

Supplementary guidance for candidates

Parish, community and town council
elections in England and Wales,
6 May 2010

Translations and other formats

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1 Introduction

How to use this guide

1.1 This guide is designed to act as a supplement to the Electoral Commission's guidance for candidates and agents at elections to principal areas (i.e. metropolitan borough councils, unitary councils, and district and borough councils). Many aspects of elections to principal areas and to parish and town councils are identical and so we have concentrated in this supplement only on those aspects where the process is different and we have not sought to repeat all of the information that is contained in the principal area guidance. The Commission's guidance for candidates and agents at principal area elections is available on the Commission's website at www.electoralcommission.org.uk

1.2 This supplement aims to provide practical advice for anyone who wants to stand as a candidate at parish and town council elections in England on **6 May 2010**. There are no scheduled elections to Community councils in Wales in 2010 and references in this guide are therefore to parish and town councils in England. However the rules and timetables would be the same for by-elections to any Community council held on 6 May 2010. It covers the main parts of the election process as they apply specifically to parish and town council elections and includes relevant factual material as well as a guide to sources of further information. Standing for election can be a complicated business, but we hope that the information in this supplement and in the main guide will make it as straightforward as possible.

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

Relevant legislation

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

Table 1: Abbreviations of Acts

Abbreviation	Full title
LGA 1972	Local Government Act 1972 (as amended)
LGA 2000	Local Government Act 2000
RPA 1983	Representation of the People Act 1983
RPA 1985	Representation of the People Act 1985
RPA 2000	Representation of the People Act 2000
P&C Rules 2006	Local Elections (Parishes and Communities) (England and Wales) Rules 2006 (including Schedules)
1995 Regulations	Local Government Elections (Changes to the Franchise and Qualification of Representatives) Regulations 1995
PPERA	Political Parties, Elections and Referendums Act 2000
2001 Regulations	Representation of the People (England and Wales) Regulations 2001 (as amended)
EAA	Electoral Administration Act 2006

Election timetable

1.5 Polling day for the local elections in England is **Thursday 6 May 2010**. The election timetable is prescribed in law and is given in Table 2 below. 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.**

Note: When a UK Parliamentary general election occurs on the date of the ordinary local government election, the poll for any contested parish elections due on that date is postponed for three weeks. This would result in polling day being rescheduled for **Thursday 27 May 2010 if there is a UK Parliamentary general election on 6 May 2010 (see Table 3 below)**. Any Community council by-elections in Wales that are contested will have their poll postponed if the poll would have been on 6 May 2010 and that is also the date of a UK Parliamentary general election.

1.6 Election timetables are generally calculated by excluding dies non, which are Saturdays, Sundays, Good Friday and any other bank holiday.¹ Throughout this

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

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.

Table 2: Election timetable for parish and town council elections in England, Thursday 6 May 2010

Event	Date
Deadline for completed application 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	Friday 5 March 2010
Notice of election to be published not later than	Monday 29 March 2010
Last day for political parties intending to contest the elections to appear on the Commission’s register	Tuesday 6 April 2010
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 12 noon on Thursday 8 April 2010
Publication of statement of persons nominated	Not later than 12 noon on Monday 12 April 2010
Deadline for withdrawals of candidature	12 noon on Tuesday 13 April
Deadline for applications to be included on the register of electors in order to vote in the election	Tuesday 20 April 2010
Deadline for requests to change or cancel an existing postal vote or proxy appointment.	5pm on Tuesday 20 April 2010
Deadline for new applications to vote by post	5pm on Tuesday 20 April 2010
Deadline for new applications to vote by proxy (not postal proxy), except for medical emergencies.	5 pm on Tuesday 27 April 2010

Table 2 (cont.): Election timetable for parish and town council elections in England, Thursday 6 May 2010

