



Guidance for candidates and agents

Local government elections in England,
4 June 2009

Translations and other formats

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1 Introduction

1.1 As the regulator of political party funding in the UK, the Electoral Commission's role is to ensure the transparency and integrity of party and election finance. In standing for election, candidates and their election agents must comply with a number of legal obligations. This is important in maintaining and enhancing confidence in UK democracy.

1.2 It is also the Commission's role to provide advice and guidance to anyone who wants to stand as a candidate. This guidance covers the whole election process from nominations to the declaration of result for the local government elections in England on 4 June 2009, and includes relevant factual material as well as a guide to sources of further information.

1.3 Standing for election can be a complicated business. However, the purpose of this guidance is to help make it as straightforward as possible.

How to use this guide

1.4 This guide aims to provide practical advice to anyone who wants to stand as a candidate at a local government election in England on **4 June 2009**. It covers the whole election process from nominations to the declaration of result. It includes relevant factual material as well as a guide to sources of further information. Standing for election can be a complicated business and the purpose of this guide is to help make it as straightforward as possible.

1.5 This guidance covers each of the main steps towards standing as a candidate at a local government election. General advice in the main text of the guide is supplemented by footnote references to the relevant legislation. This advice should complement rather than replace or replicate other sources of information produced by political parties, local authority Returning Officers, electoral administrators or others.

1.6 The advice is provided as a **guide** to the requirements for candidates and agents during the election. It should not be relied on as legally definitive and the Commission cannot accept any responsibility for any errors or omissions, or any act arising from them. If candidates or agents have any doubts about a particular point they are strongly recommended to consult the appropriate legislation and seek their own legal advice.

1.7 Please note that this publication does not provide guidance for candidates at parish or town council elections. The Commission has developed separate supplementary guidance for candidates and agents at such elections, which is available to download from the Commission's website at:
www.electoralcommission.org.uk

Background

1.8 In 2009, elections to county councils and to a number of unitary authorities in England are scheduled to take place. These elections occur every four years and last took place in 2005. County council areas are divided into divisions and the

majority of these divisions elect one person to the county council. Unitary councils are divided into either divisions or wards depending on their structure and elect one or more councillors per division or ward. However, the election rules are the same for both.

1.9 Elections to the European Parliament are scheduled to take place in 2009. The UK Parliament has decided to combine the European Parliamentary elections with the ordinary elections for local government, which means they will all take place on 4 June 2009 rather than on the traditional date for local government elections of the first Thursday in May. The rules for European Parliamentary elections are different from those for local government elections. The Commission has produced separate guidance for European Parliamentary elections. This is available from the Commission's website or in hard copy.

1.10 Due to local government reorganisation in some parts of England, the exact number of elections to be held in 2009 is unclear at the time of writing. If you live in an area where local authority structural change is possible, you should keep in contact with your local authority to find out when elections will take place.

1.11 There may also be borough, district or unitary council by-elections taking place in parts of England on 4 June 2009. This guidance is also applicable to anyone standing at those elections.

The Electoral Commission

1.12 The Electoral Commission is an independent statutory body established in November 2000 following the commencement of the Political Parties, Elections and Referendums Act 2000 (PPERA). The Commission is headed by a Chair and five other Commissioners. The Chair and Commissioners do not have affiliations to any political party, and the Commission is not accountable to the UK Government. It reports directly to the UK Parliament through a committee chaired by the Speaker of the House of Commons.

1.13 The Commission is responsible for overseeing a number of aspects of electoral law – the registration of political parties and third parties, the monitoring and publication of significant donations to registered political parties and the regulation of national party spending on election campaigns. The Commission also has a role in promoting voter awareness and is required to report on the administration of every national election and, if requested, on any other electoral matter. The Commission also accredits observers to be present at election proceedings.

1.14 The Commission has primary responsibility for providing advice and assistance on electoral matters to all those involved in elections, including Returning Officers, Electoral Registration Officers, electoral administrators, political parties and candidates. Although the first point of contact for candidates and agents seeking advice and guidance should be the appropriate Returning Officer and their election team, Commission staff will be happy to provide advice on any matter discussed in this guide.

Contact information

1.15 The Commission has five regional offices in England.

London Office

Tel: 020 7271 0689

Email: london@electoralcommission.org.uk

Midlands Office (East Midlands and West Midlands)

Tel: 024 7682 0092

Email: midlands@electoralcommission.org.uk

North of England Office (North East, North West and Yorkshire & the Humber)

Tel: 01904 567993 or 01904 567994

Email: north@electoralcommission.org.uk

Eastern and South East Office (Eastern and South East)

Tel: 020 7271 0660

Email: south@electoralcommission.org.uk

South West Office (South West)

Tel: 01392 332878

Email: southwest@electoralcommission.org.uk

Relevant legislation

1.16 Abbreviated references are made in the footnotes of this guide to the legislation that underpins the local government election process. The full titles of the Acts and Regulations are provided in Table 1.

Table 1: Abbreviations of Acts

Full title	Abbreviation
Local Government Act 1972 (as amended)	LGA 1972
Local Government Act 2000	LGA 2000
Representation of the People Act 1983	RPA 1983
Representation of the People Act 1985	RPA 1985
Representation of the People Act 2000	RPA 2000
Local Elections (Principal Areas) (England and Wales) Rules 2006	Local rules
Local Government Elections (Changes to the Franchise and Qualification of Representatives) Regulations 1995	1995 Regulations
Political Parties, Elections and Referendums Act 2000	PPERA

Table 1 (cont.): Abbreviations of Acts

Full title	Abbreviation
Representation of the People (England and Wales) Regulations 2001 (as amended)	2001 Regulations
Electoral Administration Act 2006	EAA

Election timetable

1.17 Polling day for the local government elections in England is **Thursday 4 June 2009**. The election timetable is prescribed in law and is given in Table 2. If no time is specified as the deadline for an event or requirement (e.g. 12 noon or 5pm), then the deadline will be 12 midnight on that day. **The Returning Officer has no discretion to extend any deadline for any reason.**

1.18 Election timetables are generally calculated by excluding *dies non*, which are Saturdays, Sundays, Good Friday and any other bank holiday.¹ Throughout this guidance, references to ‘working’ days appear where the time period in question is calculated by excluding *dies non*. Any references to ‘calendar’ days appear where the time period is calculated by counting all days, without excluding any weekend or bank holiday.

Note: It is important to remember that the election timetable was changed in 2006. These changes include:

- the last date to register as an elector (now 11 working days before the poll)
- the last day for requests for a new postal vote (now 11 working days before the poll)
- a new provision allowing for applications to vote by proxy on the grounds of medical emergencies after the deadline for standard proxy applications (up until 5pm on polling day)
- the last time to apply for replacements for lost or spoilt postal ballots (now 5pm on polling day)
- polling hours extended (now from 7am until 10pm)

Table 2: Election timetable for local government elections in England, Thursday 4 June 2009

Event	Date
Deadline for completed applications to be received by the Commission for registration of new political parties intending to field candidates at the election, to ensure that registration is completed on time	Thursday 2 April

¹ Please note that Maundy Thursday is no longer a *dies non*.

Table 2 (cont.): Election timetable for local government elections in England, Thursday 4 June 2009

Event	Date
Notice of election to be published	Not later than Tuesday 28 April
Last day for political parties intending to contest the elections to appear on the Commission's register	Tuesday 5 May
Delivery of nomination papers	During office hours on any day from the date stated on the notice of election
Deadline for delivery of nomination papers	Not later than 4pm on Thursday 7 May
Publication of statement of persons nominated	Not later than 12 noon on Monday 11 May
Deadline for withdrawals of candidature	12 noon on Tuesday 12 May
Deadline for notice of appointment of election agents	12 noon on Tuesday 12 May
Last day to submit a registration application form to be included on the register of electors in order to be able to vote at the election	Tuesday 19 May
Deadline for requests to change or cancel an existing postal vote or proxy appointment	5pm on Tuesday 19 May
Deadline for new applications to vote by post	5pm on Tuesday 19 May
Deadline for new applications to vote by proxy (not postal proxy), except for medical emergencies	5pm on Wednesday 27 May
Publication of notice of poll	Not later than Wednesday 27 May
Last day for notice of appointment of counting agents and polling agents	Thursday 28 May
Polling day	7am–10pm Thursday 4 June

Table 2 (cont.): Election timetable for local government elections in England, Thursday 4 June 2009

Event	Date
Deadline to apply for new applications to vote by proxy on grounds of a medical emergency	5pm on Thursday 4 June
Last day for receipt of claims for election expenses if result is declared before midnight on 4 June 2009	Thursday 25 June
Last day for receipt of claims for election expenses if result is declared on 5 June 2009	Friday 26 June
Last day for payment of claims for election expenses if result is declared before midnight on 4 June 2009	Thursday 2 July
Last day for payment of claims for election expenses if result is declared on 5 June 2009	Friday 3 July
Last day for the receipt of return of election expenses if declaration of result before midnight on 4 June 2009	Thursday 9 July
Last day for receipt of return of election expenses if declaration of result on 5 June 2009	Friday 10 July

Roles and responsibilities

1.19 A number of different agencies and individual officers are responsible for or concerned with various aspects of elections in England. Their roles and duties are described below.

The Returning Officer

1.20 Each local authority appoints a Returning Officer, usually the Chief Executive or another senior officer of the council, to take overall control of its elections. In practice, however, at a county council election the Returning Officer may delegate some of their election functions to the district council. At a district or unitary council election the Returning Officer will be an officer of the district or unitary council itself.

1.21 The day-to-day work of the election is usually managed by electoral services staff and it is these staff that candidates and agents are likely to have most dealings with during the course of the election. At a county council election the Returning Officer will be able to explain which functions are being dealt with at the county level and which at the district level.

1.22 In this guide, the term 'Returning Officer' covers not only the person with the overall control and responsibility for the elections but also any person (known as a deputy Returning Officer) to whom a particular duty or function has been officially delegated and is being carried out in the name of the Returning Officer.

1.23 It is important to note that Returning Officers and their staff are required to act impartially in their dealings with all candidates and agents at all times during the conduct of the election. No one employed by a Returning Officer can help any of the candidates ‘in or about the election’.² This means that they will not show any bias, either for or against any of the candidates.

1.24 While undertaking election duties, the Returning Officer, although usually a senior employee of the council, is not accountable to the local authority, but is independent and answerable only to the courts. The Returning Officer, while not working at the election, works to implement policy decided by the current council but, when working at the election, will work independently to run the election according to the law without interference from the council.

1.25 The same position applies to the staff appointed by Returning Officers to help them run the election. Any staff appointed during the election period are under the direction and control of the Returning Officer, irrespective of their normal employment. The Returning Officer is required to appoint a Presiding Officer for each polling station in the electoral area, and may appoint as many of the following staff as are needed to assist them in the conduct of the election:

- staff for the issue and receipt of postal votes
- Poll Clerks
- counting staff
- other staff to assist with other duties as part of the election process

1.26 It is important to note that Returning Officers and their staff are not responsible for monitoring the conduct of candidates, agents and campaigners. Where a candidate, agent or party worker has any concerns about the conduct of another person during the election campaign that could amount to electoral malpractice, if they are able to substantiate such a claim and are also willing to make a formal statement, they should refer the matter to the police. Allegations should not be made as a campaign tactic.

1.27 Returning Officers and their staff may arrange briefings for candidates, agents and potential candidates. All candidates, agents or potential candidates are strongly encouraged to attend any such sessions. Regardless of how experienced a candidate or agent may be, these meetings can still be beneficial, particularly as the legislation has changed significantly since the last scheduled county council elections in 2005. Briefings may also cover any local arrangements or policies to be adopted by the Returning Officer.

The Electoral Registration Officer

1.28 The Electoral Registration Officer, normally a senior officer in the district or unitary local authority, is responsible for maintaining the register of electors. This is the person with responsibility for maintaining and supplying the electoral registers and lists of absent voters (postal and proxy voters). In some instances, the Returning Officer and the Electoral Registration Officer may be the same person.

² Rule 24(1), Local rules.

Electoral services staff

1.29 The day-to-day administration of the election is likely to be carried out by the local authority's electoral services team, working directly for the Returning Officer. This includes recruiting and training the staff needed to run the election, arranging polling stations, delivering poll cards, processing postal and proxy voting applications, preparing polling stationery and equipment, and organising the counting of votes. These staff are likely to be the first and main point of contact for candidates and agents during the election.

1.30 Contact details for local authorities in England can be downloaded from www.aboutmyvote.co.uk

Election agents

1.31 The election agent is the person responsible in law for the proper management of the candidate's election campaign. In particular, the candidate's election agent is responsible for the financial management of the campaign and for ensuring that the declarations and returns of their election expenses are properly completed and delivered to the appropriate officer (see Chapter 4, 'Election spending', for more details). The election agent is not required under law to open a separate bank account for election-related transactions, but may find that it is helpful to do so.

Note: The agent is responsible for all financial aspects of a candidate's election. Once an agent is appointed, the candidate can no longer incur election expenses, or pay election expenses, without written permission from the agent. Only the agent can pay claims for election expenses.

1.32 It is important for candidates to understand that their election could be brought into question if their election agent does not perform their duties promptly and correctly.

Who can be an election agent?

1.33 There are no particular qualifications needed to be an election agent. Candidates should, however, take care in the appointment of an election agent, as they may be liable for any unauthorised activities performed by the agent. Therefore the agent must be someone that the candidate can trust to do their duty according to the law and as advised in this guidance. If a candidate has no one they can trust, or they prefer to do the job themselves, they may consider being their own agent.

1.34 Certain people are not allowed to be election agents. These include:

- the Returning Officer or any officer or clerk appointed under the election rules to run the election³
- any partner or clerk of the above individuals
- anyone not entitled to vote at the election as a result of the report of an election court or a conviction for a corrupt or illegal practice under RPA 1983⁴

³ Section 99(1), RPA 1983.

⁴ Section 165(1), RPA 1983.

Appointing an election agent

1.35 Every candidate must have an election agent, although a candidate can act as their own agent. Candidates must declare the name and both the home and office addresses of their election agent in writing to the Returning Officer no later than **12 noon on Tuesday 12 May**.⁵ The written declaration should be signed by the candidate and by the agent to show their acceptance of the post.⁶ There is no prescribed form of declaration that must be used. The Returning Officer may provide a form, or the candidate could use the form of declaration provided in Appendix B. If candidates have not appointed someone else as their agent by 12 noon on Tuesday 12 May, they will assume the duties and responsibilities of the election agent as well as of the candidate.⁷

1.36 Agents may be paid by the candidate for their work but this would be an election expense that counts towards the maximum that may be spent (see Chapter 4, 'Election spending').

1.37 It is important to note that the election agent's office address must be:

- within the same local government area where the election is being held, or
- within the UK Parliamentary constituency or constituencies which the local government area contains,⁸ or
- within a district which adjoins the local government area, or
- within a London borough or district which adjoins the local government area

1.38 In the explanation above, the local government area for a county council election is the area of the entire county, for a unitary authority it is the unitary area, and for a district or borough it is the area of that district or borough.

1.39 The agent's office address will often be their home address, but it might also be that of the local political party office or an office specially set up for the election. Where a candidate is acting as their own election agent, the office address is deemed to be the address given on the statement of persons nominated (see Chapter 2, 'Running for election'). If that address is outside the relevant area (as set out above), the election agent's office address is deemed to be the qualifying address of the person named in the statement as proposer.⁹

1.40 In addition to the information detailed above, it will be helpful to provide a contact telephone number and email address for the election agent. This will ensure that information will reach the agent in the most appropriate and expedient manner. The form in Appendix B provides for this although there is no legal requirement to provide the additional details suggested.

1.41 A candidate can revoke the appointment of their election agent and a new appointment can be made by the same process. Similarly, if an election agent dies, a

⁵ Sections 67(1) and 69(1), RPA 1983.

⁶ Section 67(5), RPA 1983.

⁷ Section 70(1), RPA 1983.

⁸ Section 69(2)(b), RPA 1983.

⁹ Section 70(4), RPA 1983.

new agent can be appointed. If a candidate is acting as their own election agent, they can also revoke their own ‘appointment’ and appoint a new agent.¹⁰

1.42 Once an agent has signed their acceptance they cannot resign. An agent must fulfil the duties required of them, such as completing the return of election expenses, unless the candidate revokes the appointment.

Polling agents, counting agents and tellers

1.43 As well as an election agent, candidates can also appoint people to work on their behalf on election day in polling stations and at the count, although there is no obligation to appoint any such people.¹¹ Anybody apart from officials employed by the Returning Officer can be appointed to act as polling or counting agents. Candidates can also act as their own polling or counting agent.

1.44 Polling agents and counting agents are required to maintain the secrecy of voting, and are subject to the important legal requirements relating to secrecy, which are reproduced in Appendix C.¹²

What does a polling agent do?

1.45 The main duties and responsibilities of polling agents on polling day are summarised below:

- To be present at their designated polling station before the opening of the poll to observe the Presiding Officer showing the empty ballot box prior to sealing.
- To detect personation and prevent people voting more than once at the same election. Voters believed to have committed the offence of personation or who attempt to vote twice should be challenged before they leave the polling station. To do this effectively, the polling agent should require the Presiding Officer to put the statutory questions to the elector before they are issued with a ballot paper.
- To report to their election agent/candidate any improper occurrences and retain notes for use in giving evidence to a court, if required.
- To be present when the Presiding Officer marks ballot papers at the request of electors.
- To be present at the close of poll when the various packets of documents are sealed. **At the close of poll**, the polling agent may attach their seal to any packets made up by the Presiding Officer, including the ballot box.¹³ (Please note that polling agents’ seals **cannot** be attached to ballot boxes at the commencement of or during the poll.)
- To maintain the secrecy of the ballot. Polling agents must not give information to anyone as to who has or has not voted, or a person’s elector number, or the official mark. Although polling agents may mark off on their copy of the register of electors those voters who have applied for ballot papers, if they leave the polling station during the hours of polling, their marked copy of the register should be left in the polling station in order not to breach the secrecy requirements.

¹⁰ Section 70(3A), RPA 1983.

¹¹ Rule 27, Local rules.

¹² Rule 28, Local rules; Section 66, RPA 1983.

¹³ Rule 43(1), Local rules.

1.46 A candidate or their election agent can also do any of the things that a polling agent is authorised to do.¹⁴ However, just because a polling agent is **entitled** to witness various aspects of the polling procedure, the procedure is not invalidated if they have not witnessed it.¹⁵

1.47 Candidates can appoint up to four polling agents to attend each polling station, or such greater number as determined by the Returning Officer,¹⁶ although only one of each candidate's polling agents will be allowed into a particular polling station at any time.¹⁷ Any agent may be appointed to attend more than one polling station.

1.48 Polling agents can be appointed by a candidate or their election agent. The Returning Officer must be notified **in writing** of the names and addresses of any polling agents no later than **Thursday 28 May 2009**.¹⁸

What does a counting agent do?

1.49 The main role of a counting agent is to oversee the counting process on the candidate's behalf and make sure that it is undertaken in an orderly, accurate and correct manner. Counting agents will not participate directly in the counting process as they are only there to observe the proceedings. Additional duties and responsibilities of counting agents are outlined in Chapter 6, 'The poll and count'.

1.50 The Returning Officer will decide the maximum number of counting agents candidates will be allowed to appoint. This is calculated by dividing the number of counting assistants employed at the count by the total number of candidates.¹⁹ The idea behind this calculation is to try to ensure that every counting assistant will be observed by at least one counting agent, irrespective of which candidate they are acting for. All candidates in a division or ward will be allowed to appoint exactly the same number of counting agents. The Returning Officer will normally advise candidates and election agents of the maximum number of counting agents allowed soon after the close of nominations.

1.51 As with polling agents, either the candidate or their election agent can appoint counting agents. Again, the Returning Officer must be notified **in writing** of the names and addresses of counting agents no later than **Thursday 28 May 2009**.²⁰

Agents in relation to postal votes

1.52 Postal voting is where electors decide to vote by post rather than going to a polling station. Anyone is allowed to choose to vote this way if they wish. The elector will be sent their ballot paper by post and can return it by post from anywhere in the world and free of charge within the UK. The system is described in more detail in the glossary at Appendix H. A Code of conduct for political parties, candidates and canvassers has been developed and agreed with a number of the largest political parties in England and Wales (see Appendix F).

¹⁴ Rule 27(11), Local rules.

¹⁵ Rule 27(13), Local rules.

¹⁶ Rule 27(3), Local rules.

¹⁷ Rule 30(3), Local rules.

¹⁸ Rule 27(5), Local rules.

¹⁹ Rule 27(4), Local rules.

²⁰ Rule 27(5), Local rules.

Note: The administration of postal votes has changed since the last scheduled county council elections, adding further security to the process. This includes:

- the declaration of identity has been replaced by a postal voting statement, which no longer requires the signature of a witness
- the collection of personal identifiers (the elector's signature and date of birth) from all absent voters from January 2007
- the verification of at least 20% of returned ballots in each postal ballot box to check the collected identifiers against those given on the postal voting statement at the election must be carried out
- the introduction of new offences and higher maximum prison sentences on conviction for offences relating to absent voting (see Appendix A)

1.53 The candidate or election agent can appoint one or more agents to attend the proceedings at the opening of postal ballot papers,²¹ as described in Chapter 6, 'The poll and count'. The Returning Officer will give at least 48 hours' notice of the time and place for the opening of the postal voters ballot boxes and the envelopes in them, and that notice will also specify the number of agents the candidate or agent is allowed to appoint. The number will be decided by the Returning Officer. The Returning Officer must be notified in writing of the names and addresses of any agents appointed before the time fixed for the opening of the postal voters ballot box.²²

Note: Candidates and agents are not entitled to attend the issue of postal votes.

Tellers

1.54 The Commission has developed guidance for tellers with the agreement of the larger political parties, which is designed to be used by the Returning Officer in conjunction with local arrangements in that area. The full guidance can be found in Appendix E. Candidates and their agents should ensure that any of their supporters acting as tellers abide by any decisions regarding their conduct made by the Returning Officer or by the Presiding Officer at the polling station.

Electoral observers

1.55 Electoral proceedings may be observed by representatives of the Commission and by observers accredited by the Commission.²³ Representatives of the Commission are entitled to observe the working practices of the Electoral Registration Officer and the Returning Officer, as well as the proceedings at the issue and receipt of postal ballot papers, the poll and the counting of the votes. Other individuals or organisations may apply to the Commission to be accredited to observe the proceedings at the issue and receipt of postal ballot papers, the poll and the counting of the votes.

1.56 Electoral observation is a legitimate and valuable part of the electoral process, and care should be taken not to hinder or obstruct the conduct of the observation. Electoral Registration Officers and Returning Officers are only entitled to limit the

²¹ Regulation 69(1), 2001 Regulations.

²² Regulation 69(2), 2001 Regulations.

²³ Sections 6A–6F, PPERA.

number of observers who may be present at any proceedings if their presence is hindering the conduct of the proceedings or jeopardising the secrecy of the ballot.²⁴

1.57 Accredited observers and Commission representatives may ask questions of any candidate or agent, electoral staff and electors. Accredited observers will have a silver photographic identity badge and Commission representatives a pink badge.

1.58 More information on observers, including the Code of practice for observers, can be found on the Commission's website.²⁵

²⁴ Section 6E, PPERA.

²⁵ www.electoralcommission.org.uk/elections/electoral_observers

2 Running for election

Qualifications and disqualifications

2.1 In order to stand for election, a set of nomination papers must be submitted within the prescribed time period. In order to be eligible to stand for election, a person must be qualified to stand and not be disqualified.

Qualifications required for candidature

2.2 To qualify as a candidate for election to a local authority, a person **must** satisfy the following criteria on the day they are nominated and on polling day. They must:

- have attained the age of at least **18 years**,²⁶ **and**
- be a British citizen, a qualifying Commonwealth citizen or a citizen of any other member state of the European Union²⁷

2.3 A qualifying Commonwealth citizen is a person who either:

- does not need leave to remain in the United Kingdom, or
- has indefinite leave to remain in the United Kingdom²⁸

2.4 The candidate must also meet **at least one** of the following four qualifications on the day they are nominated and on polling day:²⁹

- they are registered as a local government elector for the local authority area in which they wish to stand, or
- they have occupied as owner or tenant any land or premises in the local authority area during the whole of the 12 months before the day they are nominated, or
- their main or only place of work during the last 12 months has been in the local authority area, or
- they have lived in the local authority area during the whole of the last 12 months

²⁶ Section 79(1), LGA 1972; Section 17(4), EAA.

²⁷ Section 79, LGA 1972.

²⁸ A qualifying Commonwealth citizen is defined in Appendix H – Glossary.

²⁹ Section 79(1), LGA 1972.

Qualification by being a registered local government elector

The qualification to be a registered local government elector requires the person's name to appear on the published register of electors (including any notice of alteration) at the time of nomination. A person who has submitted an application to be registered in the local authority area, but who does not appear on the register at the time of nomination, does not meet this qualification.

