



# Guidance for candidates and agents

The 2010 UK Parliamentary general  
elections in Great Britain

December 2009

## Translations and other formats

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# Part A – Introduction and summary

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# 1 Introduction

## How to use this guide

1.1 This guide aims to provide practical advice for anyone who wants to stand as a candidate or be an agent at a UK Parliamentary general election. It covers the whole election process, including the main steps towards standing as a candidate, the campaign and election periods, the declaration of the result and election expenses. It 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 this guide will make it as straightforward as possible.

1.2 Part A includes an executive summary covering the key issues and precedes the main text of the guidance in Parts B and C.

1.3 Part B of this guidance covers the administrative aspects of standing for election, such as getting nominated and how the election is run. The advice in Part B complements rather than replaces other sources of information produced by political parties, (Acting) Returning Officers, Electoral Registration Officers, electoral administrators or others.

1.4 Part C covers election expenses. The Electoral Commission regulates compliance with these controls and you should contact us for further advice.



### **Part B**

As Part B of this guide is aimed primarily at candidates, we have used **'you'** whenever we refer to the candidate unless otherwise stated.

This guidance is not meant as a comprehensive guide to the relevant election law, and no expression of views on the part of the Commission can alter the application of any legislation to any particular case. While the Commission has a statutory power to provide advice, questions of the final interpretation of the law are ultimately a matter for the courts. A court would have regard to any guidance provided by the Commission.

### **Part C**

In Part C, we use **'you'** to cover both the agent and the candidate. Where the legal obligation is on one and not the other, we make this clear in the text. You do not have to follow this guidance, but if you do, you will normally be doing enough to comply with the law.

### **All parts**

We use **'must'** when we refer to a specific legal or regulatory requirement, but use **'should'** for recommended practice.

## The Electoral Commission

1.5 We are an independent statutory authority established in November 2000 following the commencement of the Political Parties, Elections and Referendums Act 2000 (PPERA). We are headed by a Chair and, at the time of writing, five other Commissioners. The Chair and current Commissioners do not have affiliations to any political party, and the Commission is not accountable to the UK Government. We report directly to the UK Parliament through a committee chaired by the Speaker of the House of Commons.<sup>1</sup>

1.6 We are 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 and local candidate spending on election campaigns. We also have a role in promoting voter awareness and are required to report on the administration of every national election and, if requested, on any other electoral matter. We also accredit observers to be present at election proceedings.

1.7 We do not run elections but have primary responsibility for providing advice and assistance on electoral matters to all those involved in elections, including (Acting) Returning Officers, Electoral Registration Officers, electoral administrators, political parties and candidates.

1.8 If you have any questions about spending at the election, please contact us on the details below.

1.9 Although on topics covered in Part B the first point of contact for candidates and agents seeking advice and guidance should be the appropriate (Acting) Returning Officer and their election team, Commission staff will be happy to provide advice on any matter discussed in this guide.

## Contact information

Devolved offices – for all queries in Scotland and Wales

### **Scotland**

Tel: 0131 225 0200

Email: [infoscotland@electoralcommission.org.uk](mailto:infoscotland@electoralcommission.org.uk)

### **Wales**

Tel: 029 2034 6800

Email: [infowales@electoralcommission.org.uk](mailto:infowales@electoralcommission.org.uk)

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<sup>1</sup> In July 2009, the Political Parties and Elections Act received Royal Assent. The Act will introduce changes to our governance structures by providing for four new Commissioners who will be nominated by political parties represented in the House of Commons.

English regional offices – for queries on standing for election and other electoral practice issues (Part B) in England

**East Midlands and West Midlands Office**

Tel: 024 7682 00 86

Email: [midlands@electoralcommission.org.uk](mailto:midlands@electoralcommission.org.uk)

**Eastern and South East Office**

Tel: 020 7271 0600

Email: [eastandsoutheast@electoralcommission.org.uk](mailto:eastandsoutheast@electoralcommission.org.uk)

**London Office**

Tel: 020 7271 0689

Email: [london@electoralcommission.org.uk](mailto:london@electoralcommission.org.uk)

**North of England Office**

Tel: 01904 567 990

Email: [north@electoralcommission.org.uk](mailto:north@electoralcommission.org.uk)

**South West Office**

Tel: 01392 314 617

Email: [southwest@electoralcommission.org.uk](mailto:southwest@electoralcommission.org.uk)

For election expenses (Part C) queries in England

Party and Election Finance Directorate

Tel: 020 7271 0616

Email: [pef@electoralcommission.org.uk](mailto:pef@electoralcommission.org.uk)

## Relevant legislation

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

**Table 1: Abbreviations of Acts**

<b>Abbreviation</b>	<b>Full title</b>
HoCDA	House of Commons Disqualification Act 1975 (as amended)
RPA 1981	Representation of the People Act 1981
RPA 1983	Representation of the People Act 1983 (as amended)
PER	Parliamentary Election Rules (Schedule 1 of RPA 1983) (as amended)
RPA 1985	Representation of the People Act 1985 (as amended)
RPA 2000	Representation of the People Act 2000 (as amended)
PPERA	Political Parties, Elections and Referendums Act 2000 (as amended)



