided to attendees on the processes to be followed.

To demonstrate that the outcome can be delivered you will need to have a layout plan of the count, and have in place information to be provided to attendees at the count and arrangements to communicate progress at the count.

Who can attend?

3.1 Those who are entitled to be present at the verification will include those who are entitled to be present at the verification for each of the elections. Once the verification has been completed, while only those who are entitled to observe the relevant count are entitled by right to be present at the counting of the votes for that particular election, the relevant Returning Officer can also permit others to attend (see paragraph **3.7** below).

3.2 The following people are entitled by law to attend the verification and count at a local government election:

- you and your staff
- candidates
- one guest per candidate
- election agents
- counting agents
- Commission representatives
- accredited observers
- any other person permitted by you, as local government RO, to attend (see paragraph **3.7** below).

3.1 As RO, you must give notice in writing to counting agents appointed of the time and place at which the verification and counting of votes will start³.

Mayoral referendum

At a mayoral referendum, the elected mayor (if any) may also attend the verification and count.

Neighbourhood planning referendums

The following are entitled to attend the verification and count at a neighbourhood planning referendum:

- you, as Counting Officer, and the Counting Officer's staff
- the Chief Counting Officer (if any)
- the counting observers
- Commission representatives
- accredited observers
- any other person permitted by you, as Counting Officer, to attend

3.2 The following people are entitled by law to attend the verification and count at the PCC election:

- you and your staff
- the PARO and their staff
- candidates
- one guest per candidate
- election agents (or a sub-agent on their behalf)
- counting agents
- Commission representatives
- accredited observers
- any other person permitted by you to attend (see paragraph **3.7** below).

3.3 As LRO, you must give counting agents appointed notification of the time and place at which the verification and counting of votes will start and, where applicable, notice of the time and place at which the count of the second preference votes will begin if required⁴.

3.4 You must give counting agents reasonable facilities for overseeing the verification and counting of the votes⁵. You should also ensure that anyone else who is entitled to attend has an unrestricted view of the proceedings, while also ensuring that they will not be able to interfere with the work of your staff.

3.5 You should take all necessary steps to ensure that anyone attending does not interfere with or compromise the secrecy of the vote. You must make such arrangements as you think fit to ensure that all attendees are provided with a copy of the relevant secrecy requirements for local government elections and PCC elections as appropriate⁶.

3.6 There is no requirement for those attending to arrive by a certain time, and so those entitled to attend should be admitted whenever they arrive. Also, a procedure should be in place so that any attendee who wishes to leave and return later is not prevented from doing so.

3.7 You can, at your discretion, permit other people to attend the proceedings if you are satisfied that it will not impede the efficient verification

or counting of votes and, in the case of the count, you have either consulted the election agents in advance or thought it impracticable to do so⁷.

Controlling admission

3.8 You should provide lists of those people entitled to attend the verification and count to those on duty at the entrance, and instruct security staff to check the tickets or passes of anyone seeking to attend.

3.9 However, security staff should also be briefed that Commission representatives and accredited observers do not need to provide advance notification of where they intend to observe and therefore may not appear on their list but are nevertheless entitled to access the verification and count venue on production of their observer or Commission representative identification badge.

3.10 You should, for health, safety and security reasons, record the names of everyone who actually attends the verification and count.



Further guidance on accredited observers and Commission representatives, including a quick guide to the observer badge types, can be found in [Part B – Planning and organisation](#).

Counting agents



Guidance on the appointment of counting agents can be found in [Part C – Administering the poll](#).

3.11 You must give counting agents reasonable facilities for overseeing the verification and counting of the votes, and provide them with relevant information⁸. In particular, where votes are counted by sorting the ballot papers according to candidate and then counting each set of ballot papers, the counting agents are entitled to satisfy themselves that the ballot papers are correctly sorted⁹.

Mayoral referendum / Neighbourhood planning referendum

You should ensure that any counting observers that have been appointed are provided with information regarding the location and timing of the verification and count and are given reasonable facilities for observing the processes they have been appointed to observe.

Accredited observers

3.12 Electoral observation is a legitimate and valuable part of the electoral process, and care should be taken not to hinder or obstruct any observers.

While you are permitted to limit the number of observers who may be present at any one time during the verification and count, you should exercise caution in doing so. You are not entitled to bar all observers from the verification and count, only to limit the number of observers present at any one time, and this discretion must be exercised reasonably.

3.13 You must have regard to the [Commission's Code of practice for observers](#) when managing the attendance of observers¹⁰.



Further guidance on accredited observers can be found in [Part B – Planning and organisation](#).

Commission representatives

3.14 Commission representatives are entitled to attend the verification and count and to observe your working practices¹¹. They can ask questions of your staff and of agents, but will not do so if this would obstruct or disturb the conduct of proceedings. You are not allowed to limit the number of Commission representatives at the verification and count.

The media

3.15 You should include space and opportunity for the media to report on the results of the elections. You have discretion to decide which representatives of the media you allow to attend¹². As with all attendees, you must ensure that media representatives do not interfere with the process or compromise the secrecy of the vote¹³.

3.16 You should ensure that your public relations team are present to deal with media enquiries. You should make sure that they know who to approach if they are asked any technical electoral questions.

3.17 In addition to making practical arrangements for their attendance, any early contact with the media should also include an explanation of the processes to be followed and the expected finish and declaration times for each count.

3.18 If media representatives are accredited by the Commission as observers and are attending in such a capacity, they have the same rights and obligations as any other accredited observer. Like any other observers, they are required to have regard to the [Commission's Code of practice for observers](#) and should abide by any decision that you make on the use of mobile telephones, cameras and other recording equipment.



For practical guidance on liaising with the media, see our verification and count resource [‘Planning for an effective verification and count: a toolkit for Returning Officers’](#).

4 Receipt of polling station materials and sealed boxes of postal ballot papers



To be able to achieve the outcome set out in [performance standards 1 and 2](#), you will need to ensure count processes are designed and managed to secure an accurate result, with a clear audit trail.

To demonstrate that the outcome can be delivered you will need to have in place arrangements to maintain a clear audit trail of the count processes.

4.1 In preparation, you should produce templates of all documents which will be completed at the verification and counts to provide a clear audit trail. Further guidance on maintaining a clear audit trail of the count processes can be found throughout this part, in **Chapter 5 - Verification** and in **Chapter 6 - The counts**.

4.2 The correct and orderly receipt of ballot boxes and materials from polling stations is a key component of an accurate verification process. Your team of staff receiving materials from polling stations should use a checklist to ensure that all ballot boxes and ballot paper accounts are accurately accounted for as well as any packets containing postal votes handed in at polling stations.