This is an ongoing qualification that must be satisfied (unless duly qualified under another criterion stated above) for the duration of the term of office should a candidate be successful in their candidature. It is recommended that candidates complete the sections for any and all the qualifications that the candidate satisfies when completing the consent.

2.5 A candidate using the qualification of living in the area is not required to have lived at the same address for the whole of the 12 months before the day they are nominated, but they must have lived in the same local authority area during the whole of those 12 months. If this is the case, the candidate should list all of the addresses at which they have lived in the last 12 months. This qualification also requires the candidate to live in the area from the date of nomination to polling day.

Disqualifications

2.6 Certain people are disqualified from being elected to a local authority. A person cannot be a candidate if at the time of their nomination or their election:

- they are employed by the local authority or hold a paid office under the authority (including joint boards or committees)
- they hold a politically restricted post
- they are the subject of a bankruptcy restrictions order or interim order³⁰
- they have been sentenced to a term of imprisonment of three months or more (including a suspended sentence), without the option of a fine, during the five years before election day³¹ (i.e. since 4 June 2004)
- they have been disqualified under Part III of RPA 1983 (which relates to donations and other offences) or under the Audit Commission Act 1998³²

2.7 A person may also be disqualified from election if they have been convicted or reported guilty of a corrupt or illegal practice by an election court,³³ or if they have been disqualified from standing for election to a local authority following a decision of the Adjudication Panel for England.³⁴



The full range of disqualifications of candidates at local government elections is complex, and some exceptions may also apply. Candidates are strongly advised to consult the relevant legislation to ensure that none of the relevant disqualifications apply and, if in doubt, to seek their own legal advice.

³⁰ Section 80(1)(b), LGA 1972.

³¹ Section 80(1)(d), LGA 1972.

³² Section 80(1)(e), LGA 1972.

³³ Sections 159 and 160, RPA 1983.

³⁴ Section 79(4)(b), LGA 2000.

Employment

2.8 Any person holding a paid office or employment where the appointment is made or confirmed by the local authority (or any sub-committee of that authority or any joint committee or national park authority where the local authority is represented), or any employee or officer of the local authority, would be disqualified from standing as a candidate at elections to that local authority. If a candidate is in doubt about their position, they should seek advice from the local authority in question.

2.9 The Local Government and Housing Act 1989 also defines a number of politically restricted posts within a local authority (normally senior positions such as the Head of Paid Service or Statutory Chief Officer, or other senior managers or staff who regularly advise members).

2.10 The term ‘local authority’ is not restricted to councils and also includes other local authorities such as certain fire services. The Local Government and Housing Act 1989 prevents any person who exceeds a salary linked to scale 44 of the NJC scale, or who holds particular types of post in any local authority, from standing. If a candidate is in any doubt about whether or not their employment disqualifies them from standing for election, they must take action to be sure that they are not disqualified from standing for election, otherwise they may be found guilty of making a false statement on the consent form. They should contact their employer or take independent legal advice if in doubt.

2.11 If a person holds a politically restricted post, they are disqualified from standing for election to any local authority in Great Britain.³⁵

2.12 The disqualification for being employed by the local authority, as referred to above, applies at both the date of nomination and the date of the election. Therefore, any person who would be disqualified by reason of their employment must have resigned and have served any notice period before the date of nomination to avoid having a contract of employment with the local authority at the relevant time.³⁶

Bankruptcy

2.13 A person who is or who has been bankrupt is **not** disqualified from standing for election or remaining an elected councillor.

2.14 Only those who are subject to a bankruptcy restrictions order or interim order are disqualified from standing for election or remaining a councillor.

Nomination

Getting nominated

2.15 The notice of election will be published no later than **Tuesday 28 April**; a person can submit nomination papers from the date stated on the notice. To become nominated as a candidate, a person will need to complete a set of nomination papers and submit them to the Returning Officer by **4pm on Thursday 7 May**.

³⁵ Section 1(1), Local Government and Housing Act 1989.

³⁶ *Harrison v. Gupta, 2007 Brent Electoral Petition*.

2.16 Returning Officers have the discretion to publish their notice of election ahead of the latest date for doing so, in order to extend the period of nominations and give more time for nomination forms to be submitted. Whenever it is published, the notice of election will state the first day that nomination papers can be submitted.

2.17 The date that the notice of election is published does not affect the date that a person officially becomes a candidate for the purposes of election expenses and for obtaining the electoral register or absent voters lists. The earliest date that a person can become a candidate is **Tuesday 28 April**. For full details of when a person becomes a candidate for the purposes of election expenses and supply of the register, see Chapter 3, 'The campaign'.

2.18 A nomination paper from a candidate standing for a registered political party must contain a description that matches that registered with the Commission. Such candidates should check with their party to ensure the description or party name they are intending to use will not be changed during the nomination period, especially if the notice of election has been published earlier than **Tuesday 28 April** in any area.

2.19 Usually, nomination papers can only be delivered during normal office hours, but it is advisable to check with the Returning Officer, who will confirm the exact arrangements as to when and where nomination papers can be delivered.

2.20 The Returning Officer will supply as many copies of the nomination form and the forms of consent to nomination as are needed. They will also prepare the nomination paper for signature if required.³⁷ Alternatively, the forms provided in Appendix B could be completed and submitted to the Returning Officer.

2.21 It is advisable to submit nomination papers as early as possible so that there is time to submit a fresh one if the first contains a mistake and is invalid. It is often the case that rejected nomination papers are those that have been delivered late and contain a minor error that the Returning Officer is not able to correct. The fault in such a case rests with the candidate, as early submission of nomination papers allows time for faulty nomination papers to be resubmitted. Nomination papers can only be inspected from the close of nominations until the day before the poll. They cannot be inspected during the nomination period, and so there is no advantage in submitting nomination papers late in the nomination period.

Note: If a candidate is validly nominated for more than one electoral area within the same local government area, they must withdraw from all areas but one by the last time for withdrawals. If they do not do this, they will be deemed to have withdrawn from all of them.³⁸

The nomination paper

2.22 Anyone wishing to stand as a candidate needs to complete a nomination paper following the prescribed form.³⁹ A copy of the form can be found in Appendix B.

2.23 Nomination papers must be completed in English.

³⁷ Rule 6(4)(b), Local rules.

³⁸ Rule 12, Local rules.

³⁹ Rule 4(1), Local rules.

2.24 The nomination paper must contain the **full name** of the person wishing to stand as a candidate, their **full home address** and be signed by **10** registered electors from the division/ward – these electors are known as subscribers.⁴⁰

Note: The candidate's name, address and description should be written on the nomination paper **before** getting subscribers' signatures.

The subscribers must be aware that they are subscribing a nomination paper and should be aware of the candidate's details and whether or not that person is standing for a political party. It is a corrupt practice to obtain a signature from an elector without the elector knowing it is for the nomination of a candidate.

2.25 If a candidate wants to use a registered description on the ballot paper, they can do so only with the permission of a registered political party (see below for further details on the use of a description). A candidate may also provide their commonly used name (if any) for use on the published statement of persons nominated, the notice of poll and, finally, the ballot paper.⁴¹

Name

2.26 The nomination form must include the candidate's surname, then other names in full.⁴² A candidate risks having their nomination paper rejected by the Returning Officer if they use initials. It is also possible that the use of a name that is not as it appears on the electoral register may be challenged if it is entered in the 'surname' or 'other names in full' sections and not the 'commonly used' sections of the form.

2.27 Commonly used surname(s) and forename(s) are now permitted. A candidate can only state a commonly used name on the nomination paper if they actually commonly use a name which is different from their full name.⁴³ There is no requirement to use a commonly used name: candidates have the option to stand either under their full name or any commonly used name they have. If a candidate is commonly called by a name which is not their full name, they are not required to put it on the nomination paper. If a candidate wishes to use their full name, they should leave the commonly used name boxes blank.

2.28 The Returning Officer will allow the use of the commonly used name(s) if they are satisfied that it is not likely to mislead or confuse electors, and is not obscene or offensive.⁴⁴ If the name(s) are not permissible, the Returning Officer will write to the candidate stating the reason for disallowing the commonly used name, and in that instance the candidate's full names will be used.

2.29 Titles or prefixes, such as Mr, Mrs or Dr should not be used; the format should be, for example, Miller, Andrew John. If this candidate is normally known by another name, such as the shortened first name of Andy, he has two options. His first option would be to use his commonly used name, in which case his nomination paper would read:

⁴⁰ Rule 6(1), Local rules.

⁴¹ Subject to the commonly used name provisions.

⁴² Rule 4(2), Local rules.

⁴³ Rule 4(3), Local rules.

⁴⁴ Rule 9(4), Local rules.

Candidate's surname	Other forenames in full	Commonly used surname (if any)	Commonly used forenames (if any)
Miller	Andrew John		Andy

2.30 The ballot paper would show:

MILLER Andy Miller

2.31 His second choice would be to use his full name rather than his commonly used name. In this case, even though he may be widely known as Andy, he may write on his nomination paper:

Candidate's surname	Other forenames in full	Commonly used surname (if any)	Commonly used forenames (if any)
Miller	Andrew John		

2.32 The ballot paper would show:

MILLER Andrew John Miller

2.33 The exact wording of the candidate's name, as entered on the nomination paper, will appear on the statement of persons nominated, the notice of poll and on the ballot paper. If the Returning Officer allows the commonly used name(s), they will appear on each of these occasions instead of the candidate's full name.⁴⁵

Description

2.34 The description will appear under the candidate's details on the ballot paper. Any candidate may use the word 'Independent' or may choose not to have a description at all, leaving that part of the nomination paper, and the ballot paper, blank.

2.35 Candidates representing a registered political party can use a description, but this may only be one of up to 12 possible descriptions registered with the Commission, or the registered name of the party.⁴⁶ A certificate of authorisation from the registered party's Nominating Officer (or a person appointed by them to act on their behalf) giving them permission to use that description must be submitted to the Returning Officer before the close of nominations. See 'Standing for a political party' in this chapter for more details on the certificate of authorisation.

2.36 In summary, therefore, candidates have five options with regard to the description:

⁴⁵ Rule 9(3), Local rules.

⁴⁶ Section 28A, PPERA; Rule 5, Local rules.

1. Leave the description part of the form blank, in which case no description will appear on the ballot paper.
2. Use the description 'Independent'.
3. Use a description that is registered with the Commission and has been authorised in writing by the Nominating Officer of a registered political party or someone appointed to act on their behalf.
4. Use the name of the party as it is registered with the Commission, with authorisation in writing from the Nominating Officer of a registered political party or someone appointed to act on their behalf.
5. Use a joint description from two parties as it is registered with the Commission, with authorisation in writing from the Nominating Officer for both registered political parties, or people acting on their behalf.

2.37 If a candidate wants to register a political party, thus enabling them to use a description other than 'Independent', details about the process for doing so can be found in this chapter. Any description on the nomination paper (other than 'Independent') must be registered with the Commission; if it is not, the Returning Officer must hold the entire nomination paper invalid.⁴⁷

Address

2.38 The candidate's home address must be completed **in full** and should not contain any abbreviations. The address must be the candidate's current home address and not a business address. The address does not need to be in the division/ward or even the local authority in which the candidate wishes to stand, as long as the candidate meets one of the qualifications for standing set out above.

Signatures of subscribers

2.39 Each nomination paper needs to be signed (subscribed) by 10 registered electors from the division/ward in which the person wants to stand as a candidate. The first two electors will sign and print their names as **proposer** and **seconder**, and the remaining eight as **assenters**.⁴⁸ Where a nomination paper has the signatures of more than the required number of persons as proposing, seconding or assenting to the nomination, only the first 10 signatures will be accepted. Care should be taken to ensure that the nomination paper is accurately subscribed, because any other names provided after the number required will not be considered, even if one of the first names is not in fact a registered elector and therefore is not entitled to subscribe the nomination, thus making it invalid.⁴⁹

2.40 The electoral number of each elector, including the distinctive numbers or letters of the polling district, must be entered on the nomination paper.

2.41 The candidate must ensure that the names of the people signing their nomination paper appear on the relevant electoral register for the division/ward where they wish to stand. The register is published by 1 December each year, and alterations are published at the beginning of each month thereafter, up to (and including) September. The register as at the last day for the publication of the notice of election (i.e. the register as at **1 April 2009**) will be the valid electoral register for the purpose of nominations.

⁴⁷ Rule 8(4), Local rules.

⁴⁸ Rule 6(1), Local rules.

⁴⁹ Rule 6(2), Local rules.

2.42 Electors who are registered anonymously, and are shown on the register with just their poll number and the letter 'N' rather than with their name and address, may not subscribe nomination papers.

2.43 To ensure the nomination paper is completed correctly, candidates are entitled to receive a copy of the register for the division/ward they are contesting and should make a request to receive the register in writing to the Electoral Registration Officer for the area.⁵⁰ Further information on this process can be found in Chapter 3, 'The campaign'. Candidates may be asked to sign a form undertaking to use the register and list of absent voters in accordance with law. The information contained within the register and the lists must only be used for electoral purposes – it is an offence to use this information or to allow it to be used for any other purpose.

Note: An individual can only request a copy of the register once they become a candidate (as defined in Chapter 3, 'The campaign'), which will be after publication of the notice of election, or in any event not earlier than Tuesday 28 April. The candidate can obtain the register before submitting nomination papers, which allows them to ensure that nomination papers are completed correctly. Registered political parties are able to exercise the 'constituency party' entitlement to the register at any time.

2.44 All the candidate's particulars must be completed before the nomination papers are subscribed – they cannot be altered after signatures have been added.

2.45 At local government elections, electors may only subscribe as many nomination papers as there are vacancies in the division/ward.⁵¹ For example, in the case of an electoral division/ward with only one vacancy, electors can only subscribe one candidate's nomination paper. This means that if two candidates submit a set of nomination papers for a division/ward with only one vacancy that have been subscribed by the same person, the nomination papers that were submitted first will be accepted; the second and any subsequent nominations will be invalid. However, in the case of an electoral division/ward with two vacancies, an elector may subscribe two nomination papers.

2.46 Once a nomination paper has been formally accepted by the Returning Officer, signatures cannot be withdrawn.

2.47 It is always advisable to submit nomination papers well in advance of the deadline, to allow time for any unintended errors to be corrected or a new nomination to be submitted. No changes can be made, or new papers submitted, after the close of nominations. **This is a statutory deadline and cannot be altered for any reason.**

2.48 It is advisable to enquire whether the Returning Officer or their staff will offer an informal inspection of nomination papers. This should be done in person and, if possible, by appointment. They may check the papers before they are actually lodged, and such an informal check may reveal any errors in time for them to be remedied. There is no requirement for election staff to provide this service, especially if completion of the nomination is left until the last day.

⁵⁰ Regulations 102 and 104, 2001 Regulations.

⁵¹ Rule 6(5), Local rules.

Note: Nomination papers cannot be submitted by fax or electronic means.

To avoid possible issues with delivery, papers should be delivered by hand so that the candidate can be confident that they have been delivered correctly.

Wherever possible, it is advisable when handing the nomination papers to the Returning Officer or their staff in person to ask them to check the papers before they are formally lodged, so that a new set can be completed in the event of any errors having been made.

Returning Officer resources are stretched during this period, and so it is important to find out when they will be available to check papers in order to avoid disappointment.

Candidates should take great care of their nomination paper, especially if they are leaving it with others for signature. If the form becomes defaced or illegible, then another form may have to be completed and all the signatures collected afresh.

Minor errors

2.49 The Returning Officer is permitted to correct minor errors made on a nomination paper, including errors to a person's elector number and obvious errors of spelling in relation to the details of a candidate.⁵² For example, where an elector number has been entered incorrectly, the Returning Officer may amend it if they are satisfied as to the cause of the error (e.g. wrong polling district prefix, transposed number, etc.). Where the elector number has been omitted altogether, however, the nomination paper should be rejected on the basis that no error has been made to the number – it has simply not been supplied.

Note: This provision should not be relied upon. The idea of 'obvious' errors of spelling is difficult, as what is obvious to one person may not be so to another. The candidate should take care to ensure that all nomination papers are completed correctly.

Consent to nomination

2.50 In order for the nomination as a candidate to be valid, the candidate must also formally give their consent to nomination in writing.⁵³ The candidate will be asked to state that they are qualified and not disqualified from standing and to give their date of birth. Candidates can use the form in Appendix B; the Returning Officer may also provide a form for this purpose.

2.51 Part of the qualification is based on having a connection to the local area as described earlier in this chapter (living in the area, occupying as owner or tenant, working in the area or being on the electoral register). A candidate must meet at least one of these criteria and should state as many of them as apply on the consent to nomination form.

2.52 The living in the area and occupying as owner or tenant qualifications must be fulfilled for the whole of the 12-month period ending with the date of nomination and

⁵² Rule 10, Local rules.

⁵³ Rule 7, Local rules.

also from nomination day to polling day. The working in the area qualification is based on the principal or only place of work during the 12-month period. These qualifications are valid for the entire period a successful candidate is elected for. The registration qualification only needs to be true on the day of nomination and is valid only as long as the successful candidate remains continuously on the register for that local authority.

2.53 Candidates must sign and date the consent to nomination within one calendar month before the last day for delivery of nomination papers. The candidate's signature must be witnessed, and the witness must also sign the form and give their full name and address. The rules do not specify who can witness this form, and so there are no restrictions on who can do this. The declaration of consent should be delivered in person to the Returning Officer with the other nomination papers, and must be delivered by **4pm on Thursday 7 May**.⁵⁴

2.54 It is a serious offence to include false information pertaining to the name or address of a candidate in nomination papers, for a candidate to state that they are qualified and not disqualified when this is not true, or to falsify the signature of a subscribing elector.⁵⁵ If a person is found guilty of such an offence, they may be sentenced to imprisonment for up to a year, or face an unlimited fine, or both.⁵⁶ If a candidate is elected and subsequently they or their agent are found guilty of making a false statement in a nomination paper, their election is void.⁵⁷

2.55 If it is believed that an offence has been committed through a statement on a nomination paper, and the complainant is prepared to substantiate this allegation through a written statement, this should be brought to the attention of the police.

2.56 The Returning Officer must take each application on face value. It is therefore important that candidates check all their details carefully.

2.57 Nomination papers can be inspected and copies or extracts taken at the Returning Officer's normal place of business during normal office hours after the close of nominations at **4pm on Thursday 7 May** until the day before polling day, **Wednesday 3 June**.⁵⁸ The papers are not available for inspection after this time.

Deposit

2.58 No deposit is required at an election of local authority councillors.

Registering as a political party

2.59 People wishing to register a party name for candidates to use at these elections must have an entry on the register of political parties two days before the close of nominations, i.e. **Tuesday 5 May**.⁵⁹ Please note, however, that it may take up to four weeks (20 working days) to process any applications to register as a political party,

⁵⁴ Rule 7(d), Local rules.

⁵⁵ Section 65A, RPA 1983.

⁵⁶ Section 168, RPA 1983.

⁵⁷ Section 159(1), RPA 1983.

⁵⁸ Rule 11, Local rules.

⁵⁹ Rule 5(6)(a), Local rules.

and so to ensure that the application is processed on time it should be submitted no later than **Thursday 2 April**.

2.60 In order to register as a political party, the following must be submitted to the Party and Election Finance Directorate at the Electoral Commission:

- a correctly completed application form (available via the Commission’s website, www.electoralcommission.org.uk)
- a copy of the party’s constitution
- a draft financial scheme
- a fee of £150

2.61 Further information and guidance on registering a political party can be found in the Commission’s document *Guidance on registering a political party*, which can be found on the Commission’s website or obtained by phoning 020 7271 0500 or emailing pef@electoralcommission.org.uk

2.62 There is no requirement for local branches of a party to register independently with the Commission – a national party’s registration covers all of its branches and sections.

Standing for a political party

2.63 It is for each candidate to decide if they wish to stand as an independent candidate and have no description on the ballot paper. If, however, a candidate wants to use a description other than the word ‘Independent’ on the ballot paper, they must stand as a candidate on behalf of a registered political party in order to use that party’s name or one of their registered descriptions on the ballot paper, and they must gain the permission of that political party. Alternatively, candidates can establish a new registered party for which they will have to complete appropriate documentation and go through the appropriate process.

2.64 Political parties authorise candidates by issuing a certificate of authorisation. This must state that the named candidate can stand on their behalf. The certificate must also state what type of description can be used by the candidate on the nomination form: it must allow use of a particular registered description or the exact party name, or allow the candidate to choose to use either the registered party name or one of the 12 registered descriptions.⁶⁰

2.65 If the Nominating Officer allows the candidate to use the part, name or descriptions that the party has registered with the Commission, the candidate should ensure that they select a valid description or party name exactly as it appears on the Commission’s website. If the description included on the nomination paper is not an exact match, the whole nomination paper will be invalid. It is worth noting that some party names are listed on the website in a search friendly format, e.g. Vote Party [The], where the correct party name is ‘The Vote Party’.

2.66 If the certificate contains a specific description or party name, the candidate must make sure that the description used in the nomination paper **exactly** matches

⁶⁰ Rule 5, Local rules.

the description on the certificate of authorisation. If the descriptions do not match, the whole nomination paper will be invalid.

2.67 The wording of the certificate of authorisation is not prescribed by law, but a sample authorisation of registered party description and emblem is provided in Appendix B.

2.68 The certificate of authorisation **must** be signed by the registered Nominating Officer of the political party, or by someone else who has been authorised by the Nominating Officer to act on their behalf. There is no requirement to provide any documentation with the certificate of authorisation which shows that the person signing has been delegated the ability to sign by the registered Nominating Officer. However, it can be helpful if the Nominating Officer provides authorisation to the person signing the certificate of authorisation in case the Returning Officer is in any doubt. The certificate of authorisation should be delivered to the Returning Officer at the same time as the nomination papers and before the close of nominations at **4pm on Thursday 7 May**.⁶¹ A sample form which may be used is in Appendix B.

2.69 A candidate is also able to stand for election for more than one party and use a joint description. The candidate would need a certification of authorisation from the Nominating Officers for both parties and they may allow the use of a joint description registered with the Commission.

Request to use an emblem on the ballot paper

2.70 If a candidate has been authorised by a political party to use a description on the ballot paper, they can also request that one of the party's official emblems is used on the ballot paper next to their name.⁶² Each registered party can register up to three emblems; these emblems can be viewed or downloaded from the Commission's website.

2.71 The request to use an emblem must be made **in writing** by the candidate and delivered to the Returning Officer, together with the other nomination papers, before **4pm on Thursday 7 May**.⁶³ A sample form of request is provided in Appendix B. The request should state both the name of the political party **and** the description of the emblem to be used, as listed on the Commission's website. Registered emblems cannot be varied in any way.

2.72 Emblems may not be used by a candidate who has no description or has the description 'Independent'.

Withdrawing as a candidate

2.73 Once the Returning Officer has accepted a candidate's nomination papers, they can still withdraw from the election if they deliver a written notice to the Returning Officer before **12 noon on Tuesday 12 May**.⁶⁴ The notice must be signed and witnessed by one other person. Please note that after the above time and date,

⁶¹ Rule 5, Local rules.

⁶² Rule 16(3) and (4), Local rules.

⁶³ Rule 16(3) and (4), Local rules.

⁶⁴ Rules 1 and 13, Local rules.

it is not possible to withdraw a candidate's name from the election, and the candidate's name will appear on the ballot paper.

Statement of persons nominated

2.74 The Returning Officer must publish a statement of persons nominated for each division/ward no later than **Monday 11 May**. This must include the names of those candidates validly nominated and those who no longer stand nominated (i.e. invalid and withdrawn candidates, if any), with the reason why they no longer stand nominated.

2.75 The statement will show the names, addresses and descriptions (if any) of each candidate. If a person has given a commonly used name, then this will appear on the statement instead of their full name.

Death of a candidate

2.76 If a candidate dies during an election campaign at a local government election, the procedure to be followed depends on the time when the death of the candidate is notified to the Returning Officer.⁶⁵ It is the time when proof of the death is notified to the Returning Officer that is important, not the actual time of death.

2.77 As there is no right of objection to nomination papers at local government elections, it is important to note that as soon as the Returning Officer has accepted a candidate's nomination as valid, their details will automatically be included on the statement of persons nominated, the notice of poll and the ballot paper.⁶⁶ Therefore, if the Returning Officer receives satisfactory proof that a candidate has died at any time after accepting their nomination as valid, even if it is before the close of nominations, then the poll for that division/ward will be countermanded or abandoned as appropriate if more candidates than there are vacancies are validly nominated.

2.78 If proof of the death is notified before the poll opens, the notice of poll is countermanded and the poll does not take place.

2.79 If proof of the death is received after the opening of the poll but before the declaration of the result, the poll is abandoned.

2.80 The death of a candidate will require the Returning Officer to order an election to fill the vacancy on a day appointed by them. The day shall be within 35 working days of the day fixed for the first election. In this case, candidates already validly nominated do not have to be nominated a second time.⁶⁷

2.81 If an elected candidate dies after the declaration of result, the Returning Officer must hold a by-election to fill the vacancy within 35 days, using the same method as filling a casual vacancy. The death of an unelected candidate after the declaration of result has no effect on the completed election and does not result in a by-election.