Event	Date
Publication of notice of poll	Not later than Tuesday 27 April 2010
Last day for notice of appointment of counting agents and polling agents	Wednesday 28 April 2010
Polling day	7am – 10pm Thursday 6 May 2010
Deadline to apply for new applications to vote by proxy on grounds of a medical emergency	5pm on Thursday 6 May 2010
Last day for receipt of claims for election expenses if result is declared before midnight on 6 May 2010	Thursday 20 May 2010
Last day for receipt of claims for election expenses if result is declared on 7 May 2010	Friday 21 May 2010
Last day for payment of claims for election expenses if result is declared before midnight on 6 May 2010	Thursday 27 May 2010
Last day for payment of claims for election expenses if result is declared on 7 May 2010	Friday 28 May 2010
Last day for the receipt of return of election expenses if declaration of result before midnight on 6 May 2010	Thursday 3 June 2010
Last day for receipt of return of election expenses if declaration of result on 7 May 2010	Friday 4 June 2010

Table 3 Election timetable for contested parish and town council elections in England in event of UK Parliamentary general election on Thursday 6 May 2010: Polling Day moved to Thursday 27 May 2010

Event	Date
Deadline for completed application 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	Friday 5 March 2010
Notice of election to be published not later than	Monday 29 March 2010
Last day for political parties intending to contest the elections to appear on the Commission's register	Tuesday 6 April 2010
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 12 noon on Thursday 8 April 2010
Publication of statement of persons nominated	Not later than 12 noon on Monday 12 April 2010
Deadline for withdrawals of candidature. Election is contested only if there are more candidates than seats.	12 noon on Tuesday 13 April 2010
Point at which a contested parish election timetable changes if UK general election is 6 May 2010	Tuesday 20 April 2010
Deadline for applications to be included on the register of electors in order to vote in the election	Wednesday 12 May 2010
Deadline for delivery of nominations for the new nomination period	12 Noon on Thursday 29 April 2010
Deadline for withdrawals of candidature.	12 Noon on Wednesday 5 May 2010

Table 3 (cont.): Election timetable for contested parish and town council elections in England in event of UK Parliamentary General Election on Thursday 6 May 2010: Polling Day moved to Thursday 27 May 2010

Event	Date
Deadline for requests to change or cancel an existing postal vote or proxy appointment.	5pm on Wednesday 12 May 2010
Deadline for new applications to vote by post	5pm on Wednesday 12 May 2010
Deadline for new applications to vote by proxy (not postal proxy), except for medical emergencies.	5 pm on Wednesday 19 May 2010
Publication of notice of poll	Not later than Wednesday 19 May 2010
Deadline to apply for new applications to vote by proxy on grounds of a medical emergency	5pm on Thursday 27 May 2010
Last day for receipt of claims for election expenses if result is declared before midnight on 27 May 2010	Thursday 10 June 2010
Last day for receipt of claims for election expenses if result is declared on 28 May 2010	Friday 11 June 2010
Last day for payment of claims for election expenses if result is declared before midnight on 27 May 2010	Thursday 17 June 2010
Last day for payment of claims for election expenses if result is declared on 28 May 2010	Friday 18 June 2010
Last day for the receipt of return of election expenses if declaration of result before midnight on 27 May 2010	Thursday 24 June 2010
Last day for receipt of return of election expenses if declaration of result on 28 May 2010	Friday 25 June 2010

Important note on dates given in this guide

1.7 The dates given in the rest of this guide relate to an election that is not combined with a UK general election on 6 May 2010. If the UK general election is called for 6 May the above dates must be used instead of any date given below.

Roles and responsibilities

1.8 A number of different agencies and individual officers are responsible for or concerned with various aspects of elections in England. The different roles and duties of those specifically concerned with parish and town council elections are described below. Other roles and responsibilities are described in detail on pages 6-13 of the principal area guidance.

Election agents

1.9 There is no requirement for election agents at parish and town council elections, unlike at elections for principal areas. This means that candidates have responsibility for all aspects of their election campaign and for controlling expenditure and submitting the relevant expenditure returns.

