

Police and Crime Commissioner elections in England and Wales

Guidance for candidates and agents

Part 6 of 6 – After the declaration of result

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 what happens after the result at a Police and Crime Commissioner election have been announced.

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.

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](#).

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

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

Data protection legislation applies to the processing of all personal data.

Please contact the Information Commissioner's Office for further information about how current data protection legislation affects you.

Declaration of acceptance of office

- 1.1 If elected, your term of office as Police and Crime Commissioner will start on the seventh calendar day after polling day.
- 1.2 The declaration of acceptance of office must be made within two months from the day of election and may be signed immediately after the result of the election has been declared. If you do not submit your declaration within two months, the post will be declared vacant and a by-election will be held.¹

Return of deposit²

- 1.3 The deposit will be returned if you poll more than 5% of the total number of valid votes cast in the police area.
- 1.4 Those candidates who have polled less than, or equal to, 5% of the total number of valid votes cast will lose their deposit.

Election petitions

- 1.5 The outcome of a Police and Crime Commissioner election can be challenged through an election petition. For further details on challenging an election, see paragraph **1.11**.

What happens to the election paperwork after the result is announced?

- 1.6 After the result is declared, all election documents are securely held by the Electoral Registration Officer for a period of 12 months.³

1.7 Most documents are available for public inspection. Please note that ballot papers are not open to public inspection. If you wish to inspect election documents, see paragraph **1.18** for further information.

Submitting your election spending returns

- 1.8 Within 70 calendar days of the election result being declared your election agent will need to prepare and submit to the Police Area Returning Officer an election spending return.⁴ In addition, both you and your election agent will need to sign a declaration stating that the return is complete and correct to the best of your knowledge and belief.⁵ Detailed guidance on completing and submitting your spending return is contained in [Part 3: Spending and donations](#).
- 1.9 There are consequences for failure to submit spending returns and these are set out in paragraphs **1.9** to **1.34**
- 1.10 More information on what must be included in the return is contained in [Part 3 - Spending and donations](#). We have also produced forms which you can use to complete your return. These forms – and accompanying detailed notes explaining how to complete and submit your return – can be found under Part 3 [on our website](#).

Supplementary information

Lodging an election petition

1.11 Only certain people can lodge an election petition, and only under specific circumstances.

1.12 A Police and Crime Commissioner election petition can be issued by⁶:

- someone claiming to have been a candidate at the election, or
- at least four electors (not anonymously registered electors) who had a right to vote at the election (note that they need not have voted).

1.13 The allowable grounds for a petition are that⁷:

- the successful candidate was disqualified at the time of the election
- the successful candidate was not duly elected
- the election was invalidated by corrupt or illegal practices
- the election was invalidated because of general corruption or the employment of a corrupt canvasser/agent⁸

1.14 The Police and Crime Commissioner whose election or return is complained about must be a respondent to the petition. If the petition complains about the conduct of the Returning Officer (either the Police Area Returning Officer and/or the Local Returning Officer) or their staff during the election, the Returning Officer(s) may also be a respondent.⁹

1.15 Normally a petition must be presented within 21 calendar days after the date of the poll. However, if the petition complains of corrupt or illegal practices involving the

payment of money or other reward, or an illegal practice relating to election spending, further time may be allowed.¹⁰

- 1.16 For any questions relating to election petitions, including to confirm the deadlines for lodging an election petition, you should contact:

The Election Petitions Office
Room E113
Royal Courts of Justice
Strand
London
WC2A 2LL

Email: Election_Petitions@justice.gov.uk

Phone: 0207 947 6877

- 1.17 There are costs attached to an election petition. If you are considering lodging an election petition, we strongly recommend that you take independent legal advice.

Inspection and supply of election-related documents

- 1.18 Except for spending returns and declarations, all other election documents available for supply and inspection are retained by the Electoral Registration Officer. Contact details for the Electoral Registration Officer can be found on our website: www.electoralcommission.org.uk/i-am-a/voter/your-election-information