⁶⁵ This is different from a UK Parliamentary election, where the description of a candidate determines whether the poll should be countermanded or abandoned.

⁶⁶ Rule 55, Local rules.

⁶⁷ Section 39, RPA 1983.

Uncontested elections

2.82 If, after the close of nominations and the time allowed for withdrawals, the total number of validly nominated candidates in an electoral area is less than or equal to the number of seats to be filled at the election, those candidates are declared to be elected.⁶⁸ As soon as possible after the latest time for delivery of withdrawals of nominations (**12 noon on Tuesday 12 May**), the Returning Officer will declare to be elected those candidates who remain validly nominated, and will give notice of their names to the Proper Officer of the council for which the election is held. The Returning Officer will also give public notice of the names of those declared as elected.⁶⁹

2.83 It is important to note that if declared to be elected at an uncontested election, candidates must still make a declaration as to election expenses, even if none have been incurred. See Chapter 4, 'Election spending', for more details.

⁶⁸ Rule 14(2), Local rules.

⁶⁹ Rule 50(2), Local rules.

3 The campaign

3.1 This section of the guide outlines the rights and responsibilities for all candidates and agents at this election. Many of the responsibilities are legal requirements that must be followed in order to prevent the risk of a challenge to the election or personal prosecution.

3.2 It is important to note the definition of a ‘candidate’ in relation to the provisions described below.

3.3 At local government elections, a person will become a candidate either:

- on the last day for publication of the notice of election, **Tuesday 28 April 2009**, if that person or others have declared that person to be a candidate on or before that date,⁷⁰ or
- otherwise, after **Tuesday 28 April 2009**, on the date on which a person or others declare that person to be a candidate or they are nominated as a candidate at that election, whichever is the earlier⁷¹

Example box 1: Becoming a candidate

- A person is declared by their local political party to be a candidate for election in **February 2009**. They become a candidate on the last day for publication of the notice of election, **Tuesday 28 April 2009**.
- A person declares themselves to be a candidate for election on **Wednesday 29 April 2009**. They become a candidate on **Wednesday 29 April 2009**.
- A person has not been declared by themselves or others to be a candidate for election, but delivers valid nomination papers to the Returning Officer on **Thursday 30 April 2009**. They become a candidate on **Thursday 30 April 2009**.
- A person has been declared by themselves or others to be a candidate for election on **Wednesday 15 April 2009** and delivers valid nomination papers to the Returning Officer on **Thursday 30 April 2009**. They become a candidate on **Tuesday 28 April 2009**.

Using the electoral register

3.4 Candidates at a local government election are entitled to a free copy of the **full** electoral register for the division/ward they are contesting.⁷² This will help in the campaign and in completing nomination papers. Candidates should make a request for a copy of the register in writing to the Electoral Registration Officer for the area.⁷³ Contact details for local authorities in England can be downloaded from www.aboutmyvote.co.uk

⁷⁰ Section 118A(3)(a), RPA 1983.

⁷¹ Section 118A(3)(b), RPA 1983.

⁷² Regulations 104 and 108(1)(c), 2001 Regulations.

⁷³ Regulation 102(2), 2001 Regulations.

3.5 The copy of the register the candidate will receive will be the one in force on the last day for publication of the notice of election: that version will have been last updated on 1 April 2009.

Note: Electors may register to vote up until the eleventh working day before the poll. Candidates are entitled to request the list of newly registered electors when this is officially published five working days before the poll, on **Thursday 28 May 2009**.

3.6 Strict legal restrictions apply to the use of information in the full electoral register. A person who has been supplied with a copy of the full electoral register for a particular division/ward must not, unless it is for electoral purposes:

- pass on a copy of the register to any other person
- disclose any information from the register (which is not contained in the edited version of the register also published by the Electoral Registration Officer),⁷⁴ or
- make use of any information from the register⁷⁵

3.7 Any person found guilty of breaching the restrictions could face a fine of up to £5,000.⁷⁶

3.8 Candidates may only use their copy of the register for electoral purposes, such as canvassing support for their election or the checking of the validity of donors to their campaign (donations of more than £50 to any candidate). Candidates can supply their copy of the register to their agent and supporters, who must also abide by the requirements listed above and use the data for electoral purposes only.

Postal and proxy voters lists

3.9 Candidates may also get a copy of the list of those electors who will be voting by post or who have appointed a proxy to vote for them. These lists – the postal voters list and the proxy voters list – are together referred to as the absent voters lists. These lists will be supplied to candidates upon written request. Candidates may also get a new copy of the lists during the election, such as after the deadline for new applications for a postal or proxy vote has passed.

3.10 As with the electoral registers, the absent voters lists must only be used for electoral purposes. The lists can be supplied to a candidate's agent or supporters for electoral purposes only.

Format of the electoral registers and absent voters lists

3.11 The register will be supplied in electronic form unless a paper copy is specifically requested. Most electoral registration software packages used by local authorities will supply data from the register in a comma-separated values (CSV) format.

⁷⁴ Electoral Registration Officers are required to publish two versions of the electoral register: a full version containing the details of all electors in the area, and an edited version which is available for sale and which does not contain information about electors who have requested that their details are not included.

⁷⁵ Regulation 108(5), 2001 Regulations.

⁷⁶ Regulation 115, 2001 Regulations.

3.12 CSV files can be read or modified with the most popular spreadsheet or database applications, including Microsoft Excel and Access, and can also be read or modified with any text editor or word-processing programme. In particular, CSV files can be used with the mail-merge function of most word-processing programmes to create mailing labels or form letters.

3.13 There are no rules that specify the format in which the absent voters lists should be supplied: candidates can ask for the list to be provided in either paper or data format and the preferred option should be made clear in the application. However, the data format for supply will be the format in which the record is held by the Electoral Registration Officer, and they are not required to change it into any other format.

Freepost

3.14 There is no provision in law for candidates at local government elections to receive free postage on election communications. Candidates must meet their own postage costs where any such communication is sent and include this in their election expenses.

Use of rooms for public meetings

3.15 Candidates are entitled to use certain kinds of rooms free of charge to hold public meetings at reasonable times between **Tuesday 28 April 2009** and **Wednesday 3 June 2009**.⁷⁷ While there is no hire charge for the use of these rooms, the candidate must pay for any expenses incurred during their meeting, such as heating, lighting and cleaning, and for any damage to the premises.⁷⁸

3.16 In broad terms, the rooms that can be used are those funded by the local authority. For example, candidates can use suitable rooms in any community, foundation or voluntary school in the electoral area, and if no such rooms are available, candidates can use any school in an adjacent electoral area. Any public meeting room situated in the electoral area that is supported out of public funds may also be used.

3.17 The Electoral Registration Officer of each local authority must keep a list of the location and availability of suitable meeting rooms in the electoral area. To help candidates find out which rooms are available, the local authority will make the list available for candidates and agents to inspect from the **date the notice of election is published** until **Wednesday 3 June**.⁷⁹ Owners of the facilities should be given reasonable notice when booking the use of a room, or the request may be declined.

3.18 It is important to note that the right to use the rooms described above does not authorise any interference with the hours during which a school is used for educational purposes, or with the prior letting of a meeting room.

⁷⁷ Section 96, RPA 1983.

⁷⁸ Section 95(4), RPA 1983, as applied by Section 96(4), RPA 1983.

⁷⁹ Schedule 5, RPA 1983, as applied by Section 96(4), RPA 1983.

3.19 It is the Commission's view that a local authority may not develop and apply any policy for discriminating between candidates so as to grant or deny these rights on the merits of particular applications.

3.20 Electoral law makes it an illegal practice to act in a disorderly manner, or to incite others to do so, for the purpose of preventing the business of a public meeting being transacted.⁸⁰ The maximum fine on conviction is £5,000. Candidates are reminded that in addition to being subject to electoral law, they are still bound by non-electoral legislation, including the law on public order, such as the law on acts intended or likely to stir up racial hatred, and on possession of racially inflammatory material.

Canvassers

3.21 Candidates may wish to use canvassers to help with the election campaign. It is, however, **illegal** to employ **paid** canvassers for the purpose of promoting or procuring a particular result at an election before, during or after the election.⁸¹ In addition, members of police forces, whether paid or unpaid, are prohibited from acting as canvassers.

3.22 The legislation describes canvassing as:

... by word, message, writing or in any other manner, endeavour to persuade any person to give or dissuade any person from giving, his vote, whether as an elector or proxy.⁸²

3.23 For these purposes, the delivery of election campaign leaflets is not considered to be canvassing if the person delivering them does not engage in trying to persuade anyone to vote for or against a particular candidate, party or policy.

Campaign publicity material

3.24 Most candidates and parties will want to produce campaign publicity material. Campaign publicity material is subject to a number of restrictions under electoral law, and is also subject to the general civil and criminal law relating to published material. All candidates and election agents should therefore be aware of the requirements and restrictions around any such materials produced.

3.25 In summary, all materials:⁸³

- that are published must contain the required imprint
- must not make a false statement about the personal conduct of any candidate
- must not be paid to be displayed, unless paid advertising is the usual business of that particular site
- can only be displayed with correct permission (for example, no fly-posting)

⁸⁰ Section 97, RPA 1983.

⁸¹ Section 111, RPA 1983.

⁸² Section 100, RPA 1983.

⁸³ Section 110, RPA 1983; Section 106(1), RPA 1983; Section 106(1), RPA 1983; Town and Country Planning (Control of Advertisements) (England) Regulations 2007 respectively.

- must be removed after the election according to local and statutory planning rules
- are subject to the normal civil and criminal law relating to all published material
- must not resemble a poll card⁸⁴

3.26 Further explanation of each of these points can be found below.

3.27 It is a common complaint that campaign materials are not available in large print. In order to be more accessible to elderly/visually impaired people, it is advisable to consider producing materials in this format. Where appropriate, languages other than English should also be considered as well as easier to read formats for those with lower levels of literacy. It is important that every elector, no matter what their individual circumstances, has a chance to be part of the election process by being able to find out about the candidates and choose between them. Further information on accessibility issues can be found on the Commission's website.

Newspaper articles and advertisements

3.28 Some newspapers run stories during the election and feature some or all candidates. While the allocation of broadcasting time is prescribed in legislation, the way that newspapers communicate their views on political issues is not. Newspapers may take whatever view they like on the candidates at the election, as long as they do not breach the legal provisions on libel etc., and may include as much or as little coverage as they decide. The inclusion of a candidate in a newspaper article does not count towards election expenses, although paying for an advertisement in a newspaper does.

Imprint requirements

3.29 All election publicity must carry an imprint with details of the **full name and full postal address of the printer and promoter** of the material. There is no longer a requirement to include the details of a publisher; however, if the material includes the publisher's details in addition to those of the printer and promoter, this will be acceptable. The name and address of any person on whose behalf the material is being published must also be included, if this person is not the promoter.⁸⁵

3.30 There are two separate provisions that apply to election publicity:

- Section 110 of RPA 1983 (as amended) applies to any material that can be reasonably regarded as intended to promote or procure the election of a candidate at an election, whether or not it can be regarded as intended to achieve any other purpose as well.⁸⁶
- Section 143 of PPERA applies to election material relating to parties, or two or more candidates. See below for the full definition.

⁸⁴ Section 94, RPA 1983.

⁸⁵ Section 143, PPERA; Section 110, RPA 1983.

⁸⁶ Section 110, RPA 1983, as amended.

3.31 It is important to ensure that the imprint requirements are fulfilled, otherwise the candidate's election is subject to challenge⁸⁷ unless:

- the contravention arose from circumstances beyond their control
- they took all reasonable steps and exercised all due diligence to ensure that the contravention would not arise⁸⁸

3.32 The intention of imprint requirements is to enable anyone to contact or trace the source of the material, for example in case of any complaint or query about its content. There is no requirement for an imprint address to be a home address, as long as it is somewhere where the person can be contacted.

3.33 In the view of the Commission, an email address would not be acceptable as an imprint address because an email address is not a physical address, and it is possible to create one using false or fictitious details.

3.34 There is no specific legislation regarding the use of a post office (PO) box for the purpose of imprints. Due to the importance of imprints in enabling parties or candidates to be contacted during the election period, the Commission's view is that, wherever possible, a PO box should not be used. This is because they do not allow the originator of the material to be contacted quickly to request further information or in the event of a complaint, nor do they aid transparency.

3.35 For the purposes of the imprint requirement:

The **promoter** is the person who causes the material to be published.⁸⁹ In the Commission's view, the **person on whose behalf** the material is being published is the person/body to whom the material refers. These details need only be included where that person/body is different from the promoter.

3.36 While it should be clear who the printer is, the publisher might be, for example, the same person as the printer, a candidate or agent, the local party organisation or a separate individual.

Materials that require imprints

3.37 Materials that require an imprint include posters, placards and bills that refer to parties or candidates, although this is not an exhaustive list. Likewise, all printed election leaflets distributed for the purpose of promoting or procuring the election of a candidate must also carry an imprint.

3.38 Any website that refers to an election or candidate(s) should have an imprint as a matter of good practice. Further, any posters that are available for download from such a website should also carry an imprint, such as 'printed and promoted on behalf of...'. .

3.39 Election publicity also includes materials that prejudice, criticise or disparage the electoral prospects at the election of other parties or candidates, or (as the case

⁸⁷ Section 110(12), RPA 1983.

⁸⁸ Section 110(11), RPA 1983.

⁸⁹ Section 143(11), PPERA.

may be) prejudice the standing with the electorate of other parties or candidates, even if that material does not expressly mention the name of any party or candidate.⁹⁰

3.40 If there is any doubt as to whether certain campaign material requires an imprint, it is suggested that one should be added as the potential consequences of a breach of these requirements are serious. **If the promoter** of the material or any other person by whom the material is so published **or the printer** of the document **commits this offence, they are liable to a fine of up to £5,000.**⁹¹ If it is believed that an offence relating to imprints has been committed, and the complainant is prepared to substantiate this allegation through a written statement, this should be brought to the attention of the police.

3.41 In relation to parties and where two or more candidates are standing, election material is material that can reasonably be regarded as intended to:

1. promote or procure electoral success at any relevant election for:
 - a. one or more particular registered parties
 - b. one or more registered parties who advocate (or do not advocate) particular policies or who otherwise fall within a particular category of such parties, or
 - c. candidates who hold (or do not hold) particular opinions or who advocate (or do not advocate) particular policies or who otherwise fall within a particular category of candidates, or
2. otherwise enhance the standing
 - a. of any such party or parties, or
 - b. of any such candidates
 with the electorate in connection with future relevant elections (whether imminent or otherwise)⁹²

3.42 Where election publicity can reasonably be regarded as referring to two or more candidates standing in the name of a party or included in a list of candidates submitted by the party in connection with the election, this can be regarded as being published on behalf of the party, and not on behalf of the candidate(s).⁹³

Examples

3.43 To assist in understanding these rules, the Commission provides the following example:

Printed by [insert the name and address of the person or company whose equipment is being used to print the material. This could be the candidate or agent if they own the equipment being used or if they produce the material using equipment in a public place, such as a photocopier in a library]

promoted by [insert the name and address of the person who causes the material to be published, generally the candidate, agent or, if two or more candidates are standing, party]

⁹⁰ Section 85(4), PPERA.

⁹¹ Section 110(9), RPA 1983; Sections 143(8) and 150, PPERA.

⁹² Section 85(3) and (4), PPERA.

⁹³ Section 143(2A) and (2B), PPERA.

on behalf of [insert the name and address of the person or people on whose behalf the material is being printed, typically the candidate, party or a third party. 'On behalf of' is needed only if the candidate or candidates are not the promoter].

Example box 2: Sample imprints

Assuming the following details, please see below for examples of imprints:

Candidate name = Jane Doe
Agent name = Joe Bloggs
Party name = The Electoral Party
Printer = The Duplication Company

Imprints for independent candidates

If the candidate is acting as their own agent and using a print company to produce some leaflets, the imprint should look like:

Printed by The Duplication Company, **of** [insert full postal address].
Promoted by Jane Doe, **of** [insert full postal address of candidate].

If the agent is printing leaflets on their own equipment, the imprint should look like:

Printed and promoted by Joe Bloggs, **of** [insert full postal address],
on behalf of Jane Doe, **of** [insert full postal address of candidate].

If the agent is using a print company to produce some leaflets, the imprint should look like:

Printed by The Duplication Company, **of** [insert full postal address].
Promoted by Joe Bloggs, **of** [insert full postal address], **on behalf of**
Jane Doe, **of** [insert full postal address of candidate].

If the candidate does not have an agent but is using a print company to produce some leaflets, the imprint should look like:

Printed by The Duplication Company, **of** [insert full postal address].
Promoted by Jane Doe, **of** [insert full postal address of candidate].

If the candidate is doing everything, the imprint should look like:

Printed and promoted by Jane Doe, **of** [insert full postal address].

Sample imprint for candidates representing a political party

If two or more candidates are representing a single party in a multi-member division/ward, depending on the situation, the imprint might look like:

Example box 2 (cont.): Sample imprints

Printed by The Duplication Company, **of** [insert full postal address].
Promoted by Joe Bloggs, **of** [insert full postal address of agent], **on behalf of** The Electoral Party, **of** [insert full postal address of party].

Or like this:

Printed by The Duplication Company, **of** [insert full postal address].
Promoted by and on behalf of The Electoral Party, **of** [insert full postal address of party].

Display of advertisements

3.44 The display of all advertising is controlled by the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, although practice can vary between local authorities depending on where advertisements are to be displayed. Candidates and agents should ensure that all election advertisements, including any bills, placards and posters, comply with the relevant requirements for the area where they are displayed. In particular, remember that **no advertisement should be displayed without the permission** of the owner of the site or anyone else with an interest in the site. Posters and advertisements on trunk roads should not interfere with or impede traffic or other road users. All advertisements must be removed within 14 calendar days after the election.

3.45 Candidates and agents should also be aware that local authorities exercise tight regulations with regard to the display of advertisements on council property, e.g. lamp posts, open spaces, highway verges, etc. Candidates and agents are strongly advised to consult the appropriate council officer for guidance; the elections office will be able to advise who this officer is.

3.46 It is an offence to pay an elector for displaying election advertisements, unless it is part of their normal business (as an advertising agent, for example) and a payment is made in the ordinary course of business.⁹⁴ Asking people to display an advertisement on their own property is legal as long as they are not paid for doing so.

Restrictions and offences

False statements

3.47 It is an illegal practice to make or publish a false statement of fact about the personal character or conduct of a candidate in order to affect the return of a candidate at an election.⁹⁵ It is a defence to show reasonable grounds for believing that the statement was true. This provision applies both before and during an

⁹⁴ Section 106(1), RPA 1983.

⁹⁵ Section 106(1), RPA 1983.

election period, but is subject to the definition of a ‘candidate’, as discussed above. It is also an illegal practice to make a false statement of a candidate’s withdrawal.⁹⁶

3.48 The potential consequences of breaching this provision are serious. If a candidate is elected and then an election court finds them or their election agent guilty under this provision, their election will be void.⁹⁷ Anyone found guilty of breaching this provision may, upon summary conviction, be fined up to £5,000.⁹⁸ Further, people who have been found guilty of an illegal practice are subsequently banned from registering to vote at any UK Parliamentary elections in the UK or local government elections in Great Britain for a period of three years.⁹⁹ In addition to this, they are unable to hold office in the House of Commons or any other elected office.

3.49 If it is believed that an offence has been committed in relation to statements about candidates, and the complainant is prepared to substantiate this allegation through a written statement, this should be brought to the attention of the police.

3.50 Other false statements that are not about another candidate’s character or conduct may not be illegal under electoral law; however, other offences such as libel and slander may cover such instances.

Other offences

3.51 Election campaign material will also be subject to general restrictions under criminal law and the law on civil liability, and must not contain statements or comments that are defamatory. Defamatory comments in a written form constitute libel and are liable to serious legal action. Rules on copyright should also be taken into account when producing materials.

3.52 Under the Public Order Act 1986, it is an offence to publish or distribute threatening, abusive or insulting material that is intended to stir up racial hatred.¹⁰⁰

3.53 Candidates and agents should be aware of a number of other electoral offences. If a candidate or their agent is found guilty of a corrupt practice, the election may be invalidated. Bribery, treating and undue influence are three common areas of concern.

Bribery

3.54 A person is guilty of the corrupt practice of bribery if they, directly or indirectly, give any money, procure any office for any voter, or make such a gift in order to induce any voter to vote, refrain from voting, or return any person at an election.¹⁰¹

Treating

3.55 A person is guilty of the corrupt practice of treating if they corruptly, directly or indirectly, either before, during or after an election, give or provide (or pay wholly or

⁹⁶ Section 106(5), RPA 1983.

⁹⁷ Section 159(1), RPA 1983.

⁹⁸ Section 169, RPA 1983.

⁹⁹ Section 173(1), RPA 1983.

¹⁰⁰ Section 19, Public Order Act 1986.

¹⁰¹ Section 113, RPA 1983.

in part the expense of giving or providing) any food, drink, entertainment or provision in order to corruptly influence any voter to vote or refrain from voting.¹⁰²

Undue influence

3.56 The importance of unimpeded access to the polling station cannot be over-emphasised.

3.57 A person is guilty of the corrupt practice of undue influence if:

- they, directly or indirectly, make use of or threaten to make use of force, violence or restraint, or inflict or threaten to inflict injury, damage or harm in order to induce or compel any voter to vote or refrain from voting or intend so to compel, induce or prevail,¹⁰³ or
- they impede or prevent or intend to impede or prevent the free exercise of the franchise of an elector

3.58 Therefore, a group of people congregated outside a polling station, for example, could be seen as a form of undue influence through any efforts to intimidate electors. If a candidate is considering the use of tellers or campaigners outside or near the polling station, they should ensure that all volunteers are aware of these restrictions and are given a copy of the guidance to tellers (Appendix E).

Absent voting

Postal and proxy votes

3.59 A person commits an offence if they:

- engage in an act specified below, and
- intend, by doing so, to deprive another of an opportunity to vote or to make for themselves or another a gain of a vote to which they or the other is not otherwise entitled or a gain of money or property

3.60 These offences are:

- applying for a postal or proxy vote as some other person (whether that other person is living or dead or is a fictitious person)
- otherwise making a false statement in, or in connection with, an application for a postal or proxy vote
- inducing the Electoral Registration Officer or Returning Officer to send a postal ballot paper or any communication relating to a postal or proxy vote to an address that has not been agreed to by the person entitled to the vote
- causing a communication relating to a postal or proxy vote or containing a postal ballot paper not to be delivered to the intended recipient

3.61 A person who commits such an offence or who aids, abets, counsels or procures the commission of such an offence is guilty of a corrupt practice.¹⁰⁴

¹⁰² Section 114, RPA 1983.

¹⁰³ Section 115, RPA 1983.

¹⁰⁴ Section 40, EAA.

Offences associated with absent voting

3.62 The Commission has again agreed a voluntary Code of conduct with the larger political parties on the handling of postal vote applications and postal ballot papers. This Code represents an agreed standard of acceptable behaviour that all candidates and agents should follow. It can be found at Appendix F. Please note that the legislative requirements for postal and proxy vote applications have changed significantly since the last scheduled county council elections and so the Electoral Registration Officer should be consulted before printing or distributing any such application forms.

Reporting offences

Note: Neither the Returning Officer nor the Electoral Commission has any discretion to investigate allegations of offences under electoral law. If it is believed that an offence has been committed, and the complainant is prepared to substantiate this allegation through a written statement, this should be brought to the attention of the police. The Returning Officer will be able to provide appropriate contact details for the police.

Campaigning on polling day

3.63 While it is clear that campaigning cannot happen within a polling station or polling place, there is less clarity on how this extends to the surrounding area. Presiding Officers must ensure that electors can quietly and privately cast their vote free of any intimidation (whether real or perceived) and provide a space where the secrecy of the ballot will be respected. Electors should be able to enter the surrounding area in the same manner.

3.64 There should be no long-term parking of vehicles for campaign purposes, for example displaying election materials or using loudspeakers, immediately outside entrances or within a reasonable distance of the entrance. Cars being used in campaigns that are also used to transport voters may need to wait for the voter while at the polling station, but this should not be unduly prolonged.

3.65 The Presiding Officer will not allow large groups of a candidate's supporters or detractors to gather in the vicinity of the polling station, and will be particularly alert to actions that may lead to electors feeling intimidated or influenced. Influencing includes deterring an elector from voting at all, as well as influencing them to vote or not to vote for a particular candidate.

3.66 It is for the Returning Officer and Presiding Officer to decide whether particular campaign activities around a polling station should be permitted to continue, bearing in mind the need to balance the needs of campaigners and electors. The local police may also act to ensure public order at or near polling stations.

3.67 If a venue contains more than one polling station, the Returning Officer may request that the principal Presiding Officer assumes responsibility for monitoring the area. However, other Presiding Officers would retain responsibility for their particular polling stations.

Relief

3.68 If a candidate or agent becomes aware that they may have mistakenly acted in contravention of any of the election rules, they may apply for and may be granted relief from the penalties for any offence.

