



## Report of the Returning Officer

Council - 26 September 2019

### Appointment of 'Standing' Deputy Returning Officer and Deputy Electoral Registration Officer

<b>Purpose:</b>	To appoint the Head of Democratic Services (Huw Evans) as the 'Standing' Deputy Returning Officer (DRO) in line with good practice and to also appoint him as the Deputy Electoral Registration Officer (DERO).
<b>Policy Framework:</b>	None.
<b>Consultation:</b>	Access to Services, Finance, Legal.
<b>Recommendation(s):</b>	It is recommended that:  1) The Head of Democratic Services (Huw Evans) be appointed as the 'Standing' Deputy Returning Officer to exercise all Returning Officer functions currently exercisable by the Chief Executive;  2) The Head of Democratic Services (Huw Evans) be appointed as the Deputy Electoral Registration Officer to exercise all functions currently exercisable by the Chief Executive;  3) Any consequential changes to the Council Constitution be carried out.
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#### 1. Introduction

- 1.1 The Returning Officer is the person who has the overall responsibility for the conduct of elections and referenda in Swansea. This role is exercised by the Chief Executive.
- 1.2 The Representation of the People Act 1983 Section 35 requires the Council to appoint an Officer of the Council to be the Returning Officer in Local Elections.

- 1.3 The Returning Officer is an Officer of the Council but the role of the Returning Officer is a personal responsibility, independent and separate from their duties as an employee of the Council. The Returning Officer may appoint one or more persons to discharge all or any of his / her functions.
- 1.4 The Electoral Registration Officer (ERO) is the person with statutory responsibility for the creation and maintenance of the register of electors and the absent voters list. This person takes responsibility for publishing a revised electoral register and issuing monthly alterations notices. This role is exercised by the Chief Executive.
- 1.5 The Electoral Registration Officer is an Officer of the Council but the role of the Electoral Registration Officer is a personal responsibility, independent and separate from their duties as an employee of the Council.
- 1.6 These two roles of Returning Officer and Electoral Registration Officer are typically combined and performed by a single person. The Returning Officer (RO), Electoral Registration Officer (ERO) and Deputy Electoral Registration Officer (DERO) are appointed by Council.
- 1.7 At an election, the Returning Officer may appoint election specific deputies.

## **2. 'Standing' Deputy Returning Officer (DRO)**

- 2.1 The Wales Electoral Co-ordination Board (WECB) recommends that Returning Officers appoint a 'Standing' Deputy Returning Officer as good practice.
- 2.2 This is a voluntary action, and not a requirement, but one which they recommend as good practice and safe contingency planning. This recommendation is included in the contingency and risk planning self-assessment tool the Board published in 2018.
- 2.3 The WECB recommend that the 'Standing' Deputy Returning Officer should be separate from the Authorities Electoral Services Team Leader and they suggest a Head of Democratic Services.
- 2.4 The Head of Democratic Services (Huw Evans) is a trained and experienced Senior Officer with 30 years of Electoral Services experience. It is therefore proposed that he be appointed as the 'Standing' Deputy Returning Officer.
- 2.5 Further central training and development opportunities will be available for the Deputy.
- 2.6 The 'Standing' Deputy Returning Officer shall exercise all Returning Officer functions currently exercisable by the Chief Executive.

### **3. Appointment of Deputy Electoral Registration Officer**

- 3.1 It is also proposed that the Head of Democratic Services (Huw Evans) be appointed as the Deputy Electoral Registration Officer.

### **4. Equality and Engagement Implications**

- 4.1 There are no equality and engagement implications associated with the report.

### **5. Financial Implications**

- 5.1 There are no financial implications associated with this report.

### **6. Legal Implications**

- 6.1 The Representation of the People Act 1983 Section 35 requires the Council to appoint an Officer of the Council to be the Returning Officer in Local Elections.
- 6.2 It is a requirement of Section 8 of Representation of the People Act 1983 that the Council appoints an Electoral Registration Officer. By virtue of Section 28 (1) of the Act only the ERO may act as Acting Returning Officer in Parliamentary Elections.
- 6.3 Any failure to do so could lead to the Council being challenged for failing to meet its statutory duties. Responsibility for appointing a Deputy Returning Officer rests with the Returning Officer. However Section 52(2) of the Act provides that any Deputy ERO must also be approved by the Council.

**Background Papers:** None

#### **Appendices:**

Appendix A      Duties of the Returning Officer and Electoral Registration Officer

## **Duties of the Returning Officer and Electoral Registration Officer**

### **Duties of the Returning Officer**

It is the Returning Officer's general duty at elections to do all such acts and things as may be necessary for effectively conducting the election for example:

- a) The nomination process for Candidates and Political Parties;
- b) Appointment of Returning Officer and Electoral Registration Officer;
- c) Provision, administration, security and notification of Polling Stations;
- d) Appointment of staff such as Presiding Officers, Poll Clerks and Count Staff;
- e) Preparation and issue of all ballot papers; issue, receipt and counting of postal ballot papers;
- f) Organising and delivering the count and declaration of results;
- g) Receipt of all Candidates' election expenses returns;
- h) Presentation of final account and claiming appropriate funding from central government as prescribed;
- i) Retention of election documents.

### **Duties of the Electoral Registration Officer**

The Electoral Registration Officer is the person with statutory responsibility for the creation, maintenance, security and distribution of the Register of Electors and the Absent Voters list. The Register of Electors is based on an annual canvass and monthly rolling registration of all properties where electors reside. The Electoral Registration Officer maintains Registers of those entitled to vote at various types of elections.

The Electoral Registration Officer takes responsibility for publishing a revised Electoral Register and issuing monthly alterations notices.

At an election the Electoral Registration Officer has a statutory obligation to provide Registers and Absent Voters lists for each Polling Station as well as to Candidates at the election and to the Returning Officer.