

Part A – Returning Officer role and responsibilities

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

September 2015

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

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1 Introduction to this guidance

Purpose

1.1 The purpose of this guidance is to assist Local Returning Officers¹ at the Police and Crime Commissioner (PCC) elections with the practice and procedure of running the poll.

1.2 This guidance has been developed in close consultation with members of the UK Electoral Advisory Board (EAB) and the Elections, Registration and Referendums Working Group (ERRWG). It reflects what we, the EAB and the ERRWG believe that LROs should expect of their staff in preparing and delivering the 5 May 2016 poll.

1.3 You should read it in conjunction with any additional guidance or directions issued by the Police Area Returning Officer (PARO) as part of their role in co-ordinating the delivery of the PCC election in their area. The PARO has the power to give general or specific directions to LROs relating to the discharge of their functions at the PCC election, and so when acting as LRO you must comply with any such directions². You should liaise closely with the PARO and take into account any guidance issued by them in preparing for and delivering the poll. We have produced separate [planning guidance for PAROs](#) which is available for download from our website.

1.4 Throughout this guidance we generally use 'you' to refer to the LRO. Where we are referring to the PARO, this will be explicitly stated. For further details about your roles and responsibilities as local government RO and LRO, as well as the role and responsibilities of the PARO, see [Chapter 3](#).

1.5 This guidance has been produced based on, and should be read in accordance with, the requirements set out in the following legislation (as amended):

- Representation of the People Acts 1983, 1985 and 2000
- Political Parties, Elections and Referendums Act 2000
- Representation of the People (England and Wales) Regulations 2001
- Electoral Administration Act 2006
- Political Parties and Elections Act 2009
- Police Reform and Social Responsibility Act 2011
- The Police and Crime Commissioner Elections Order 2012
- *The Police and Crime Commissioner Elections (Functions of Returning Officers) Regulations 2012*
- *The Police and Crime Commissioner Elections (Designation of Local Authorities) (No.2) Order 2012*

- *The Police and Crime Commissioner (Disqualification) (Supplementary Provisions) Regulations 2012*
- *The Police and Crime Commissioner Elections (Returning Officers' Accounts) Regulations 2012*
- *The Police and Crime Commissioner Elections (Local Returning Officers' and Police Area Returning Officers' Charges) Order 2012*
- Electoral Registration and Administration Act 2013
- The Transfer of Functions (Police and Crime Commissioner Elections) Order 2015

1.6 The list above includes only the legislation that makes provision in areas that this guidance relates to and the legislation that currently stands. We expect further legislation to provide for amended conduct regulations, designation of PAROs and fees and charges.

1.7 PAROs and LROs are also required to have regard to the public sector equality duty contained in Section 149 of the Equality Act 2010 when carrying out their duties.

How to use this guidance

1.8 The guidance is divided into six areas:

- [Part A – Returning Officer roles and responsibilities](#)
- [Part B – Planning and organisation](#)
- [Part C – Administering the poll](#)
- [Part D – Absent voting](#)
- [Part E – Verifying and counting the votes](#)
- [Part F – After the declaration of results](#)

1.9 Each of these parts covers:

- what you and the PARO are required to do by law ('musts')
- what we expect you to have in place, and what we would expect to see to be able to be satisfied that the key outcomes of the Commission's performance standards can be delivered
- recommended practice to assist you in understanding and discharging your duties

1.10 This guidance is supplemented by resources which can be accessed through links contained throughout the guidance.

1.11 Should you have any questions about our guidance or any other matter relating to the administration of the election on 5 May 2016, we are available to provide on-going support. We will also be providing an out-of-hours advice service to deal with urgent electoral administration queries in the run up to and immediately following the May 2016 election. Further information on the out-of-hours service will be provided through our Bulletin for electoral administrators.

Terminology

1.12 In this guidance the term 'voting area' is the local authority area. The term 'police area' is the area covered by the police force.

2 The May 2016 election

2.1 The 5 May 2016 election will be a significant event, bringing its own particular challenges, and your work to deliver a well-run poll will come under considerable scrutiny – from voters, candidates and political parties, and the media including social media.