3.69 Independent legal advice should be taken if this is being considered. To obtain information about this:

- visit www.hmcourts-service.gov.uk/HMCSCourtFinder/
- select 'Forms and Guidance' on the left-hand menu, and
- enter the form number: LOC002


Or contact the Election Petitions Office at the Royal Courts of Justice:

Supreme Court Cost Office
Room 2.14
Cliffords Inn
Fetter Lane
London EC4A 1DQ

Tel: 020 7947 6423
Fax: 020 7947 6807

4 Election spending

4.1 **Important:** The purpose of completing and submitting election expenses returns to Returning Officers is to provide transparency and accountability about the income and expenditure of the campaign. Please note that **election expenses are not reimbursed**. Even if no election spending is incurred, a 'nil' return still has to be submitted along with the declarations. It is an offence to fail to submit an expenses return.

 In 2009, the European Parliamentary election will also take place on 4 June. There are separate controls on certain types of spending by political parties for the period from 5 February to 4 June 2009. Candidates and agents for the local government elections should make sure that they do not incur this type of spending without authorisation from the party treasurer/campaigns officer or a deputy registered with the Commission. It may be an offence to do so. There is more information on the differences between candidates' expenses and party campaign expenditure in the 'Candidates' election expenses and the party campaign expenditure' section in this chapter.

Spending limits

4.2 Candidates are subject to limits on what they spend during the regulated period in advance of an election. The limit for the local government elections in 2009 is £600, plus 5p per local government elector in the electoral division or ward.

4.3 The 'pence per elector' part of the candidate's spending limit is based on the number of electors on the electoral register for the division/ward at the last date for publication of the notice of election.¹⁰⁵ Candidates and agents should confirm the relevant register figure with the Returning Officer. It is the responsibility of the agent to keep spending within the correct limit. It is advisable to get written confirmation of the relevant figure from the Returning Officer.

Spending limits for joint candidates

4.4 At local government elections, candidates can be considered joint candidates for the purpose of their election spending limits. Maximum spending limits are reduced in the case of joint candidates. Where there are two joint candidates, the limit for each candidate is reduced by a quarter. Where there are three or more joint candidates, the limit for each is reduced by a third. For more information, see 'Allocating election spending' and 'Election materials promoting more than one candidate' in this chapter.

¹⁰⁵ In 2009, the last date for publication of the notice of election will be Tuesday 28 April.

4.5 Candidates are to be considered joint candidates if they do any of the following:

- employ the same election agent
- use the services of the same clerks or messengers¹⁰⁶
- hire or use the same committee rooms at an election
- publish joint addresses, circulars or notices at elections

Candidates can only be joint candidates if they are standing for election in the same division/ward.¹⁰⁷

The regulated period

4.6 The spending limits apply to the ‘regulated period’ – the period between the date a person becomes a candidate and polling day.

4.7 A person contesting a local government election becomes a candidate on the last date for publication of the notice of election¹⁰⁸ if their candidacy has been declared on, or before, that date. Individuals who have not been declared a candidate by that date therefore become candidates on the date on which they are declared or nominated as a candidate (whichever is the earlier). A person may declare themselves to be a candidate or may be declared so by others.

Example box 3: Case study – the date a person becomes a candidate

A county council election is due to take place on Thursday 4 June 2009, and the last date for publication of notice of election is Tuesday 28 April 2009.

Mr Smith is interested in local politics but has never considered standing for election. However, just before the election is called, the council takes a decision regarding education services which, as a local resident, Mr Smith is strongly opposed to. After some consideration, Mr Smith decides that the only way to voice his opinion on this issue is to stand as a candidate at the upcoming election, and on 1 May 2009 he puts posters up around the area announcing himself as a candidate; the next day he submits his nomination papers.

Mr Smith had not declared himself a candidate by the last date for publication of the notice of election, i.e. 28 April 2009, and so could not have become a candidate on that date. Instead, Mr Smith became a candidate on the date he declared himself a candidate by putting up posters, i.e. 1 May 2009.

Defining election expenses

4.8 A candidate’s election spending is defined as:

¹⁰⁶ This does not include the accidental, casual or trivial use of the same clerks or messengers.

¹⁰⁷ Sections 77 and 203, RPA 1983.

¹⁰⁸ In 2009, the last date for publication of the notice of election will be Tuesday 28 April.

Any expenses incurred at any time in respect of any matter specified [below] which is used for the purposes of the candidate's election after the date when he becomes a candidate at the election.¹⁰⁹

4.9 It is important to note that money which was **spent before** a person becomes a candidate counts against the spending limit if the goods or services purchased are **used after** the person becomes a candidate.¹¹⁰ In other words, money spent **before** the regulated period on goods or services that are used for the purpose of the candidate's election **during** the regulated period should be included within the candidate's election expenses return.¹¹¹ This ensures that anything spent on items paid for some time in advance of the election is accounted for. The categories of spending that are referred to in the excerpt from the legislation above are described in the 'Categories of spending' section in this chapter.

Example box 4: Money spent before the start of the regulated period

In April 2009, an individual spends £1,000 on leaflets in relation to their election campaign. They distribute half of them in the first three weeks of April. They become a candidate on 28 April 2009. In May they distribute the other half of the leaflets.

The regulated period runs from the date a person becomes a candidate until the date of the poll. In this example, the election spending is therefore the proportion that relates to the leaflets distributed in May, after the person has become a candidate (because it is spent on materials distributed during the regulated period). Therefore, half of the spending should be treated as election expenses and count against the candidate's spending limit, i.e. £500.

4.10 Election spending includes expenses incurred by or on behalf of the candidate promoting their own candidacy, or disparaging their opponents.¹¹² So, election spending includes spending on materials that:

- encourage people to vote for candidate A at a specified election
- criticise candidate B
- compare candidate B unfavourably with candidate A

4.11 Election spending includes 'notional expenditure' of more than £50. Notional expenditure is incurred when an organisation or individual bears the cost of goods or services for which the candidate or their election agent would otherwise have been liable.¹¹³ Further guidance is provided in the 'Notional expenditure' section in this chapter.

4.12 Note that notional expenditure over £50 must also be treated as a donation to the candidate.

¹⁰⁹ Section 90ZA, RPA 1983.

¹¹⁰ Section 90ZA(5), RPA 1983.

¹¹¹ Section 81, RPA 1983.

¹¹² Section 90ZA, RPA 1983.

¹¹³ Section 90C, RPA 1983.

Categories of spending

4.13 Schedule 4A of RPA 1983 sets out categories that constitute election spending and count against a candidate's limit. The categories are:

- advertising
- unsolicited material addressed to electors
- transport
- public meetings
- services of an election agent or other staff
- accommodation and administrative costs¹¹⁴

Advertising

4.14 This covers advertisements of any nature or using any medium (not just newspaper advertisements and posters). The costs of advertising include agency fees, design costs, printing costs and delivery costs. Costs include both the costs of producing the material and of displaying or otherwise circulating it.

Unsolicited material

4.15 This category covers any material sent out, whether it is addressed to electors by name or simply delivered within a particular area. Costs in this category include design costs, printing costs and distribution costs.

Transport

4.16 Transport costs cover transport of people by any means to any place.

4.17 Petrol or vehicle hire costs for journeys made by the candidate or election agent for the purposes of the election constitute election expenses. Such journeys may include driving canvassers to distribution points, or promotional tours around the electoral area.

4.18 Use of someone's private car does not count towards the limit, unless they are in fact paid for the use.

4.19 If volunteer supporters reclaim fuel costs from the election agent, these costs should be reported as election spending. If someone does not reclaim their fuel costs, but these costs are valued at more than £50 across the whole regulated period, they should be reported as notional expenditure and a donation to the candidate.

4.20 The HM Revenue & Customs website (www.hmrc.gov.uk/cars/) provides guidance on mileage allowances, which may be of use to election agents or volunteers wishing to value fuel costs incurred, although election agents are not obliged to use these rates.

Public meetings

4.21 This covers public meetings of any kind. Costs include the hire of a venue, the costs associated with the attendance of people at the meetings (e.g. speakers' fees) and the cost of any goods, services or facilities provided at the meeting.

¹¹⁴ Part 1 of Schedule 4A, RPA 1983.

4.22 Where a hustings organiser invites some, but not all, candidates standing in a division/ward, the Electoral Commission considers that this is a non-cash donation to the candidates who attend (or the party on whose behalf they are standing), and the equivalent cost should count as election spending. A separate guidance document for hustings can be found on the Commission's website.

Services of an election agent or other staff

4.23 The salary of a candidate's election agent is election spending. The value of the salary paid during the regulated period should therefore be included in the expenses return.

4.24 If somebody else, such as a political party or members association, pays for the salary of an election agent or any other staff for a candidate, the agent's salary must be included in the candidate's expenses return as notional expenditure if it is more than £50. This must also be reported as a non-cash donation.

4.25 If an election agent is not employed on a salary but charges a candidate for their services during the regulated period, then the full amount of those charges constitutes election spending.

4.26 The provision of services by any volunteer, including a person acting as the candidate's agent, who provides their services free of charge and in their own time is not an election expense. If a candidate or election agent is self-employed, takes time off work during the regulated period to work on the campaign, and employs someone to cover their work during this period, the Commission's view is that this does not constitute election spending.

4.27 Where someone employed by any organisation (including a political party) devotes a significant amount of time to working on a candidate's campaign, an estimate should be made of the amount of time they have spent working on the campaign during the regulated period. On this basis, the appropriate proportion of their salary should be reported as notional expenditure by the candidate, if the amount exceeds £50. Under those circumstances, it must also be reported as a non-cash donation from the employing organisation to the candidate.

Accommodation and administrative costs

4.28 Accommodation costs include costs for office space. Where an election agent rents an office (or uses an existing party office) during the regulated period, the value of the rent for that office (or an appropriate proportion of the rent) is election spending.

4.29 Administrative costs include the cost of telephone calls made as part of the campaign as well as any other utility costs during the regulated period. Where bills for line rental or other utilities cover a period longer than the regulated period, the usage during the regulated period should be calculated and declared as election spending.

4.30 If an office is used solely for the purpose of a candidate's campaign throughout the regulated period, then all rent and utility bills paid during that period must be reported. If an office is only partly used for this purpose during the regulated period, then the proportion of rent that constitutes election spending should be calculated

according to the amount of time or the proportion of space that was used for the purpose of the candidate's election.

Example box 5: Valuing an office used for a candidate's campaign (1)

If an office, rented at the rate of £500 a month (i.e. £16.13 per day in a 31-day month), is used two days a week for three weeks during the regulated period (i.e. 6 days), the election spending will be £96.78 (£16.13 x 6).

4.31 Where the election agent does not pay rent and use of the office is provided free of charge by the local constituency party, an amount equivalent to the commercial rental value for that office must be reported as notional expenditure. Where rent is charged at a discount of more than 10% of the commercial rental value, the rent paid should be reported as actual spending and the difference between the commercial rental value and the amount paid should be reported as notional expenditure.

Example box 6: Valuing an office used for a candidate's campaign (2)

A constituency association provides use of its office to a candidate free of charge for two weeks of the regulated period. The candidate's election agent ascertains the cost of renting three similar properties in the area, and uses the average to estimate the value of notional expenditure incurred on use of the office.

Average commercial rent:	£150 per week
Period over which office used:	2 weeks
Amount to be reported as actual spending:	£0
Amount to be reported as notional expenditure:	£300
Donation to be reported in return:	£300

4.32 Use of the sole or main residence of the candidate, or the sole or main residence of a person who does not charge the candidate for use of the residence, is not election spending (see 'Exemptions', below).

Exemptions

4.33 Certain items do **not** count as election spending. Even if money is spent on such items, it does **not** count against a candidate's limits and does **not** need to be reported in the candidate's return. These items are:

- the provision of facilities in connection with rights conferred on the candidate, for example the use of schoolrooms for meetings (excluding other costs incurred, for example in preparing the room or repairing any damage incurred)
- the provision by an individual of their own services, voluntarily, in their own time and free of charge
- the publication of anything other than an advertisement relating to an election in:
 - a newspaper or periodical
 - a broadcast made by the BBC
 - a programme included in any service by a licensed independent radio or TV operator

- use of the candidate's sole or main residence
- use of someone else's sole or main residence if it is provided to the candidate without charge
- transport using the candidate's personal means of transport (car,¹¹⁵ bicycle, etc.)
- transport using someone else's personal means of transport if it is provided to the candidate without charge
- use of the candidate's personal computer or printer equipment as long as it was bought mainly for their personal use
- use of someone else's personal computer or printer equipment as long as it was bought mainly for their personal use and if it is provided to the candidate without charge

Planning and managing election spending

4.34 This section outlines the legal requirements on candidates and election agents when incurring and making payments for election spending.

4.35 Any individual or organisation that incurs or pays for election spending in breach of the requirements of RPA 1983 may be committing an offence under the legislation. Appendix A details the offences that can be committed and the penalties that can be imposed under RPA 1983.

Incurring election spending

4.36 Election spending is incurred on the date on which a legal commitment to spend money is made, i.e. the date when an order is placed or a contract is signed.

4.37 Only certain people are authorised to incur election spending. They are:

- the candidate
- the election agent, and
- any individual or organisation authorised in writing by the election agent¹¹⁶

4.38 Where a candidate's election agent authorises an individual or an organisation to incur election expenses (and they are not employed by the candidate or their election agent), that individual or organisation must complete a return detailing all the expenses they have incurred (see Chapter 7, 'After the election').

4.39 Written authorisation from the election agent to incur expenses does not mean that an individual or organisation is also authorised to make payments in respect of election spending.

Paying for election spending

4.40 In most instances, only the election agent can legally make election spending payments.¹¹⁷

¹¹⁵ In the Commission's view this does not include company cars.

¹¹⁶ Section 75, RPA 1983.

¹¹⁷ Section 73, RPA 1983.

4.41 However, the following payments may be made other than by the election agent:¹¹⁸

- A candidate may make payments due to be made before an election agent is appointed.
- Any individual or organisation authorised in writing by the election agent may make payments in respect of ‘petty expenses’ (e.g. stationery, postage, etc.). This authorisation should include the total amount up to which the election agent has authorised the individual or organisation to make payments.
- Payments made before the date a person becomes a candidate may also be paid for other than by the election agent.¹¹⁹

4.42 Except as outlined above, members of a candidate’s political party, including local party treasurers, are not authorised to make payments relating to candidates’ election spending. Where a party purchases or provides items used for the candidate’s election, this constitutes notional expenditure and must be reported as such. Further guidance is provided in the ‘Notional expenditure’ section in this chapter.

Time limits for claims and payments

4.43 When agreeing contracts, suppliers should be advised that all claims for payment **must be made to the election agent within 21 days of the date the election result is declared.**¹²⁰ Claims that are not received by the election agent within this period are called unpaid claims. Unpaid claims cannot legally be paid unless a court order is gained granting leave to pay the claim.

4.44 All claims for payment that are received within the specified period (i.e. 21 days after the election result) **must be paid by the election agent within 28 days of the date the election result is declared.**¹²¹ Claims that have not been paid by this time are called disputed claims. Disputed claims cannot legally be paid without a court order first being gained granting leave to pay the claim.

4.45 Any claim paid after the 28-day deadline for payments, following a successful application to a court and after the deadline for the submission of election spending returns, must be reported in writing to the relevant Returning Officer within seven days of payment and be accompanied by a copy of the court order.¹²²

Valuing notional expenditure and other spending

4.46 This section sets out the Commission’s view on how election agents and candidates should value and report notional expenditure and other spending.

Notional expenditure

4.47 Election spending returns must include any notional expenditure incurred on goods or services used during the regulated period.

¹¹⁸ Section 74, RPA 1983.

¹¹⁹ Section 90ZA, RPA 1983.

¹²⁰ Section 78, RPA 1983.

¹²¹ Section 79, RPA 1983.

¹²² Section 81, RPA 1983.

4.48 Notional expenditure is incurred when any goods, services, property or facilities are provided to a candidate or their election agent free of charge, or at a discount of more than 10% of ordinary commercial value, for the purpose of the candidate's election.

4.49 Controls on notional expenditure apply only where it is valued at more than £50.¹²³

4.50 The value of notional expenditure is the difference between the normal commercial cost of goods or services provided and the amount the candidate or their election agent actually paid for them (if anything).¹²⁴ Where goods or services have been discounted by more than 10% from normal commercial rates, the difference should be declared as notional expenditure if it is more than £50. Notional expenditure should also be treated as a donation to the candidate if it is more than £50.

4.51 In order to estimate the normal commercial rate for an item, you can use the supplier's rates as charged to other customers unrelated to the party or candidate. If this is not possible because they do not supply to others, the Commission's advice is to take the average cost of three commercial quotes. Evidence of how the valuation is reached should be kept as an audit trail.

4.52 Notional expenditure is only incurred when a discount is provided **for the purpose of a candidate's election**. Notional expenditure is not incurred when a candidate is provided with a discount on a commercial basis, e.g. when items are bought in a sale or where a discount is offered because of a large order.

Example box 7: Valuing notional expenditure

Discounted supply of printed material

A firm supplies a candidate with 5,000 election leaflets at a discounted rate.

Normal cost of printing 1,000 leaflets:	£100
Cost charged to candidate:	£40
Actual spending to be included in return:	£40
Notional expenditure to be included in return:	£60
Non-cash donation to be reported in return:	£60

4.53 Where notional expenditure is valued at more than £50, a donation is made, and the candidate's election agent will **need to confirm before accepting the donation that the person or organisation making the donation is a 'permissible donor'**. All accepted donations of more than £50 must be reported within the candidate's election spending return. See Chapter 5, 'Donations', for guidance on donations.

Items paid for by a candidate's political party and use of party facilities

4.54 Where a candidate's political party purchases or provides goods or services used for the candidate's election, or sells items to a candidate or their election agent at less than market rates, this constitutes notional expenditure and must be reported

¹²³ Section 90C, RPA 1983.

¹²⁴ Section 90C(4)(b), RPA 1983.

in two different places on the expenses return, both as a non-cash donation and as notional expenditure

4.55 Common examples of goods or services purchased or provided by the party include:

- free use of a constituency association office as a campaign headquarters
- provision of free stationery
- election materials paid for by the party
- use of loudhailers or a public address system owned by the party
- promotional items, such as balloons and rosettes, sold to a candidate's election agent at less than market rates

Example box 8: Valuing and reporting items paid for by the party and use of party facilities

Election materials paid for by the party

A constituency association orders and pays for 2,500 leaflets promoting its local party candidate. The constituency association treasurer pays the invoice.

Cost of 2,500 leaflets:	£259
Amount to be reported as actual spending:	£0
Amount to be reported as notional expenditure:	£259
Donation to be reported in return:	£259

Use of loudhailers owned by the party

A loudhailer is owned by a constituency association and given to the candidate to use free of charge during the three weeks prior to the election. The candidate's election agent receives a number of quotes for renting a loudhailer and estimates the commercial value of three weeks' hire to be £15. As the value of notional expenditure is not more than £50, the cost of using the loudhailer does not need to be reported in the candidate's election spending return.

Commercial value of hire:	£15
Amount to be reported as actual spending:	£0
Amount to be reported as notional expenditure:	£0
Donation to be reported in return:	£0

Promotional items sold at less than cost price

A party makes up 'election packs' that include party balloons, rosettes and teller pads. They sell the packs to candidates' election agents for £10 each, although they have a commercial value of £75.

Commercial value of election packs:	£75
Price paid by candidate's election agent:	£10
Amount to be reported as actual spending:	£10
Amount to be reported as notional expenditure:	£65
Donation to be reported in return:	£65

4.56 Some candidates receive leaflets or other printed materials at cost from organisations that may be part of or affiliated to their political party. In this case, the

candidate or agent should determine the **full commercial value** of the materials. If the difference between the value and the amount paid is more than 10% and more than £50, the difference is notional expenditure and counts against the candidate's limit and should be reported as a non-cash donation. In contrast, if the printed materials are prepared by people who have volunteered their time directly to the candidate, the election spending consists of the cost of the materials used to prepare the materials plus a notional charge based on the market rate for hiring similar printing equipment (unless printed on a personal computer, see the 'Exemptions' section in this chapter). If the volunteers have volunteered their time to the candidate, there is no need to cost their labour as election spending. See the 'Notional expenditure' section in this chapter for more about determining commercial rates.

Canvassing and distribution

4.57 The payment or promise of payment of **canvassers** is prohibited. Any such payment, or arrangements for payment, may constitute an illegal practice.¹²⁵

4.58 There is no prohibition on the payment of an individual or organisation employed for the sole purpose of **delivering or distributing election materials**.

4.59 The Commission's view is that canvassers may incur costs for incidentals, such as travel costs, without authorisation. If a canvasser reclaims these costs from the election agent, they should be reported as election spending. If such costs are not reclaimed but are valued at more than £50, they should be reported as notional expenditure and a donation to the candidate.

Websites

4.60 If a website is developed solely for a candidate's campaign, all costs incurred in setting up the site and any costs incurred in running the site during the regulated period constitute election spending.

4.61 If a website developed for another purpose is adapted to promote a candidate's campaign, any costs incurred in adapting the site or in running the site during the regulated period constitute election spending.

4.62 If a candidate or their election agent is provided with any **commercial** services for developing and running their website free of charge or at a discount, this would constitute notional expenditure. Examples of such services could be the provision of a domain name or graphic design services.

4.63 If a candidate sets up a blog on a site where no cost would normally be payable, there are no election spending implications. If a site is used where a charge is usually made, if the candidate or agent pay the charge, the charge for the regulated period constitutes election spending. If someone pays the charge on behalf of the candidate or a site that normally charges waives the fee for the candidate, notional expenditure rules apply (see the 'Notional expenditure' section in this chapter).

¹²⁵ Section 111, RPA 1983.

4.64 Similar rules apply for podcasts or other uses of the internet in a campaign. Where actual costs are involved (e.g. for use of recording or editing equipment), these should be accounted for in the candidate's return. Where someone pays the costs on behalf of a candidate or waives fees normally charged, notional expenditure rules apply (see the 'Notional expenditure' section in this chapter).

Example box 9: Case study – valuing election spending incurred on the use of websites

A candidate sets up their own website, devoted entirely to promoting their candidacy and outlining their policies.

Set-up costs (registering a global domain name):	£25.00
Running costs (annual hire of web space):	£18.50
Running costs during regulated period (six weeks):	£2.13
Actual spending to be reported:	£27.13

A candidate has a website registered which he has previously used for business purposes. A website designer offers to redesign the site free of charge to make it a promotional site for the candidate's election campaign.

Normal cost of hiring web designer:	£90 per day
Time spent redesigning website:	2 days
Actual spending to be reported:	£0
Notional expenditure to be reported:	£180
Donation to be reported in return:	£180

Allocating election spending

4.65 Costs may be incurred on goods or services used for the benefit of more than one candidate, or a candidate who is contesting more than one seat (e.g. where there is more than one type of election happening at the same time). In such instances, an appropriate proportion of the total spending incurred should be allocated to each relevant candidate/seat.

Example box 10: Allocating election spending between candidates/seats

During the regulated period in advance of combined general and local government elections, three candidates use a constituency office as their campaign headquarters. During this time, the party does not use the office for any other business. Candidates Smith and Jones, who are candidates for the UK Parliament, use the office two days a week each, while Candidate Brown, a local government candidate, uses the office one day a week. Use of the office is provided free of charge by the constituency association.

Average commercial rent:	£20 per day
Length of the regulated period:	5 weeks (25 working days)
Total notional expenditure incurred by the three candidates	£500 (20 x 25)

Example box 10 (cont.): Allocating election spending between candidates/seats

Candidate Smith

Actual spending to be reported:	£0
Notional expenditure to be reported:	£200 (20 x 10)
Donation to be reported:	£200

Candidate Jones

Actual spending to be reported:	£0
Notional expenditure to be reported:	£200 (20 x 10)
Donation to be reported:	£200

Candidate Brown

Actual spending to be reported:	£0
Notional expenditure to be reported:	£100 (20 x 5)
Donation to be reported:	£100

Election materials promoting more than one candidate

4.66 As a general principle, costs incurred on materials promoting more than one candidate should be split between all relevant candidates. This includes candidates contesting different types of elections (e.g. district and parish or community elections held on the same day).

4.67 Where these candidates are standing within the same electoral area, the costs should be equally divided between the candidates.

4.68 Where the candidates are standing in different electoral areas, the costs per candidate should be calculated according to how many leaflets, posters, etc. were distributed within the electoral area in which each candidate was standing. This can be roughly based on the number of electors per electoral area if the actual number distributed in each electoral area is unknown (e.g. if leaflets are distributed in a shopping centre). Example box 11 sets out an example of how the allocation could be carried out.

Example box 11: Case study – allocating costs incurred on materials promoting multiple candidates

The Imaginary Party orders generic election leaflets to promote its party candidates throughout the Big Town borough at a local government election. The party is putting up three candidates in each of the 16 wards making up Big Town borough. Each of the candidates contesting seats in the borough is listed on the back of the leaflet.

