

Police and Crime Commissioner elections in England and Wales

Guidance for candidates and agents

Part 5 of 6 – Your right to attend key electoral events

March 2023

This document applies to Police and Crime Commissioner elections. Our guidance and resources for other elections in the UK can be accessed from our website at: <https://www.electoralcommission.org.uk/i-am-a/candidate-or-agent>.

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Essential information

This section of the document contains our guidance on attending key electoral processes at the Police and Crime Commissioner elections in England and Wales.

Supplementary information, which may only be relevant to some candidates, is provided at the back of this document. You can also view this supplementary guidance by clicking on the links within this document or by clicking on the chapter heading on the contents page.

We are here to help, so please contact us if you have any questions.

See our [Overview document](#) for contact details.

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

Deadlines mentioned in this document are generic. For any by-elections, you will be able to obtain a copy of the specific timetable for that election from the Police Area Returning Officer.

For scheduled elections we will publish an election timetable, which you can download from our [website](#).

The opening of postal votes

- 1.1 You, your election agent and your sub agents are entitled to attend the opening of returned postal votes.¹ Additionally, you may appoint agents to attend openings on your behalf.² See [Part 2a – Standing as an independent candidate](#) or [Part 2b – Standing as a party candidate](#) for details on how to appoint these agents.

Candidates and agents are not entitled to attend the **issue** of postal votes.

What is postal voting?

- 1.2 People aged 18 or over who are registered to vote, or have applied to be registered to vote, can apply to vote by post in Police and Crime Commissioner elections by submitting an application to the Electoral Registration Officer. The application must be received by the Electoral Registration Officer by 5pm on the eleventh working day before the poll.³ Those who have been appointed to vote as a proxy on behalf of someone else may also apply for a postal vote by applying by 5pm on the eleventh working day before the poll. The Electoral Registration Officer has no discretion to extend the deadline for whatever reason.
- 1.3 Postal ballot packs containing a ballot paper and a postal voting statement will be sent to electors from around two weeks before polling day. There will be a final batch of postal votes issued to electors who registered close to the registration deadline once their names have been added to the final register update on the fifth working day before the poll.
- 1.4 Electors will then mark their ballot paper, complete the postal voting statement by providing their signature and date of birth, and return their postal vote to the Local Returning Officer (LRO) before the close of poll.

If the election is combined with another poll, the issue of postal votes may be combined.

In that case, the postal ballot pack will also contain the ballot paper for the other electoral event(s).

What does the postal ballot pack contain?

- **Envelope A** is the envelope that the elector returns their ballot paper in. It is marked with the letter 'A' and the words 'ballot paper envelope'

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- **Envelope B** is the envelope that the elector will use to return the ballot paper envelope and the postal voting statement. It is marked with the letter 'B' and the address of the LRO
- **The postal voting statement** contains the elector's name, the number of the ballot paper issued to them, instructions on how to vote by post and space for the elector to sign and provide their date of birth
- **The ballot paper**

What does a postal voting agent do?

- 1.5A postal voting agent is allowed to attend and observe postal vote opening sessions, which are run by the LRO. At each opening session the LRO will decide whether or not the date of birth and signature provided by electors on their postal voting statements match the signature and date of birth previously provided and held on their records. If there is a mismatch, the postal vote will be rejected.
- 1.6A postal voting agent has a right to observe, but not to interfere with, this process. A postal voting agent can, however, object to the decision of an LRO to reject a postal vote.⁴ It will not affect the LRO's decision, but the LRO will record any objections by marking the postal voting statement with the words 'rejection objected to'.
- 1.7Like your postal voting agents, you, your election agent and sub agent(s) are also entitled to object to a rejection.
- 1.8The LRO will explain the postal vote opening process to you and may issue you with information on the procedures to be followed, including instructions on what you can and cannot do at the session. You should comply with any instructions that the LRO has given.

In England, for more information read the [polling station secrecy requirements](#).

In Wales, for more information read the [polling station secrecy requirements in English](#) and in [Welsh](#).

Duty to maintain secrecy

- 1.9Ballot papers will be kept face down throughout a postal vote opening session.⁵ Anyone attending an opening session must not attempt to see how individual ballot papers have been marked. It follows therefore that **keeping**

a tally of how ballot papers have been marked is not allowed.