Parish and Town Clerks

1.10 A parish council must appoint such officers as it thinks necessary for the proper discharge of its functions.² In practice this will normally be the parish or town clerk. In addition, certain functions of the council must be carried out by the proper officer of the council, which means the officer specifically appointed for that purpose. Again, for most matters this will be the clerk. At Parish or Town council elections the proper officer is the person who will receive notification from the Returning Officer of the persons elected.³

1.11 The Parish or Town Council Clerk can be involved by the Returning Officer to a greater or lesser extent during the election. Many clerks are provided with a supply of nomination papers to distribute to potential candidates, and the name and address of the clerk may be provided as an alternative source of nomination papers within the notice of election when it is published by the Returning Officer.

1.12 Clerks will also be in possession of a copy of the register of electors, which will be needed to refer to the electoral numbers of people in the electoral area subscribing to the nomination paper.

1.13 Some clerks are happy to help with informal checks of completed nomination papers if they have been trained to do so by the Returning Officer, however, it is important to remember that it is only the Returning Officer who has the power to decide on the validity or otherwise of nomination papers. Paragraph 2.53 on page 24 of the principal area guide gives information on informal checking. It is the candidate's responsibility to ensure that completed nomination papers are submitted to the office of the Returning Officer (and not the clerk) within the prescribed nomination period and before **12 noon on Thursday 8 April 2010**.

² Section 112, LGA 1972.

³ Rule 50(2), P&C Rules 2006.

2 Standing for election

Qualifications and disqualifications

2.1 In order to become a candidate at a parish or town council 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 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**⁴ **and**
- be a British citizen, a qualifying Commonwealth citizen,⁵ or a citizen of any other member state of the European Union⁶

2.3 The candidate must also meet **at least one** of the following four qualifications on the day they are nominated and on polling day:⁷

- they are registered as a local government elector for the parish or town council area in which they wish to stand, or
- they have occupied as owner or tenant any land or premises in the parish or town council 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 parish or town council area, or
- they have lived in the parish or town council area (or within 4.8 kilometres of it) during the whole of the last 12 months

Note: The qualification to be a registered elector 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 therefore strongly recommended that a candidate marks **all** of the qualifications that they satisfy when completing the nomination paper. This can avoid issues arising if they are elected and their circumstances subsequently change so that they are no longer a registered elector for the parish.

⁴ Section 17, EAA.

⁵ A qualifying Commonwealth citizen is defined on page 14 of the principal area guidance.

⁶ Section 79, LGA 1972.

⁷ Section 79(1), LGA 1972.

Disqualifications

2.4 Certain people are disqualified from being elected to a parish or town council. A person cannot be a candidate if at the time of their nomination or their election:

- they are employed by the parish or town council or hold a paid office under that council (including employment by any joint boards or committees of the council)
- they are the subject of a bankruptcy restrictions order or interim order in England or Wales⁸
- 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 day⁹ (i.e. since 1 May 2003)
- they have been disqualified under Part III of the RPA 1983 (which relates to donations and other offences) or under the Audit Commission Act 1998¹⁰

2.5 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,¹¹ or if they have been disqualified from standing for election to a local authority following a decision of the Adjudication Panel for England or Wales.¹²

2.6 The full range of disqualifications for candidates at local 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.

Nomination

Getting nominated

2.7 Once the notice of election has been published (by no later than **Tuesday 29 March 2010**), a person can become a candidate. 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 **12 noon on Thursday 8 April 2010**.

2.8 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.

2.9 The Returning Officer will supply as many copies of the nomination form and the forms of consent to nomination as are needed. Copies may also have been provided to the clerks of the parish or town council for them to distribute. The Returning Officer will also prepare the nomination paper for signature if required.¹³

⁸ Persons who were declared bankrupt before the amendments to the bankruptcy disqualifications following commencement of the Enterprise Act 2002 and who are not in receipt of a Bankruptcy Restrictions Order are not disqualified from standing. People who were the subject of a Bankruptcy Restrictions Order prior to 1 April 2004, provided they have their discharge, are not disqualified from standing.