Total cost of the leaflets produced:	£8,650
Total number of leaflets produced:	216,250
Unit cost (i.e. cost per leaflet):	£0.04

The spending allocated to each candidate would depend on the number of leaflets delivered in the ward in which they are standing:

Example box 11 (cont.): Case study – allocating costs incurred on materials promoting multiple candidates

Little Village ward	
Number of leaflets distributed:	5,230
Spending to be reported for that ward:	£209.20 (5,230 x £0.04)
Spending to be reported per candidate in that ward:	£69.73 (£209.20 ÷ 3)
Tiny Hamlet ward	
Number of leaflets distributed:	3,645
Total spending to be reported for that ward:	£145.80 (3,645 x £0.04)
Spending to be reported per candidate in that ward:	£48.60 (£145.80 ÷ 3)
Mid Town ward	
Number of leaflets distributed:	0
Total spending to be reported for that ward:	£0
Spending to be reported per candidate in that ward:	£0

Important: Candidates and agents should not spread costs by dividing the total cost of leaflets produced by the number of candidates contesting seats in that borough, and then allocating equal expenses to each candidate, i.e.:

£8,650 divided by 48 (16 x 3) = £180.21 per candidate

This does not provide an accurate reflection of the candidates' campaigns or the distribution of the materials on which the expenses were incurred.

4.69 Similar considerations should be made in respect of other goods or services used for the benefit of more than one candidate.

Candidates' election expenses and party campaign expenditure

4.70 In addition to the controls on spending by candidates, there are limits on what a party can spend in the run-up to certain elections. Local government elections are not usually covered by these rules, but the county council elections in 2009 will be as they take place within the regulated period for the European Parliamentary election, which is subject to these controls. This regulated period begins on 5 February 2009.

4.71 Candidates and agents should be aware that spending on promoting the party generally, rather than specific candidates, will usually be counted towards party campaign expenditure. Only certain officers registered with the Commission can incur or pay expenditure, or authorise others to do so. These officers are the national party treasurer (or campaigns officer if there is one), or one of their registered deputies. It is an offence for anyone else to incur or pay party campaign expenditure.

4.72 The Commission produces separate guidance on party campaign expenditure. This is called *Campaign expenditure: guidance for party treasurers and campaigns officers* and can be found on the Commission's website at:

www.electoralcommission.org.uk/guidance/candidates-agents/parties. The paragraphs below give guidance and examples of some of the issues. If there is any doubt as to whether an item should be treated as candidates' expenses or party campaign expenditure, the relevant party officer should be contacted, and advice sought from the Commission if appropriate.

4.73 If a party is fielding a single candidate at an election, it would be sensible for the candidate to treat all expenditure incurred as their election expenses if it is all used in the relevant electoral division. Parties which field a low number of candidates may also be unlikely to incur any party campaign expenditure in addition to the election expenses of their candidates if, for example, all the material distributed features the party's candidates.

4.74 By-elections are not covered by the campaign expenditure rules, and all relevant costs should be reported as candidates' expenses.

4.75 Sometimes it will need to be considered whether or not an item is party or candidate spending. A starting point is whether the material primarily promotes or refers to a specific candidate. If so, it is likely that the expenditure should be treated as candidates' expenses, even if a small amount of the space refers to party policies generally.

Example box 12: Examples of candidates' election expenses

The costs of:

- producing a local leaflet promoting a specific candidate
- printing a poster bearing the name of a candidate
- hiring a room from which to run a candidate's campaign
- meeting rooms used by the candidate for public meetings
- administration arising from the candidate's campaign (e.g. stationery, communications, etc.)
- materials bearing the candidate's name (rosettes, balloons, etc.)

4.76 Where material focuses on a party's national or local policies rather than on a candidate or candidates, or is distributed nationally or across a wide area, or does not include reference to a specific candidate, it is very likely that the expenditure incurred on the material should be treated as party expenditure.

Example box 13: Examples of party expenditure

The costs of:

- material promoting the party and its policies rather than a named candidate(s), e.g. a letter from the party leader about education policy
- generic publicity material (posters, advertisements, balloons, etc.) bearing the party name rather than a candidate's name
- party political broadcasts

4.77 There are some more examples to consider below which may be helpful.

Example box 14: Case study – material promoting a party at multiple elections

A party produces material promoting its regional list candidates at the European Parliamentary election. Two-thirds of the material gives information about the regional list candidates and their work in the European Parliament. The rest of the leaflet talks about the successes of the party's representatives on county councils within the region. It does not refer to any individual candidates or councillors, but talks about the work of the party's groups on various councils and across the region as a whole.

The whole cost of producing and distributing the leaflet should count against the party's campaign expenditure limit for the European Parliamentary election.

Example box 15: Case study – material promoting candidates at local government elections (1)

A leaflet is distributed throughout a county council area promoting a party's candidates contesting seats in that area. A photograph and a short biography of some of the candidates are included in the leaflet, which highlights the work of the party group on the council. At the bottom of the last page, the leaflet also urges people to vote for the party at the European Parliamentary election.

The whole cost of the leaflet should be treated as candidates' election expenses and split between the county council candidates.

Since only one line was included mentioning the European Parliamentary election, no expenditure needs to be allocated to the party's European Parliamentary election campaign expenditure.

Example box 16: Case study – material promoting candidates at local government elections (2)

A local party produces a four-page leaflet promoting the party and its candidates at the forthcoming county council and European Parliamentary elections. Three pages of the leaflet promote the party's county council candidates, giving information about local councillors and candidates and the achievements of the party group on the council. The fourth page of the leaflet gives information about the party's regional candidates for the European Parliament, and about the policies of the party in relation to Europe.

Three-quarters of the cost of the leaflet is attributable to the party's county council candidates, while the remaining quarter counts against the party's national spending limit.

4.78 Parties with a large number of candidates standing at an election often supply leaflets or posters to their candidates which promote the individual, in order to ensure that a consistent format is used and to achieve economies of scale. These materials are candidates' expenses and not party campaign expenditure. This is because the actual or notional cost must be reported individually by the relevant candidates.

4.79 If the party subsidises the production of the materials and sells them to its candidates at a loss, the value of the loss is not party campaign expenditure. However, it is notional expenditure (and a donation) which the candidate will need to declare on their expenses return.

Example box 17: Case study – production of material for candidates (1)

The party spends £120,000 on designing and printing materials for distribution by each of its 300 candidates.

The £120,000 is not treated as campaign expenditure, since the material produced is promoting candidates rather than the party.

However, how the party charges its candidates for the material produced will determine what each of its candidates should report:

If the party charges each candidate £400, the party recovers its costs in full (£400 x 300 = £120,000). Each candidate should report the £400 cost in their election expenses return.

Example box 18: Case study – production of material for candidates (2)

If the party charges each candidate £200, then the party has effectively subsidised the cost of producing the material by 50% (£200 x 300 = £60,000). There is no requirement for the party to report the £60,000 expenditure. However, each candidate should report £200 actual expenditure and £200 notional expenditure as costs in their election expenses return.

4.80 Parties and candidates may use shared facilities during the course of an election campaign. If so, both the party and the candidate will need to ensure that they include in their expenditure returns an accurate proportion of the relevant expenditure incurred.

Example box 19: Case study – use of shared facilities by parties and candidates

A party hires an office from which to run the regional party campaign, including planning and coordinating events, designing and printing material promoting the party, and researching voting preferences throughout the region. A local candidate who does not have a campaign headquarters also uses the office for their campaign.

The rent is £1,200 for a three-month lease. This must be split between the party and the candidate, depending on the use made of the office by each. For example, if both the party and the candidate make equal use of the office, the £1,200 cost should be split equally between them, i.e. £600 each.

However, if the party and the candidate share the office equally, but the party uses the office for the whole three-month period while the candidate only uses the office for one month, the proportion of expenditure allocated to the party should be greater

Example box 19 (cont.): Case study – use of shared facilities by parties and candidates

than that allocated to the candidate, e.g. £1,000 to the party, £200 to the candidate (based on £400 per calendar month rent).

If the party uses two-thirds of the office space, and the candidate one-third, the rent can be apportioned to reflect this. In this example, if both used the office for the whole three-month period, £800 would be allocated to the party, and £400 to the candidate.

In each case, the candidate would need to declare the relevant amount for the use of the office after the date on which they became a candidate.

5 Donations

Defining donations

5.1 This section sets out the controls on donations to candidates.

Regulated donations

5.2 Cash and non-cash donations made to candidates or their election agents for the purpose of meeting election spending incurred by or on behalf of a candidate are regulated.¹²⁶

5.3 This includes donations to meet costs that would have been incurred had the donation not been made (i.e. in-kind donations).

5.4 The controls apply only to donations with a value of more than £50.

Definition

5.5 RPA 1983 defines a donation as any of the following:

- any gift (including a bequest) to the candidate or their election agent of money or other property
- any sponsorship provided in relation to the candidate (see the ‘Sponsorship’ section in this chapter)
- any money spent (other than by the candidate or their election agent or any sub-agent) in paying for any election spending
- any money lent to the candidate or their agent other than on commercial terms
- the provision for the use or benefit of the candidate of any property, services or facilities (including the services of any other person) other than on commercial terms¹²⁷

5.6 Common examples of donations may include:

- a cash donation of £1,500 to meet a candidate’s spending from the candidate’s constituency association
- a cheque for £100 given by a supporter
- stationery supplies worth £65
- payment of costs of a newspaper advertising campaign
- a 50% discount offered on printing of election materials
- free use of an office valued at £200
- free use of a hire car valued at £100

Exclusions

5.7 Under RPA 1983, the following are not donations:

- any donation with a value of £50 or less

¹²⁶ Schedule 2A, RPA 1983.

¹²⁷ Schedule 2A, RPA 1983.

- the provision of facilities in connection with rights conferred on the candidate, for example the use of schoolrooms for meetings (excluding other costs incurred, e.g. in preparing the room or repairing any damage incurred)
- the provision by an individual of their own services, voluntarily, in their own time and free of charge
- any interest accruing to a candidate or their election agent in respect of a donation from an unidentifiable or otherwise impermissible source, which is dealt with by the candidate or their election agent in accordance with the relevant legislation (see the 'Returning donations' section in this chapter)
- the loan of a person's principal house, personal car, personal computer or personal printing equipment

5.8 In the Commission's view, if a candidate is granted special leave by their employer during the regulated period in order to fight their campaign, this is not a donation.

Sponsorship

5.9 Sponsorship is defined as any money or property transferred to the candidate or any other person for the purpose of helping the candidate meet costs incurred in connection with:

- any conference, meeting or event organised by or on behalf of the candidate
- the preparation, production and dissemination of any publication by or on behalf of the candidate
- any study or research organised by or on behalf of the candidate

5.10 This definition of sponsorship does **not** include:

- any admission charge to a conference, meeting or event
- the purchase price of (or any other charge for access to) any publication
- payments made to place advertisements in publications which are made at the true commercial rate

Managing donations

5.11 As candidates must report the sources of all the campaign donations they receive over £50 in value, it is important that proper records be kept of all funding sources. This includes cash and in-kind contributions (referred to below as 'non-cash' or 'notional') and any contributions **from the candidate's political party**, whether this comes from the central party or a local constituency party.

Receiving donations

5.12 All cash and non-cash donations must be given directly to the candidate or their election agent.

5.13 Where a candidate receives a donation, they should pass it to their election agent to handle as the election agent is legally responsible for the financial conduct of the candidate's campaign.

5.14 If a candidate receives a donation before they have appointed an election agent, they may take the necessary steps to deal with the donation themselves. The candidate must pass the donation, and any relevant information received with it, to the election agent as soon as one is appointed.

5.15 A candidate is deemed to have received a donation on the date that they (or their election agent) take possession of the donation, whichever is the earlier. If the donation is transferred electronically, the donation is deemed to have been received on the date the candidate or election agent is notified of the payment (e.g. the date they receive their next bank statement for the relevant account or check an online bank record).

5.16 Candidates and their election agents have **30 calendar days** from the date a donation is received in which to make any enquiries and take any action regarding the donation, i.e. to decide whether or not to accept the donation (see 'Accepting donations', below). If they decide not to accept the donation, they must take the necessary steps to deal with it within the 30-day period. If the donation has not been returned within that time, they will be deemed to have accepted the donation.

5.17 If a donation is given to an election agent acting on behalf of more than one candidate, the agent will need to ascertain whether the donor intended the donation to be divided equally between all the candidates. Alternatively, it may have been intended specifically for one or more of the candidates on whose behalf the election agent is acting. The donation should be apportioned between the candidates on the basis of the information supplied by the donor.

5.18 If an individual makes a donation to a candidate or their election agent on behalf of more than one person, each individual contribution of more than £50 should be reported as if it were a separate donation from each individual contributing that sum. Details of each individual donor will need to be provided to the election agent for reporting purposes.

5.19 The full name and address (and any other relevant details, see 'Election expenses returns' in Chapter 7, 'After the election') of any donor must be given to the candidate or their election agent. If a person provides a donation on behalf of someone else, the person transferring the donation must ensure that the candidate or their election agent is given the full name and address (and any other relevant details, see 'Election expenses returns' in Chapter 7, 'After the election') of the individual or organisation making the donation. Failure to do so may be an offence (see Appendix A).

5.20 Where a donation is made to a local party fighting fund, this constitutes a donation to the **party** rather than to the candidate (unless the person giving the donation specifies that it is for the benefit of a particular candidate). If money donated to the fighting fund is then passed on to the candidate or used to fund their campaign, this will constitute a further **donation, from the party to the candidate** and should be reported as such.

Accepting donations

5.21 Candidates and their election agents may only accept donations of more than £50 from certain individuals and organisations, known as 'permissible donors'.

5.22 The following are classified as permissible donors:

- an individual registered on a UK electoral register
- a Great Britain-registered political party
- a UK-registered company
- a UK-registered trade union
- a UK-registered building society
- a UK-registered friendly society
- a UK-registered limited liability partnership
- a UK-based unincorporated association¹²⁸

5.23 See ‘Verifying the source of a donation’ in this chapter for details of how to check whether an organisation or individual is a permissible donor.

5.24 For the avoidance of any doubt, local councils are not permissible donors. Candidates may not accept donations, including the use of council facilities at a reduced rate, from any local council. This does not apply to statutory entitlements under RPA 1983 such as the use of council-maintained rooms for election meetings.

5.25 In addition to the above, a donation can also be accepted by way of bequest or from certain types of trust. Please contact the Commission for more information on donations from trusts.

5.26 As donations of £50 or less are not regulated under RPA 1983, a candidate or their election agent can accept a donation of £50 or less without checking whether it is from a permissible source.

5.27 Candidates and election agents should, however, be aware of any unusual donations with a value of £50 or less, such as numerous electronic transfers of exactly £50, and ensure that these are not intended to evade the controls on donations.

5.28 All accepted donations of more than £50 must be reported in a candidate’s election expenses return.

Verifying the source of a donation

5.29 In order to identify whether or not a donor is permissible, a candidate or their election agent must confirm that the individual or organisation meets one of the requirements in Table 3. In order to check this, the candidate or election agent will need the name and registered address of the donor and any additional information to confirm that the relevant requirements have been met.

¹²⁸ Section 54(2), PPERA.

Table 3: Permissibility of donors

Type of permissible donor	Register/list/legislation/Order on or under which the donor must be registered to be a permissible donor
Individual	A register of either Parliamentary or local government electors maintained under RPA 1983; a register of relevant citizens of the EU under the European Parliamentary Elections Regulations 2004; or a register of peers maintained under Section 3 of RPA 1985.
Company	The Companies Act 1985 or the Companies (Northern Ireland) Order 1986; incorporated within the EU; and carry on business in the UK.
Registered party	The Great Britain register of political parties maintained by the Electoral Commission under Part II of PPERA.
Trade union	The Trade Union and Labour Relations (Consolidation) Act 1992 or the Industrial Relations (Northern Ireland) Order 1992.
Building society	A building society within the meaning of the Building Societies Act 1986.
Limited liability partnership	The Limited Liability Partnerships Act 2000 (or equivalent Northern Ireland legislation) and carry on business in the UK.
Friendly, industrial or provident society	The Friendly Societies Act 1974, the Industrial and Provident Societies Act 1965 or the Provident Societies Act (Northern Ireland) 1969.
Unincorporated association	An association, not covered by any of the above categories, of two or more people, which carries on the majority of its business or other activities in the UK and whose main office is in the UK.

5.30 Further information about the meaning of ‘carrying on business’ in the case of companies, limited liability partnerships and unincorporated associations can be found in the Commission’s *Donations and loans: guidance to political parties in Great Britain*. Candidates who have questions about the permissibility of donations from companies should contact the Commission and/or seek independent legal advice before accepting the donation in question.

Returning donations

5.31 If a candidate or their election agent is unable to ascertain the identity of a donor or determines that the donation was impermissible, the donation must be returned within 30 days of its receipt, to one of the following:

- If the donation was transmitted by an identifiable person, it should be returned to that person.
- If the donation came via an identifiable financial institution (e.g. a bank), it should be returned to that institution.
- Otherwise, it should be sent to the Electoral Commission for payment into the Government's Consolidated Fund.

Example box 20: Case study – donations from unidentifiable and other impermissible sources

Examples of donations that should not be accepted may include:

- £100 cash received in a blank envelope from an anonymous source
- a gift of a computer from an individual who is not registered on a UK electoral register
- an offer to sponsor an event made by a company that is not carrying on business in the UK

5.32 All donations of more than £50 from unidentifiable or otherwise impermissible sources must be reported within a candidate's election expenses return even though they were returned.

5.33 We recognise that the legislation in this area is complicated. Candidates or agents who require any further advice or guidance regarding the rules for accepting or reporting donations should not hesitate to contact the Commission.

Valuing donations

5.34 This section sets out the Commission's guidance on how election agents and candidates should value donations, and reflects the Commission's interpretation of the provisions of the legislation.

Non-cash donations

5.35 Where candidates receive non-cash donations, the value of the donation must be calculated and reported.

5.36 Non-cash donations of goods or services provided to candidates free or at a discount (such as free use of an office or the provision of stationery supplies at a 50% discount) also constitute notional expenditure and should be reported as such. See 'Notional expenditure' in Chapter 4, 'Election spending' for more information about valuing the notional expenditure incurred in such transactions.

Sponsorship

5.37 Sponsorship received by a candidate or their election agent should be valued at the commercial value of the cash, goods, services or facilities provided by the sponsor. Any benefit received by the sponsor should be discounted when valuing sponsorship.

Example box 21: Valuing sponsorship

If a sponsor provides a candidate with promotional banners free of charge, on the basis that the sponsor's name will be displayed as well, the value of the sponsorship will be the price that the supplier will normally charge to produce a banner that does not include the supplier's name.

Commercial transactions

5.38 If a candidate or their election agent receives payment for providing goods or services, but the payment exceeds the commercial value of the goods or services provided, a donation is made if the difference between the value and the payment is more than £50. The value of the donation is the difference between the commercial value of the goods or services provided and the amount actually received by the candidate or their election agent.

Example box 22: Valuing a donation where payment for services provided by the candidate exceeds the commercial value

If a candidate holds a fundraising dinner for which there is a charge of £100 per 'plate', but the actual cost of hosting the dinner is £40 per attendee, the value of the donation would be £60 per plate.

In this example, each person who purchased a plate would have to be a permissible donor.

6 The poll and count

The poll

6.1 Polling day for the local government elections in England is **Thursday 4 June 2009**, and polling hours are between **7am and 10pm**.¹²⁹ These elections will be combined with the European Parliamentary election and electors will be choosing members of the European Parliament as well as members of local authorities. Details of the locations of polling stations will be confirmed by the Returning Officer in a notice to the election agent.

Entitlement to attend the polling station

6.2 Both the candidate and their election agent are entitled to visit any polling station in the division/ward during polling day; polling agents may also attend the polling station(s) for which they have been appointed. Only one of each candidate's polling agents is allowed to enter each polling station at any one time.¹³⁰

Importance of secrecy

6.3 All those who enter the polling station must be aware of the requirement to ensure the secrecy of the ballot. All polling agents should be given a copy of Section 66 of RPA 1983, which is reproduced in Appendix C. Any person who is found guilty of breaching the requirements set out in Section 66 may face a fine of up to £5,000, or may be imprisoned for up to six months.¹³¹

Keeping order

6.4 It is the Presiding Officer's duty to keep order at the polling station, and they may order the removal of any person from the polling station.¹³² However, in exercising this duty, the Presiding Officer must not prevent an elector who is entitled to vote from casting their vote.

Collection of postal ballots from the polling station

6.5 During polling hours, the Returning Officer may arrange for the collection, on one or more occasions, of any postal votes that have been handed in to a polling station. In this case, the Presiding Officer will seal the postal ballots into a packet before collection. Polling agents can also add their own seals to the packet, if they are present.

¹²⁹ Rule 1, Local rules.

¹³⁰ Rule 30(3), Local rules.

¹³¹ Section 66(6), RPA 1983.

¹³² Rule 31(2), Local rules.

The opening of postal ballots and the count

Time and location of count

6.6 The counting of ballot papers for local government elections takes place as soon as possible after the close of poll at **10pm**. In many cases, this will begin after the first ballot boxes are delivered to the count centre. Due to factors such as the amount of work required in processing postal votes handed in at polling stations and the delay in getting ballot boxes to the count in large geographic areas, some Returning Officers may decide to delay the count until the day after the election. The Returning Officer will write to all candidates, election agents and counting agents with details of the exact time and location of the count,¹³³ normally soon after the deadline for appointing counting agents.

Importance of secrecy

6.7 As with all other aspects of the election process, all those attending the opening of postal ballots and/or the count must be aware of the requirement to ensure the secrecy of the ballot. All those attending the opening of postal ballots and/or the count must be given a copy of Section 66 of RPA 1983, which is reproduced in Appendix C. Any person who is found guilty of breaching the requirements set out in Section 66 may face a fine of up to £5,000, or may be imprisoned for up to six months.¹³⁴

Postal ballots

6.8 Postal vote covering envelopes are placed into one or more postal voters ballot boxes by the Returning Officer as they are returned during the election period. Although at least one postal voters ballot box will remain sealed until the close of poll, given the large number of postal votes being issued and returned in recent elections and the need to verify personal identifiers, the ballot boxes containing postal votes returned early are likely to be opened at official ‘openings’ before polling day.

6.9 The Returning Officer will give candidates and agents notice of the time and place for the opening of any postal voters ballot boxes at least 48 hours in advance.¹³⁵ Other than the Returning Officer and their staff, those entitled to attend the opening of postal voters ballot boxes and watch proceedings are:¹³⁶

- candidates
- candidates’ election agents, or anyone appointed by the candidate or their election agent to attend in place of their election agent
- any agent appointed by a candidate to attend at the opening of postal voters ballot boxes (see Chapter 1, ‘Introduction’, for details of appointment)
- any accredited election observers
- representatives of the Electoral Commission

¹³³ Rule 44(1) or (2), Local rules.

¹³⁴ Section 66(6), RPA 1983.

¹³⁵ Regulation 80, 2001 Regulations.

¹³⁶ Regulation 68, 2001 Regulations.

6.10 All postal votes not rejected by the Returning Officer during the opening process are taken to the count venue.

6.11 Candidates and agents can observe but may not interfere with the opening process. All those attending the opening of postal ballots must maintain the secrecy of the ballot, and candidates and agents should not make any attempt to see how any individual ballot paper is marked, nor make any attempt to take notes on how ballot papers are marked. In any event, all ballot papers will be kept with the voting side face down and so it will not be possible to see how the postal voters have voted. Any concerns about the opening process should be raised with the Returning Officer or a member of their staff immediately.

6.12 The following represents a brief summary of the opening process. It must be emphasised that responsibility rests with Returning Officers, and each one may organise the process slightly differently to take account of local circumstances. Generally, the Returning Officer will organise staff into teams, with a number of supervisors. If candidates or their agents have any questions about the process, they should direct these to the Returning Officer.

- Postal votes are brought to the opening session in ballot boxes. First, all the covering envelopes are taken out and counted and the total entered on a form that will be handed to the supervisors.¹³⁷
- Each team will then open each covering envelope (envelope B) and remove the postal voting statement and ballot paper envelope (envelope A). They will then check that the number on the postal voting statement matches the number on envelope A. Where the numbers match, staff will check that the statement has been signed¹³⁸ and that the elector has provided a date of birth.
- Any postal voting statements that are not correctly completed will result in the ballot being rejected; all parts of the ballot pack will be marked 'rejected', paper-clipped together and placed in the receptacle for rejected votes.¹³⁹ Any queries the staff may have will be referred to supervisors and the Returning Officer for adjudication.
- Where either the statement or the ballot paper envelope is missing, or where mismatched documents have been returned, the document(s) received will be set aside, recorded and stored securely in packets. The Returning Officer is obliged to match up postal voting documents received separately, as long as the statement is completed correctly and received by the close of poll.¹⁴⁰
- At least 20% of each box of returned postal votes must be set aside for personal identifier verification. The Returning Officer may decide to verify 100% of the returned postal votes. The signature and the date of birth must be compared with those held on the personal identifiers record. The Returning Officer must:

¹³⁷ Regulation 84(1), 2001 Regulations.

