European Parliamentary election: dealing with doubtful ballot papers

Consistency of approach to the adjudication of doubtful ballot papers is important to ensure that all votes are counted in the same way, regardless of where they are cast across Great Britain.

The Commission has already produced <u>Dealing with doubtful ballot papers guidance</u> to support LROs with making decisions on doubtful ballot papers. LROs should refer to this guidance, which contains examples of doubtful ballot papers based on previous case law and the specific rules for European Parliamentary elections in Great Britain, and should have copies available at the count.

In recognition of the specific circumstances of these elections and the potential for voters to mark their ballot papers with words or slogans, we have produced this additional resource to support LROs with making judgements on ballot papers that haven't been marked in accordance with the instructions. It is not possible to address every possible situation that may arise so we have focussed on the key principles that would need to be applied, and have illustrated these with some possible examples.

Preparing for adjudication

It is possible that there will be a higher number of doubtful ballot papers that will require adjudication at these elections. For example, we are aware of social media campaigns which are encouraging voters to mark their ballot papers with words or slogans at the European Parliamentary election.

When preparing for adjudication you will need to establish:

- who will undertake adjudications you will need to ensure that you have an adequate number of Deputy Returning Officers (DROs) and that you appoint them in advance and in writing
- what training will be required to ensure that all DROs understand the adjudication process and the importance of consistency, including a common understanding of what should and should not be allowed and how to escalate decision-making if needed
- how you will ensure candidates and agents in attendance understand how the adjudication process will be managed and where and when it will be carried out

General principles for undertaking the adjudication of doubtful ballots

The following ballot papers will need to be passed to the LRO or an appointed deputy for adjudication:

- those that appear to have no official mark (not the unique identifying mark)
- those appearing to contain more than one vote for a party or individual candidate
- those with any writing or mark by which it appears that the voter can be identified
- those where there is no mark or uncertainty as to the vote

For each ballot paper you adjudicate, you should consider whether the ballot paper clearly shows the voter's intention to vote for one party or individual candidate.

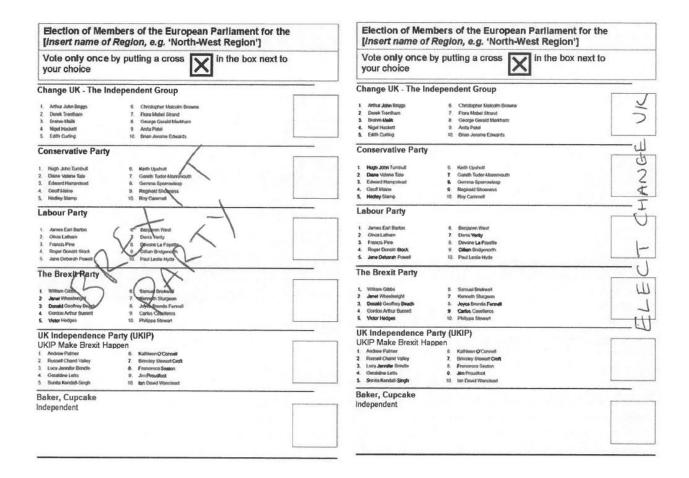
When adjudicating doubtful ballot papers, the whole of the ballot paper should be considered.

The LRO must be satisfied that the voter's intention is clear in order to be able to adjudicate a ballot paper as valid. Each ballot paper should be considered on its own merits and decisions should be taken on a case-by-case basis.

Writing on the ballot paper

In making a decision on the voter's intent, you may need to consider anything that has been written on a ballot paper.

You should consider whether what is written gives a clear indication of a voter's intention to vote for one party or individual candidate. If the name of a party or an individual candidate is written on the ballot paper, case law supports the vote being allowed for that party or individual candidate.



These examples should be allowed for The Brexit Party and Change UK respectively, based on Ruffle v Rogers [1982] QB 1220 and Rule 55(2)(a) and (b).

If a political viewpoint or slogan is marked on the ballot paper rather than the full name of a party, you may consider that the voter's intention is not clear and reject the ballot paper. For example, if a word or words such as 'Brexit', 'no Brexit', 'Change', 'Independence' 'People's Vote' or 'Remain' is written on the ballot paper, although these may form part of party names or descriptions, they are also political concepts which could be supported by more than one party or individual candidate standing for election; this could make it difficult to determine that the voter has clearly indicated an intention to vote for one party or individual candidate.

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This example should be rejected as the voter's intention is not clear.

You may also need to consider where any words or slogans are written on the ballot paper. For example, is it clear that the voter intended the mark or marks that they made to be for one party or individual candidate?

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These examples should be allowed as the voter's intention is clear.

If you are of the view that the paper clearly shows the voter's intention to vote for one party or individual candidate then the vote should be allowed. The law provides that unless the way the ballot paper is marked identifies the voter, a ballot paper on which a vote is marked must not be rejected if the voter's intention is clear.

If you are of the view that the voter's intention is unclear, the vote should be rejected.

The decision on any particular ballot paper, including the question as to whether an intention to vote for a particular party or individual candidate clearly appears, rests with the Local Returning Officer.