2.2 Even if you have worked as an LRO before, there have been changes in legislation – and landscape – since the last poll which makes this event different from any other election you may have delivered previously.

2.3 This chapter seeks to highlight some of the particular aspects of context relevant to these polls which you should ensure underpin all aspects of your planning.

Nature of the contests

2.4 The evolving political landscape could mean that even in places where there was a large majority this may no longer be the case, meaning the focus and circumstances could be different from anything experienced in your area before.

2.5 There may be a significant number of new or less experienced political parties, candidates and agents who are unfamiliar with the practices and processes of an election and who will need your assistance to be able to participate effectively.

2.6 Given the possibility of close and hard-fought contests, you should be prepared for the integrity of the elections to be scrutinised. Allegations and cases of electoral fraud will not only have a negative impact on the confidence of electors and campaigners, but they may also have a significant impact on your capacity to manage the election process effectively. It is therefore crucial that you put in place detailed and robust plans for monitoring and maintaining the integrity of the election in your area. You should work closely with the local police, ensuring you have in place good lines of communication for referring any allegations.

Scale

2.7 Many aspects of planning for the election will need to reflect assumptions regarding the likely turnout. Establishing such assumptions at an early stage in planning is of key importance as the scope for adjusting plans is limited at a later stage in the process. There are always challenges with developing such planning assumptions, with it often being difficult to predict in advance of the election period what the level of engagement in a particular poll is likely to be. Given the potential for an increased level of interest and engagement in this election, some of which may not emerge until close to the

polls, the potential for a higher turnout than previously needs to be reflected in all aspects of planning for the poll.

2.8 For example, higher turnout would mean more voters at polling stations, and it is vital that appropriate provision is made, with the numbers of stations and the numbers of staff within them sufficient to deal with the number of electors allocated to them. Although the legislation allows any voters in a queue at their polling station at 10pm to vote³, the need to ensure that voters do not face undue delays in voting and can receive a high-quality service still remains.

2.9 As the polls become closer, the context will continue to evolve as the campaigns pick up pace. You will need to be prepared to react to events which could have an impact on the effective delivery of the polls, and this will include having robust contingency plans in place that you can turn to where required. If, for example, there are televised debates relating to the other elections that are taking place on 5 May 2016, these could result in a late surge of registration and absent voting applications for this election, as well as having an impact on turnout and could alter the traditional pattern of when completed postal votes are returned. There could also be more intense scrutiny by the media and also through social media.

2.10 The media focus on the verification, count and declaration of results could be more significant than previously and it will be important to manage expectations, not only of the media but of all with an interest in the results, by consulting on your proposed approach and subsequently communicating clearly what you expect to deliver and by when, particularly where combination will impact on your expected result declaration times.

Registration of electors

2.11 The focus on the numbers of those registered and not registered is as high profile as it has ever been, and this is set to continue.

2.12 IER – and online registration in particular – brings greater opportunities for you and the Electoral Registration Officer (ERO) to engage local residents in the democratic process and to boost the levels of registration amongst under-registered groups. Opportunities for working with local partners who can reach out to voters in under-registered groups in your area could be a valuable part of your engagement work locally and should be sought out and seized.

2.13 The potential for a high number of registration applications close to the deadline for the elections should be anticipated and built into your plans, reflecting lessons learnt from the experience of the May 2015 elections. The impact of such applications and related questions from residents about their registration status is not only relevant to the ERO but will also have implications for the administration of the poll and your plans should ensure you are able to respond effectively.

3 Roles and responsibilities

3.1 Every county, district, unitary and metropolitan council is required to appoint an officer of the council to be the RO for the election of councillors to their local authority⁴.

3.2 By virtue of being the local government RO, you will also be the LRO for the PCC election. At a PCC election, an LRO is appointed for each voting area within the police area. The voting area is defined as the local authority area.

Your role and responsibilities

3.1 You play a central role in the democratic process. Your role is to ensure that the election is administered effectively. You should strive to make sure that the experience of voters and those standing for election is a positive one. To achieve this, you will need to have in place an effective mechanism for liaising with adjoining LROs and with the PARO.