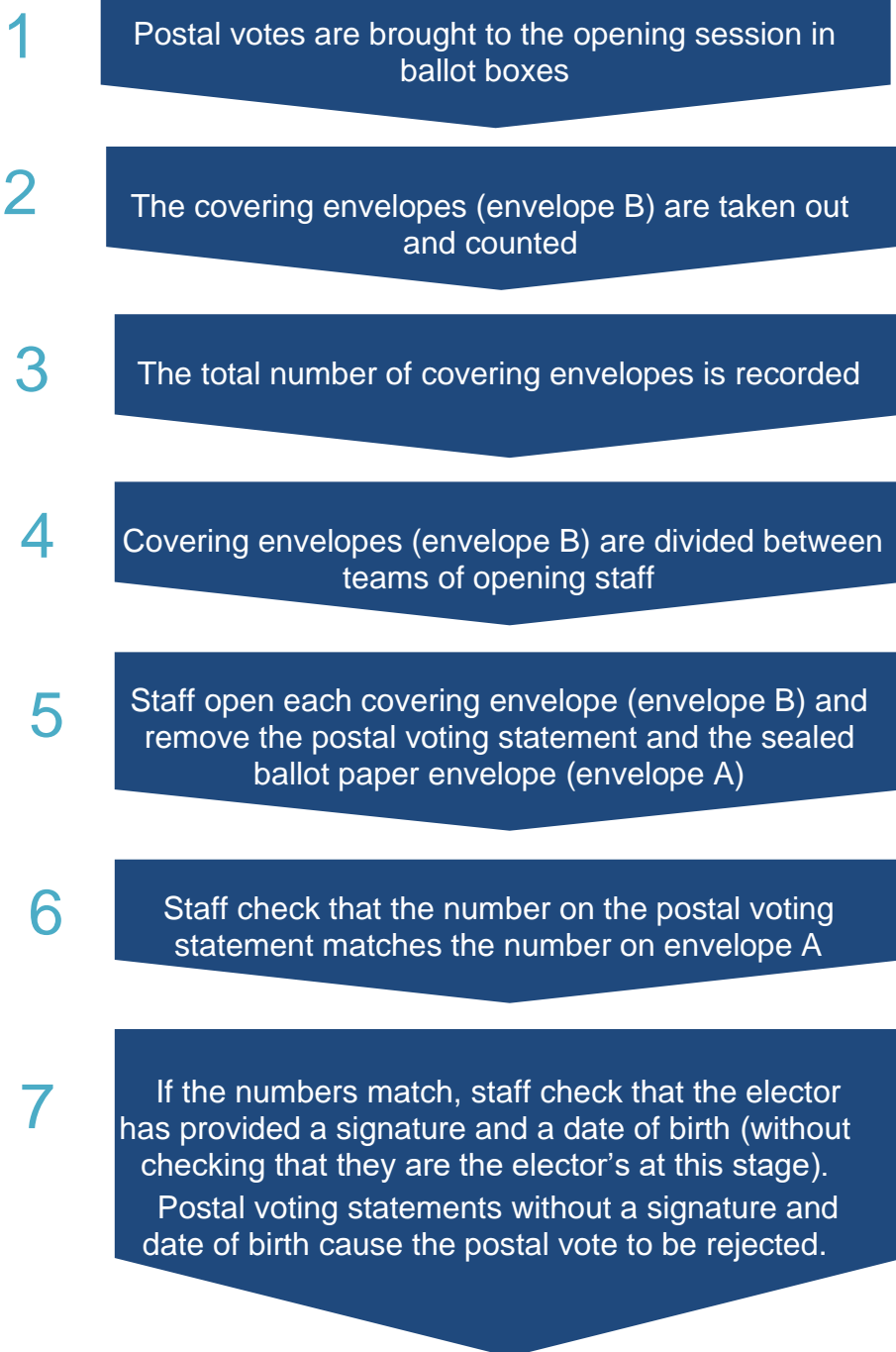
- 1.10 In addition, anyone attending a postal vote opening must not attempt to look at identifying marks or numbers on ballot papers, disclose how any particular ballot paper has been marked or pass on any such information gained from the session.⁶ Anyone found guilty of breaching these requirements can face an unlimited fine, or may be imprisoned for up to six months.

