

Part H – Combination of polls

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1 Introduction

1.1 There are specific provisions in electoral legislation to deal with the combination of the poll at a principal area election with that at another election.

1.2 This section considers such a combination, including the role of the Returning Officers in different electoral areas, and highlights areas for consideration such as the impact of combination on polling and counting processes.

1.3 The key legislation regarding the arrangements for the combination of the poll at a principal area election with that at another election is set out in:

- Representation of the People (Combination of Polls) (England and Wales) Regulations 2004 (as amended by the Representation of the People (Combination of Polls) (England and Wales) (Amendment) Regulations 2006 and 2007)
- Local Elections (Principal Areas) (England and Wales) Rules 2006, Schedule 3: Rules for Conduct of an Election of Councillors of a Principal Area where the poll is taken together with the poll at a relevant Election or Referendum
- Local Elections (Parishes and Communities) (England and Wales) Rules 2006, Schedule 3: Rules for Conduct of an Election of Councillors of a Parish or Community where the poll is taken together with the Poll at a relevant Election or Referendum

1.4 This guidance does not provide details of arrangements for the combination of a principal area election with a European Parliamentary by-election, an election to the Greater London Authority, a referendum on local authorities' executive arrangements or a mayoral election.

2 Combination arrangements

Combined or not combined

2.1 There are a number of instances where the polls at different elections held on the same day **must** be combined, where they **may** be combined and where they **may not** be combined. These are summarised below.

2.2 Circumstances where the polls **must** be combined:

- parish council and district council (where the parish or parish ward is coterminous with or situated within the district council ward)
- community council and county or county borough council elections (if the elections are for related electoral areas)
- UK Parliamentary general election and European Parliamentary general election
- UK Parliamentary general election and ordinary local government election
- European Parliamentary general election and ordinary local government election

2.3 Circumstances where the polls **may** be combined:

- UK Parliamentary general election and European Parliamentary by-election
- UK Parliamentary general election and local government casual vacancy election
- UK Parliamentary general election and parish or community council casual vacancy election (where polling day is not the same as the ordinary day of election for local government elections)
- UK Parliamentary by-election and European Parliamentary by-election
- UK Parliamentary by-election and local government casual vacancy election (where polling day is not the same as the ordinary day of election for local government elections)
- UK Parliamentary by-election and parish or community council casual vacancy election (where polling day is not the same as the ordinary day of election for local government elections)
- European Parliamentary general election and UK Parliamentary by-election
- European Parliamentary general election and local government casual vacancy election
- European Parliamentary general election and parish or community council casual vacancy election
- European Parliamentary by-election and local government casual vacancy election (where polling day is not the same as the ordinary day of election for local government elections)
- European Parliamentary by-election and parish or community council casual vacancy election (where polling day is not the same as the ordinary day of election for local government elections)

2.4 Circumstances where the polls **may not** be combined:

- UK Parliamentary general election and parish or community council election where polling day is the same as the ordinary day of election for district councillors
- European Parliamentary general election and parish or community council election where polling day is the same as the ordinary day of election for district councillors

2.5 In the circumstances where polls may be combined, it is for the Returning Officers of the respective areas to agree that it is practicable for the polls to be combined. One of the key issues to be considered will be cost, as it will likely be cheaper to run the polls combined rather than separately. The costs should then be divided equally between the elections, except where any particular cost, such as the printing of ballot papers, can be attributed solely to one election.

Postponement of any poll at parish or community council elections



If a UK Parliamentary or European Parliamentary general election is announced for the ordinary day of elections for councillors for local government areas in England and Wales, **any poll at an election** of parish or community councillors to be held on that day must be postponed for three weeks.¹ This includes both 'ordinary' day elections and elections to fill casual vacancies on that day.

2.6 In the event that the election timetable for the parish or community elections has commenced before a UK Parliamentary or European Parliamentary general election is announced, it is our view that the existing election timetable should be recalculated using the new day of election so that deadlines are revised but actions so far taken remain valid.

2.7 We base this view on the provision in Section 16(1)(b) of the RPA 1985, which states that 'the date to which any such poll is so postponed shall be taken to be the ordinary day of election for the purposes of Sections 16(3) and 35(2) of the [LGA 1972] *and the day of election for the purposes of any rules concerning the conduct of elections of such councillors...*' (our emphasis).

2.8 In practical terms, it is the Commission's view that the postponement should be publicised by publishing a new notice of election with the new date of the poll, the new date for the close of nominations and the deadlines for the receipt of absent voting applications.² The new notice of election could also make it clear that it supersedes the previous one due to the postponement of the poll.

¹ Section 16(1)(a), RPA 1985.

² In accordance with Rule 3, Schedule 2, Local Elections (Parishes and Communities) Rules 2006.