Inspection and supply of the marked registers and lists of absent voters¹¹

- 1.19 The marked electoral registers and lists of absent voters show who has been issued with a ballot paper, who has returned their postal ballot paper, and who has had a proxy vote cast on their behalf.
- 1.20 You can inspect or obtain copies of the marked register of electors and lists of absent voters after the election if you make a request in writing to the relevant Electoral Registration Officer(s). Contact details are available on our website: www.electoralcommission.org.uk/i-am-a/voter/your-election-information
- 1.21 Note that you can only use the information obtained from these documents for research or electoral purposes.
- 1.22 The request for inspection must specify¹²:
- which documents are requested
 - the purposes for which the information in any document will be used
 - where the request is to inspect the marked register or lists, any reason why inspecting the full register or unmarked lists would not be sufficient to achieve that purpose
 - who will inspect the documents
 - the date on which they wish to inspect the documents, and
 - whether they would prefer to inspect the documents in a printed or data form
- 1.23 Inspection is under supervision and will be free of charge. You will not be able to take copies, but may make handwritten notes.
- 1.24 The request for supply must specify¹³:
- which of the marked register or lists (or the relevant part of the register or lists) are requested
 - whether a printed copy of the records or lists is requested or a copy in data form

- the purposes for which the marked register or lists will be used and why the supply or purchase of a copy of the full register or unmarked lists would not be sufficient to achieve that purpose

1.25 The requested document will be supplied for a fee of £10 plus £2 for printed and £1 for data versions per 1,000 entries.¹⁴

1.26 Note that after 12 months these documents, held by the relevant Electoral Registration Officer, may be destroyed, unless a court order directs otherwise.¹⁵

1.27 Under current data protection legislation, personal data processed for any purpose shall not be kept for longer than is necessary for that purpose. If you request and are supplied with any of the information listed above, once the purpose for collecting this data has passed, you need to consider if there is a reason for you to retain that data. If there is not you should ensure secure destruction of any data held.

Inspection of other election documents¹⁶

1.28 You can inspect other election documents, but you will not be allowed to make any notes or take copies of these documents. The only documents that cannot be inspected are:

- the ballot papers
- the corresponding number lists
- the certificates allowing polling station staff to vote at the polling station they are working at
- nomination papers
- the Ballot Paper Refusal List (information from this list can only be disclosed to the relevant elector or proxy on request following their refusal)¹⁷

1.29 After 12 months all of the election documents that are held by the Electoral Registration Officer will be destroyed, unless a court order directs otherwise.¹⁸

Nomination papers cannot be inspected after the election. They can only be inspected by certain people before 4pm on nineteen days before polling day (5pm in certain circumstance)

Inspection of election spending returns¹⁹

- 1.30 Spending returns and declarations are held by the Police Area Returning Officer. They can be inspected by any person after they have been submitted. Copies can also be made for a fee of 15p per side per page.
- 1.31 Spending returns and declarations are kept for two years. You can request to have them returned to you or your agent at the end of this period. If you or your agent does not want them back, the spending returns and declarations will be destroyed.

What happens if a spending return or declaration isn't submitted?

- 1.32 Failure to submit a spending return or declaration by the deadline without an authorised excuse is a criminal offence.²⁰
- 1.33 If the return and declaration as to a candidate's election expenses are not delivered before the expiry of the time limited for the purpose, the candidate is, as respects that election, disqualified from being elected as, or being a police and crime commissioner.²¹
- 1.34 The Electoral Commission has a legal remit to secure compliance with the rules on candidates' spending and donations, but no sanctioning powers in respect of breaches. Suspected breaches of the rules should be referred to the police.

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- ¹ Section 70 Police Reform and Social Responsibility Act 2011 (PR&SR 2011)
- ² Paragraph 63 Schedule 3 Police and Crime Commissioner Elections Order 2012 (PCCE Order 2012)
- ³ Para 68 Sch 3 PCCE Order 2012
- ⁴ Article 40 PCCE Order 2012
- ⁵ Article 41 PCCE Order 2012
- ⁶ Section 128 Representation of the People Act 1983 (RPA 1983)
- ⁷ S.127 RPA 1983
- ⁸ S.128 RPA 1983
- ⁹ S.128 RPA 1983
- ¹⁰ S.129 RPA 1983
- ¹¹ Para 2 Sch 10 PCCE Order 2012
- ¹² Para 3(2) Sch 10 PCCE Order 2012
- ¹³ Para 2(4) Sch 10 PCCE Order 2012
- ¹⁴ Para 6 Sch 10 PCCE Order 2012
- ¹⁵ Rule 68 Sch 3 PCCE Order 2012
- ¹⁶ Para 3 Sch 10 PCCE Order 2012
- ¹⁷ Regulation 32 Voter Identification Regulations 2022
- ¹⁸ Rule 68 Sch 3 PCCE Order 2012
- ¹⁹ Article 49 PCCE Order 2012
- ²⁰ Article 43 PCCE Order 2012
- ²¹ Article 44 PCCE Order 2012