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

- 1.11 It is likely that several opening sessions will take place before polling day, as well as on polling day itself.
- 1.12 The LRO must give candidates at least 48 hours' notice of when and where the sessions will take place.⁷ They will also tell you how many postal voting agents will be allowed to attend each session.
- 1.13 There will be a final opening session after the polls have closed to open any postal votes handed in to polling stations. This session may be held at the count venue or in another location. The LRO will advise you of the location for the final opening.
- 1.14 The postal vote opening process can be summarised as follows:

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Flowchart of the opening session process



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

- 8 If the statement or ballot paper envelope is missing, or the numbers on the statement and ballot paper envelope do not match, the document(s) are set aside, recorded and stored in secure packets
 - 9 The LRO must verify the dates of birth and signatures provided on the statements
 - 10 The LRO must be satisfied that the dates of birth and signatures on the statements match those previously provided and held on record
 - 11 Following verification of the signatures and dates of birth, postal voting statements are removed from the tables
 - 12 Staff open the ballot paper envelopes (envelope A) and remove the ballot paper
 - 13 Staff check that the number on the back of the ballot paper matches the number on the ballot paper envelope (envelope A)
 - 14 Valid ballot papers (**not** votes) are counted and the total number is recorded
 - 15 All valid ballot papers are placed into ballot boxes and stored securely before being delivered to the count venue for counting after the close of poll
- The LRO will match up postal voting documents received separately, provided the statement is completed correctly and received by the close of poll.
- Ballot papers must be kept face down throughout this process.
- Valid** ballot papers are those ballot papers whose related postal voting statement has passed the signature and date of birth checks.
- Invalid ballot papers are set aside and stored in secure packets.

Invalid and rejected postal voting statements

- 1.15 Unless a waiver has been granted, the LRO will reject a postal voting statement if a signature and/or date of birth is missing or if a signature and/or date of birth does not match that previously provided by the elector and held on record.
- 1.16 Rejected statements are attached to the relevant ballot paper or ballot paper envelope. They are marked as 'rejected' and shown to any agents present.
- 1.17 Agents can object to the LRO's decision to reject any postal vote and, if they do, the words 'rejection objected to' are added to it. However, the LRO's decision is final and the postal vote will remain rejected.

Polling stations

- 1.18 You and your election agent are entitled to observe proceedings inside polling stations.⁸
- 1.19 A sub-agent may attend but only in their capacity to act on behalf of the election agent⁹.
- 1.20 Additionally, you may appoint agents to attend polling stations on your behalf.¹⁰ See [Part 2a – Standing as an independent candidate](#) or [Part 2b – Standing as a party candidate](#) for details on how to appoint polling agents.

Who can vote at polling stations?

- 1.21 Most people choose to vote in person at their polling station. Any person on the polling station's electoral register can vote at the polling station in a Police and Crime Commissioner election, unless:
 - they are a registered postal voter
 - they are a registered proxy voter and their proxy has already voted for them or has applied to vote on their behalf by post
 - they are not 18 years of age or older on polling day
 - they are registered as an overseas peer or an overseas elector

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

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

1.23 Electors voting in a polling station will be required to show photographic ID before they are issued with a ballot paper. The accepted forms of photographic ID are:¹¹

- a passport issued by the UK, any of the Channel Islands, the Isle of Man, a British Overseas Territory, an EEA state, or a Commonwealth country (including an Irish Passport Card)
- a driving licence issued by the UK, any of the Channel Islands, the Isle of Man, or an EEA state
- a biometric immigration document
- an identity card bearing the Proof of Age Standards Scheme hologram (a PASS card)
- a Ministry of Defence Form 90 (Defence Identity Card)
- a Blue Badge
- a national identity card issued by an EEA state
- an Older Person's Bus Pass funded by the Government of the United Kingdom
- a Disabled Person's Bus Pass funded by the Government of the United Kingdom
- an Oyster 60+ Card funded by the Government of the United Kingdom
- a Freedom Pass
- a National Entitlement Card issued in Scotland
- a 60 and Over Welsh Concessionary Travel Card issued in Wales
- a Disabled Person's Welsh Concessionary Travel Card issued in Wales
- a Senior SmartPass issued in Northern Ireland
- a Registered Blind SmartPass or Blind Person's SmartPass issued in Northern Ireland
- a War Disablement SmartPass issued in Northern Ireland
- a 60+ SmartPass issued in Northern Ireland
- a Half Fare SmartPass issued in Northern Ireland

- an Electoral Identity Card issued in Northern Ireland

1.24 Expired photographic ID documents can still be used as accepted photographic ID at the polling station, as long as the photograph is still a good likeness of the elector.