2.9 In respect of nominations, it is our view that, as the day of election is postponed and not cancelled, any nomination paper that would have been valid for the original election remains valid for the new poll. There is no provision for the Returning Officer to reject nomination papers on the grounds of postponement. Equally, by recalculating the timetable according to the new date of election, the nominations period should re-open or continue as the case may be until the revised close of nominations.



We have offered the views above on postponement of parish or community council polls and the implications of such postponement on the election timetable for such polls as guidance to Returning Officers. These views cannot, however, be taken as legal advice and Returning Officers may wish to take their own legal advice as to the arrangements they should make in the event of such a postponement.

2.10 When a parish or community council poll is postponed, the costs attributable to the postponement are paid out of the Consolidated Fund.³



Any claims for expenditure unavoidably incurred and attributable solely to the postponement should therefore be made to the Election Claims Unit when the claim for expenses is made. If there is any doubt as to what is or is not solely attributable to the postponement, the Election Claims Unit should be contacted for advice.

The Returning Officers

2.11 Where polls are combined, there will in some instances be different Returning Officers for each, although in many cases the Returning Officer will be the same person. This guidance has been written as if two different Returning Officers are involved. Where, however, the same Returning Officer is responsible for the administration of both polls, the identified actions will clearly fall to that person.⁴

2.12 The responsibility for a number of the required actions will fall to the Returning Officer for the primary election, e.g. if a UK Parliamentary general election is combined with a local government election, most of the functions of each election will fall to the Acting Returning Officer. It is, however, important to note that it is the polls which are combined, and not every aspect of the elections.

2.13 The functions in a combined poll that become the responsibility of the primary Returning Officer are:

- the notice of the situation of polling stations
- the issue of postal ballot papers (where it has been decided that the issue and receipt of postal ballot papers in respect of each election are to be taken together – see below)

³ Section 16(1)(c), RPA 1985.

⁴ Regulation 5, RPR 2004.

- the provision of polling stations
- the appointment of Presiding Officers and Poll Clerks
- the equipment of polling stations
- giving the notification of the requirement of secrecy at polling stations
- the signature of certificates as to employment
- the authorisation to order the removal of persons from polling stations
- the separation and counting of ballot papers (counting in this sense means verification against the ballot paper accounts and not the counting of the votes – once the verification is complete, the papers for the other election are sealed away until that count is due to start)

2.14 The legislation sets out and separates the specific responsibilities for each Returning Officer in combined polls which, of course, must be respected. However, there should still be a close working relationship between Returning Officers and their staff with regard to the undertaking of duties across the board. For example, while the responsibility for the provision of polling stations and polling station staff for the entire election rests with the primary Returning Officer, in practice, if any part of the electoral area falls outside their usual area, it is likely to be the case that the Returning Officer and their staff who are more familiar with that particular area will advise and assist the primary Returning Officer as necessary.

2.15 Agreement should be reached early in the planning stage about appropriate delegation and who is best placed to undertake the various duties imposed by law, including how this should be done. There should be continuous liaison between the Returning Officers and their respective members of staff throughout the whole election period. A failure to cooperate fully may have the effect of reducing effectiveness and could affect the customer service provided to voters.

Timetables

2.16 The same timetable is used at all local government elections – principal areas, parish council and community council elections.

2.17 However, the timetables of UK Parliamentary elections and principal area elections do not coincide. The situation could arise where the notice of election for a local government election has been published starting the process and, up to two weeks later, the writ for a UK Parliamentary election is delivered starting that election. By the time of the receipt of the writ, nominations for the local government election could have closed and the statement of persons nominated could have been published. After the nomination processes and the appointment of election agents for both elections have been completed, the only other functions that have different timings in legislation are the deadlines for the publication of the notice of poll and the appointments of polling and counting agents.

3 The franchise

3.1 The franchise for all local government elections is the same and so where, for example, the polls at a principal area election and a parish or community council election are combined, the same franchise will apply.

3.2 The franchise for UK Parliamentary elections and local government elections, however, is not the same. The same register of electors (and notices of alteration to the register as a result of the amendment of clerical errors), together with the same list of votes marked by the Presiding Officer, list of voters with disabilities assisted by companions and list of tendered votes, may be used for both (or all) elections.⁵

3.3 Where a UK Parliamentary election is combined with another election, it is essential that polling station staff pay particular attention to the identifying letters next to electors' names. These identifying letters indicate whether an elector can vote at the UK Parliamentary election, the local government election or both.

3.4 For example, overseas electors (with the letter 'F' next to their names) can vote at UK Parliamentary elections but not local government elections, whereas European Union citizens (with either the letter 'G' or 'K' next to their names) can vote at local government elections but not in UK Parliamentary elections. Where one register is to be used for both elections, the marks next to electors' names need to be carefully considered. A list of possible marks that could appear next to electors' names, together with an explanation of those electors' eligibility to vote, is contained in Regulation 42 of the RPR 2001.