3.2 You should set out at an early stage what each of you wants to achieve and what success would look like for you.

3.3 As LRO, in your voting area you are personally responsible for the conduct of the election, including:

- provision and equipment of polling stations⁵
- printing of the ballot papers (unless the PARO has given notice that they will take on responsibility for this)
- appointment of polling station staff⁶
- conduct of the poll⁷
- management of the postal vote process
- 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)⁸
- transmission of the local total for the voting area to the PARO⁹

3.4 Your duties as LRO are separate from your duties as a local government officer. As LRO you are not responsible to the local authority but are directly accountable to the courts as an independent statutory office holder.

Breach of official duty and power to correct procedural errors

3.5 While you can appoint one or more persons to discharge any or all of your functions as LRO¹⁰ you cannot delegate your personal responsibility for delivering your duties at the election. Further information on the appointment of deputies can be found in [Part B – Planning and organisation](#).

3.6 The LRO is also subject to breach of official duty provisions. This means that if they or their appointed deputies are, without reasonable cause, guilty of any act or omission in breach of official duty they (and/or their deputies) are liable on summary conviction to an unlimited fine¹¹.

3.7 The LRO has the power to take such steps as they think appropriate to remedy acts or omissions that arise in connection with any function of the elections for which they are responsible and that are not in accordance with the rules¹².

3.8 This power allows you as LRO, to correct procedural errors that you, an ERO, a Presiding Officer or a person providing goods or services to you (or any deputies of any of these) make.

3.9 Where the LRO remedies an act or omission in full by using their power to correct a procedural error, they will not be guilty of an offence of breach of official duty. You should remember that the power to correct procedural errors does not enable you as LRO to recount the votes once the result has been declared.

3.10 As LRO you are personally liable for the conduct of the elections in your voting area. You should ensure that you have insurance cover and that it is up-to-date. You should be prepared to demonstrate robust planning and decision-making processes in the event of any challenge to the elections and a claim against you. The team at your local authority dealing with insurance may be able to help determine what existing cover is in place and available, and to provide advice as to whether it should be extended.

Your skills and knowledge

3.11 You should have a working knowledge of the legislation governing the conduct of the elections. This means that, in addition to having a clear understanding of your particular statutory functions, you should have an overview of what the legislation contains and an understanding of how it affects the administration of the elections, so that you can review, question where necessary, and quality-assure the whole process.

3.12 There are management responsibilities attached to your role. For example, you should:

- command the required staff and resources to deliver a well-run election
- draw in the necessary support, skills and expertise from across your own local authority
- oversee the planning, project management and risk management of the election and incorporate any lessons learnt from previous polls
- identify and oversee any actions necessary to mitigate any issues arising
- ensure that staff are appropriately trained to deliver the roles required of them
- support the staff administering the election and provide appropriate oversight of their work
- provide direction to staff, monitor progress and receive regular feedback on activities
- if you are not also the PARO, maintain an effective working relationship with the PARO
- if you are not also the ERO, maintain an effective working relationship with the ERO
- maintain an effective working relationship with your police Single Point of Contact (SPOC)
- ensure that election accounts are completed in a timely manner

Appointment, role and responsibilities of the Police Area Returning Officer

3.13 The PARO is designated by an Order made by the Secretary of State and must be an Acting Returning Officer for a UK Parliamentary constituency which falls within or partly within the police area¹³.

3.14 The PARO is personally responsible for:

- publishing the notice of election for the PCC election¹⁴
- administering the nomination process¹⁵
- ensuring that candidates comply with the requirements regarding the content of their election addresses¹⁶
- collating and calculating the number of votes given for each candidate and calculating the result¹⁷
- declaring the result¹⁸

3.15 The PARO may also take on responsibility for the following LRO duties by giving notice to the relevant LRO(s):

- printing the ballot papers
- verification
- counting the votes¹⁹

3.16 The PARO has the power to give general or specific directions to LROs relating to the discharge of their functions at the PCC election, including directions requiring LROs to take specified preparatory steps or to provide any information that they have or are entitled to have.

