

# Parish and community council elections in England and Wales

# Guidance for candidates

## Part 6 of 6 – After the declaration of results

November 2018

This document applies to parish and community council elections only. It does not apply to district, borough, county, county borough and unitary authority elections, or mayoral elections. Our guidance and resources for all local elections in England and Wales can be accessed from our website at: [www.electoralcommission.org.uk/guidance/resources-for-those-we-regulate/candidates-and-agents](http://www.electoralcommission.org.uk/guidance/resources-for-those-we-regulate/candidates-and-agents).

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## Essential information

This section of the document contains our guidance on what happens after the results at a parish council election in England and community council election in Wales 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.

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

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

Revised data protection legislation applies from 25 May 2018 and will apply to the processing of all personal data.

Please contact the [Information Commissioner's Office](#) for further information about how the General Data Protection Regulation affects you.

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 and we have published a [generic election timetable on our website](#). If a by-election has been called, you will be able to obtain a copy of the specific timetable for that election from the Returning Officer.

For the scheduled elections on Thursday 2 May 2019, we have published an [election timetable](#), which you can download from our website.

## Declaration of acceptance of office

1.1 If elected, you may not act as a councillor (this includes attending and voting at meetings) until you have signed the declaration of acceptance of office.<sup>1</sup>

1.2 The declaration must be made in the presence of a member of the parish/community council or of the proper officer of the parish/community council. The declaration must be made and delivered to the council before or at the first meeting of the parish or community council after your election (unless the council at that meeting permits you to do so before or at a later meeting fixed by the council). If you do not submit your declaration by this deadline, the seat will be declared vacant and a notice of casual vacancy will be published.

In Wales, by signing the declaration, you agree to follow the local authority's Code of Conduct.

## Election petitions

1.3 The outcome of a parish/community council election can be challenged through an election petition. For further details on challenging an election, see paragraph **1.8**.

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<sup>1</sup> See section 83 of the Local Government Act 1972 as amended.

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

1.4 All election documents are retained by the Electoral Registration Officer and most 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 **1.14** for further information.

## Submitting your election spending returns

1.5 Within 28 calendar days of the election result being declared you will need to prepare and submit to the Returning Officer an election spending return. You will need to sign a declaration stating that the return is complete and correct to the best of your knowledge or belief.

1.6 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](#).

1.7 There are consequences for failure to submit spending returns and these are set out in paragraphs **1.28** to **1.30**.

# Supplementary information

## Lodging an election petition

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

1.9 An election petition can be presented by:

- 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 (although they need not have voted)

1.10 The allowable grounds for a petition are that:

- 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/agent

1.11 Normally, a petition must be presented within 21 calendar days after the date of the election. 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.

1.12 For any questions relating to election petitions, including to confirm the deadlines for lodging an election petition, you should contact the Election Petitions Office:

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

Email: [Election\\_Petitions@hmcts.gsi.gov.uk](mailto:Election_Petitions@hmcts.gsi.gov.uk)  
Phone: 0207 947 6877  
Fax: 0870 324 0024

1.13 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

1.14 All documents available for supply and inspection can be provided by your Electoral Registration Officer except for the election spending returns, which are kept by the Returning Officer. Contact details for Electoral Registration Officers and Returning Officers can be found on the Commission's About My Vote website [www.yourvotematters.co.uk](http://www.yourvotematters.co.uk).

### Inspection and supply of the marked registers and lists of absent voters

1.15 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.

1.16 You can inspect or obtain copies of the marked register of electors and lists of absent voters after the election. If you wish to have access to the marked registers and lists of absent voters you must make a request in writing to the Electoral Registration Officer. Contact details are available on [www.yourvotematters.co.uk](http://www.yourvotematters.co.uk).

1.17 You should be aware that you can only use the information obtained from these documents for research or electoral purposes.

1.18 The request for inspection must specify:

- 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 you wish to inspect the documents
- whether you would prefer to inspect the documents in a printed or data form

1.19 Inspection is under supervision and will be free of charge. You won't be able to take copies, but may make handwritten notes.

1.20 The request for supply must specify:

- 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

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

1.22 Note that after 12 months these documents, held by the Electoral Registration Officer, will be destroyed, unless a court order directs otherwise.

1.23 Under the General Data Protection Regulation (GDPR), 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



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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 documents

1.24 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

1.25 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.

Nomination papers cannot be inspected after the election. They can only be inspected until the day before the poll.

## Election spending returns

1.26 The spending returns and declarations are held by the Returning Officer. Spending returns and declarations can be inspected by any person after they have been submitted. Copies can also be made for a fee of 20p per side.

1.27 Spending returns and declarations are kept for one year and you can request to have them returned to you at the end of this period. If you do not want them back, they will be destroyed.

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

1.28 Failure to submit a spending return or declaration by the deadline without an authorised excuse is a criminal offence.

1.29 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.

1.30 If a candidate has been elected but the spending return and/or declaration has not been submitted by the deadline they are barred from sitting or voting, and can be subject to a forfeit or fine of £50 per day if they do so.