⁹ Section 80(1)(d), LGA 1972.

¹⁰ Section 80(1), LGA 1972.

¹¹ Sections 159 and 160, RPA 1983.

¹² Section 79(4)(b), LGA 2000.

¹³ Rule 6(4)(b), P&C Rules 2006.

Alternatively, the forms provided in Appendix A could be completed and submitted to the Returning Officer.

Note: If a candidate is validly nominated for more than one electoral area within the same local government area (e.g. for different wards within the same parish), 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.¹⁴

The nomination form

2.10 Anyone wishing to stand as a candidate needs to complete a nomination form as prescribed in legislation, or a form to the same effect¹⁵ – a copy of the form can be found in Appendix A.

2.11 Nomination papers must be completed in English, except at an election in Wales, where a nomination paper may be submitted in Welsh – a copy of this form can be obtained by contacting the Commission’s Wales office.

2.12 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 two registered electors from the parish or town (or relevant ward if the area is warded) – these electors are known as subscribers.¹⁶

2.13 A candidate may use a description which will appear under their name on the ballot paper, although it is not compulsory and the description section may be left blank (see below for further details on the use of a description). A candidate may also use any commonly used name they have rather than their full name. The details stated on the nomination paper¹⁷ will be reproduced on the published statement of persons nominated, the notice of poll and, finally, the ballot paper.

Name

2.14 The nomination form must include the candidate’s surname, then other names in full.¹⁸ A candidate risks having their nomination paper rejected by the Returning Officer if they use initials.

2.15 Candidates may ask for their commonly used surname(s) and forename(s) to be printed on the statement of persons nominated, the notice of poll and on the ballot papers, instead of their actual name. 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.¹⁹ 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 box(es) blank.

¹⁴ Rule 12, P&C Rules 2006.

¹⁵ Rule 4(1), P&C Rules 2006.

¹⁶ Rule 6(1), P&C Rules 2006.

¹⁷ Subject to the commonly used name provisions as outlined below.

¹⁸ Rule 4(2), P&C Rules 2006.

¹⁹ Rule 4(3), P&C Rules 2006.

2.16 Commonly used names which the Returning Officer considers likely to mislead or confuse electors, or are obscene or offensive, will be disallowed.²⁰ If the name(s) are not permissible, the Returning Officer will write to the candidate stating the reason for disallowing the commonly used name. In such a case, the candidate's full names will be used.

2.17 Titles or prefixes such as Mr, Mrs or Dr should not be used. However, if a candidate is commonly known by a name that includes a prefix, such as Dr Vanessa Smith, the candidate may include the prefix in the commonly used forename box.

2.18 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 does allow the commonly used name(s), they will appear on each of these occasions instead of the candidate's full name.²¹

Description

2.19 A candidate may choose to use a description which will appear under the candidate's details on the ballot paper although there is no requirement to do so.

2.20 Candidates representing a registered political party can use a party description, but this may only be one of up to 12 possible descriptions registered with the Commission, or the registered name of the party.²² The current name and list of descriptions registered by political parties is available at

<http://registers.electoralcommission.org.uk/regulatory-issues/regpoliticalparties.cfm>.

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 also 2.40 below). If a description is used which has not been registered with the Commission then the Returning Officer must hold the entire nomination invalid.²³

2.21 Any other candidate may also use a description of **no more than** six words in English or, in Wales, Welsh, which does not have to be registered. This can be any description and does not have to refer to the candidate's rank, profession or calling providing that it is sufficient to identify the candidate along with the other particulars. Examples of types of descriptions that might commonly be used are 'Farmer', 'Baker in High Street', 'Member of Village Action Team', or 'Independent' or 'Annibynol'. The Returning Officer will hold the entire nomination paper invalid if the description exceeds six words.