4.3 Where Presiding Officers are required to transport the ballot boxes to the verification venue, it should be made clear to the staff receiving the ballot boxes that no Presiding Officer should be allowed to leave until their ballot box(es) and all of the documents and packets have been received and checked off by the designated staff member and, wherever possible, a cursory check of the ballot paper accounts has been made. Staff receiving ballot boxes should be instructed to ensure that they have the ballot paper account for each ballot box.

4.4 Following receipt, the ballot paper accounts can be taken to the staff dealing with the management of the ballot box verification process and all of the materials received back from polling stations can be released by receiving staff to the relevant teams, which allows the process of the verification of the unused ballot papers and the opening of postal votes to commence.

4.5 The sacks containing the documents that need to be stored, such as sealed corresponding number lists, should be separated from those containing items that will be reused, such as general stationery items. The packets and parcels from polling stations should be organised in such a way as to enable easy location of any packet.

4.6 All packets of spoilt and unused ballot papers must be opened and counted and then resealed, with the numbers counted supplied to those staff members responsible for the verification process¹⁴. You are prohibited from opening the sealed packets of tendered ballot papers, but you must open and then reseal the packet containing the tendered votes list in order to check the list against the ballot paper accounts¹⁵.

4.7 You are not permitted to open the sealed packets containing the corresponding number lists and certificates of employment, the marked copies of the register and the lists of proxies. You should ensure that the materials that you must keep sealed are placed in a designated and secure area for the duration of the verification and counts.

Receipt of sealed boxes of postal ballot papers

4.8 Postal ballot papers previously received and opened will have been processed and should be brought to the verification venue in sealed ballot boxes, with an accompanying ballot paper account for each postal ballot box. Staff receiving the postal ballot boxes should use a checklist to ensure that all postal ballot boxes and postal ballot paper accounts are accurately accounted for.

4.9 All packets and ballot boxes containing postal ballot papers must also be subject to verification in the same way as any ballot box from a polling station¹⁶. As these will often be some of the first boxes being verified, they present an opportunity to create confidence in the process and in the count as a whole.

5 Verification

5.1 Verification has two main purposes – to ensure and demonstrate that all ballot papers issued at polling stations and all returned postal ballot papers have been brought to the count, and to provide the figure with which the count outcome should reconcile. You should keep both purposes in mind when conducting the verification process.

5.2 The training of Presiding Officers in the completion of ballot paper accounts, coupled with ballot paper accounts produced in a clear, easy-to-complete format, should help to provide a firm foundation for the verification process.



Information on the training of polling station staff is provided in [Part B – Planning and organisation](#).

5.3 The verification of the used, unused and spoilt ballot papers is a legal requirement¹⁷, and is central to the declaration of accurate results.

5.4 You must verify each ballot paper account and draw up a statement as to the result of the verification for each election¹⁸. The statements are a record of the number of ballot papers expected and the number of ballot papers counted, along with an explanation for any variances.

5.5 Any agent present at the verification may make a copy of the statements, you should make available copies for the agents present once the verification has been completed and you should, on request, supply a copy of the statements to any agent present.¹⁹ The verification statements are a key communication tool that will help to ensure that candidates and agents are confident that the processes at the verification and counts are transparent and that they will produce accurate results.

5.6 Where separate ballot boxes have been used for different polls, the ballot boxes from the same polling station should be verified either simultaneously at adjacent tables or one after the other at the same table.

5.7 The law provides that a ballot paper shall not be rendered invalid simply because it has been put in the ‘wrong’ box. You should therefore ensure that you have in place a procedure to move transparently any ballot papers which have been placed in the ‘wrong’ ballot box by electors to the correct ballot box during verification.

5.8 If electors have been asked to place all of their ballot papers in the same box:

- a. the ballot papers must be sorted into their respective polls²⁰

- b. the verification procedure should be completed for each separate election (i.e. completed for each local government election and for the PCC election)
- c. the verification statements must include the total number of postal ballot papers separately from the total number verified for each poll as a whole²¹
- d. once the verification of all ballot boxes from polling stations and of all postal vote ballot boxes for each poll is complete and the verification statements produced, any ballot papers which are not to be counted until a later time must be separated by poll, placed into containers, sealed and securely stored until the counting of votes²²

5.9 If electors have been asked to place their ballot papers in separate ballot boxes for each poll:

- a. the different ballot boxes should be verified at the same time, either at adjacent tables simultaneously or one after the other at the same table
- b. any ballot paper placed in the 'wrong' box should be moved to the correct ballot box
- c. the verification statements must include the total number of postal ballot papers separately from the total number verified for each election as a whole²³
- d. once the verification of all ballot boxes from polling stations and of all postal vote ballot boxes for each poll is complete and the verification statements produced, any ballot papers which are not to be counted until a later time must be separated by poll, placed into containers, sealed and securely stored until the counting of votes²⁴

5.10 As with all aspects of the verification and count process, transparency is key and the process followed should be clear to all present.

5.11 The candidates and the agents for each of the polls may be in attendance at the verification of the ballot boxes. Where containers of verified ballot papers are sealed for storage to be counted later, candidates and agents for the poll the ballot papers relate to have the right to add their own seals.

5.12 The key stages of the verification process are as follows:

- a. Staff must open the packets of unused ballot papers and ascertain the number of ballot papers that were not issued by noting the number of books and number of ballot papers remaining in any part book of ballot papers inside the packet²⁵. The packets of spoilt ballot papers must also be opened and the number of papers must be

counted²⁶. Both unused and spoiled ballot paper packets must be resealed after they have been counted²⁷.

- b. Staff must break the seals and open the ballot boxes in the presence of any counting agents and observers that are present²⁸. When a box has had a seal attached by an agent at the close of the poll, particular care should be taken to show to any agents and observers present that this seal is still intact prior to it being broken. The ballot papers should be carefully tipped onto the table, ensuring that none have fallen onto the floor and that the box is empty.
- c. The ballot papers must be kept face up at all times during the verification and count²⁹.
- d. You should ensure that the empty box is shown to the agents and observers so that they can be satisfied that it is indeed empty. The counting assistants should then unfold the ballot papers and count them into bundles. Accuracy at this stage is vital, so bundles should be passed to another assistant for rechecking. Any tendered ballot papers that have been mistakenly placed in the ballot box should be removed and handed to the supervisor.
- e. The total given on the ballot paper account must be compared against the number of ballot papers counted and recorded as being present inside the ballot box³⁰. You must compare the unused and spoiled ballot papers, as well as the tendered votes list, against the figures on each ballot paper account³¹. The total number of ballot papers in the ballot box should agree with the total on the ballot paper account, and reconcile with the total number of unused ballot papers.