4 Performance standards

4.1 The Electoral Commission sets standards and monitors and reports on the performance of Returning Officers²⁰. The performance standards applicable to the May 2016 polls can be found at [Appendix A – Performance standards for Returning Officers](#).

4.2 The framework was developed around the key outcomes from the perspective of voters and those who want to stand for election, and in particular whether Returning Officers are taking the necessary steps to deliver the following outcomes:

- voters are able to vote easily and know that their vote will be counted in the way they intended
- it is easy for people who want to stand for election to find out how to get involved, what the rules are, and what they have to do to comply with these rules, and they can have confidence in the management of the process and the result

4.3 [Parts B to F](#) of this guidance include what we expect Returning Officers will need to have in place, and what we would expect to see to be able to be satisfied that the key outcomes of the standards can be delivered.

Appendix A – Performance standards for Returning Officers in Great Britain

Performance standard 1: Voters

Ensuring that planning for and delivery of the poll enables voters to vote easily and know that their vote will be counted in the way they intended

Outcome	What does the RO need to do to achieve the outcome	What will demonstrate how the outcome has been met
<p>Voters receive the information they need, in an accessible format and within time for them to cast their vote</p>	<ul style="list-style-type: none"> • Develop and implement robust project management processes • Evaluate planning for and delivery of previous polls and identify lessons learnt, updating plans as required • Put in place arrangements to manage contractors and suppliers to ensure that the work is delivered as required by the specification • Ensure robust processes are in place for ensuring that there are no errors on voter materials, notice of poll and notice of election • Ensure poll cards are received by voters as soon as possible so that 	<ul style="list-style-type: none"> • Project planning documentation which is kept under regular review • Planning documentation reflecting lessons learnt • Arrangements in place for the management of contractors and suppliers • Processes for the proof-checking of voter materials, notice of poll and notice of election • Information on the method for delivery of poll cards, including an estimation of when poll cards will be delivered • Information on the poll easily

	<p>voters have the maximum amount of time to act on the information</p> <ul style="list-style-type: none"> • Ensure information on the poll, including the notice of election and notice of poll, is easily accessible to voters, such as through the local authority website 	<p>accessed through the local authority website</p>
<p>Voters receive a high-quality service</p>	<ul style="list-style-type: none"> • Ensure that access needs are taken into account when planning for and setting up polling stations • Decide on the allocation of electors and staff to polling stations to ensure polling stations are properly staffed so that voters receive a high-quality service, giving consideration to the factors set out in Commission guidance • Ensure polling station staff are trained to set-up polling stations in such a way that takes account of voter needs • Ensure postal ballot packs are received by voters as soon as possible so that voters have the maximum amount of time to act on the information 	<ul style="list-style-type: none"> • Assessment regarding access needs, identifying any problems and actions taken to remedy these • Approach taken to allocating electors and staff to polling stations • Guidance/training provided to polling station staff • Information on the method for delivery of postal ballot packs, including an estimation of when postal ballot packs will be delivered

<p>Voters have confidence that their vote will be counted in the way they intended</p>	<ul style="list-style-type: none"> • Maintain a clear audit trail of the issue, receipt and opening of postal ballot packs • Have in place processes to identify any patterns of activity that might indicate potential integrity problems, including what steps are to be taken to deal with any such problems • Maintain the secure storage of ballot papers and postal ballot packs at all times • Put in place appropriate resources to ensure the verification and count is timely • Ensure the results are communicated to voters in a clear and timely way • Ensure count processes are designed and managed to secure an accurate result, with a clear audit trail 	<p>Arrangements to maintain a clear audit trail of the issue, receipt and opening of postal ballot packs</p> <p>Processes for dealing with integrity problems</p> <p>Arrangements for securely storing ballot papers and postal ballot packs</p> <p>Information on how the verification and counting is to be organised and managed, including the process you followed to arrive at your decision</p> <p>Arrangements for communicating results to voters</p> <p>Arrangements in place to maintain a clear audit trail of the count processes</p>
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Performance standard 2: Those who want to stand for election