2.22 In summary, therefore, candidates have four main options with regard to the description:

- (a) Leave the description part of the form blank, in which case no description will appear on the ballot paper
- (b) Use a non-registered description of **no more than** six words in English and/or Welsh. This can include the description 'Independent' or 'Annibynol'

²⁰ Rule 9(4), P&C Rules 2006.

²¹ Rule 9(3), P&C Rules 2006.

²² Section 28A, PPERA, as inserted by Section 49, EAA; Rule 5, P&C Rules 2006.

²³ Rule 8(4), P&C Rules 2006.

- (c) 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
- (d) Use the name of the party as it is registered with the Commission, with the authorisation in writing from the nominating officer of a registered political party or someone acting on their behalf

2.23 If a candidate wants to register a political party, thus enabling them to use a party political description, details about the process for doing so can be found later in this section.

Address

2.24 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 electoral area 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

2.25 Each nomination paper needs to be signed (subscribed) by two electors registered in the register of local government electors for the parish or town (or ward if the area is warded) on the last day for the publication of the notice of election (the register as at **Tuesday 28 April 2010**). The first will sign as **proposer** and the second as **seconder**.²⁴ Where a nomination paper has the signatures of more than the required number of persons as proposing or seconding the nomination, the signatures up to the required number appearing first on the paper in each category must be accepted. Care should be taken to ensure that the nomination paper is accurately subscribed, because if one of the first two subscribers is invalid, irrespective of whether more than two subscribers have been added to the form, the Returning Officer must hold the nomination form invalid.

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

2.27 The candidate must ensure that the names of the people signing their nomination paper appear in the relevant electoral register for the parish or town (or relevant ward if the area is warded) where they wish to stand. The register is published on 1 December each year, and alterations are published at the beginning of each month thereafter up to (and including) September.

2.28 To ensure the nomination paper is completed correctly, candidates are entitled to receive a copy of the register for the parish or town (or ward if the area is warded) they are contesting and should make a request to receive the register in writing to the Electoral Registration Officer for the area.²⁵ Further information on this process can be found in 'Section 3 – The campaign' in the principal area guidance for candidates and agents. 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 allow it to be used for any other purpose.

²⁴ Rule 6(1), P&C Rules 2006.

²⁵ Regulations 102 and 104, 2001 Regulations.

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

2.30 In parish or town council elections, electors may only subscribe as many nomination papers as there are vacancies in the ward or area being contested.²⁶ For example, in the case of a parish or town ward with only one vacancy, electors can only subscribe to one candidate's nomination paper. This means that if two candidates submit a set of nomination papers for a ward with only one vacancy that have been subscribed by the same person, the nomination papers that were submitted first will be accepted; and the second and subsequent nominations will be invalid. However, in the case of a parish or town ward with two vacancies, an elector may subscribe two nomination papers; if there are three vacancies a person may subscribe three nomination papers; and so on.

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

Consent to nomination

2.32 In order for the nomination as a candidate to be valid, the candidate must also formally give their consent to nomination in writing.²⁷ 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 A; the Returning Officer may also provide a form for this purpose.

2.33 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 before **12 noon on Thursday 8 April 2010.**²⁸

Deposit

2.34 No deposit is required for a candidate to stand at an election of parish and town council councillors.

Registering as a political party

2.35 There is detailed information on registering a new political party name for candidates to use at the local elections on pages 26-28 of the principal area guidance for candidates and agents. Please note that it can take some time for an application to be processed and we would recommend that any application be submitted by no later than **Tuesday 6 April 2010.**

Registering as a minor political party

²⁶ Rule 6(5), P&C Rules 2006.

²⁷ Rule 7, P&C Rules 2006.

²⁸ Rule 7, P&C Rules 2006.