1.25 Where an elector does not have one of the accepted forms of photographic ID, they can apply for a Voter Authority Certificate in a number of ways:

- online at www.gov.uk/apply-for-photo-id-voter-authority-certificate
- in writing on a paper application form
- in person, if the Electoral Registration Officer is offering this service at their office

1.26 Anonymous electors wishing to vote in person will be required to apply for an Anonymous Elector's Document. An application for an Anonymous Elector's document can only be made in writing, using a paper application form. Your local Electoral Registration Officer will be able to provide the elector with this form on request. The application form can then be returned to the Electoral Registration Officer by the elector by post, by hand or by emailing a scanned copy.

1.27 Candidates and agents should not handle completed applications for Voter Authority Certificates or Anonymous Elector's Documents. Further information is provided in our [code of conduct for campaigners in Great Britain](#).

1.28 Registered postal voters cannot be issued with a ballot paper at the polling station, but they can return their completed postal ballot pack to their polling station on polling day. Alternatively, in England, they may return their postal vote to certain other polling stations in the local authority area (the elections office will be able to provide details). In Wales, they may return their postal vote to certain other polling stations in the constituency (the elections office will be able to provide details). In all instances, postal ballot packs may also be returned by hand to the LRO at the elections office.

Where the postal ballot pack contains a ballot paper for another electoral event happening on the same day, the Returning Officer will provide information on where voters can return their postal ballot pack to

- 1.29 Postal ballot packs returned to polling stations must be handed to polling station staff and not placed in the ballot box.

Polling station opening hours

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

Finding the location of polling stations

- 1.31 The LRO will give public notice of the location of polling stations by the sixth working day before the poll.¹² They will give a copy of this notice to election agents soon after this.

What does a polling agent do?

- 1.32 Polling agents have a number of important roles to play on polling day. They can:
- be present in the polling station before the opening of the poll to watch the Presiding Officer show the empty ballot box before it is sealed
 - detect personation and prevent people voting more than once in the election (other than as proxies)
 - be present when the Presiding Officer marks a ballot paper at the request of an elector who needs assistance marking a ballot paper because of a disability or an inability to read or write
 - report to you or your election agent any improper activities and keep notes, if required, for giving evidence in court
 - be present at the close of poll when the various packets of documents are sealed
 - attach their seal to any packets made up by the Presiding Officer at the close of poll, including the ballot box
- 1.33 You and your election agent can also do anything that a polling agent is entitled to do.¹³

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

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

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

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

Maintaining the secrecy of the ballot

1.34 Anyone attending a polling station has a duty to maintain the secrecy of the ballot.¹⁴ In particular, the following information must not be disclosed:

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

1.35 Anyone attending a polling station must also not try to ascertain how a voter has voted or who they are about to vote for.

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

1.37 Any person found guilty of breaching the secrecy requirements can face an unlimited fine, or may be imprisoned for up to six months.

What is the normal voting process?

1.38 The normal voting process at a polling station will require individuals to provide photographic ID in order to be issued with a ballot paper. The voting process can be summarised as follows:

Polling station staff will...

- ask voters for their name and address, and make sure they are eligible to vote
- ask the voter to produce their photographic ID
- verify the photographic ID
- mark a straight line against the voter's entry on the register of electors
- write the elector number on a list next to the number of the ballot paper to be issued

In England, for more information read the [polling station secrecy requirements](#).

In Wales, for more information read the [polling station secrecy requirements in English](#) and in [Welsh](#).

Where the election has been combined with another electoral event, polling station staff will be issuing the ballot papers for all electoral events.

Different electoral events may have different franchise requirements, so sometimes an elector will not be entitled to vote at all of the polls taking place.

Where polls are combined, a single ballot box may be used for all of the contests or one ballot box may be used for each separate contest.