5.13 If a ballot paper account does not reconcile, you should undertake the following procedure and document the outcome on the appropriate verification statement:

- a. Make a full check of the arithmetic on the ballot paper account and the number of unused ballot papers. Check the other packets of returned materials and any polling station logbook to try to identify any reason for missing or additional ballot papers. Ensure that returned postal ballots have not been added to the number of votes cast in the polling station. You should consider contacting the Presiding Officer to ask them to try to explain any discrepancies.
- b. Check the record of issued ballot boxes to see if more than one ballot box for each poll was issued to the polling station and ensure that all boxes allocated to the station are opened and accounted for.
- c. Check the ballot boxes for all polls for all polling stations within the same polling place. The verification of the ballot paper accounts for the other polling stations within that location may indicate a compensating error due to electors placing their ballot paper in the

'wrong' box or in a box from the wrong polling station. If the compensating errors all balance, the verification can be deemed to have been successful.

- d. If the ballot box is from a single polling station or if there is no compensating error in the figures from the other polling station(s) in that polling place, recount the ballot papers in the box at least twice or until the same figure is achieved on two consecutive occasions.
- e. If, after following the procedures outlined above, any discrepancy still remains, use the number of ballot papers counted and recounted by the count staff as the verified figure and make an appropriate note on the ballot paper account.
- f. Add the verified total and the variance between that and the number on the ballot paper account to the statement as to the result of the verification, if possible with an explanation of why that variance has occurred, and discuss this with any agents and observers present.

5.14 Verification can only be completed once postal ballot papers, including those received at polling stations, have been opened and processed, and have been through the verification process³².

5.15 You must ensure that a verification statement for each election, containing the result of the verification of each ballot box is completed³³. The statements must in each case include the total number of postal ballot papers and the total number of ballot papers verified for each election as a whole³⁴. You should sign the statements and any agent present may make a copy of the statements as to the result of the verification³⁵. You should make copies available for the agents present once verification has been completed and you should, on request, supply a copy of the statements to any agent present.

5.16 As LRO, you must send a copy of the statement for the PCC election to the PARO. The PARO will provide guidance on how this should be done³⁶.

Neighbourhood planning referendums

If the neighbourhood planning referendum crosses local authority boundaries, you should contact your [local Commission team](#) for advice.

5.17 If, on completion of verification, you do not proceed immediately to the counting of the votes, you should place the ballot papers and other documents in secure packets under your own seal and the seals of any agents present who wish to affix their own seals. You should take all necessary steps to ensure the security of the ballot papers and the relevant stationery during any break in the verification and count proceedings.

5.18 Where the PCC count is to take place at a different venue to the verification, you must place all the verified ballot papers into secure packets, such as ballot boxes, for transportation to the count venue³⁷. These packets must be marked with the name of your voting area and the name of the police

area³⁸. You may need to liaise with the PARO regarding specific arrangements for transporting verified ballot papers to the count venue. In addition, you must produce a record of all the packets of verified ballot papers that you are transporting to the PCC count venue and the contents of each of these³⁹. You must deliver this record, the ballot paper accounts and a copy of the final statement as to the result of the verification to the PCC count venue along with the packets of verified ballot papers⁴⁰.

5.19 You should agree with the PARO the arrangements, including the names of the personnel involved, for the delivery of the packets for the PCC election. Once the packets of verified ballot papers have arrived at the count venue the PARO may require you to verify the contents of each packet before the counting of these votes is commenced.

5.20 Further guidance on ensuring the security of ballot boxes can be found in paragraph **2.32** above and our verification and count resource '[Planning for an effective verification and count: a toolkit for Returning Officers](#)'.

6 The counts

Counting the votes

6.1 For both the local government and the PCC elections, the counting of votes must begin as soon as practicable after the close of the poll⁴¹.

6.2 The verification of the ballot papers for both the local government and PCC elections for the whole of the voting area must have been completed before the counting of votes for any election within the voting area can start⁴².

6.3 Where there has been a break in proceedings - for example, where the counting of votes does not immediately follow verification - all sealed boxes should be opened in full view of any candidates and agents that are present. When a box has had a seal attached by an agent, particular care should be taken to show to any agents present that this seal is still intact prior to it being broken.

6.4 All count processes should be transparent. You should provide appropriate opportunities for those who are entitled to observe and object to doubtful ballot paper adjudication decisions. This should include ensuring that bundles of counted ballot papers are stored in full sight of counting agents in a way which allows them to monitor progress throughout the count.

Mixing

6.5 You must mix the ballot papers so that ballot papers from each ballot box are mixed with ballot papers from at least one other ballot box, and mix the postal ballot papers with ballot papers from at least one other ballot box before sorting and counting the votes⁴³. You should keep the ballot papers for each poll separate from each other.

Sorting and counting

6.6 Ballot papers for all polls must be kept face upwards throughout the counting process in order to prevent the number and other unique identifying mark on the back of the ballot paper being seen⁴⁴. The ballot papers should be visible at all times to any candidates, agents and observers present.

Local government election: single member vacancies and a PCC election with only two candidates

6.7 Counting assistants should sort the ballot papers into votes for each candidate. Any doubtful ballot papers should be placed aside for adjudication.

6.8 The number of votes given for each candidate should then be counted and placed into bundles of a predetermined number, e.g. bundles of 10, 20, 25, 50 or 100. A slip or card bearing the candidate's name, together with the number in the bundle, should be attached to the front. It may be helpful to colour-code the slips. The bundles should then be recounted by another counting assistant in order to ensure the accuracy of the bundle.

6.9 Before removing any bundles from the counting assistants, supervisors should flick through the bundles in order to ensure that all of the votes in the bundle are marked in the same way.

6.10 It is unlikely that the number of votes in the final bundle will equal the predetermined bundle number, and so a note should be made of the number of votes in those incomplete bundles and attached to the front of the bundle.

Local government election - multi-member vacancies

6.11 There are several options for counting votes for multi-member wards. These include the 'grass skirt' method and counting sheets. It is also possible to use a combination of these methods, depending on local preference.

6.12 The '**grass skirt**' method involves attaching the ballot papers to a large sheet of paper (for example, with double-sided sticky tape) so that they overlap, leaving only the 'X's visible for each candidate. These rows of votes can then be totalled up and transferred to a master sheet. Counting assistants should also record unused votes by having a spare row at the bottom of the sheet: recording the unused votes will assist when checking the number of votes recorded against the total number of votes expected (i.e. the number of ballot papers multiplied by the number of votes permitted on each ballot paper).