2.36 Minor parties are registered to contest only parish or town council elections in England. There is no requirement to register a name in order to use it at parish and town elections in England, since candidates are allowed to use a description of up to six words at these elections without being registered.

2.37 Parties that register as minor parties may subsequently choose to amend their registration to enable them to contest other elections in Great Britain. Their names will also be protected in the part(s) of Britain in which they are registered.

2.38 Registered minor parties are not subject to the financial controls that other parties are required to comply with. Groups applying to register as minor parties are therefore not required to submit as much information to the Commission when applying to register.

Standing for a political party

2.39 It is a candidate's choice if they want to stand as an independent candidate, use their own description or have no description on the ballot paper. However, if a candidate wants to stand for a political party, they will have to complete some extra documentation.

Certificate of authorisation from a political party

2.40 As explained above, if candidates want to use a description on the ballot paper that associates them with a registered political party, they must also supply a certificate of authorisation, issued by a registered political party.²⁹ The wording of the certificate of authorisation is not prescribed by law, but a sample certificate which candidates can use is provided in Appendix A.

2.41 The certificate of authorisation **must** be signed by the registered nominating officer of the political party or by someone else who can provide evidence of authorisation from the nominating officer to act on his or her behalf. It should be delivered to the Returning Officer together with a candidate's nomination papers before **12 noon on Thursday 8 April 2010**.

2.42 Candidates must make sure that the description used in their nomination paper exactly matches the description authorised by the political party officer. If the descriptions do not match, the nomination paper will be invalid.

Request to use emblem on the ballot paper

2.43 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.³⁰ Each registered party can register up to three emblems, and they can be viewed or downloaded from the Electoral Commission's website at <http://registers.electoralcommission.org.uk/regulatory-issues/regpoliticalparties.cfm>.

²⁹ A registered political party for the 6 May 2010 elections is a party which appears in the Electoral Commission's Great Britain register of political parties on Tuesday 6 April 2010.

³⁰ Rule 14(2A) P&C Rules.

2.44 The request to use an emblem must be made **in writing** by the candidate, and they must deliver it to the Returning Officer together with their other nomination papers before **12 noon on Thursday 8 April 2010**.³¹ 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.

Withdrawing as a candidate

2.45 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 13 April 2010**.³² The notice must be signed by the candidate and witnessed by one other person. Please note that after the above time and date, it is not possible to withdraw a candidate's name from the election, and the candidate's name will appear on the ballot paper.

Uncontested elections

2.46 If, after the close of nominations and the time allowed for withdrawals, the total number of validly nominated candidates in a parish or town council area or ward is less than or equal to the number of seats to be filled at the election, those candidates are declared to be elected.³³ As soon as possible after the latest time for delivery of withdrawals of nominations (**12 noon on Tuesday 13 April 2009**) the Returning Officer will declare to be elected those candidates who remain validly nominated, and give notice of their names to the proper officer of the parish or town council for which the election is held and to the proper officer of the principal area council within which the parish or town is situated. The Returning Officer will also give public notice of the names of those declared as elected.³⁴

2.47 It is important to note that if declared to be elected in an uncontested election, candidates must still make a declaration and return as to election expenses, even if none have been incurred.

³¹ Rule 14(2B) P&C Rules 2006.

³² Rules 1 and 13, P&C Rules 2006.

³³ Rule 14(2), P&C Rules 2006.

³⁴ Rule 50(2), P&C Rules 2006.

3 Election expenses

Note: All candidates contesting parish and town level elections are subject to controls on their election expenses³⁵ and are required to submit a return of election expenses to the proper officer of the authority within **28 days** after the day of the election. This return must be accompanied by a declaration by the candidate as to their election expenses.

General guidance

3.1 The following notes provide general guidance on election expenditure. Information on completing an election expenditure return can be found in paragraphs 4.2 to 4.5 in Chapter 4 of this supplement. More detailed information on election expenditure can be found in Chapters 4 and 5 (pages 44-56) of the principal area guidance to candidates and agents.