- ensure the ballot paper includes the official mark (e.g. a barcode or watermark)
- fold the ballot paper and then hand it to the voter **unfolded** so that they can see all of the options on the ballot paper

The voter will...

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

1.39 The polling station will have facilities for any voter who wishes to have their ID checked in private.

1.40 Where the voter does not bring ID or brings an incorrect form of ID, the voter will be able to return to the polling station with other acceptable forms of photographic ID. If this form of ID is acceptable, the voter will be issued with a ballot paper.

1.41 The Presiding Officer can assist anyone who is unable to mark the ballot paper themselves.¹⁵ Alternatively, a voter may bring along someone they know and trust to assist them in marking their vote.¹⁶ The person assisting the voter must either be a close relative over the age of 18. A person can only assist a maximum of two voters at the election.

Collection of postal ballots from the polling station

1.42 The LRO may arrange for the collection of any postal votes that electors have handed in at polling stations throughout polling day. The Presiding Officer must seal any returned postal votes in a packet before they are collected. Any agents present can add their own seal to the packet if they wish.

Tellers

- 1.43 Tellers are people who stand outside polling stations or polling places and record the elector numbers of electors who have voted. They can then identify likely supporters who have not voted and encourage them to vote before the close of poll.
- 1.44 Tellers have no legal status and voters can refuse to give information to them.
- 1.45 We have produced a factsheet of [tellers dos and don'ts](#), as well as more comprehensive [guidance on the activities of tellers](#). The guidance aims to ensure that everyone knows precisely what is and is not acceptable and is designed to promote appropriate standards of conduct. The LRO may also provide their own guidance to tellers.

The LRO is in charge of the conduct of the election in their voting area. If they are concerned by the activities of tellers, they can ask tellers to comply with agreed behaviour or leave the polling place.

What happens after polls close?

- 1.46 Once all voters who have been issued with a ballot paper have voted, the ballot box is sealed by the Presiding Officer and polling agents, candidates or election agents can add their own seal if they wish.¹⁷ After the Presiding Officer has completed all of the paperwork, the sealed ballot box is taken to the count venue.

The count

- 1.47 The LRO is responsible for verifying and counting the votes in their voting area. The Police Area Returning Officer (PARO) is responsible for collating the totals from each voting area and calculating the result for the police area.

Who can attend the verification and count?

- 1.48 You and your election agent are entitled to attend the verification and count for any of the voting areas in the police area.¹⁸ You and your election agent are also entitled to attend the calculation of the result for the police area.¹⁹ Additionally, you can invite one other person to attend

these proceedings, and may also appoint agents specifically to attend these proceedings on your behalf.²⁰

- 1.49 A sub-agent is entitled to attend in place of an election agent, but only if the proceedings relate to the area to which they have been appointed to act.²¹ For details on how to appoint agents, see [Part 2a: Standing as an independent candidate](#) or [Part 2b: Standing as a party candidate](#).

What does a counting agent do?

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

- they observe the counting process and make sure that it is accurate
- they can draw to the attention of count staff any doubtful ballot papers
- if they disagree with a decision by the LRO to reject a ballot paper, they can ask the LRO to mark on the ballot paper “rejection objected to”
- if a count is suspended for any reason, there is a break between the end of verification and the start of the count and/or ballot boxes with verified ballot papers need to be transported to a different location for counting, counting agents can add their seals when the LRO seals the ballot boxes and envelopes

- 1.51 You and your election agent can do anything a counting agent is allowed to do.²²

Duty to maintain secrecy

- 1.52 Anyone attending the count has a duty to maintain the secrecy of the count.²³ In particular, anyone attending must not:
- ascertain or attempt to ascertain number or other unique identifying mark on the back of any ballot paper

In England, for more information read the [polling station secrecy requirements](#).

In Wales, for more information read the [polling station secrecy requirements in English](#) and in [Welsh](#).

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- communicate any information obtained at the count as to the candidate for whom any vote is given on any particular ballot paper

When and where will the count take place?

1.53 The LRO will notify you of the exact time and location of their local verification and count.

1.54 The PARO will notify you of the time and location of the calculation of the result.

How the votes will be counted

Check-in

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

Verification

- 3 Ballot boxes are emptied onto tables and the empty boxes are shown to agents
- 4 Staff count the ballot papers from each polling station
- 5 Staff verify that the number of ballot papers matches the number of papers issued, as recorded on the Presiding Officers' ballot paper account
- 6 The verified ballot papers are shown to election and counting agents face up
- 7 The LRO determines the reasons for any discrepancies and produces a final verified total
- 8 The LRO produces a statement of the verification. Agents can view or copy this statement if they wish

Where the election has been combined with another electoral event, all ballot boxes will be verified before any results are declared.