6.13 **Counting sheets** can be used in a number of ways, for example, by having a separate sheet for each candidate or having all of the candidates listed on one sheet. Counting assistants should work in pairs, one calling out the name of the candidate and the other transferring each vote to the sheet(s). Counting assistants should start by extracting the ballot papers where a voter has used all their votes for candidates of a particular political party - this is known as 'block voting'. Counting assistants should also record unused votes: recording the unused votes will assist when checking the number of votes recorded against the total number of votes expected (i.e. the number of ballot papers multiplied by the number of votes permitted on each ballot paper).

6.14 Any doubtful ballot papers should be placed aside for adjudication.

Mayoral election

At a mayoral election, if there are only two candidates, the mayor is elected under the first past the post voting system. Therefore, any references in this

part to count procedures for single-member vacancies will also apply to such mayoral elections.

If there are three or more candidates, the mayor is elected using the Supplementary Vote (SV) electoral system. In the SV system, voters can cast a first and second preference vote for mayor.

At the first count, only the first preference votes are counted. The processes for sorting and counting votes for a single member vacancy set out above are relevant here.

If a candidate obtains more than 50% of the first preference votes, they are declared elected. If no candidate obtains more than 50% of the first preference votes, the top two candidates (or more if there is a tie) remain in the contest while the rest are eliminated.

In preparation for the second count, you will need to sort the ballot papers into:

- ballot papers on which a first preference vote was given to one of the candidates remaining in the contest – these are not counted again at the second count
- all other ballot papers containing a valid first preference vote, sorted by
 - those containing a second preference vote for one of the continuing candidates, sorted by candidate
 - those containing a second preference vote for a candidate who is not continuing in the contest (these do not form part of the second count, but the total number of ballot papers should be counted for audit purposes and packaged separately)
 - those ballot papers requiring adjudication

All ballot papers containing valid second preference votes for the continuing candidates are counted, and the total number added to the number of first preference votes each of those candidates received. The candidate with the highest total number of votes is declared elected.

PCC election with three or more candidates

6.15 If there are three or more candidates, the Police and Crime Commissioner is elected using the Supplementary Vote (SV) electoral system. In the SV system, voters can cast a first and second preference vote for the Police and Crime Commissioner.

6.16 At the **first count**, only the first preference votes are counted⁴⁵. The processes for sorting and counting the votes as set out [above](#) for local government elections and a PCC election with only two candidates are relevant here.

6.17 At the end of the first count, you must inform the PARO of your local totals⁴⁶. The PARO will then collate the totals for the whole of the police area.

If a candidate obtains more than 50% of the total number of valid first preference votes across the whole of the police area, they will be declared elected. If no candidate obtains more than 50% of the total number of valid first preference votes across the whole of the police area, the top two candidates (or more if there is a tie) remain in the contest while the rest are eliminated. The PARO will inform you whether a second count is needed.

6.18 You will not be able to ascertain with certainty which candidates will remain in the contest until the PARO has calculated the totals for the whole of the police area. Your voting area may have strong support for a candidate that is then eliminated once all the local totals have been collated. This should be kept in mind when taking any actions in preparation for the second count.

6.19 In preparation for the **second count**, you will need to sort the ballot papers into:

- ballot papers on which a first preference vote was given to one of the candidates remaining in the contest – these **are not counted again** at the second count
- ballot papers rejected at the first count
- all other ballot papers containing a valid first preference vote, sorted by:
 - those containing a second preference vote for one of the continuing candidates, sorted by candidate
 - those containing a second preference vote for a candidate who is not continuing in the contest (these do not form part of the second count, but the total number of ballot papers should be counted for audit purposes and packaged separately)
 - those ballot papers requiring adjudication

6.20 You must then count all ballot papers containing valid second preference votes for the continuing candidates⁴⁷.

6.21 At the end of the second count, you must inform the PARO of your local totals⁴⁸. The PARO will then collate the totals for the second count for the whole of the police area, and add these to the total number of first preference votes each of those candidates received. The candidate with the highest total number of votes will be declared elected, and the PARO will inform you of the result.

Doubtful ballot papers

6.22 You should adjudicate doubtful ballot papers regularly as the count proceeds: the adjudication of doubtful ballot papers should not be left until the end of the count.

6.23 You should have regard to the Commission's booklet on doubtful ballot papers for the [local government election](#) and for the [PCC election](#) throughout the adjudication process. The booklets contain examples of allowed and rejected votes and the key principles to be followed in the adjudication of doubtful ballot papers.

6.24 Examples of allowed and rejected ballot papers are also set out on the doubtful ballot papers placemats which you should have on display at the count for candidates, agents and observers to refer to. There are different versions of the doubtful ballot paper placemats as set out below:

- Local government election - [single member wards](#)
- Local government election - [two member wards](#)
- Local government election - [three member wards](#)
- PCC election with only [two candidates](#)
- PCC election with three or more candidates - [standard placemat](#)
- PCC election – supplementary placemats to support counting assistants identifying valid first and second votes - [simple allowed](#) and [first preference only](#)

Mayoral election

The Commission has also produced a doubtful ballot paper booklet which contains examples of allowed and rejected votes and the key principles to be followed in the adjudication of [doubtful ballot papers at a mayoral election](#) conducted using the SV system.

6.25 When adjudicating doubtful ballot papers, you should:

- always be clear and consistent
- take time to ensure that a considered decision is given in every case
- determine whether the intention of the voter clearly appears on the ballot paper

6.26 As part of this, you will need to:

- consider the whole of the ballot paper
- consider whether the way a ballot paper has been marked means that
 - at a single-member vacancy local government election and at a PCC election with two candidates, a vote for one candidate is clearly apparent
 - at a local government election with multi-member vacancies, one or more votes for up to the allowed number of candidates are clearly apparent
 - at a PCC election with more than two candidates:
 - at the first count, a first preference vote for one candidate is clearly apparent
 - at the second count, a second preference vote for one candidate is clearly apparent

6.27 At the **local government election**, the legislation provides that you must reject a ballot paper⁴⁹:

- that does not bear the official mark (not the unique identifying mark)
- on which votes are given for more candidates than the voter is entitled to vote for

- on which anything is written or marked by which the voter can be identified (except the printed ballot paper number or other unique identifying mark)
- that is unmarked or void for uncertainty

6.28 A local government election ballot paper can be rejected in part if more than one candidate is to be elected to the ward. If the voter is entitled to vote for more than one candidate, good votes must not be rejected because another vote on the ballot paper is uncertain.