3.2 As there is no provision in law for election agents at a parish or town council election, it is the responsibility of candidates to control their election expenditure and to complete the return and declaration as to expenses incurred.

Limits on expenditure

3.3 A candidate at a parish or town council election is allowed to incur expenditure up to a limit of £600 plus 5p for every entry in the register of electors on the last date for the publication of notice of election (candidates are advised to obtain written confirmation of this figure).

Example:

Number of electorate on register at date of notice of election: 2371

Calculation of maximum expenses limit: $600 + (2371 \times 0.05)$

Maximum expenses limit for a candidate: £718.55

Limits for joint candidates

3.4 Maximum limits for expenditure are reduced in the case of joint candidates. Candidates are to be considered joint candidates when they employ or use the services of the same clerks or messengers,³⁶ hire or use the same committee rooms at an election, or publish joint addresses, circulars or notices at elections. Where there are two joint candidates the limit for each candidate is reduced by a quarter, and where there are three or more joint candidates the limit for each is reduced by a third.

³⁵ Schedule 4 of the Representation of the People Act 1983.

³⁶ This does not include the accidental, casual or trivial use of the same clerks or messengers.

Example:

Number of electorate on register at date of notice of election: 2371

Calculation of maximum expenses limit: $600 + (2371 \times 0.05)$

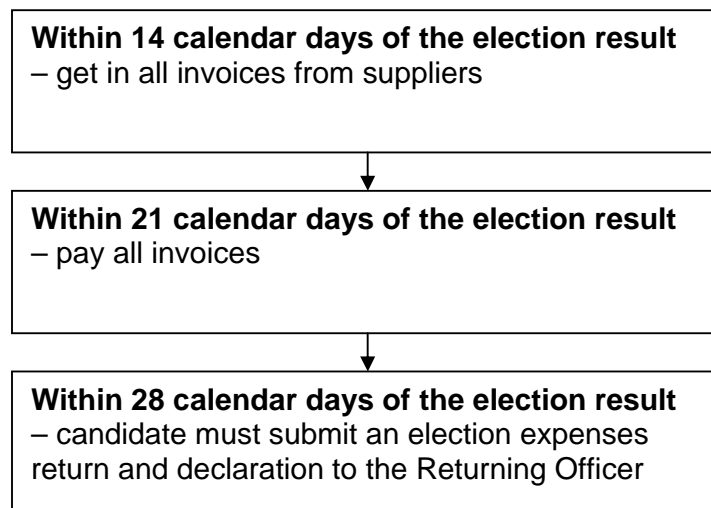
Maximum expenses limit for a candidate: £718.55

Expenses limit for joint candidates:

- Two candidates (25% reduction): £538.91 per candidate
- Three or more candidates (33.3% reduction): £481.43 per candidate

Time for sending in and paying claims

Chart 1: What you need to do after the election



3.5 Any claim against any person in respect of election expenses incurred by or on behalf of a candidate that is not sent in to the candidate within **14 days** of the day after the election must not be paid. Further, all election expenses must be paid within **21 days** of the day after the election; otherwise they must not be paid.

3.6 On application by either a creditor or a candidate a court order may be granted allowing any claim sent in and any payment made to be paid after the time limits detailed above. For more information on applying for an order, please go to www.hmcourts-service.gov.uk or www.scotcourts.gov.uk. Legal advice should also be sought.

4 After the election

Declaration of acceptance of office

4.1 The appointment of successful candidates as councillors becomes effective on the fourth day after the election. If successfully elected, the candidate must sign a declaration of acceptance of office, in which they agree to follow the council's code of conduct in the performance of their duties, before they can act as a councillor. This declaration must be made before or at the first meeting of the parish or town council after the candidate's election or, if the council at that meeting so permit, before or at a later meeting of the council. 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 expenses returns

Submitting an election expenses return

4.2 Detailed information about what constitutes election expenses and information on donations can be found in Chapters 4 and 5 of the principal area guidance for candidates and agents. Candidates should check those sections carefully if they are in any doubt as to what should be included in their expenses return.