⁵ Paragraphs 13–16, Schedule 2, RPR 2004, as amended.

4 Postal votes

4.1 Although it may be mandatory for two polls on the same day to be combined, the issue and receipt of postal ballot papers may only be combined if both Returning Officers agree.⁶

Combined issue of postal votes

4.2 If the issue and receipt of postal votes are combined, the numbers of all ballot papers issued to the elector must appear on the postal voting statement and on the 'A' and 'B' ballot paper envelopes. In addition, the colour of the respective ballot papers must be referred to in the postal voting instructions.

Postal votes issued separately

4.3 Should it be decided to issue and receive postal votes separately, the changes from the single election procedure are minimal. The postal voting statements to be used for postal ballot papers are set out in Schedule 2 of the RPR 2001 and in the Appendix of forms, Schedule 2 of LEPAR 2006 and of the P&C Rules 2006. The 'A' and 'B' envelopes used in the process also have to state the colour of the ballot paper they are to be used for.⁷

Other postal vote documentation

4.4 The other documentation produced at the issue of postal votes is the corresponding number list, the list of votes issued (which will then be used to produce the marked list of returned postal voting statements) and the statement as to postal ballot papers. Because the franchise for a UK Parliamentary general election is different from a local government election and so all electors voting by post may not be entitled to receive both ballot papers, it is particularly important to compile accurate lists of postal votes issued. Additionally, even if the issue is combined, there needs to be a separate statement as to postal ballot papers for each election.

⁶ Regulation 65, RPR 2001.

⁷ Regulation 74(4)(a) and (b), RPR 2001.

5 Notices and ballot boxes

Notice of poll

5.1 The notice of poll for each election must state that the poll is being combined with another election and specify the details of that other election. This is in addition to the usual information, such as the situation of the polling stations and the description of the voters entitled to vote there, that must be included on the notice of poll.

Poll cards

5.2 The issue of poll cards is the responsibility of each Returning Officer, although poll cards can be combined if the Returning Officers agree.⁸ Where there is this agreement, the responsibility falls to the primary Returning Officer. Where combined poll cards are issued, information about both elections must be provided.

Polling station notices

5.3 A notice giving guidance to voters has to be posted inside and outside every polling station. This form must be adapted to include information about all elections being held.

5.4 In addition to the guidance to voters notice referred to above, a notice also has to be placed in each polling booth, and this again has to be adapted to include information about all elections.

Ballot boxes

5.5 The same ballot box may be used for both or all elections. If the same ballot box is used for all elections and it is considered in any polling station that one ballot box might not be sufficient given the anticipated numbers of ballot papers, two or more can be used. In these circumstances, every ballot box must be sealed prior to the polls commencing.

5.6 If it is decided that separate ballot boxes are to be used for each election, each box must be marked with the election it is to be used for as shown on the ballot paper, and there must be the words 'please insert the **[colour of the ballot paper]**-coloured ballot papers in here'.

⁸ Paragraph 6, Schedule 2, RPR 2004.

6 The poll

Marking the register

6.1 The same register of electors may be used at the polling station for both elections.

6.2 Where the franchise for the elections is the same, i.e. electors are eligible to vote at both elections, one mark may be placed against the respective entry in the register to confirm that both ballot papers have been issued. However, where an elector decides not to take both ballot papers, the register will need to be marked to indicate the contest for which the ballot paper was taken.

6.3 One reason for doing so is that an elector may visit the polling station early in the day, decide that they only wish to vote at one election and only ask for the ballot paper for that poll, but may then change their mind, return later in the day and ask for the ballot paper for the other election. If the same mark was put next to every elector, irrespective of whether they took one or all ballot papers, the above would not be possible because the polling station register would show that that elector had already voted at all elections.

6.4 At combined polls where the franchise is different, e.g. at a UK Parliamentary election combined with a local government election, and not all electors are eligible to vote at both elections, the register will need to be marked to confirm which ballot papers were issued.

6.5 In addition to the same register of electors (and notices of alteration to the register as a result of the amendment of clerical errors) being used at a combined election, it is also permissible to use the same list of votes marked by the Presiding Officer, list of voters with disabilities assisted by companions and list of tendered votes.

Corresponding number lists

6.6 The same corresponding number list must be used for both elections to record the elector number against the ballot papers issued. Returning Officers will need to consider how they manage this process, particularly as electors may choose not to or may not be entitled to receive ballot papers for both elections. The combined corresponding number list is prescribed in the appendices of forms in the relevant election rules.