There may be a single ballot box for all elections or separate boxes for different contests. In any case, ballot papers will be sorted into the separate contests.

Any ballot paper found in the 'wrong' ballot box is still valid and will be moved to the correct box during verification.

Counting of votes

Staff will sort the ballot papers by candidate and count the number of votes cast for each candidate. The local totals are then transmitted to the PARO for the calculation of the result.

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

1.55 A ballot paper will not be counted if it:

- is unmarked
- does not contain the official mark
- contains more than one vote
- the voter has not indicated their choice with certainty
- contains any mark or writing that may identify the voter

1.56 The LRO must draw up a statement showing the number of ballot papers rejected in their voting area for these reasons.²⁴

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

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

The LRO must mark the word "rejected" on any ballot paper that is rejected. They must add the words "rejection objected to" if a counting agent objects to the LRO's decision.²⁵ For more details on the adjudication of doubtful ballot papers see paragraph **1.61**.

If the count does not take place immediately following verification, the verified boxes will be stored securely. Candidates and agents can attach their seals to boxes if they wish.

Recounts

1.58 You or your election agent can ask the LRO to recount the votes. The LRO can refuse to recount if they think the request is unreasonable.²⁶

1.59 Recounts can only be requested at voting area level. Police-area-wide recounts are not allowed.

Declaration of result

- 1.60 Once all the count totals from the voting areas have been added up by the PARO, the PARO will declare and give public notice of the result.

Some Returning Officers allow candidates to make speeches after the result is declared. Please check arrangements with the PARO.

For details of what happens after the result has been announced see: [Part 6: After the declaration of result](#)

Supplementary information

Doubtful ballot papers

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

1.62 The examples given in these documents are based on the election rules. Please note that while these documents provide guidance for LROs, each individual LRO has the ultimate responsibility for making a decision on individual ballot papers. Additionally the PARO may also have provided guidance to the LROs in their police area in order to ensure consistency of approach across the police area.

1.63 The LRO's decision to reject a particular ballot paper during the count or recount is final and can only be reviewed at an election petition after the declaration of the result. For more details on election petitions, see [Part 6 – After the declaration of result](#).

¹ Paragraph 32 Schedule 2 Police and Crime Commissioner Elections Order 2012 (PCCE Order 2012)

² Para 33 Sch 2 PCCE Order 2012

³ Para 16(3) and (4) Sch 2 PCCE Order 2012

⁴ Para 51(4) Sch 2 PCCE Order 2012

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- ⁵ Para 48(8)(a) Sch 2 PCCE Order 2012
⁶ Art. 22(6) PCCE Order 2012
⁷ Para 44 Sch 2 PCCE Order 2012
⁸ Para 34 Sch 3 PCCE Order 2012
⁹ Art.27 PCCE Order 2012
¹⁰ Para 31 Sch 3 PCCE Order 2012
¹¹ Rule 37, Schedule 1 Representation of the People Act 1983
¹² Para 24(3) Sch 3 PCCE Order 2012
¹³ Para 33(7) Sch 2 PCCE Order 2012
¹⁴ Art.22 PCCE Order 2012
¹⁵ Para 40 Sch 3 PCCE Order 2012
¹⁶ Para 41 Sch 3 PCCE Order 2012
¹⁷ Para 47 Sch 3 PCCE Order 2012
¹⁸ Paras 48 and 51 Sch 3 PCCE Order 2012
¹⁹ Para 58 Sch 3 PCCE Order 2012
²⁰ Para 31 Sch 3 PCCE Order 2012
²¹ Art.27 PCCE Order 2012
²² Para 31(13) and (14) Sch 3 PCCE Order 2012
²³ Art.22 PCCE Order 2012
²⁴ Para 53(7) Sch 3 PCCE Order 2012
²⁵ Para 53(6) Sch 3 PCCE Order 2012
²⁶ Para 54 Sch 3 PCCE Order 2012