4.3 After an election to a parish or town council, every candidate must submit a return as to their election expenses to the appropriate officer within 28 days after the day of the election.³⁷ This return must be accompanied by a declaration by the candidate as to their election expenses.

4.4 Copies of the required forms can be found in Appendix A. Forms and guidance can also be downloaded from the Commission's website at:
www.electoralcommission.org.uk

Note: It is important to note that a 'nil' return must be submitted even where no expenses are incurred. Election expenses are not reimbursed.

4.5 Candidates should note that for all payments of £10 or more an accompanying invoice or receipt must be submitted with the return.

Declarations

4.6 Candidates are also required to submit declarations vouching for their election expenses return. The content of these declarations is prescribed by law. The declaration for use at a parish or town council election may be found in Appendix A.

³⁷ Paragraph 3, Schedule 4, RPA 1983.

Return of Election Expenditure

To be completed by the candidate and returned within 28 days after the day of the election

In the [.....ward of the] Parish/Community of Date of Election..... Name of Candidate..... 1. I am the person named above as Candidate in this election. 2. I hereby make the following return of my election expenditure. Signature of Candidate Date.....

Part 1: Summary of expenditure

Category	Amount	
	£	pp
A. Candidate's personal expenses (i.e. travel and subsistence)		
B. Paid to individuals for services rendered (sub-agents, clerks, messengers, etc.)		
C. Paid for election offices:		
C1. Hire of rooms		
C2. Office costs (use of computers etc.)		
D. Paid for public meetings:		
D1. Hire of rooms		
D2. Paid to public speakers		
E. Paid for materials to electors:		
E1. Design and printing costs		
E2. Distribution costs (e.g. postage)		
F. Paid for advertising:		
F1. Posters/banners/billboards		
F2. Publicity materials (e.g. loudspeakers, rosettes)		
G. Paid for stationery costs		
H. Paid for communication costs (phone, fax, internet, etc.)		
I. Miscellaneous items		
Total notional expenditure		
Total unpaid claims		

Total election expenses

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B. Unpaid claims

In addition to payments listed above, I am aware of the following unpaid claims:

Item/Service	Date invoice received	Action taken or to be taken	Amount	
			£	pp
Total unpaid claims				

C. Declaration of value of notional expenditure over £50

Please note: You may have few, if any, payments to report under this section. If you are unsure as to the type of expenditure that should be recorded in this section please refer to the accompanying guidance notes.

I hereby declare that the following individual amount(s) of expenditure incurred under Section 90C of the RPA 1983 and listed below at Part 2C of this return represents the full and true value as calculated in accordance with that section.

Signed Date.....

Item	Date(s) or Period Expenditure Incurred	Commercial Cost of Item	Actual Cost Paid	Value of Notional Expenditure
Total notional expenditure				

Declaration by candidate as to election expenses

LOCAL GOVERNMENT: PARISH AND COMMUNITY ELECTIONS

ELECTION OF A COUNCILLOR

To be completed by the candidate to accompany the return of election expenses

Please note: There is no longer any requirement for this declaration to be signed by a Justice of the Peace

Election for the [_____] ward of the
Parish/community of _____

Date of publication of notice of the election _____

Full name of candidate _____

I solemnly and sincerely declare as follows:

1. The amount paid by me or on my behalf for my election expenses at the above election was £
2. To the best of my knowledge and belief no other election expenses have been paid or incurred by me or by any other person or organisation in connection with my candidature.
3. To the best of my knowledge and belief the accompanying return of election expenses is complete and correct as required by law.
4. I understand that the law does not allow any election expenses not mentioned in the return to be defrayed except in pursuance of a court order.

Signature of declarant _____

Date _____