Official mark on ballot papers

6.7 There is no mention of the official mark in the legislation governing combined polls. In view of this, it is the Commission's view that it is acceptable to use the same official mark to validate all ballot papers issued at polling stations, irrespective of election, as long as the official mark used complies with the other rules, i.e. the same mark must not have been used in the

previous seven years for the same constituency at a UK Parliamentary election or in the previous five years for a local government election.

Return of postal votes to polling stations

6.8 Electors who choose to vote by post can, if they wish, hand in their votes at a polling station. At a combined poll where the issue and receipt of postal votes has been combined, votes can only be delivered to those polling stations in the appropriate electoral area, e.g. the postal vote for a principal area election combined with a parish or community council election must be delivered to a polling station within that parish or community. However, if a UK Parliamentary general election were to be combined with a principal area election and the issue and receipt of postal votes were not combined, postal votes for the UK Parliamentary general election could be delivered to any polling station in the UK Parliamentary constituency, but those for the principal area election could be delivered only to the polling stations in the elector's ward.

Close of poll

6.9 As with all elections, at the close of poll the Presiding Officer must make up into packets the various documents used in the poll. However, with combined polls, some items used will cover both elections while some will be separate for each.

6.10 The following must be made up into separate packets for each election:

- the unused and spoilt ballot papers
- the tendered ballot papers
- the certificates as to employment on duty on the day of the poll

6.11 The following must also be made up into packets, but only one of each of these is required to cover both elections:

- the marked register (including any marked copies of notices of alteration)
- the corresponding number list
- the list of tendered ballot papers
- the list of voters with disabilities assisted by companions
- the declarations of companions of people with disabilities
- the list of voters with disabilities assisted by the Presiding Officer

6.12 All of the above must be returned to the Returning Officer together with the ballot box(es) and a separate ballot paper account for each election.

7 The count and after

Attendance of counting agents

7.1 At a combined election, all counting agents appointed for both elections have the right to attend the separation of votes and the verification of the ballot paper accounts.⁹ Once the ballot paper accounts have been verified, only the counting agents appointed for the primary election can attend the counting of the votes for that election. Similarly, only those counting agents appointed for the counting of the votes for the secondary election can attend those proceedings.

Verification procedure and the count

7.2 When the ballot boxes are received from polling stations, the Returning Officer for the primary election must:¹⁰

1. open each ballot box, separate the papers for the two elections and count the number of ballot papers for each
2. verify each ballot paper account
3. if the issue and receipt of postal votes have been combined, count the postal ballot papers that have been correctly returned, separate and count them for each election and record the number counted for each election
4. pack up the ballot papers for the secondary election and pass them to the Returning Officer responsible for counting them, along with the relevant ballot paper accounts and the statement as to the verification of those ballot papers
5. mix the primary election ballot papers from different ballot boxes and the postal votes and then count the votes in the normal way

7.3 The Returning Officer responsible for the secondary election, having received the items listed in point 4 above, must:

1. open the receptacles containing the ballot papers
2. if the issue and receipt of postal ballot papers have not been combined, count those postal votes that have been correctly returned and record the numbers
3. mix the postal ballot papers with all the other ballot papers and count the votes in the normal way (the ballot paper accounts will not have to be verified as that will have been done by the primary Returning Officer when

⁹ Rule 22, Schedule 2, RPR 2004.

¹⁰ Rule 22, Schedule 2, RPR 2004.

the boxes were first opened after having been received from the polling stations)

Death of a candidate

7.4 The procedure to be followed when a candidate dies depends on the type of election and on the status of the candidate.

7.5 At a UK Parliamentary election, if a candidate standing on behalf of a registered political party dies, the poll for that election should be countermanded or abandoned. However, the poll for any other election that was to have been combined with the countermanded or abandoned poll should continue.

7.6 If a UK Parliamentary candidate standing as either an 'Independent' or with no description dies, the UK Parliamentary election will not be countermanded or abandoned, and so the combined poll should continue.

7.7 In all other cases, if a candidate at either or any of the combined polls dies, the election that the candidate was standing in is abandoned or countermanded as appropriate, but their death will not affect the other polls, which will continue.

Expenses

7.8 Where polls are combined, the costs of holding the combined polls (excluding any cost that can be clearly attributed to one of the elections) and any cost attributed to their combination must be divided equally between the elections.¹¹ These costs would include, for example, the payments to polling station staff and, if combined, the costs of the issue and receipt of postal votes and the production and delivery of poll cards.

7.9 With regard to the verification and count, the separation of the ballot papers is clearly a combined function and the cost should be apportioned equally between the elections. However, the costs of verifying the ballot paper accounts and counting the ballot papers should be allocated to each individual election. This principle should be adopted throughout the cost allocation process.

¹¹ Section 15(4), RPA 1985.