6.29 Any unused votes should not be categorised as rejected, but should still be recorded to provide a clear audit trail and help reconcile the verification and count figures.

Mayoral election

The legislation provides that you must reject a ballot paper at the first count if the ballot paper⁵⁰:

- does not contain the official mark
- contains more than one first preference vote
- has any writing or mark by which the voter can be identified (except the printed ballot paper number or other unique identifying mark), or
- is unmarked or void for uncertainty as to the first preference vote

Only ballot papers with a valid first preference vote can move forward to the second count. At the second count, you must reject a ballot paper if it:

- does not contain the official mark
- contains more than one second preference vote
- has any writing or mark by which the voter can be identified (except the printed ballot paper number or other unique identifying mark), or
- is unmarked or void for uncertainty as to the second preference vote

6.30 At the **PCC election**, the legislation provides that you must reject a ballot paper at the **first count** which⁵¹:

- does not bear the official mark (not the unique identifying mark)
- contains more than one first preference vote
- has any writing or mark by which the voter can be identified (except the printed ballot paper number or other unique identifying mark), or
- is unmarked
- is void for uncertainty as to the first preference vote

6.31 Only ballot papers with a valid first preference vote can move forward to the second preference count⁵².

6.32 At the **second count**, you must reject a ballot paper which⁵³:

- does not contain the official mark (not the unique identifying mark)

- contains more than one second preference vote
- has any writing or mark by which the voter can be identified (except the printed ballot paper number or other unique identifying mark)
- that is unmarked as to the second preference vote
- void for uncertainty as to the second preference vote

6.33 However, for both the local government election and the PCC election, the legislation states that unless the way the ballot paper is marked identifies the voter, a ballot paper on which the vote is marked in the following ways must not be rejected if the voter's intention is clear⁵⁴:

- elsewhere than in the proper place
- otherwise than by means of a cross, or
- by more than one mark

6.34 In addition, ballot papers displaying any of the following may require further consideration:

- any ballot paper with anything unusual about it (for example, any ballot paper that appears to have been altered, either with a clearly different writing instrument or with correction fluid)
- any ballot paper torn or damaged in any way

6.35 Ballot papers that appear to be altered, either with a clearly different writing instrument or with correction fluid, should be treated as 'doubtful' and put forward for adjudication, where you must decide on their validity in the presence of candidates, agents and observers. Those that are subsequently declared as valid must be counted and included in the total number of votes cast for the appropriate candidate⁵⁵.

6.36 Your decision on any question arising in respect of a ballot paper is final and can only be challenged by way of an election petition⁵⁶. At the local government election, you must draw up a statement showing the number of ballot papers rejected, both completely and in part, and for what reason⁵⁷. For the PCC election, a statement of rejected ballot papers must be prepared after the first count and, if there is a second count, at the end of the second count⁵⁸.

6.37 You should therefore have a system in place throughout the adjudication process for sorting the rejected ballot papers into the following headings:

Local government elections and a PCC election with only two candidates:

- want of official mark
- writing or mark by which the voter can be identified
- unmarked or void for uncertainty
- on which votes are given
 - for more than one candidate at a single-member local government election and PCC election

- for more candidates than the voter is entitled to at a multi-member local government election

PCC election with three or more candidates

- want of the official mark
- writing or mark by which voter can be identified
- void for uncertainty
- at the **first count**:
 - voting for more than one candidate as to the first preference vote
 - unmarked as to the first preference vote
- at the **second count**:
 - voting for more than one candidate as to the second preference vote
 - unmarked as to the second preference vote

6.38 You should have regard to the Commission's guidance, and at the PCC election, any additional guidance issued by the PARO, to ensure accurate and consistent categorisation of rejection for reporting on the statements.

6.39 Each rejected ballot paper must have the word 'rejected', or, where applicable at a local government election, 'rejected in part' marked on it as appropriate⁵⁹, and the words 'rejection objected to' must be added if a counting agent objects to your decision⁶⁰ Although observers should be able to observe this process, unlike designated counting agents, they do not have the right to object to the rejection of a ballot paper.

6.40 A copy of the statement of rejected ballot papers should be placed in the package for rejected ballot papers.

Mayoral elections⁶¹

At a mayoral election held under the SV system, a statement of rejected ballot papers must be prepared after the first count and, if there is a second count, at the end of the second count⁶².

The statement to be prepared after the first count must include the total number of ballot papers rejected under the following heads:

- want of official mark
- voting for more than one candidate as to the first preference vote
- writing or mark by which the voter can be identified
- unmarked or void for uncertainty as to the first preference vote

After the second count, the statement to be prepared must include the total number of ballot papers rejected at the second count under the following heads:

- a. want of official mark
- b. voting for more than one candidate as to the second preference vote
- c. writing or mark by which the voter can be identified
- d. unmarked or void for uncertainty as to the second preference vote

Cut ballot papers

6.41 You may come across instances where voters have cut or torn off part of the ballot paper. Whether or not such an extract of a ballot paper can be counted will depend on whether it contains the official mark.

6.42 If it does, the ballot paper can be accepted as a valid vote, provided you are satisfied that:

- the intention of the voter is clear
- none of the grounds for rejection apply



See Chapter 6 of [Part D: Absent voting](#) for guidance on how to deal with cut ballot papers at postal vote openings.

Reconciliation

6.43 Once all of the ballot papers have been sorted and any doubtful ballots adjudicated, the key task of reconciliation can begin.

6.44 In all cases, you should be satisfied that the results or totals (as appropriate) reflect the ballots received and so if the figures do not reconcile, the following procedure should be undertaken in order to try to identify and rectify the discrepancy:

- Check the storage area and check to ensure that all ballot boxes have been opened and are empty.
- Check all floors and surfaces for ballot papers that may have been dropped in the count venue.
- Re-check the verification figures and reconciliation for calculation mistakes.
- Ensure that all rejected ballot papers have been accounted for.
- Check that all bundles and part bundles have been counted.
- Consider recounting the ballot papers in the bundles.

6.45 You should also carry out any other checks you deem necessary.

Reconciliation at a single-member vacancy local government election and a PCC election with only two candidates

6.46 All of the bundles and part bundles of ballot papers showing a valid vote for each candidate must be counted⁶³. The total for each candidate should then be added to the total number of rejected ballot papers, and this figure should match exactly the figure giving the total number of ballot papers obtained at the end of the verification process.

6.47 At the local government election, if the two figures agree you should proceed to the process of consulting the candidates and agents who are present on the provisional result. For the PCC election, once satisfied, you should proceed to the process of consulting the PARO on the provisional local total as well as informing the candidates and agents present. The PARO will advise you of the processes that are in place for considering the provisional local total and dealing with requests for recounts.