¹³⁸ There are limited circumstances in which a postal voting statement does not need to be signed: in such a case, no signature box will appear on the statement.

¹³⁹ Regulation 85(2), 2001 Regulations.

¹⁴⁰ Regulation 88, 2001 Regulations.

- correlate the ballot paper number shown on the postal voting statement with the ballot paper number on the corresponding number list so as to determine to whom the postal ballot paper was addressed
 - compare the signature on the postal voting statement with that on the personal identifiers record
 - compare the date of birth on the postal voting statement with that on the personal identifiers record
- Those returned postal votes that are being verified will be kept separate from those that are not subject to the more detailed check: this is because they must be independently accounted for and sealed in separate packets from those that have not had the personal identifier verification undertaken once they have been checked. However, the same basic opening process applies to all returned postal votes.

6.13 Where the Returning Officer determines that a postal voting statement is not valid:

- either because a signature¹⁴¹ or date of birth is missing
- or, in the case of those set aside for personal identifier verification, because the signature or date of birth supplied on the postal voting statement does not match that on the personal identifiers record,

the postal voting statement should be attached to the relevant ballot paper or ballot paper envelope, endorsed 'rejected', shown to any agents present and then placed in the receptacle for rejected votes. Any agent present may object to this decision, in which case the words 'rejection objected to' will be added but the ballot paper will remain rejected.

6.14 Once the postal voting statements have been dealt with and removed from the tables, the teams will open the ballot paper envelopes (envelope A) and remove the ballot papers. The number on the back of the ballot paper will be checked against the number on the ballot paper envelope. The valid ballot papers (**not** the votes) will be counted and the total number will be recorded.

6.15 All valid postal ballot papers (i.e. those not rejected by the Returning Officer during the opening process) are placed back into a ballot box, stored securely and taken to the count venue. Once the contents of at least one polling station ballot box have been verified at the count, the postal ballot papers can be mixed with the ballot papers from that box before being counted in the normal manner, as detailed in this chapter.

Count procedure

6.16 Other than the Returning Officer and their staff, the following people are entitled to attend the count:¹⁴²

¹⁴¹ Except in the limited circumstances where an elector has been granted a waiver and is not required to supply a signature.

¹⁴² Rule 44(3), Local rules.

- candidates and one other person chosen by each of them
- the candidate's election agent
- any appointed counting agents
- any accredited election observers
- representatives of the Electoral Commission

6.17 The Returning Officer may also permit other people to attend the count at their discretion, but is not obliged to do so. The decision of the Returning Officer as to who may attend the count is final.

6.18 The maximum number of counting agents to be appointed by each candidate will be determined by the Returning Officer, but will be no less than the total number of counting assistants divided by the total number of candidates. The number permitted will be the same for each candidate. Further information on the appointment of counting agents can be found in Chapter 1, 'Introduction'.

6.19 The duties of counting agents can be summarised as follows:

- to maintain and aid in maintaining the secrecy requirements
- to be present at all stages of the count
- to oversee the counting process and see that it is undertaken in an orderly, accurate and correct manner
- to draw to the attention of the count staff any bad or doubtful ballot papers
- to defend ballot papers marked for their candidate to which objection is taken
- to require the Returning Officer to mark on a rejected ballot paper the words 'rejection objected to', if they object to the decision of the Returning Officer (usually, this would only happen in the absence of an appointed election agent)
- if a count is suspended for any reason, when the Returning Officer seals the envelopes, the counting agents are entitled to add their seals until the count resumes
- counting agents are not permitted to handle ballot papers at any time

6.20 The Returning Officer will give counting agents reasonable facilities for overseeing the proceedings at the count and for fulfilling the various duties described above. In particular, the counting agents should be able to verify that the ballot papers are correctly sorted between the candidates.¹⁴³ Either the candidate or their election agent are also entitled to do anything that the counting agent is authorised to do, and should be given the same facilities as a counting agent.¹⁴⁴ Again, it is important to note that proceedings at the count or the opening of postal voters ballot boxes are not invalidated if any person entitled to attend is not present.¹⁴⁵

6.21 The count will consist of two stages. Firstly, each ballot box will be opened and the number of ballot papers (not the votes) inside will be counted. This is compared with the number of ballot papers expected to be contained in the ballot box, as given on the ballot paper account (i.e. the form completed by the Presiding Officer at a

¹⁴³ Rule 44(6), Local rules.

¹⁴⁴ Rule 27(11) and (12), Local rules.

¹⁴⁵ Rule 27(13), Local rules.

polling station or by the postal vote opening staff if the ballot box comes from a postal vote opening).



As these elections are combined, the verification of the ballot boxes will be combined with the verification of the ballot boxes of the European Parliamentary election and possibly also the parish council elections.

There may be a single ballot box for all the different elections or separate boxes for each one. If separate boxes are used, the ballot papers will be sorted by election type and then verified completely before any ballot box for any of the elections can be sorted between candidates and the votes counted.

Candidates and agents for all the elections taking place are entitled to be present at the verification but the large numbers involved may mean there is little space available for each candidate.

Any ballot paper placed in the 'wrong' box, if separate boxes are used, is still valid. A procedure will be in place to move the ballot papers to the correct box during verification.

6.22 The numbers of ballot papers counted against the number expected will be shown to the agents. In some instances, for example where polling places contain more than one polling station and electors may have put their ballot paper in the wrong ballot box, there may be a small discrepancy between the number counted and the number expected as per the ballot paper account. The Returning Officer will undertake a process to determine the reasons for any such variance and produce a final verified number after this process is complete. At the end of the process, the Returning Officer will produce a statement of the verification. This statement is available to be viewed and copies will be made available at the end of the verification on request.

6.23 The second stage of the count will be the counting of the votes on the ballot papers to determine the total number of votes cast for each candidate. Where only one candidate is to be elected for a division/ward, the process will simply see the ballot papers being sorted by candidate and the total number of papers for each being added up to ascertain the candidate who has received the most votes. When two candidates are to be elected for a division/ward, the Returning Officer may use different methods, including block voting, counting sheets and 'grass skirts', to determine the total numbers of votes cast for each candidate. Details of the process to be followed at a particular count can be obtained from the Returning Officer.

Recount

6.24 Both the candidate and their election agent are entitled to request that the Returning Officer conduct a recount of the votes. There is no legal limit to the number of recounts that may be conducted, but the Returning Officer can refuse to conduct a recount if they believe that the request is unreasonable.¹⁴⁶

6.25 The Returning Officer can also instigate a recount, and they should inform candidates and their agents before beginning any recount. No action will be taken by

¹⁴⁶ Rule 46(1), Local rules.

the Returning Officer following the count or any recount until all candidates or election agents have been given the opportunity to exercise their right to request a recount, or a further recount.¹⁴⁷

Equality of votes

6.26 If, once the count or any recount is complete, the result is a tie between two or more candidates who have the same number of votes, and the addition of a vote would entitle either of these candidates to be elected, the Returning Officer must decide between the candidates by 'lot' as soon as possible.¹⁴⁸ Whichever candidate wins the lot receives an additional vote that enables them to be declared elected.

6.27 Although the drawing of lots is not required when the tied candidates do not need an additional vote to be declared elected (e.g. where they have both already been declared elected to represent a division/ward), the Commission's view is that if the addition of one vote would affect the time period for which one of those declared elected will hold office, the drawing of lots should occur.

6.28 There is no prescribed form of drawing lots, but a lot is defined as an object, e.g. a slip of paper or a straw, drawn or thrown out from among a number in order to reach a decision by chance. The most common method is to place and mix ballot papers, each marked with a vote for each of the candidates with the same number of votes, into a container and draw one ballot from the container. One vote is added to the total votes cast for the candidate whose ballot is drawn. The Returning Officer may, however, choose to use another method of drawing lots.

Declaration of result

6.29 Once the count, recount or drawing of lots is completed, the Returning Officer will declare elected the candidate or, in the case of a multi-seat vacancy, the candidates, with the most votes.¹⁴⁹

6.30 The Returning Officer will also give public notice of the result of the election. They will publish a notice setting out the name of each candidate elected and the total number of votes for all candidates, together with the total number of rejected ballot papers.¹⁵⁰

¹⁴⁷ Rule 46(2), Local rules.

¹⁴⁸ Rule 49, Local rules.

¹⁴⁹ Rule 50(1)(a), Local rules.

¹⁵⁰ Rule 50(1)(c), Local rules.

7 After the election

Declaration of acceptance of office

7.1 The appointment of successful candidates as councillors becomes effective on the fourth day after the election, Monday 8 June. If successfully elected, the candidate may not act as councillor (attend¹⁵¹ and vote at meetings etc.) until they have signed the acceptance of office. By signing the declaration of acceptance of office, the new councillor agrees to follow the council's Code of conduct in the performance of their duties. This declaration must be made within two months from the day of election.¹⁵² If the declaration of acceptance of office is not submitted by this deadline, the seat is declared vacant and a by-election must be held to fill the vacancy.

Election petitions

7.2 The outcome of a local government election can be challenged by the issue of an election petition. The procedure for presenting an election petition relating to a local government election is described below.

7.3 This guidance should be seen as a guide to the process and is not legally definitive. Any person considering an election petition should seek independent advice to confirm the correct court fees at the time, the process for submitting the petition and potential costs should the petition be unsuccessful.

7.4 An election petition can be presented by:¹⁵³

- someone alleging themselves to have been a candidate at the election, or
- at least four electors who were entitled to vote at the election

7.5 The allowable grounds for a petition are that:¹⁵⁴

- 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, or
- the election was invalidated due to general corruption or the employment of a corrupt agent

7.6 The candidate whose election or return is complained about must be a respondent to the petition and, if the petition complains about the conduct of the Returning Officer or their staff during the election, the Returning Officer is deemed to be a respondent.¹⁵⁵

7.7 Normally, the petition must be issued within 21 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 which have taken place since the election, or an

¹⁵¹ Attendance at a meeting is allowed to sign the acceptance.

¹⁵² Section 83, LGA 1972.

¹⁵³ Section 128(1), RPA 1983.

¹⁵⁴ Section 127, RPA 1983.

¹⁵⁵ Section 128(2), RPA 1983.

illegal practice relating to election expenses, further time may be allowed. The potential petitioner should contact the Election Petitions Office and take independent legal advice if this may be the case.¹⁵⁶

Form of petition

7.8 The petition itself should follow the form prescribed by the Election Petition Rules 1960, and must include the following information:

- the capacity in which the petitioner or petitioners are acting
- the date and result of the election in question
- the date from which the time for lodging the petition is calculated, if not within 21 days
- the grounds on which relief is sought
- the relief claimed

7.9 Each petitioner must sign the petition personally, and three copies must be lodged at the Election Petitions Office of the High Court at the address given below. If the office is closed, the petition can be left in the letterbox provided, but petitioners must swear an affidavit the next working day confirming the date and time when the petition was deposited.

Costs

7.10 A fee of £360 is payable on issue of the election petition. In addition, an application to fix the amount of security for costs must be issued, and the fee for this is £40. The amount of security for costs will be fixed by the Prescribed Officer¹⁵⁷ but will not exceed £2,500. This must be deposited with the court in the form of cash or sureties or a combination of both.

7.11 It is important to note that while the security for costs will not be more than £2,500, the total costs to be paid by the petitioner will almost certainly **exceed** £2,500 if the petition is unsuccessful.

7.12 Litigation of any type should not be embarked upon lightly and it is advisable to take specialist legal advice before pursuing this course of action.

7.13 Contact the Election Petitions Office for more detailed information on the processes to be followed in issuing an election petition:

Supreme Court Cost Office
Room 2.14
Cliffords Inn
Fetter Lane
London EC4A 1DQ

Tel: 020 7947 6423
Fax: 020 7947 6807

¹⁵⁶ Section 129, RPA 1983.

¹⁵⁷ The Prescribed Officer is Master Whitaker, the Senior Master of the Queen's Bench Division.

Election expenses returns

Submitting an election expenses return

7.14 After an election, the election agent of **every candidate** must submit a return as to the election expenses of that candidate to the appropriate officer within a specified time limit.¹⁵⁸

7.15 Table 4 details the submission requirements for candidates and election agents at local government elections. Documents must be submitted to the appropriate Returning Officer.

Table 4: Documents to be submitted

Document required	Deadline for submission
Election expenses return	Within 35 days of declaration of result
Election agent's declaration	Within 35 days of declaration of result
Candidate's declaration	Within 7 days of submission of return

7.16 Downloadable copies of the required forms and explanatory notes to aid candidates and election agents to complete them can be found on the Commission's website (www.electoralcommission.org.uk). Advice on completing the forms can be obtained by phoning 020 7271 0500. A sample completed candidate's expenses form can be found in Appendix D.

7.17 The Commission recommends that candidates or their agents keep a copy of any completed return or declarations submitted to a Returning Officer. It is also recommended that the person submitting the return and declarations ask for a receipt from the Returning Officer.

Note: It is important to note that a 'nil' return must be submitted even where no expenses are incurred.

Election expenses are not reimbursed.

Information to be included in a return

7.18 A candidate's election expenses return should include details of the following:

Spending

- all payments made
- spending by a person authorised by the election agent
- any disputed and/or unpaid claims
- notional expenditure
- breakdown of all spending by category as described in 'Categories of spending' in Chapter 4, 'Election spending'

¹⁵⁸ Section 81, RPA 1983.

Donations

- the total of all donations of £50 or under (but no details of the donations comprising the total)
- all permissible donations of more than £50 accepted by the candidate or their election agent (including donations from a constituency party)
- all anonymous or otherwise impermissible donations of more than £50 received by the candidate or their election agent and an explanation of the manner they were dealt with

7.19 The return must be accompanied by an invoice or receipt for any payment made of more than £20 (not including notional expenditure). For all donations over £50, the candidate or agent must provide the name and address of the donor. For donations from registered companies, they must give the company registration number.

Declarations

7.20 Election agents and candidates are also required to submit declarations vouching for a candidate's election expenses return (see Table 4). The content of these declarations is prescribed by law. Different declarations apply to different elections. Declarations can be downloaded from the Commission's website at: www.electoralcommission.org.uk

Section 75 returns

7.21 Where the election agent has authorised someone else to incur spending on the candidate's behalf (see 'Incurring election spending' in Chapter 4, 'Election spending'), the person authorised must complete a Section 75 return and declaration. These must be submitted to the relevant Returning Officer within 21 days of the day the election result was declared.

7.22 The return must be accompanied by a declaration verifying the return and by the original written authority received from the election agent.

Appendix A – Breaches of Representation of the People Act 1983 (RPA 1983) and penalties

RPA 1983 specifies the relevant penalties that can be imposed on an individual in respect of a breach of the Act. The following table sets out the list of offences (including statutory references and the individual(s) who can be found to have committed them) and relevant penalties.

Note: This is an overview only and is not exhaustive – for precise details of electoral offences please refer to RPA 1983.

Table A1: Offences and penalties

Offence	Legislation	Who can commit	Penalty (maximum)
Personation – when any individual votes as someone else (whether that person is living or dead or is a fictitious person)	Section 60, RPA 1983	Any person	On indictment: up to two years' imprisonment or a fine, or both. On summary conviction: up to six months' imprisonment or a fine not exceeding the statutory maximum (currently £5,000), or both
Other voting offences – voting or acting as a proxy while disqualified or acting as a proxy for a person who is disqualified; voting as a proxy for more than two people who are not close relatives; voting twice at the same election; knowingly appointing two proxies for the same election	Section 61, RPA 1983	Any person	On summary conviction: a fine not exceeding level 5 on the standard scale (currently £5,000)
Tampering with election documents, e.g. nomination papers, ballot papers, etc. by defacing or destroying them; fraudulently opening packets of election material or ballot boxes; taking ballot papers out of the polling station; or putting material other than the ballot paper in the ballot box	Section 65, RPA 1983	Any person	The Returning Officer or their staff: on indictment; a fine or up to two years' imprisonment, or both. On summary conviction: a fine not exceeding the statutory maximum or up to six months' imprisonment, or both. For any other person: on summary conviction; a fine not exceeding level 5 on the standard scale (currently £5,000) or up to six months' imprisonment, or both

Table A1 (cont.): Offences and penalties

Offence	Legislation	Who can commit	Penalty (maximum)
False statements on nomination papers etc. – supplying false names and addresses of candidates on a nomination paper; forging the signatures of electors; getting electors to subscribe to a nomination paper under false pretences; falsifying candidate's date of birth or qualification to stand for election or disqualification from being elected at that election	Section 65, RPA 1983; Section 22, EAA	Any person	On summary conviction: up to six months' imprisonment or a fine not exceeding the statutory maximum, or both. On indictment: one year's imprisonment or a fine, or both
Contravention of the secrecy requirements (requirements reproduced at Appendix C)	Section 66(6), RPA 1983	All persons attending a polling station, the issue and opening of postal ballots and the count	A fine not exceeding level 5 on the standard scale (currently £5,000)
Provision of money or other property provided for the purpose of meeting a candidate's election expenses to any person other than the candidate or his election agent	Section 71A(3), RPA 1983	Any person	A fine not exceeding level 5 on the standard scale (currently £5,000)
Making payments in respect of election expenses other than as specified in Section 73(5)	Section 73(6), RPA 1983	A candidate at election or any other person	A fine not exceeding level 5 on the standard scale (currently £5,000)

Table A1 (cont.): Offences and penalties

Offence	Legislation	Who can commit	Penalty (maximum)
Incurring expenses without the written authority of the election agent (except as specified under Section 75)	Section 75(5), RPA 1983	Any person who incurs, aids, abets, counsels or procures any other person to incur expenses without written authority	On summary conviction: a statutory maximum fine or six months' imprisonment. On indictment: a fine or one year's imprisonment
Making a false declaration as to expenses incurred with the written authority of the election agent	Section 75(5), RPA 1983	Any person required to submit a Section 75 return and declaration	On summary conviction: a statutory maximum fine or six months' imprisonment. On indictment: a fine or one year's imprisonment
Failing to submit a return and declaration as to expenses incurred with the written authority of the election agent	Section 75(5), RPA 1983	Any person required to submit a Section 75 return and declaration	A fine not exceeding level 5 on the standard scale (currently £5,000)
Incurring expenses in excess of the legal maximum	Section 76(1B), RPA 1983	Candidate and/or election agent	A fine not exceeding level 5 on the standard scale (currently £5,000)
Paying a claim in respect of election expenses where the claim was received more than 21 days after the date on which the election result was declared	Section 78(3), RPA 1983	Election agent	A fine not exceeding level 5 on the standard scale (currently £5,000)

Table A1 (cont.): Offences and penalties

Offence	Legislation	Who can commit	Penalty (maximum)
Paying a claim in respect of election expenses where payment was made more than 28 days after the date on which the election result was declared	Section 78(3), RPA 1983	Election agent	A fine not exceeding level 5 on the standard scale (currently £5,000)
Making a false declaration as to election expenses	Section 82(6), RPA 1983	Candidate and/or election agent	On summary conviction, a statutory maximum fine or six months' imprisonment. On indictment, a fine or one year's imprisonment
Failure to submit a return or declaration, or to comply with the requirements of Section 81 as to the contents of a return	Section 84, RPA 1983	Candidate and/or election agent	A fine not exceeding level 5 on the standard scale (currently £5,000)
Payment of canvassers	Section 111, RPA 1983	The person employing the canvasser and the person employed as a canvasser	A fine not exceeding level 5 on the standard scale (currently £5,000)
Bribery	Section 113, RPA 1983	Any person – directly or indirectly, by themselves or by any other person	On indictment: one year's imprisonment or a fine, or both. On summary conviction: six months' imprisonment or a fine not exceeding the statutory maximum (currently £5,000), or both

Table A1 (cont.): Offences and penalties

Offence	Legislation	Who can commit	Penalty (maximum)
Treating	Section 114, RPA 1983	Any person – directly or indirectly, by themselves or by any other person	On summary conviction: six months' imprisonment or a fine not exceeding the statutory maximum (currently £5,000), or both. On indictment: one year's imprisonment or a fine, or both
Undue influence or intention to unduly influence	Section 115, RPA 1983	Any person	On summary conviction: six months' imprisonment or a fine not exceeding the statutory maximum (currently £5,000), or both. On indictment: one year's imprisonment or a fine, or both
Failure to provide all required information at the time a donation is received by the candidate or election agent where the donation is being made on behalf of others	Paragraph 6(7) of Schedule 2A, RPA 1983	Principal donors or any person providing a donation on behalf of another person	On summary conviction: a statutory maximum fine or six months' imprisonment. On indictment: a fine or one year's imprisonment
Failure to return a donation from an impermissible or unidentifiable source	Section 56(3) or (4), PPERA, as enacted by Schedule 2A, RPA 1983	Candidate and/or election agent	On summary conviction: a statutory maximum fine or six months' imprisonment. On indictment: a fine or one year's imprisonment
Knowingly giving the responsible person false information about donations	Section 61(2)(a), PPERA, as enacted by Schedule 2A, RPA 1983	Any person	On summary conviction: a statutory maximum fine or six months' imprisonment. On indictment: a fine or one year's imprisonment

Table A1 (cont.): Offences and penalties

Offence	Legislation	Who can commit	Penalty (maximum)
Withholding information about donations from the responsible person with intent to deceive	Section 61(2)(b), PPERA, as enacted by Schedule 2A, RPA 1983	Any person	On summary conviction: a statutory maximum fine or six months' imprisonment. On indictment: a fine or one year's imprisonment
Absent voting offences: <ul style="list-style-type: none"> • applying for a postal or proxy vote as some other person (whether living, dead or fictitious) • otherwise making a false statement in connection with an application for a postal or proxy vote • inducing an Electoral Registration Officer or a Returning Officer to send a communication relating to a postal or proxy vote to an address that has not been agreed by the voter • causing such a communication not to be delivered to the intended recipient 	Section 62A, RPA 1983, as amended by Section 40, EAA	Any person	On indictment: one year's imprisonment or a fine, or both. On summary conviction: up to six months' imprisonment or a fine not exceeding the statutory maximum, or both

RPA 1983 also sets out the following civil penalties that can be applied to successful candidates who fail to submit election expenses returns and declarations. The exact penalty depends on the office to which the candidate is elected.

Offence	Legislation	Who can commit	Penalty (maximum)
Voting or sitting in the council for a local government area where no return or declaration has been submitted	Section 85(2) or (2A), RPA 1983	Holder of any relevant elective office	Sitting or voting in a council for a local government area: £50 for every day the member sits or votes. In the case of sitting or voting in a council for a local government area, instead of civil proceedings for a penalty, summary proceedings may be instituted under the Magistrates' Courts Act 1980

Appendix B – Forms

The following forms are provided for use by candidates and/or agents. The Returning Officer for a particular local authority area will also provide specific forms on request:

- Candidate's checklist
- Nomination paper
- Candidate's consent to nomination
- Authorisation of party description and emblem
- Declaration of name and address of election agent

Candidate's checklist

You must complete and submit the following forms by **4pm** on the last day for close of nominations, **Thursday 7 May 2009**, in order to be successfully nominated as a candidate:

- | | |
|-------------------------------------|--------------------------|
| | Tick box |
| • Nomination paper | <input type="checkbox"/> |
| • Candidate's consent to nomination | <input type="checkbox"/> |

In addition, if you intend to appoint an election agent, you should submit the following form by **12 noon** on **Tuesday 12 May 2009**. If you do not submit this form by the stated date, you will be deemed to be your own election agent.

- | | |
|---|--------------------------|
| • Declaration of name and address of election agent | <input type="checkbox"/> |
|---|--------------------------|

If you wish to stand on behalf of a political party, you must also submit this form by **4pm on the last day for close of nominations, Thursday 7 May 2009**:

- | | |
|--------------------------------------|--------------------------|
| • Authorisation of party description | <input type="checkbox"/> |
|--------------------------------------|--------------------------|

If you are standing on behalf of a political party you may also request the use of one of the party emblems, by **4pm on Thursday 7 May 2009**:

- | | |
|----------------------|--------------------------|
| • Emblem application | <input type="checkbox"/> |
|----------------------|--------------------------|

Note: You must also complete and submit your return of expenses forms **not later than 4pm, 35 calendar days after the result of the election was declared**, in order to be compliant with the requirements of RPA 1983.

Local government elections form of nomination paper

*ELECTION OF COUNCILLORS/A COUNCILLOR for the

Office use only		
Date received	Time received	Initials

1
*electoral division/ward of the
2
*county/district/London borough/county borough of
Date of election:

**Delete whichever is inappropriate*

We, the undersigned, being local government electors for the said *electoral division/ward do hereby nominate the under-mentioned person as a candidate at the said election.

