

After the election

This section sets out what happens after the election, including actions that candidates must take. This covers:

- Submitting your spending return and the associated deadlines
- Access and supply of election documents
- Election petitions

Last updated: 1 December 2023

Deadlines

After the election, the agent should make sure that:

- all invoices are received no later than 21 calendar days after the election result is declared [\[1\]](#)
- all invoices are paid no later than 28 calendar days after the election result is declared [\[2\]](#)
- an election spending return reporting details of the candidate's spending and donations, together with a declaration confirming the return is complete and correct to the best of their knowledge and belief, is reported to the Returning Officer no later than 35 days after the election result is declared [\[3\]](#)

Please note that if the deadline for any of the above falls on a weekend or public holiday, the deadline will move to the next working day. [\[4\]](#) This is included within the following deadline calculations.

26 May is a bank holiday, and this table takes this into account.

Date result is declared	Latest date to receive your invoices	Latest date to pay your invoices	Latest date to submit your return and agent declaration
1 May 2025	22 May 2025	29 May 2025	5 June 2025
2 May 2025	23 May 2025	30 May 2025	6 June 2025
3 May 2025	27 May 2025	2 June 2025	9 June 2025

The candidate must provide a written statement of their personal expenses to their agent within 21 days of the result being declared. [\[5\]](#)

The candidate must also send the Returning Officer a declaration confirming that the return is complete and correct to the best of their knowledge and belief. This must be done within seven working days of the return being submitted. [\[6\]](#)

If the candidate is outside the United Kingdom when the declaration is due, the deadline for submitting their declaration is extended to 14 days after they come back. [\[7\]](#)

You must still submit a return even if you haven't spent any money. [\[8\]](#) This is called a 'nil return'.

There are consequences for failure to submit spending returns and these are set out in [What happens if a spending return or declaration isn't submitted?](#)

Invoices received or paid outside of the deadlines

We call claims (invoices for your candidate spending) that are received by the election agent later than the deadline of 21 days, unpaid claims.

Unpaid claims cannot legally be paid unless a court order is gained granting leave to pay the claim. [\[9\]](#) It can be an offence to pay an unpaid claim without a court order. [\[10\]](#)

We call claims (invoices) that were submitted within the deadline of 21 days but remain unpaid later than the deadline of 28 days, disputed claims.

Disputed claims cannot legally be paid without a court order first being gained granting leave to pay the claim. [\[11\]](#)

Any claim paid:

- after the 21 day deadline for receipt, or
- after the 28 day deadline for payments,

following a successful application to the court and after the deadline for submission of election spending returns, must be reported in writing to the returning officer within seven days of payment and be accompanied by a copy of the court order. [\[12\]](#)

You should also forward a copy of the Order to the Electoral Commission.

1. s.66, Representation of the People Act 1983
2. S.78(2) RPA 1983
3. S.81(1) & s.82(1) RPA 1983
4. S.119 RPA 1983
5. S.74(2) & S.78(1) RPA 1983
6. S.82(2) RPA 1983
7. S.82(3) RPA 1983
8. S.81 RPA 1983
9. S.78(4) RPA 1983
10. S.78(3) RPA 1983
11. S.79(2) RPA 1983
12. S.81(5) RPA 1983

Last updated: 18 November 2024

Completing your return

The spending and donations report is known as a 'return'.

The agent must complete the return, which should include the following for each item of spending:

- what the spending was for – for example, leaflets or advertising
- the name and address of the supplier
- the amount or value
- details of when it was incurred and paid
- details of any unpaid or disputed amounts
- details of any notional spending, and a declaration of its value [\[1\]](#)
- invoices or receipts for any payment of £20 or over [\[2\]](#)
- details of any personal expenses [\[3\]](#)

The return must also include details of all donations over £50 and any authorised [local campaigning spending](#). [\[4\]](#) There is more information on the details that you need to report in [Candidate spending](#) and [Candidate donations](#).

The candidate and agent must also sign a declaration that the return is complete and correct to the best of their knowledge and belief. [\[5\]](#) It is your responsibility to fully and accurately report candidate spending.