6.48 If the figures do not agree, you should follow the procedure in paragraphs **6.44** and **6.45** above.

Reconciliation at a local government election with multi-member vacancies

6.49 When reconciling multi-member vacancies it is important to reconcile votes and ballot papers and avoid confusing one with the other. All of the votes for each candidate should be counted, as well as those votes that have not been used. Additionally, all rejected ballot papers and those rejected in part should be counted.

6.50 Where a ballot paper is rejected in part, you should record the number of ballot papers received and the number of actual votes rejected on those ballot papers.

6.51 The valid votes for all of the candidates should then be added to the number of rejected votes (the number of rejected ballots multiplied by the number of vacancies plus the rejected votes from those ballots rejected in part), plus any unused votes and this total figure should match exactly the verification figure obtained at the end of verification multiplied by the number of vacancies. If the two figures agree, you should proceed to the process of consulting the candidates and agents on the provisional result.

6.52 If the figures do not agree, you should follow the procedure in paragraphs **6.44** and **6.45** above.

Mayoral elections

At a mayoral election held under the SV system, reconciliation at the end of the first count follows the same process as at a single-member vacancy election as set out above: the total number of valid first preference votes for

each candidate should be added to the total number of rejected ballot papers, and this total figure should match exactly the figure giving the total number of ballot papers obtained at the end of the verification process.

At the second count, where required, the ballot papers on which a first preference vote was given to those candidates who did not remain in the contest should equal: the total number of ballot papers containing a valid second preference vote, plus the total number of ballot papers containing a second preference vote for a candidate not remaining in the contest, plus the rejected ballot papers at the second count.

Reconciliation at a PCC election with three or more candidates

6.53 At the **first count**, all of the bundles and part bundles of ballot papers showing a valid first preference vote for each candidate must be counted⁶⁴. The total for each candidate should then be added to the total number of rejected ballot papers, and this total figure should match exactly the figure giving the total number of ballot papers obtained at the end of the verification process. If the two figures agree, you should proceed to the process of consulting the PARO on the provisional local total as well as informing the candidates and agents present. The PARO will advise you of the processes that are in place for considering the provisional local total and dealing with requests for recounts.

6.54 At the **second count**, where required, all of the bundles and part bundles of ballot papers showing valid second preference votes for each remaining candidate must be counted⁶⁵. The ballot papers on which a first preference vote was given to those candidates who did not remain in the contest should equal: the total number of ballot papers containing a valid second preference vote, plus the total number of ballot papers containing a second preference vote for a candidate not remaining in the contest, plus the rejected ballot papers at the second count.

6.55 If the figures reconcile, you should proceed to the process of consulting the PARO on the provisional local total as well as informing the candidates and agents present. The PARO will advise you of the processes that are in place for considering the provisional local total and dealing with requests for recounts.

6.56 If at any point the figures do not agree, you should follow the procedure in paragraphs **6.44** and **6.45** above.

Provisional result/local totals and recounts

6.57 You should be satisfied that the number of votes for each candidate is accurate before proceeding to a provisional result or local total (as appropriate).

6.58 All processes should be undertaken within the framework of maximum openness and transparency implemented throughout the various stages of the count so that all candidates and agents can have confidence in the processes and the provisional result/local totals provided.

6.59 At the local government election, once satisfied, you should advise candidates and agents of the provisional result and seek their agreement on the announcement of the result. You should make clear that the candidates and agents are entitled to request a recount⁶⁶.

6.60 At the PCC election, once satisfied, you should proceed to the process of consulting the PARO on the provisional local total as well as informing the candidates and agents present at the conclusion of each count and seek agreement before moving on to the next count or declaring the local totals, as appropriate. The PARO will advise you of the processes that are in place for considering the provisional local total and dealing with requests for recounts, or the PARO may direct you to recount the votes after being informed of the provisional local totals if they have reason to doubt the accuracy of the counting of the votes in your area. If a recount has been directed, once that recount is complete, the provisional local total process should begin again. You should make clear to the candidates and agents that first preference votes can only be recounted at the first count; only the second preference votes can be recounted at the second count.

6.61 For both the local government elections and the PCC election, you must give the candidates and agents sufficient time to digest the provisional result/local totals before proceeding to the next stage of the process⁶⁷. It is at this point that candidates and agents may request to have the votes recounted or, following a recount, recounted again.

Mayoral elections

At mayoral elections held under SV, you should consult candidates and agents on the provisional result at the conclusion of each count and seek agreement before moving on to the next count or declaring the result, as appropriate. You must give candidates and agents sufficient time to digest the provisional result before proceeding with the declaration. It is at this point that any candidate or election agent may request to have the votes recounted or, following a recount, recounted again⁶⁸. You should also make clear that any request for a recount relates only to the current count: therefore, at the second count, any request for a recount applies only to the second count.

At the conclusion of each count, there are two statements that you must share with any candidates and agents present⁶⁹.

At the conclusion of the first count, in addition to the statement of rejected ballot papers, you must also draw up a statement to be shared with the candidates and agents, showing⁷⁰:

- the total number of ballot papers used
- the total number of rejected ballot papers

- at an election with three or more candidates, the number of first preference votes given for each candidate and the overall total of first preference votes given, or
- at an election with only two candidates, the number of votes given for each candidate

At the conclusion of the second count, in addition to the statement of ballot papers rejected at the second count, you must also draw up a statement to be shared with those agents whose candidates remain in the contest, showing⁷¹:

- the total number of first preference votes given for each candidate
- the total number of second preference votes given for each of the candidates remaining in the contest after the count of first preferences
- the total number of votes given for each of those candidates
- the total number of ballot papers that were:
 - valid as regards the first preference vote given for a candidate who did not remain in the contest
 - rejected as void or unmarked for uncertainty for the purposes of the count of second preference votes

To ensure that candidates and agents can satisfy themselves as to the accuracy of the second count, you should also include in this statement the number of ballot papers that were not included in the second count because they contained a second preference vote for a candidate not remaining in the contest.

Neighbourhood planning referendums

There is no legal requirement to share the provisional or final statements with any counting observers present, but you should nevertheless inform them of the contents, so that they can be satisfied that the count is being conducted in a transparent manner and the correct process is being followed.

If the neighbourhood planning referendum crosses local authority boundaries, please contact your [local Commission team](#).

6.62 You must consider any recount request but may refuse if, in your opinion, the request is unreasonable⁷². You may, however, consider offering the candidates and agents the opportunity to inspect the bundles of the ballot papers as a means of reassuring them that the result/local total is accurate.