Candidate's surname	Other forenames in full	Commonly used surname (if any)	Commonly used forenames (if any)
Mr/Mrs/Miss/Ms/Dr/Other			
Description (if any) use no more than six words		Home address in full	

Signature	Print name	Electoral number	
		Polling district	Elector number
Proposer:			
Secunder:			
We, the undersigned, being local government electors for the said *electoral division/ward, do hereby assent to the foregoing nomination			
1			
2			
3			
4			
5			
6			
7			
8			

¹Insert name of electoral division/ward ²Insert name of county/district/London borough/county borough

Notes

1. The attention of candidates and electors is drawn to the rules for completing nomination papers and other provisions relating to nomination papers contained in the election rules in Schedule 2 to the Local Elections (Principal Areas) (England and Wales) Rules 2006.
2. Where a candidate is commonly known by some title they may be described by their title as if it were their surname.
3. Where a candidate commonly uses a name which is different from any other name they have, the commonly used name may also appear on the nomination paper, but if it does so, the commonly used name (instead of any other name) will appear on the ballot paper.
4. But the ballot paper will show the other name if the Returning Officer thinks that the use of the commonly used name may:
 - (a) be likely to mislead or confuse electors, or
 - (b) that the commonly used name is obscene or offensive.
5. The description, if any, can only be:
 - (a) one certified as an authorised or registered description as mentioned in Rule 5 of the election rules
 - (b) the word 'Independent'.
6. An elector may not:
 - (a) subscribe more nomination papers than there are vacancies to be filled in the electoral area in which the election is held, or
 - (b) subscribe a nomination paper for more than one electoral area in the same *county/district/London borough/county borough.
7. In this form 'elector':
 - (a) means a person whose name is registered in the register of local government electors for the electoral area in question on the last day for the publication of notice of election, and
 - (b) includes a person then shown in the register as below voting age if (but only if) it appears from the register that he will be of voting age on the day fixed for the poll.
8. However, a person who has an anonymous entry in the register of local government electors cannot nominate a candidate for election.

**Delete whichever is inappropriate*

Candidate's consent to nomination

*Delete whichever is inappropriate

Date of election:		
I (name in full):		
of (home address in full):		
hereby consent to my nomination as a candidate for election as councillor for:		
*electoral division/ward		
of the *county/district/London borough/county borough of:		
I declare that on the day of my nomination I am qualified and that, if there is a poll on the day of election, I will be qualified to be so elected by virtue of being on that day or those days a qualifying Commonwealth citizen, a citizen of the Republic of Ireland or a citizen of another Member State of the European Union who has attained the age of 18 years and that:		
*a. I am registered as a local government elector for the area of the *county/district or London borough/county borough named above in respect of (<i>qualifying address in full</i>):		
and my electoral number (see <i>Note below</i>) is:		
And/or		
*b. I have during the whole of the 12 months preceding that day or those days occupied as owner or tenant the following land or other premises in that area (<i>description and address of land or premises</i>):		
And/or		
*c. my principal or only place of work during those 12 months has been in that *county/district/London borough/county borough at (<i>give address of place of work and, where appropriate, name of employer</i>):		
And/or		
*d. I have during the whole of the last 12 months resided in that area at (<i>give address in full</i>):		
I declare that to the best of my knowledge and belief I am not disqualified for being elected by reason of any disqualification set out in Section 80 of the Local Government Act 1972, or any decision made under Section 79 of the Local Government Act 2000 (copies of which are printed overleaf) and I do not hold a politically restricted post, within the meaning of Part I of the Local Government and Housing Act 1989, under a local authority, within the meaning of that Part.		
Date of birth:	Signature:	Date:
I confirm the above-mentioned candidate signed the declaration in my presence.		
Witness (name in full):		
of (address in full):		
Signature:	Date:	

Notes: A person's electoral number is his number in the register to be used at the election (including the distinctive letter of the Parliamentary polling district in which he is registered). A candidate who is qualified by more than one qualification may complete any of those that may apply.

Local Government Act 1972: Disqualifications for election and holding office as a member of local authority

80. Disqualifications for election and holding office as member of local authority.

(1) Subject to the provisions of section 81 below, a person shall be disqualified for being elected or being a member of a local authority if he –

- (a) holds any paid office or employment (other than the office of chairman, vice-chairman or deputy chairman or, in the case of a local authority which are operating executive arrangements which involve a leader and cabinet executive, the office of executive leader or member of the executive) appointments or elections to which are or may be made or confirmed by the local authority or any committee or sub-committee of the authority or by a joint committee or National Park authority on which the authority are represented or by any person holding any such office or employment; or
- (b) is the subject of a bankruptcy restrictions order or interim order;
- (c) [This has been removed and no longer applies]
- (d) has within five years before the day of election or since his election been convicted in the United Kingdom, the Channel Islands or the Isle of Man of any offence and has had passed on him a sentence of imprisonment (whether suspended or not) for a period of not less than three months without the option of a fine; or
- (e) is disqualified for being a member of the relevant council under Part III of the Representation of the People Act 1983, and in this paragraph “the relevant council” means the council of the county or district in which is comprised the area for which charter trustees are established by any statutory instrument made under Part II of the Local Government Act 1992.

(2) Subject to the provisions of section 81 below, a paid officer of a local authority who is employed under the direction of –

- (a) a committee or sub-committee of the authority any member of which is appointed on the nomination of some other local authority; or
- (b) a joint board, joint authority, joint waste authority or joint committee on which the authority are represented and any member of which is so appointed;

shall be disqualified for being elected or being a member of that other local authority.

(2AA) A paid member of staff of the Greater London Authority who is employed under the direction of a joint committee the membership of which includes –

- (a) one or more persons appointed on the nomination of the Authority acting by the Mayor, and
- (b) one or more members of one or more London borough councils appointed to the committee on the nomination of those councils,

shall be disqualified for being elected or being a member of any of those London borough councils.

(2A) Subsection (2) above shall have effect as if the reference to a joint board included a reference to a National Park authority.

(2B) For the purposes of this section a local authority shall be treated as

represented on a National Park authority if it is entitled to make any appointment of a local authority member of the National Park authority.

(3) Subsection (1)(a) shall have effect in relation to a teacher in a school maintained by the local authority who does not hold an employment falling within that provision as it has effect in relation to a teacher in such a school who holds such an employment.

(5) For the purposes of subsection (1)(d) above, the ordinary date on which the period allowed for making an appeal or application with respect to the conviction expires or, if such an appeal or application is made, the date on which the appeal or application is finally disposed of or abandoned or fails by reason of the non-prosecution thereof shall be deemed to be the date of the surcharge or conviction.

Exception to provisions of section 80

81 (4) Section 80(2) and (3) above shall not operate so to disqualify –

- (a) any person by reason of his being a teacher, or otherwise employed, in a school ... or other educational institution maintained or assisted by a county council for being a member of a district council by reason that the district council nominates members of the education committee of the county council;

Local Government Act 2000: Decisions of case tribunals

- 79 (1) A case tribunal which adjudicates on any matter must decide whether or not any person to which that matter relates has failed to comply with the code of conduct of the relevant authority concerned.
- (2) Where a case tribunal decides that a person has not failed to comply with the code of conduct of the relevant authority concerned, it must give notice to that effect to the standards committee of the relevant authority concerned.
- (3) Where a case tribunal decides that a person has failed to comply with the code of conduct of the relevant authority concerned, it must decide whether the nature of the failure is such that the person should be suspended or disqualified in accordance with subsection (4).
- (4) A person may be –
- (a) suspended or partially suspended from being a member or co-opted member of the relevant authority concerned, or
 - (b) disqualified for being, or becoming (whether by election or otherwise), a member of that or any other relevant authority.
- (5) Where a case tribunal makes such a decision as is mentioned in subsection (4)(a), it must decide the period for which the person should be suspended or partially suspended (which must not exceed one year or, if shorter, the remainder of the person's term of office).
- (6) Where a case tribunal makes such a decision as is mentioned in subsection (4)(b), it must decide the period for which the person should be disqualified (which must not exceed five years).
- (7) Where a case tribunal decides that a person has failed to comply with the code of conduct of the relevant authority concerned but should not be

- suspended or disqualified as mentioned in subsection (4), it must give notice to the standards committee of the relevant authority concerned –
- (a) stating that the person has failed to comply with that code of conduct, and
 - (b) specifying the details of that failure.
- (8) Where a case tribunal decides that a person has failed to comply with the code of conduct of the relevant authority concerned and should be suspended or partially suspended as mentioned in subsection (4)(a), it must give notice to the standards committee of the relevant authority concerned –
- (a) stating that the person has failed to comply with that code of conduct,
 - (b) specifying the details of that failure, and
 - (c) stating that the person must be suspended or partially suspended by the relevant authority concerned for the period, and in the way, which the tribunal has decided.
- (9) A relevant authority must comply with any notice given to its standards committee under subsection (8).
- (10) Where a case tribunal decides that a person has failed to comply with the code of conduct of the relevant authority concerned and should be disqualified as mentioned in subsection (4)(b), it must give notice to the standards committee of the relevant authority concerned –
- (a) stating that the person has failed to comply with that code of conduct,
 - (b) specifying the details of that failure, and
 - (c) stating that the person is disqualified for being, or becoming (whether by election or otherwise), a member of that or any other relevant authority for the period which the tribunal has decided.
- (11) The effect of a notice given to the standards committee of a relevant authority under subsection (10) is to disqualify the person concerned as mentioned in subsection (10)(c).
- (12) A copy of any notice under this section –
- (a) must be given –
 - (i) to the Standards Board for England, where the relevant authority concerned is in England,
 - (ii) to the Public Services Ombudsman for Wales, where the relevant authority concerned is in Wales,
 - (b) must be given to any person who is the subject of the decision to which the notice relates, and
 - (c) must be published in one or more newspapers circulating in the area of the relevant authority concerned.
- (13) Where the person concerned is no longer a member or co-opted member of the relevant authority concerned but is a member or co-opted member of another relevant authority in the same country (that is to say, England or Wales) –
- (a) a copy of any notice under subsection (2), (7) or (10) must also be given to the standards committee of that other relevant authority,
 - (b) the references in subsections (4)(a) and (8)(c) to the relevant authority concerned are to be treated as references to that other relevant authority,
 - (c) the duty to give notice to the standards committee of the relevant authority concerned under subsection (8) is to be treated as a duty –
 - (i) to give that notice to the standards committee of that other relevant authority, and
 - (ii) to give a copy of that notice to the standards committee of the relevant authority concerned,

- (d) the reference in subsection (12)(c) to the relevant authority concerned is to be treated as including a reference to that other relevant authority.
- (14) A case tribunal must take reasonable steps to inform any person who made any allegation which gave rise to the adjudication of the decision of the case tribunal under this section.
- (15) Where a case tribunal decides under this section that a person has failed to comply with the code of conduct of the relevant authority concerned, that person may appeal to the High Court against that decision, or any other decision under this section which relates to him.

Authorisation of party description and emblem

Please read our guidance carefully before filling in this form. If you are in doubt as to any aspect of the form, please contact your Returning Officer. After you have completed the relevant sections of the form, return it personally to the Returning Officer or their staff before the close of nominations.

Please write in black ink and use BLOCK LETTERS.

Certificate of authorisation of use of party description

Complete this section if you want to use a party description on your nomination paper. Descriptions must not exceed six words in length. This certificate must be authorised by the Party Nominating Officer or by a person on their behalf, not the candidate.

In accordance with the Local Elections (Principal Areas) (England and Wales) Rules 2006, I hereby certify that:

I authorise (full name of candidate):

To be a candidate for (name of political party):

And that they may include the following registered description/party name in their nomination paper:

In the election for councillor in the *electoral division/ward of:

In the *county/district/London borough/county borough of:

At the election to be held on (election date):

Signature of party's registered Nominating Officer (or person authorised by the Nominating Officer)

Signature:

Date:

**Delete whichever is inappropriate.*

Use of a party emblem

Please complete this section if you wish to have a party emblem printed on the ballot paper next to your name.

This section must be signed by the candidate, not the election agent or Party Nominating Officer.

In accordance with the Local Elections (Principal Areas) (England and Wales) Rules 2006, I request that the ballot paper shall contain, against my name, the following registered emblem (please identify which emblem if the party has registered more than one):

Emblem to be used (use description as on Electoral Commission website):

Signature of candidate:

Signature:

Date:

Note: Please check with the Returning Officer that they have a good copy of your emblem and be prepared to supply a print-quality copy if required in the format requested by the Returning Officer.

Declaration of name and address of election agent

Please read our guidance carefully before filling in this form. If you are in doubt as to any aspect of the form, please contact your Returning Officer. After you have completed the relevant sections of the form, return it personally to the Returning Officer or their staff before the latest time for the withdrawal of nominations.

Please write in black ink and use BLOCK LETTERS.

Candidate and election agent details

In accordance with Section 67 of the Representation of the People Act 1983, I (state name of candidate in full):
--

candidate in the election of a councillor for the *electoral division/ward of the *county/district/London borough/county borough of (state electoral area and local authority):

hereby declare that the name and address of my election agent is:

Name:
Address:

The office address of my election agent to which all claims, notices, writs, summons and documents may be sent is:

Office address in full:

Signature of candidate:

Signature:	Date:
------------	-------

**Delete whichever is inappropriate.*

Declaration by election agent

I (full name of election agent):

hereby accept the appointment as election agent for (full name of candidate):

for the election to be held on (date of election):

Signature of election agent:

Signature:

Date:

Additional information

Please note that the following requested information is not required by law. Please refer to *Chapter 1, 'Introduction', Appointing an election agent* in our guidance for further details.

Election agent's telephone details

Home:

Office:

Mobile:

Email address:

Appendix C – Secrecy requirements

The requirements in Section 66 of the Representation of the People Act 1983 help to maintain the secrecy of the ballot. They apply to all candidates, election agents and polling agents, and to every person attending at the polling stations, the issue and receipt of postal ballot papers and the count. Section 66 is reproduced below in full, for use by candidates, election agents, polling and counting agents.

Representation of the People Act 1983

Requirement of secrecy

- 66 (1) The following persons –
- (a) every Returning Officer and every Presiding Officer or clerk attending at a polling station,
 - (b) every candidate or election agent or polling agent so attending,
 - (c) every person so attending by virtue of any of sections 6A to 6D of the Political Parties, Elections and Referendums Act 2000,
- shall maintain and aid in maintaining the secrecy of voting and shall not, except for some purpose authorised by law, communicate to any person before the poll is closed any information as to –
- (i) the name of any elector or proxy for an elector who has or has not applied for a ballot paper or voted at a polling station;
 - (ii) the number on the register of electors of any elector who, or whose proxy, has or has not applied for a ballot paper or voted at a polling station; or
 - (iii) the official mark.
- (2) Every person attending at the counting of the votes shall maintain and aid in maintaining the secrecy of voting and shall not –
- (a) ascertain or attempt to ascertain at the counting of the votes the number or other unique identifying mark on the back of any ballot paper;
 - (b) communicate any information obtained at the counting of the votes as to the candidate for whom any vote is given on any particular ballot paper.
- (3) No person shall –
- (a) interfere with or attempt to interfere with a voter when recording his vote;
 - (b) otherwise obtain or attempt to obtain in a polling station information as to the candidate for whom a voter in that station is about to vote or has voted;
 - (c) communicate at any time to any person any information obtained in a polling station as to the candidate for whom a voter in that station is about to vote or has voted, or as to the number or other unique identifying mark on the back of the ballot paper given to a voter at that station;
 - (d) directly or indirectly induce a voter to display his ballot paper after he has marked it so as to make known to any person the name of the candidate for whom he has or has not voted.

- (4) Every person attending the proceedings in connection with the issue or the receipt of ballot papers for persons voting by post shall maintain and aid in maintaining the secrecy of the voting and shall not –
 - (a) except for some purpose authorised by law, communicate, before the poll is closed, to any person any information obtained at those proceedings as to the official mark; or
 - (b) except for some purpose authorised by law, communicate to any person at any time information obtained at those proceedings as to the number or other unique identifying mark on the back of the ballot paper sent to any person; or
 - (c) except for some purpose authorised by law, attempt to ascertain at the proceedings in connection with the receipt of ballot papers the number or other unique identifying mark on the back of any ballot paper; or
 - (d) attempt to ascertain at the proceedings in connection with the receipt of the ballot papers the candidate for whom any vote is given in any particular ballot paper or communicate any information with respect thereto obtained at those proceedings.
- (5) No person having undertaken to assist a blind voter to vote shall communicate at any time to any person any information as to the candidate for whom that voter intends to vote or has voted, or as to the number or other unique identifying mark on the back of the ballot paper given for the use of that voter.
- (6) If a person acts in contravention of this section he shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding 6 months.
- (7) In their application in relation to an election of the London members of the London Assembly at an ordinary election, the preceding provisions of this section shall have effect with the insertion, after the words ‘the candidate for whom’, in each place where they occur, of ‘, or the registered political party towards the return of whose candidates,’.
- (8) In relation to an election of the London members of the London Assembly at an ordinary election, any reference in this section to the return of a registered political party’s candidates is a reference to the return of candidates included in the list of candidates submitted by the registered political party for the purposes of the election.

Appendix D – Sample expenses return

Mark as per candidate's declaration

Return of Candidate's election expenditure: local government election in England and Wales

For full information on how to complete this return please read the accompanying explanatory notes.

Election in the electoral area of	Smalltown	In the local authority of.....	Bigtown.....
Date of election	3 May 2007		
Date election result declared.....	4 May 2007		
Statutory maximum expenses limit for this candidate* £.....	1,050.00	Based on electorate of**	9,000
Full name of candidate	Mrs Jane Smith		
Date on which person became a candidate***	27 March 2007		
Registered party (if applicable).....	Imaginary Party		
Name of election agent	Mr Mike Roberts		
Date on which election agent was appointed	27 March 2007		

1. I am the person named above [as election agent at this election] [as candidate at this election, and was my own election-agent] ****

2. I hereby make the following return of [the candidate's] [my]**** election expenditure at this election.

Signature of agent

Mike Roberts

Date

25 May 2007

This return must be submitted to the appropriate returning officer within 35 days of the date the result of the election is declared and must be accompanied by a separate declaration signed by the election agent verifying this return. Within seven days of the date this return is submitted the candidate must also submit a signed declaration verifying this return.

* Taking into account any relevant reductions for joint candidates
 **As defined by article 118A of the Representation of the People Act 1983
 ***The relevant register of electors is the register of electors for the electoral area as on the last day for publication of notice of the election.
 **** Delete as appropriate

1 of 5

Part 1: Summary of spending

1a: Types of payment

Manner of payment	£	pp
Unpaid claims	Nil	
Disputed claims	Nil	
Value of notional expenditure	400	-
Payments made	532	50
Total election spending*	932	50

Note: Each item of spending should appear in only one category.

The "payments made" box should include, items paid by the election agent, payments made by the candidate before the agent was appointed, petty expenditure authorised by the agent, items of section 75 spending (see Part 3) and spending before the person became a candidate on items used during the regulated period.

1b: Categories of spending

Purpose	£	pp
A. Advertising	57	50
B. Unsolicited material to electors	275	-
C. Transport	200	-
D. Public meetings	Nil	
E. Agent and other staff costs	Nil	
F. Accommodation and administration	400	-
Total election spending*	932	50

Each item of spending should be applied to only one purpose. While some items can be categorised easily, others may appear to fit more than one purpose. In these cases you must judge under which purpose to include the item. Generally, items should be placed under the purpose they naturally fall into, e.g. the transport costs of the candidate should be included under transport even if the transport is in connection with participation at a public meeting; publicity materials e.g. balloons should be included under advertising even if distributed at events. Purpose A: Advertising of any nature (by whatever medium, e.g. posters or in newspapers) includes agency fees, design costs and any costs in connection with preparing, producing, distributing or otherwise disseminating advertising or anything incorporating advertising. Purpose B: Unsolicited material addressed to electors (whether addressed or for delivery to all electors in the area) includes design costs and all other costs in connection with preparing, producing and distributing such material (including the cost of postage).

Purpose C: Transport includes hire costs but excludes the use of personal cars where no charge has been made by the owner Purpose D: Public meetings includes costs in connection with people's attendance at meetings, the hire of premises for the purposes of meetings or the provision of goods, services or facilities at them.
 Purpose E: Services of an election agent or anyone else whose services are engaged in connection with the candidate's election.
 Purpose F: Accommodation and administrative costs.

* Totals in sections 1a and 1b should be the same

2 of 5

Part 2: Spending breakdown

Details of all expenditure making up the total election expenditure figure should be provided. To allow cross-referencing between each item of expenditure reported here and the category sub-totals provided in Part 1b, please ensure that the correct category reference is provided for every reported item.

Item No	Purpose (A-F) (see section 1b)	Receipt or invoice submitted* (Y/N)	Item/service	Name of supplier (and address if not included on receipt/invoice)	Name of person who made payment	Date expense incurred	Date receipt received	Date expense paid	Value of Item**		Amount paid (only if different from value and indicating where the amount paid was nil)	Unpaid or disputed? ***
									£	p		
1	B	Y	Election leaflets	Mr Print-It	M Roberts	11-Mar	11-Mar	20-Apr	275	-	n/a	No
2	A	Y	Rosettes	Rosettes 'R' Us	M Roberts	10-Mar	10-Mar	17-Mar	57	50	n/a	No
3	C	Y	Car hire	Car Hire UK	M Roberts	24-Mar	05-May	07-May	200	-	n/a	No
4	F	N	Use of office	Imaginary Party Bigtown C.A. 17 Longleat Ave, Bigtown	N/a	24-Mar to 4-May	N/a	N/a	400	-	Nil	No
Total of part 2 (should equal totals in Part 1)									932	50		

Note: Each item of spending should be listed separately. If there is not enough room on this page, please attach a separate sheet.

* A receipt or invoice is required for each item of spending over £20 except notional expenditure

** For notional expenditure, please give the full market value of the item or service. In other cases, give the amount paid

***Indicate whether claim is unpaid or disputed. For unpaid/disputed claims, attach a separate sheet with the following information: **unpaid claims:** the name of the court to which an application has been/is to be made and the date of the applications; **disputed claims:** nature of dispute and action to be taken

Part 3: Statement of all expenditure reported for which a return is also required under section 75(2) of the Representation of the People Act 1983

Total:	Amount		Name of person who incurred expenditure
	£	p	
			Nil

Any person authorised in writing to incur expenditure, other than petty expenditure, is required under section 75 of the Representation of the People Act 1983 to submit a return of that expenditure to the returning officer within 21 days of the day the result of the election has been declared.

Please enter details of such spending in the space provided. These items must also be included in Parts 1 and 2.

Under section 75 any person may be authorised to incur election expenditure but not to make payments.

Part 4: Donations

4a Amount (if any) provided by the candidate to meet election expenditure	£	Nil	p
4b Total value of all donations up to £50 (does not include notional donations)	£	100	- p

4c Donations (of over £50) including donations from constituency party and notional donations

Permissible donations received (please note that for donations from exempt trusts, an attachment sheet containing all relevant information is required):

Name, address and status of donor	Date		Cash amount/value		Nature
	Received	Accepted	£	p	
	Imaginary Party, Bigtown Constituency Association, 17 Longleat Avenue, Bigto	05-Apr	05-Apr	500	
Imaginary Party, Bigtown Constituency Association, 17 Longleat Avenue, Bigto	24-Mar	24-Mar	400	-	Use of office space from 24 Mar to 4 May 07
Total:			£900.00		

Total* of 4a, 4b and 4c: £1,000.00

* should be greater than or equal to total spending in section 1

4d Donations received from impermissible/unidentifiable donors:

Name and address of donor (if known) or manner in which donation was made	Date Received	Cash amount/ value		Nature	Date and manner in which donation dealt with
		£	p		
None					

Appendix E – Tellers in and around polling places

1 Introduction

- 1.1 Section 18 of the Representation of the People Act 1983 defines a polling place as a geographical area within a polling district. If a polling district has no designated polling place, the polling district is taken to be the polling place.
- 1.2 For the purposes of this guidance:
 - ‘Polling place’ means the building in which polling stations are located. More than one polling station may be located within a polling place.
 - ‘Polling station’ is defined as the room or area within a polling place where electors cast their votes, which contains the polling booths, ballot box and Presiding Officer’s table. It is usually a room within a building (i.e. polling place) or a single room in temporary accommodation, such as a mobile caravan, a tent or even a garage. The polling station is a self-contained area which only those allowed by law may enter.
- 1.3 This guidance replaces Circular RPA 359 issued by the Home Office in 1991 and guidance issued by the Commission in 2006.
- 1.4 Although not mandatory, this revised guidance provides advice for those involved in administering and contesting elections, and aims to ensure that tellers, party activists, agents, candidates and polling station staff know precisely what is and is not accepted when campaigning in and around polling places. These guidelines intend to promote appropriate standards of conduct to be maintained throughout the UK. Candidates and agents who also act as tellers are also subject to the provisions in this guidance.
- 1.5 It can be difficult to achieve consensus on the matter of whether elector numbers should be collected from voters as they are on their way in or out of the polling station. This guidance is issued in support of the Returning Officer; as they are ultimately responsible for the conduct of elections their decision is final.