It is a criminal offence to make a false declaration knowingly. [\[6\]](#)

1. s.66, Representation of the People Act 1983
2. S.81(1)(b) RPA 1983
3. S.81(1)(a) & Schedule 3 RPA 1983
4. Schedule 2A, paragraph 10 & s.81(2)(c) RPA 1983
5. S.82(1) & (2) RPA 1983
6. S.82(6) RPA 1983

Last updated: 12 April 2024

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

Failure to submit a spending return or declaration by the deadline without an authorised excuse is a criminal offence. [\[1\]](#)

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.

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. [\[2\]](#)

1. s.66, Representation of the People Act 1983
2. s.85 RPA 1983

Last updated: 29 April 2024

What happens if you don't follow the rules?

If you do not comply with the legal or regulatory requirements, you may be subject to criminal sanctions. If you win the election and someone succeeds in an election petition against your campaign activities or reporting, you could be barred from holding office.

If you take donations that you can't legally accept, we may apply to the courts for them to be forfeited.

You can find more information about the Commission's regulatory role at:
electoralcommission.org.uk/who-we-are-and-what-we-do/our-enforcement-work

Last updated: 1 December 2023

Declaration and acceptance of office

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. [\[1\]](#)

The local authority to which you have been elected will provide the declaration for you to complete.

The declaration must be made within two months from the day of election. [\[2\]](#) If you do not submit your declaration by this deadline, the seat will be declared vacant and a by-election will be held.

1. s.66, Representation of the People Act 1983
2. s.83 LGA 9172

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Allocation of seats if scheduled elections have been combined with local by-election

Where a local by-election has been combined with a scheduled local election to the same ward, seats are allocated according to the number of votes obtained by the winning candidates. ^[1]

For example, in the case of a scheduled election to a ward with one vacancy that has been combined with a by-election to the same ward, the candidate with the most votes is allocated the seat vacated due to the scheduled election. This is because this seat carries the longest term of office. The person with the second highest number of votes is then allocated the by-election seat.

1. s.66, Representation of the People Act 1983

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What happens to the paperwork after the result is announced?

After the results are declared, all election documents are securely held by the Electoral Registration Officer (ERO) for a period of 12 months. ^[1]

Most documents are available for public inspection. Please note that ballot papers are not open to public inspection.

Inspection and supply of the marked registers and lists of absent voters ^[2]

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.

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 ERO. Contact details are available [on our website](#).

Note that you can only use the information obtained from these documents for research or electoral purposes.

The request for inspection must specify: ^[3]

- 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

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

The request for supply must specify: ^[4]

- 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

The requested document will be supplied for a fee of £10 plus £2 for printed and £1 for data versions per 1,000 entries. [\[5\]](#)

Note that after 12 months these documents, held by the ERO, will be destroyed unless a court order directs otherwise. [\[6\]](#)

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.

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

Inspection of other election documents [\[7\]](#)

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
- the Ballot Paper Refusal List (information from this list can only be disclosed to the relevant elector or proxy on request following their refusal) [\[8\]](#)

After 12 months all of the election documents that are held by the ERO will be destroyed, unless a court order directs otherwise. [\[9\]](#)

Inspection of election spending returns [\[10\]](#)

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.

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.

1. s.66, Representation of the People Act 1983
2. Reg. 118, Representation of the People (England and Wales) Regulations 2001 (RPR 2001)
3. Reg. 118(2), RPR 2001
4. Reg. 117(3), RPR 2001
5. Reg. 120(2), RPR 2001
6. Rule 54, LEPAR 2006
7. Reg. 118, RPR 2001
8. s.32, Voter Identification Regulations 2022
9. Rule 54, LEPAR 2006
10. s.89, Representation of the People Act 1983

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Election petitions

The outcome of a local government election can be challenged through an election petition.

Lodging an election petition

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

An election petition can be presented by: [\[1\]](#)

- 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)

The allowable grounds for a petition are that: ^[2]

- 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

Normally, a petition must be presented within 21 calendar days after the date of the election. ^[3] 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.

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

The Election Petitions Office

Room E105

Royal Courts of Justice

Strand

London

WC2A 2LL

Email: Election_Petitions@justice.gov.uk

Phone: 0207 947 6877

Fax: 0870 324 0024

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.

1. s.66, Representation of the People Act 1983
2. s.127, s.164, and s.165, RPA 1983
3. s.129, RPA 1983

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