Ensuring that planning for and delivery of the poll enables people who want to stand for election to find out how to get involved, what the rules are, and what they have to do to comply with these rules, and enables them to have confidence in the management of the process and the result

Outcome	What does the RO need to do to achieve the outcome	What will demonstrate how the outcome has been met
People who want to stand for election receive all the information they need to take part	<p>Ensure information on the election process and spending is easily available for candidates and agents, including through providing briefing sessions and ensuring they are issued with written guidance</p> <p>Ensure that candidates have the opportunity to have their nomination papers informally checked prior to their formal submission</p>	<p>Written guidance issued to candidates</p> <p>Date(s) of briefing sessions and briefing resources</p> <p>Arrangements in place for candidates to have their nomination papers informally checked prior to formal submission</p>
Candidates have confidence that the process is well-managed, and have confidence in the results	<p>Ensure that those entitled to attend postal vote opening sessions are able to follow what is happening, where and when</p> <p>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</p>	<p>Layout plan of postal vote opening sessions</p> <p>Information provided to attendees at postal vote opening sessions</p> <p>Layout plan of the count</p> <p>Information provided to attendees at the count</p> <p>Arrangements in place to communicate progress at the count</p> <p>Arrangements in place to maintain a clear</p>

	<p>Ensure count processes are designed and managed to secure an accurate result, with a clear audit trail</p> <p>Have in place processes to identify any patterns of activity that might indicate potential integrity problems, including what steps are to be taken to deal with any such problems</p>	<p>audit trail of the count processes</p> <p>Processes for dealing with integrity problems</p>
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Performance standard for statutory office holders with a power of direction

Performance standard 3: Co-ordination and management of the poll

Co-ordinating the planning for and delivery of the poll to ensure a consistent high-quality experience for voters and those wanting to stand for election

Outcome	What does the statutory office holder need to do to achieve the outcome	What will demonstrate how the outcome has been met
To ensure that local ROs have the necessary arrangements in place to deliver well-run elections in their area	<ul style="list-style-type: none"> • Develop and implement robust project management processes • Develop guidance and issue directions where necessary to ensure the effective administration of the polls in each local RO area • Develop and implement plans for communicating with local ROs • Develop and implement a strategy for co-ordinating and delivering public awareness and engaging with electors across the area • Where appropriate, develop a process 	<ul style="list-style-type: none"> • Project planning documentation which is kept under regular review • Arrangements for ensuring the consistent delivery of the poll, including guidance issued and whether and how you have used your power to give directions • Plans for communicating with local ROs • A strategy for co-ordinating and delivering public awareness activity and engaging with electors across the area

	for receiving and submitting local results	<ul style="list-style-type: none"> • Arrangements on how you intend to manage the process of collating local results, including any protocols and guidance issued to local ROs
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¹ Police and Crime Commissioner Elections Order 2012 / SI 2012/1917 Art.2

² SI 2012/1917 Art.2 and SI 2012/2085 Art.3.

³ SI 2012/1917 Sch.3 para 39(7).

⁴ SI 2012/1917 Art.2

⁵ SI 2012/1917 Sch.3 paras 26 and 29.

⁶ SI 2012/1917 Sch.3 para 27.

⁷ SI 2012/1917 Sch.3 paras 28 to 47.

⁸ SI 2012/1917 Sch.3 paras 48-56 and para 60.

⁹ SI 2012/1917 Sch.3 para 57.

¹⁰ SI 2012/1918 reg.5.

¹¹ SI 2012/1917 art.19.

¹² SI 2012/1918 reg.6.

¹³ SI 2012/1917 Art.2 and SI 2012/2085 Art.3.

¹⁴ SI 2012/1917 Sch.3 para 4.

¹⁵ SI 2012/1917 Sch.3 paras 5 to 16.

¹⁶ SI 2012/1917 Art.52(2) and Sch.8.

¹⁷ SI 2012/1917 Sch.3 paras 57-61.

¹⁸ SI 2012/1917 Sch.3 para 62.

¹⁹ SI 2012/1918 reg.3(4).

²⁰ Political Parties Elections and Referendums Act 2000 s.9A.