6.63 If you agree to recount the votes, the candidates and agents present should be informed before the recount commences and briefed on the processes you are going to follow. As with the original count, any recount should be carried out in full view of those present. You are entitled to reconsider which ballot papers should be rejected during the recount (or any further recount)⁷³.

6.64 The candidates and agents should be consulted on the revised provisional result/local totals in the same way as they were consulted on the provisional result/local totals at the conclusion of the original count.

6.65 It is possible to have more than one recount. Again, it is for you to consider any request, and you may refuse if in your opinion the request is unreasonable.

Mayoral elections

At a mayoral election with more than two candidates, first preference votes can only be recounted at the first count. You cannot recount the first preference votes once the second count has begun. Only the second preference votes can be recounted at the second count.

Neighbourhood planning referendums

Unlike counting agents at elections, referendum counting observers do not have the power to request a recount.

Equality of votes

6.66 At a single-member vacancy local government election, when two or more candidates have polled the same number of votes and the equality of votes is between candidates who are in first place, you must decide between the candidates by lot⁷⁴.

6.67 Whichever candidate wins the lot is treated as though they had received an additional vote that enables them to be declared elected.

6.68 In the case of multi-member vacancies at a local government election, where two or more candidates are both elected with an equal number of votes but the election is for different terms of office (e.g. where a casual vacancy election is held at the same time as the scheduled election), a lot should be drawn to determine which candidate will serve the longer of the two terms of office. Where the election is uncontested, the lot should be drawn at the first full council meeting not at the count.

6.69 There is no requirement to draw lots where one candidate is elected by a majority of votes and the equality of votes is between other candidates who are not in first place and therefore cannot be elected.

6.70 The method of drawing lots is for you to decide. Examples of types of lot include:

- ballot papers, each marked with a vote for one of the candidates with the same number of votes, placed in a container, such as an empty ballot box, mixed around, and then one drawn by you
- slips of paper with the candidates' names on them, placed in sealed envelopes, shuffled and then drawn by you

6.71 You should make an announcement that you intend to proceed with the drawing of lots between the candidates having an equal number of votes, explaining precisely what is about to happen and the method to be used. Candidates, agents, Commission representatives and accredited observers should be present during any preparation and the actual drawing of lots.

6.72 If you use the first method described above, you should, in full view of any candidates and agents, and in the presence of Commission representatives and accredited observers, fold and place a previously counted ballot paper for each of the candidates with the same number of votes in an empty ballot box. An assistant should raise the box to a height where you are unable to see the papers inside the box, but are still able to reach inside to pick one. After mixing, you should draw one of the ballot papers from the box, open it, and read out loud the name of the candidate with the vote marked against their name. That candidate is then adjudged to have been allotted an additional vote.

6.73 Similar preparations should be made should you decide to use any other method of drawing lots.

6.74 A statement should be added to the notice of result to the effect that: 'Following an equality of votes, lots were drawn and, as a consequence, an additional vote was allotted to candidate [*insert candidate's name*]'.

6.75 At a PCC election, if two or more candidates at the end of either the first count or second count have polled the same number of votes in the voting area, there is no requirement for the LRO to draw lots. You should explain to the candidates and agents that the totals for the voting area will be transmitted to the PARO for inclusion in the calculation of the result for the police area.

Mayoral referendum

If there is an equality of votes between the two answers, you must decide between the two answers by drawing of lots in the same way as if candidates were tied for a seat.

Neighbourhood planning referendums

If there is an equality of votes between the two answers, the result is that there is no majority in favour of the making of the plan or order. A statement to that effect should be added to the notice of result.

Mayoral election

If none of the candidates receives more than 50% of the valid first preference votes, the two candidates who received the most first preference votes remain in the contest and go forward to the second count. However, if because of an equality of first preference votes, three or more candidates are qualified to remain in the contest, all of them will go forward to the second count. If two or

more candidates have the same number of first and second preference votes at the end of the second count, you must decide between them by drawing lots⁷⁵.

Declaring the results and local totals

Local government election

6.76 As RO, you must prepare a statement setting out the name of each candidate, the total number of votes given for each candidate and the number of rejected ballot papers given under each heading⁷⁶. Once the statement is prepared you must declare the result of the election⁷⁷. You must also, as soon as practicable provide notice of the result to the Proper Officer of the council for which each election is held⁷⁸.

Neighbourhood planning referendums

Where the referendum does not cross local authority boundaries you can proceed to the declaration of result as soon as you are satisfied that your figures are accurate. After declaring the result, you are required by law to inform the Proper Officer of the council of the result of the referendum. You are also legally required to 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.

Where the referendum does cross local authority boundaries, please speak to your [local Commission team](#).

PCC election

6.77 As LRO, you must prepare a statement at the conclusion of each count⁷⁹. At the **first count**, this statement must include the total number of first preference votes, the number of first preference votes given for each candidate, the total number of ballot papers used and the number of rejected ballot papers under each heading⁸⁰. At the **second count**, this statement must include the number of second preference votes given to each remaining candidate and the number of rejected votes under each heading⁸¹. You must provide each statement to the PARO and declare the local totals at the end of each count once you have been authorised to do so by the PARO⁸².

6.78 The following factors should be taken into account when making declarations:

- Decide on the exact location in the venue where public announcements and declarations will take place and who will be on the platform at these times. The platform should be accessible for all those who need to get up on it. You could make use of display boards to provide a suitable backdrop for the announcement of results/local totals.
- Any announcement equipment should be in place and checked before the proceedings begin.

- Double-check that the result/local total is accurate, and that it is written in the form of words for oral delivery in order to avoid any errors. You may need to repeat the declaration so that those in attendance are able to hear the detail clearly, particularly where there is noise from those attending.
- You should take steps to provide media representatives in attendance with a written copy of the results at the time the announcement is made as this will help them to ensure that their transmission of figures is accurate.

6.79 When a candidate has used their commonly used name, you should use both their full name and their commonly used name when declaring the result/local totals.

6.80 Once a result is declared, it is final and cannot be amended. The power to correct procedural errors does not empower you to correct an incorrect result once it has been declared.



Further guidance on giving public notice after the elections is provided in [Part F – After the declaration of results](#).

¹ Rule 43(1) of the Local Elections (Principal Areas)(England and Wales) Rules 2006 (SI 2006/3004) and 48(1) and 51(1) of the PCC Elections Rules (Schedule 3 to the Police and Crime Commissioner Elections Order 2012) (SI 2012/1917).

² SI 2006/3004 Rule 45 and SI 2002/1917 Rule 51(2), (as modified by paragraph 41, Schedule 4, 2012 Order).