2 Tellers

- 2.1 Tellers are usually volunteers who stand outside polling places and record the elector number of electors who have voted. They can then identify likely supporters who have not voted and urge them to vote before the close of poll. Tellers play an important role in elections, and may increase turnout.
- 2.2 Tellers must not impede or interfere with the efficient and secure administration of the election and must comply with any instructions issued by the Returning Officer or Presiding Officer.
- 2.3 Tellers have no official legal status. They should not be confused with polling agents, whose appointment and duties are described in legislation. Tellers,

unlike polling agents, may not be admitted to the polling station in their capacity as tellers (see paragraphs 3.8 and 3.9 below).

3 Tellers' activities

- 3.1 Tellers should concern themselves only with checking who is about to vote or has voted. This will involve politely asking voters for their poll card, elector number or name and address. Returning Officers may advise tellers that they may approach voters for information as they either enter or leave the polling station.
- 3.2 If asked, tellers should explain that they are political activists seeking to determine who has actually voted. No impression should be given that any information provided will be used for official purposes or that they are employed by the Returning Officer.
- 3.3 Tellers should not display or distribute election material (e.g. billboards, posters, placards or pamphlets) on walls or around the polling place. Any display of such material should be brought to the attention of the Presiding Officer immediately.
- 3.4 Presiding Officers have responsibility for ensuring that electors are given an opportunity to cast their vote in a free and fair manner. Any decision regarding the location or behaviour of tellers is a matter for the Presiding Officer and Returning Officer; tellers must comply with their instructions.
- 3.5 Tellers must not attempt to induce, influence or persuade an elector how or whether to vote. Tellers cannot promote particular candidates or political parties. Their conduct must not give rise to allegations of undue influence, e.g. discussing voting intentions, party affiliations, a candidate's history, party campaigns, or undertaking any other activity particularly associated with one particular party or candidate. Any queries that relate to the electoral process must be directed to the Presiding Officer.
- 3.6 Voters must never be asked to re-enter the polling station to ascertain their elector number or retrieve a poll card. Voters are not obliged to comply with any request for information. Tellers must not press voters if their initial request for information is declined.

Numbers of tellers

- 3.7 There should be no more than one teller at a polling station for each candidate or political party at any time. Where a polling place contains more than one polling station with separate entrances, it may be appropriate for there to be tellers at each entrance, but no more than one per candidate or party. Their behaviour and numbers should never be capable of being seen as intimidating in any way.

Location

- 3.8 Tellers must remain outside the polling place itself; they may only enter polling stations for the lawful purpose of casting their own vote, voting as a proxy, assisting a voter with disabilities, or fulfilling duties of their appointment as a polling agent, election agent or candidate.
- 3.9 The Presiding Officer may allow tellers to enter the polling place (e.g. stand under porticos and entrances) provided that they are outside the polling station and do not impede or obstruct the access of voters. Tellers must not be able to see or hear what is going on inside the polling station. Where a polling place consists of one room only, tellers must not under any circumstances seek or be allowed to enter that room. Tellers cannot enter the polling station under any circumstances in their capacity as tellers.

Poll cards

- 3.10 The activities of tellers are limited to the collection of elector numbers or poll cards. Poll cards left with tellers should be given to the Presiding Officer or Poll Clerk by the close of poll. Tellers must not ask polling staff to hand over poll cards that may have been left with them or in bins.
- 3.11 Tellers may use a receptacle for voters to discard their poll cards, to help them establish who has voted during their absence. Such receptacles must not obstruct voters who are entering or leaving the polling station. The contents must be returned to polling station staff after the close of poll.

Appearance

- 3.12 Tellers should wear coloured rosettes of a reasonable size, as this assists electors by making it clear that they are party workers and not electoral officials. The rosette may display the name of a candidate and/or a registered party name, emblem or description.
- 3.13 Tellers must not wear, carry or display any headwear, footwear or other apparel that carries any writing, picture or sign relating to any candidate or party apart from a rosette.

4 Application of the guidance

- 4.1 With regard to the collection of elector numbers from voters on the way in or out of the polling station, this guidance is intended to be amended to coincide with any guidelines or instructions provided by the Returning Officer. The Returning Officer is ultimately responsible for the conduct of an election; as such, their decision is final. Each individual Returning Officer is independent of the local authority when they are conducting the election, and everything is done under their personal responsibility.
- 4.2 The value of local agreements cannot be over-emphasised. It is recommended that the Returning Officer arranges a meeting with all candidates, agents, tellers

and campaigners at the earliest opportunity following the close of nominations to communicate the same message to all concerned. This will ensure that everyone is aware of the local circumstances and conducts their campaign within the same guidelines. It may pre-empt problems by discussing campaigning in and around polling places and the conduct of tellers, and reaching consensus amongst those present as to what is acceptable, especially with regard to whether to gather elector numbers as voters either enter or leave the polling station. Guidance should be distributed at pre-election meetings or with nomination packs.

- 4.3 On polling day, Returning Officers may find it helpful to provide Presiding Officers with posters to display that outline the main responsibilities of tellers. The poster could be displayed outside the polling station close to where tellers stand, serving both to self-regulate the activity of tellers and to alert voters that tellers are not official polling station staff. A sample copy is attached to this guidance, and is intended to be used by the Returning Officer in conjunction with agreed local arrangements on the collection of elector numbers before being distributed.
- 4.4 If in doubt about the actions of a teller, the Presiding Officer or Returning Officer should consider: ‘What would a reasonable observer think?’ This guideline was prepared based on the test advocated by the Third Report of the Committee on Standards in Public Life.¹

5 Complaints

- 5.1 If a complaint is received about the conduct of tellers or campaigners, the electoral administrator should contact the relevant Presiding Officer and request that the matter be dealt with and monitored by the polling station staff there. Presiding Officers have the power to keep order in the station and may require any teller or campaigner who refuses to carry out their instructions to be removed.
- 5.2 If it is not possible to contact the Presiding Officer, or there are continuing difficulties with the activities of campaigners or tellers, a member of the Returning Officer’s staff should visit the polling place. The electoral officer should speak to the Presiding Officer before approaching the campaigners or tellers. Tellers may be reminded of this guidance, provided with a copy if necessary, and advised that it is an offence under the RPA 1983² for anyone to impede or interfere with any electors prior to their voting.
- 5.3 Tellers or campaigners should be advised that if the interference persists the police will be called. The Presiding Officer should be advised of the action taken and asked to monitor the situation and report any further problems to the elections office. The agent of the party or independent candidate they are representing should also be informed. This enables the party or candidate

¹ Committee on Standards in Public Life, *Standards in Public Life: Standards of Conduct in Local Government in England, Scotland and Wales, Third Report*. Chairman Lord Nolan (The Stationery Office: London, 1997).

² Section 115(2)(b), RPA 1983, as amended.

concerned to take action against such tellers and ensure that they are properly briefed before being allowed to act as tellers or campaigners in future elections.

6 Tellers in and around polling places

- 6.1 Tellers work for political parties. They stand outside polling stations or polling places and record the elector numbers of voters who have voted. By identifying electors who have not voted and relaying this information to the party, tellers play an important role in elections. Parties may then contact the voters who have not yet been to vote during election day and persuade them to vote, which may help to increase turnout.
- 6.2 There should be no more than one teller at a polling station for each candidate or political party at any time. Where a polling place contains more than one polling station with separate entrances, it may be appropriate for there to be tellers at each entrance, but no more than one per candidate or party.

Tellers have no legal status and voters have the right to refuse to give them any information.

- Tellers must:**
- (a) Always remain outside the polling station/place
 - (b) Only enter the polling station to cast their own vote, to vote as a proxy or to accompany a voter with disabilities
 - (c) Always comply with the instructions of the Returning Officer and Presiding Officer

- Tellers must not:**
- (a) Be able to see or hear what is happening inside the polling station
 - (b) Impede, obstruct or intimidate voters on their way in or out of the polling station/place
 - (c) **Demand** any information relating to a voter's elector number, name or address
 - (d) Ask voters to re-enter the polling station to ascertain their elector number
 - (e) Have discussions with voters that may give rise to allegations of undue influence (e.g. voting intentions, party affiliations or party campaigns)
 - (f) Display any campaign material in support of or against any particular political party or individual candidate other than a rosette

- Tellers may:**
- (a) Approach voters for information as they **enter/leave** the polling station/place
 - (b) Display a coloured rosette displaying the name of the candidate and/or a registered political party. While the rosette must not be oversized, it may carry a registered party description/emblem

Please refer to the Electoral Commission's guidance *Tellers in and around polling places*, available from www.electoralcommission.org.uk

Appendix F – Code of conduct for political parties, candidates and canvassers on the handling of postal vote applications and postal ballot papers in England and Wales

Introduction

1. Political parties, candidates and canvassers play a vital part in elections, not least through encouraging voting. With the increasing popularity of postal voting there is a need to ensure that traditional standards of political propriety observed at polling stations are carried through to the postal voting context.

Key principles

2. All political parties, candidates and canvassers handling postal vote applications and postal ballot papers will adhere to the following two key principles:
 - candidates and supporters should assist in the efficient and secure administration of elections and uphold the secrecy of the ballot.
 - no candidate or supporter should place themselves in a situation where their honesty or integrity – or that of their party or candidate – can be questioned.

What the law says

3. An individual may only vote once for each contest in each election and not for more than the number of seats available in that election.
4. A voter's signature or mark must always be their own.
5. An individual may not vote for, or as, someone else unless they are formally appointed to act as their proxy. If an individual steals someone else's vote they may be prosecuted for making a false statement, forgery, using a false instrument or pretending to be someone else (personation).
6. An individual may not exert, or attempt to exert, undue influence to persuade or force someone to vote, not to vote, or to vote a certain way. Someone who prevents or deters the voter from freely exercising their right to vote, or attempts to do so, may be found guilty of undue influence.
7. It is an offence to offer money, food, drink, entertainment or other gifts to persuade someone to vote, or not to vote.
8. It is an offence to falsely apply for a postal or proxy vote (absent vote) as some other person. It is also an offence to otherwise make a false statement or otherwise induce the Returning Officer to either send a postal ballot paper or other election mail to an address which has not been agreed by the person

entitled to the vote, or to cause a postal ballot paper not to be delivered to the intended recipient.¹

9. It is an offence to supply false information to the Electoral Registration Officer for any purpose connected with the registration of electors.²

See Appendix F, ‘Election offences and penalties’ for further information on specific electoral and general offences of which you should be particularly aware.

Applications for postal voting

10. If you develop a bespoke application form, it should conform fully with the requirements of electoral law, including all the necessary questions and the options open to electors.
11. Electors should be encouraged to ask for the postal vote to be delivered to their registered home address, unless there are compelling reasons why this would be impractical. Such reasons must be stated on the application form.
12. Because of the risk of suspicions that the application may be altered and the risk of the application form being delayed or lost in transit, the local Electoral Registration Officer’s address should be the preferred address given for the return of application forms.
13. If an intermediary address is used, forms should be despatched unaltered to the relevant Electoral Registration Officer’s address within two working days of receipt.
14. If you are given a completed application form, you should forward it directly and without delay to the local Electoral Registration Officer.
15. The Electoral Registration Officer may check the signature on an absent voting application against any other copies of the elector’s signature or date of birth which they hold or is held by any authority which they are authorised to inspect.³
16. The Electoral Registration Officer must confirm in writing to all successful applicants that they will receive a postal ballot.

¹ Section 62A(2), RPA 1983, as amended by Section 40, EAA.

² Section 13D, RPA 1983, as amended by Section 15, EAA.

³ Regulation 51A, 2001 Regulations, as amended.

Postal voting ballot papers

17. You should not touch or handle anyone else's ballot paper. If you are asked for assistance in completing a ballot paper, you should always refer the voter to the Returning Officer's staff at the elections office who can arrange a home visit if necessary. Assistance will also be available for electors at polling stations.
18. It is absolutely clear that anyone acting on behalf of a party should not solicit the collection of any ballot paper. Wherever practical, the voter should be encouraged to post or deliver the completed ballot paper themselves.
19. It is recognised that people working for a party may be approached by a voter who is unable to post their ballot paper or make arrangements for it to be returned in time. If you are asked to take the completed ballot paper, you should ensure that the voter has sealed it first and then post it or take it to a polling station or office of the Returning Officer immediately, without interfering in any way with the package.
20. If you are with a voter when they complete their ballot paper, remember they should complete it in secret. Equally, you should ensure that the voter seals the envelopes personally and immediately. If you are asked to give advice, it is acceptable and often helpful to explain the voting process but do not offer to help anyone to complete their ballot paper.
21. If you are in any doubt about the probity or propriety of your actions, you should ask yourself the question, '**What would a reasonable observer think?**'. This Code has been prepared based on this test, as advocated by the Third Report of the Committee on Standards in Public Life.⁴

The Electoral Commission Agreed December 2006 (and current for elections in 2009)

⁴ Committee on Standards in Public Life, *Standards in Public Life: Standards of Conduct in Local Government in England, Scotland and Wales, Third Report*. Chairman Lord Nolan (The Stationery Office: London, 1997).

Appendix G – Election offences and penalties

There are a number of specific electoral offences and some general offences of which candidates, agents and supporters should be particularly aware during their campaign. This is not intended to be a comprehensive list and independent legal advice should be sought if necessary.

Details are given in brackets about in which court the offence may be tried and the maximum applicable penalty. Prosecutions under Representation of the People Act (RPA) 1983 must be brought within 12 months of the commission of the offence. However, if there are exceptional circumstances and there has been no undue delay in the investigation, the time limit may be extended to not more than 24 months after the offence was committed. Any application to extend the deadline must be brought within one year of commission of the offence.¹

Bribery

A person is guilty of bribery if they directly or indirectly give any money or procure any office to or for any voter, in order to induce any voter to vote, or not vote, for a particular candidate; or to vote or refrain from voting.² (Offence may be tried in Magistrates' or Crown Court/one year on indictment and/or an unlimited fine.)

Treating

A person is guilty of treating if either before, during or after an election they directly or indirectly give or provide (or pay wholly or in part the expense of giving or providing) any food, drink, entertainment or provision in order to influence any voter to vote or refrain from voting.³ (Offence may be tried in Magistrates' or Crown Court/one year on indictment and/or an unlimited fine.)

Undue influence

A person is guilty of undue influence if they directly or indirectly make use of or threaten to make use of force, violence or restraint, or inflict or threaten to inflict injury, damage or harm in order to induce or compel any voter to vote or refrain from voting. A person may also be guilty of undue influence if they impede or prevent the voter from freely exercising their right to vote.⁴ This latter offence can also be committed where a person intends to impede or prevent the free exercise of a vote even where the attempt is unsuccessful.⁵ (Offence may be tried in Magistrates' or Crown Court/one year on indictment and/or an unlimited fine.)

¹ Section 176, RPA 1983, as amended by Section 70, EAA.

² Section 113, RPA 1983.

³ Section 114, RPA 1983.

⁴ Section 115, RPA 1983.

⁵ Section 115, RPA 1983, as amended by Section 39(1), EAA.

Secrecy

Everyone involved in the electoral process should be aware of the secrecy of the ballot and should not breach it. The Returning Officer will give everyone who attends the opening or counting of ballot papers a copy of parts of Section 66 of RPA 1983. (Offence will be tried in Magistrates' Court/£5,000 fine or six months' imprisonment.)

Personation

It is an offence to commit, aid, abet, counsel or procure the offence of personation.⁶ This is where any individual votes as someone else (whether that person is living or dead or is a fictitious person), either by post or in person at a polling station as an elector or as a proxy. Further, the individual voting can be deemed as a person guilty of personation if they vote as a person they have reasonable grounds for supposing is dead or fictitious, or where they have reasonable grounds for supposing the proxy appointment is no longer in force. (Offence may be tried in Magistrates' or Crown Court/two years on indictment and/or unlimited fine.)

False registration information and false postal/proxy voting application

It is an offence to supply false information in relation to the registration of electors to the Electoral Registration Officer. It is also an offence to provide false information in connection with an application for a postal or proxy vote. False information includes a false signature.⁷ (Offence will be tried in Magistrates' Court/six months' imprisonment and/or £5,000 fine.)

False application to vote by post or by proxy

It is an offence to falsely apply to vote by post or proxy with the intention of depriving another person of a vote or gaining a vote to which a person is not entitled.⁸ (Offence may be tried in Magistrates' or Crown Court/two years' imprisonment and/or £5,000 fine.)⁹

Multiple voting and proxy voting offences

There are various offences regarding multiple voting and proxy voting including voting by post as an elector or proxy when subject to a legal incapacity to vote; voting more than once in the same or in more than one local election area; applying for a proxy without cancelling a previous proxy appointment; and inducing or procuring another to commit one of the above offences.¹⁰ (Offence will be tried in Magistrates' Court/£5,000 fine.)

⁶ Section 60, RPA 1983.

⁷ Section 13D, RPA 1983, as amended by Section 15, EAA.

⁸ Section 62A, RPA 1983, as inserted by Section 39, EAA.

⁹ Section 168, RPA 1983, as amended by Schedule 1, Part 7, Paragraph 121, EAA.

¹⁰ Section 61, RPA 1983.

There are also a number of non-electoral offences which may be relevant, for example:

- making a false statement under the Perjury Act 1911
- forgery
- using a false instrument under the Forgery and Counterfeiting Act 1981
- conspiracy to defraud
- perverting the course of justice

Appendix H – Glossary

Absent voting

Absent voting is where an elector chooses to use their vote remotely, i.e. without physically visiting the polling station to cast their vote. The elector must submit an application to the Electoral Registration Officer before the statutory deadline in order to do this. The different methods of doing this are as follows:

Postal voting

Postal voting is where an elector has the ballot paper sent to them by post. This arrangement can be made either on a permanent or temporary basis, and the application must be submitted before 5pm on the eleventh working day before the poll (**5pm on Tuesday 19 May 2009**). Please see Appendix F for the Code of conduct in dealing with postal votes and postal vote applications.

Proxy voting

Proxy voting is where the elector appoints a friend, relative or party worker to vote on their behalf. This is generally done on a one-off basis, but can be permanent if the voter has specific grounds for requesting it. The deadline for applying for this is 5pm, six working days before the poll (**5pm on Wednesday 27 May**). The proxy can then choose to either visit the polling station that the elector would normally vote at or apply for a postal vote (known as a postal proxy).

Emergency proxy

An emergency proxy is where an elector has a medical emergency after the deadline for a proxy vote has passed. An emergency proxy application must be attested by a medical practitioner. This can be applied for up to 5pm on polling day.

Candidates' election expenses

Any spending, including notional expenditure of more than £50, incurred on goods or services used for the purpose of a candidate's election after the date a person became a candidate.

Candidates' election expenses return

The return required to be submitted by the election agent of every candidate that has contested an election. Candidates' election expenses returns must be accompanied by declarations verifying the returns.

Commercial cost/rates

The commercial cost of goods or services is the amount they would have cost had they been purchased from a supplier in a commercial market. The commercial rate is the rate at which goods or services would have been charged if they were purchased from a supplier in a competitive market.

Date donation received

The date a candidate or their election agent takes possession of a donation. If the donation is transferred electronically, the donation is deemed to have been received on the date the candidate is notified of the payment.

Disputed claim

Any claim for payment that is received by a candidate or agent within 21 calendar days of the date the election result is declared but which is not paid within 28 calendar days of the date the election result is declared.

Election agent

The election agent is the person responsible to the candidate and in law for the proper management of the candidate's campaign. In particular, the election agent is responsible for the financial management of the election campaign and for ensuring that a candidate's election expenses returns and the accompanying declarations are properly completed and delivered within the specified time. A candidate must appoint an election agent, but they may act as their own agent. If an agent is not appointed by the statutory deadline, the candidate is deemed to be their own election agent.

Election literature

For the purposes of this guidance, any election campaign publicity material (see Chapter 3, 'The campaign', for further details).

Exempt trust donation

A donation from the trustee of any trust that was:

- a. created before 27 July 1999
- b. to which no property has been transferred on or after that date and
- c. whose terms have not been varied on or after that date, or
- d. was created by a person who was a permissible donor at the time when the trust was created, or created by the will of a person who was a permissible donor at the time of their death and
- e. to which no property has been transferred except by a person who was a permissible donor at the time of the transfer

provided that (in the case of either type of exempt trust) the donation has not been made by the exercise of any discretion which is vested by the trust in the trustee or any other person.

Joint candidates

Candidates at local government elections are considered to be joint candidates when they employ the same election agent, or use the services of the same clerks or messengers, hire or use the same committee rooms at an election, or publish joint addresses, circulars or notices at elections. Joint candidacy only applies when the candidates are standing in the same electoral area. Maximum spending limits are reduced in the case of joint candidates.

Local government elections

Local government elections are elections to any level of local government councils (e.g. borough, city, county, unitary, etc.). For the purposes of this document, references to local government elections do not include elections to parish and town councils.

Observers**Commission representative**

Representatives of the Commission are entitled to observe the working practices of the Electoral Registration Officer and the Returning Officer, as well as the proceedings at the issue and receipt of postal ballot papers, the poll and the counting of the votes.

Accredited observer

Other individuals or organisations may apply to the Commission to be accredited to observe the proceedings at the issue and receipt of postal ballot papers, the poll and the counting of the votes.

Per elector

The number of entries on a register of electors. The relevant register of electors is the register of electors for the electoral area as on the last day for publication of the notice of election. To avoid the possible miscalculation of spending limits, candidates and agents are advised to obtain written confirmation of the register figure from the relevant officer.

Petty expenses

These include costs incurred for telephone calls and internet access, postage and stationery.

Political Parties, Elections and Referendums Act 2000 (PPERA)

Regulates the income and spending of political parties and other individuals and organisations at relevant elections and referendums throughout the UK.

‘Purdah’ period

The informal name given to the period when local authorities face restrictions to their communications to residents because of the election. There is **no** official ‘purdah’ period during local government elections. For further information, see the purdah factsheet on the Commission’s website and available from the government department responsible for the subject: Communities and Local Government.

Qualifying Commonwealth citizen

A person is a qualifying Commonwealth citizen for the purposes of standing for election if they are a Commonwealth citizen who either:

- a. is not a person who requires leave under the Immigration Act 1971 to enter or remain in the UK, or
- b. is such a person but for the time being has (or is, by virtue of any enactment, to be treated as having) indefinite leave to remain within the meaning of that Act

A person is not a qualifying Commonwealth citizen by virtue of (a) above if they do not require leave to enter or remain in the UK by virtue only of Section 8 of the Immigration Act 1971 (exceptions to requirement for leave in special cases).

For electoral purposes, it does not matter if a country is suspended, has withdrawn or has been expelled from the Commonwealth organisation.

Registered party

A party registered under Part II of PPERA, i.e. any party on the Great Britain and/or Northern Ireland register of political parties.

Regulated period

The period from the date a person becomes a candidate until the date of the poll (note that this is not a statutory term).

Representation of the People Act (RPA) 1983

Regulates various aspects of elections, particularly the restrictions on candidates' spending.

UK-based unincorporated association

Any unincorporated association of two or more persons which does not fall within any other category of permissible donor but which carries on business or other activities wholly or mainly in the UK and whose main office is in the UK.

UK-registered building society

A building society within the meaning of the Building Societies Act 1986.

UK-registered company

A company registered under the Companies Act 1985 or Companies (Northern Ireland) Order 1986 which is incorporated within the UK or another European Union state, and which carries on business in the UK.

UK-registered friendly society

A friendly society registered under the Friendly Societies Act 1974 or a society registered (or deemed to be registered) under the Industrial and Provident Societies Act 1965 or the Industrial and Provident Societies Act (Northern Ireland) 1969.

UK-registered limited liability partnership

A limited liability partnership registered under the Limited Liability Partnerships Act 2000, or any corresponding enactment in force in Northern Ireland, which carries on business in the UK.

UK-registered trade union

A trade union entered in the list kept under the Trade Union and Labour Relations (Consolidation) Act 1992 or the Industrial Relations (Northern Ireland) Order 1992.

Appendix I – Feedback form

It would help us to have your comments on this guide and how useful you found it. Use the back of this form for extra comments if required.

Did you find the guide useful?	YES/NO
Was the content relevant to your needs?	YES/NO
Was any topic you expected to be covered missing?	YES/NO

If YES, please provide details:

Was the guidance clear and easy to understand?	YES/NO
Was the level of detail appropriate?	YES/NO

Did you find any aspect of the guide particularly helpful? Please provide details:

Did you find any aspect of the guide particularly unhelpful? Please provide details:

It would help us if you completed the contact details below, although you may return this form anonymously if you wish.

Name:

Organisation/party:

Address:

Tel:

Email:

Please return this form to: The Electoral Commission, Trevelyan House, Great Peter Street, London SW1P 2HW; Tel: 020 7271 0500; Fax: 020 7271 0505; Email: jpack@electoralcommission.org.uk
The form is also available online at: www.electoralcommission.org.uk

Local government elections in England, 4 June 2009

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To contact our offices in Scotland, Wales,
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see inside back cover for details.

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We are an independent body set up by
the UK Parliament. Our aim is integrity and
public confidence in the democratic process.
We regulate party and election finance and
set standards for well-run elections.

Democracy matters