³ SI 2006/3004 Rule 44(1)

⁴ SI 2012/1917 Rule 48(2).

⁵ SI 2006/3004 Rule 44(4) and SI 2012/1917 Rules 48(6) and 51(6).

⁶ SI 2006/3004 Rule 28 1(b) and SI 2012/1917 Rule 32(1)(b).

⁷ SI 2006/3004 Rule 44(5) and SI 2012/1917 Rules 48(5) and 51(5).

⁸ SI 2006/3004 Rule 44(5) and SI 2012/1917 Rules 48(6) and 51(6).

⁹ SI 2006/3004 Rule 44(7) and SI 2012/1917 Rule 51(7).

¹⁰ Section 6F(7)(c) PPERA.

¹¹ Sections 6A and 6B PPERA; rules 48(4)(f) and 51(4)(f).

¹² SI 2006/3004 Rule 44(4) and SI 2012/1917 Rules 48(3)(b) and 51(3)(b).

¹³ SI 2006/3004 Rule 44 (5) and SI 2012/1917 Rules 48(5) and 51(5)(a).

¹⁴ SI 2006/3004 Rule 45(a) and SI 2012/1917 Rule 49(5).

¹⁵ Ibid.

¹⁶ SI 2006/3004 Rule 45(3) and SI 2012/1917 Rule 49(5).

¹⁷ SI 2006/3004 Rule 45(b) and SI 2012/1917 Rule 49(1)(b) and (5).

¹⁸ Ibid.

¹⁹ SI 2006/3004 Rule 45(11) and SI 2012/1917 Rule 49(7)

²⁰ SI 2006/3004 Rule 45(1)(d).

²¹ SI 2006/3004 Rule 45 (11).

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- ²² SI 2006/3004 Rule 45.
- ²³ SI 2006/3004 Rule 45 (11).
- ²⁴ SI 2006/3004 Rule 45.
- ²⁵ SI 2006/3004 Rule 45(11) and SI 2012/1917 Rule 49(7).
- ²⁶ *Ibid.*
- ²⁷ *Ibid.*
- ²⁸ SI 2006/3004 Rule 45 and SI 2012/1917 Rule 55(1)(a).
- ²⁹ SI 2006/3004 Rule 45 and SI 2012/1917 Rule 52(5).).
- ³⁰ SI 2006/3004 Rule 45 and SI 2012/1917 Rule 49(5).
- ³¹ *Ibid.*
- ³² SI 2006/3004 Rule 45 and SI 2012/1917 Rule 49(1)(c),
- ³³ SI 2006/3004 Rule 45(7) and SI 2012/1917 Rule 49(5)(b).
- ³⁴ SI 2006/3004 Rule 45 and SI 2012/1917 Rule 49(1)(c) and (5)(b).
- ³⁵ SI 2006/3004 Rule 45(7) and SI 2012/1917 Rule 49(7).
- ³⁶ SI 2006/3004 Rule 49(6).
- ³⁷ SI 2012/1917 Rule 50(2).
- ³⁸ SI 2012/1917 Rule 50(2).
- ³⁹ SI 2012/1917 Rule 50(2)(b).
- ⁴⁰ SI 2012/1917 Rule 50(2).
- ⁴¹ SI 2006/3004 Rule 43(1) and SI 2012/1917 Rule 51(1).
- ⁴² SI 2006/3004 Rule 45 and SI 2012/1917 Rule 51(2), (as modified by paragraph 41, Schedule 4, 2012 Order).
- ⁴³ SI 2006/3004 Rule 45(2) and SI 2012/1917 Rule 52(2).
- ⁴⁴ SI 2006/3004 Rule 45 and SI 2012/1917 Rule 52(5).).
- ⁴⁵ SI 2012/1917 52(3)
- ⁴⁶ SI 2012/1917 Rule 57.
- ⁴⁷ Rule 60.
- ⁴⁸ Rule 61.
- ⁴⁹ SI 2006/3004 Rule 47.
- ⁵⁰ Rule 48 of the Local Authorities (Mayoral Elections)(England and Wales) Rules 2007 (SI 2007/1024)
- ⁵¹ SI 2012/1917 Rule 53(1).
- ⁵² SI 2012/1917 Rule 60(3).
- ⁵³ SI 2012/1917 Rules 53(1) and 60(3) to (5).
- ⁵⁴ SI 2006/3004 Rule 47(3) and SI 2012/1917 Rule 53(2) to (4).
- ⁵⁵ SI 2006/3004 Rule 47(3) and Rule 53(2).
- ⁵⁶ SI 2006/3004 Rule 48 and SI 2012/1917 Rule 56.
- ⁵⁷ SI 2006/3004 Rule 47(5) and SI 2012/1917 Rule 53(7).
- ⁵⁸ SI 2012/1917 Rule 53(7).
- ⁵⁹ SI 2006/3004 Rule 47(4) and SI 2012/1917 Rule 53(4).
- ⁶⁰ SI 2006/3004 Rule 47(4) and SI 2012/1917 Rule 53(6).
- ⁶¹ SI 2007/1024 Rule 48 (5).
- ⁶² SI 2007/1024 Rule 48 (5).
- ⁶³ SI 2006/3004 Rule 45 and SI 2012/1917 Rule 52(3).
- ⁶⁴ SI 2012/1917 Rule 52(3).
- ⁶⁵ SI 2012/1917 Rule 60(2)(b).
- ⁶⁶ SI 2006/3004 Rule 46) and SI 2012/1917 Rule 54.
- ⁶⁷ SI 2006/3004 Rule 46(2) and SI 2012/1917 Rule 54(4).
- ⁶⁸ SI 2007/1024 Rule 50.
- ⁶⁹ SI 2007/1024 Rule 51 and 52.
- ⁷⁰ SI 2007/1024 Rule 51.
- ⁷¹ SI 2007/1024 Rule 52.
- ⁷² SI 2006/3004 Rule 46(1) and SI 2012/1917 Rule 54(2).
- ⁷³ *Fermanagh and South Tyrone* [2010] NIQB 113 (Morgan LCJ at paragraph 43).

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- ⁷⁴ SI 2006/3004 Rule 49.
⁷⁵ SI 2007/1024 Rule 53(4).
⁷⁶ SI 2006/3004 Rule 50.
⁷⁷ SI 2006/3004 Rule 50.
⁷⁸ SI 2006/3004 Rule 50 (1)(b).
⁷⁹ SI 2012/1917 Rule 57(1).
⁸⁰ SI 2012/1917 Rule 57(1).
⁸¹ SI 2012/1917 Rule 57(1).
⁸² SI 2012/1917 Rule 57(2).