**Table 1 (cont.): Abbreviations of Acts**

<b>Abbreviation</b>	<b>Full title</b>
2001 Regulations	Representation of the People (England and Wales) Regulations 2001 (as amended) and Representation of the People (Scotland) Regulations 2001 (as amended)
EAA	Electoral Administration Act 2006
PPEA	Political Parties and Elections Act 2009

## 2 Summary

2.1 This chapter provides a summary of the key issues covered in this guide.

2.2 The following paragraphs provide basic information on standing as a candidate and where to find further information on election expenses and donation controls, as well as guidance on what to do after the results have been announced.

### Can you stand for election to the UK Parliament?

2.3 In order to stand for election you must meet the required qualifications, i.e. be at least 18 years old and be either:

- a British citizen
- a citizen of the Republic of Ireland, or
- a citizen of a Commonwealth country who does not require leave to enter or remain in the UK, or who has indefinite leave to remain in the UK

2.4 There is no requirement for you to be a registered elector in the UK.

2.5 However, you must make sure that you are not disqualified from becoming a Member of the UK Parliament. You should consult the relevant legislation<sup>2</sup> to ensure that none of the disqualifications apply, and **if in doubt, always seek your own legal advice.**



Anyone wishing to stand for election should be clear about the qualifications and disqualifications that apply. More detailed guidance is provided in Part B, Chapter 3, 'Running for election'.

### When do you become a candidate?



Electoral law provides various definitions of the word 'candidate' and you can become a candidate for different purposes at different times. You need to be aware of when you can become a candidate for the purposes of obtaining the electoral register (see Part B, Chapter 3, paragraphs 3.11–12). You can also find further information on becoming a 'validly nominated' candidate in Part B, Chapter 3, paragraphs 3.14-65. Only 'validly nominated' candidates will have their names added to the ballot paper.

2.6 You may campaign and refer to yourself as a 'candidate' from the moment you intend to stand, but it is not until the dissolution of Parliament that someone can become a candidate for the purposes of obtaining the electoral register. However, for your name to be added to a ballot paper, you must also become a 'validly nominated' candidate. You become 'validly nominated' once you have submitted a completed set of nomination papers, together with a deposit of £500, to the (Acting) Returning Officer before the close of nominations.

<sup>2</sup> HoCDA. Other relevant pieces of legislation include: the RPA 1981, the RPA 1983, the Insolvency Act 1986, the House of Lords Act 1999 and the Enterprise Act 2002.



Irrespective of when you formally become a candidate for the purposes of obtaining the electoral register or being validly nominated, you must record and report your election expenses from 1 January 2010.

2.7 The (Acting) Returning Officer is the person responsible for the administration of the election in your constituency. In this guide, (Acting) Returning Officer is used to refer to both the Acting Returning Officer in England and Wales and the Returning Officer in Scotland. Part B, Chapter 2, 'Who is responsible for the election?' explains the roles and responsibilities in detail. Contact details can be obtained from the relevant Commission office. Telephone numbers and email addresses for the Commission's offices are provided earlier in this Part A, Chapter 1, 'Introduction'.

2.8 You should be aware that the UK Parliamentary general election timetable is extremely tight and that **deadlines for becoming validly nominated are fixed and the (Acting) Returning Officer cannot move these for any reason**. They will be stated in a notice published by the (Acting) Returning Officer called the notice of election. A generic election timetable is provided for your information in Part B, Chapter 1, 'The deadlines'.

## Forms you must submit to become 'validly nominated'



All the required forms must be submitted before 4pm on the eleventh working day before the poll for your nomination to be valid. A step-by-step guide to the nominations process is provided in Part B, Chapter 3, 'Running for election'.

You should be aware that it is a serious offence to include false information on any of your nomination forms. Anyone found guilty of such an offence may be sentenced to imprisonment for up to a year, or face an unlimited fine, or both. The election may also be invalidated as a result.

2.9 You must complete and submit the following forms:

- a nomination paper
- a home address form
- your consent to nomination

2.10 If you wish to stand on behalf of a registered political party and use their emblem and name, or any of the party's registered descriptions, you must also submit the following:

- certificate of authorisation to use a party name or description
- an emblem request form

2.11 These forms are collectively known as 'nomination papers' and can all be obtained, along with any other relevant forms, from the (Acting) Returning Officer. They will also be available from the Commission's website at [www.electoralcommission.org.uk/guidance/those-we-regulate/candidates-and-agents](http://www.electoralcommission.org.uk/guidance/those-we-regulate/candidates-and-agents).

## How to complete your nomination forms

### **Nomination paper**

2.12 The nomination paper must contain your name and must be signed by 10 electors from the constituency, known as subscribers.

2.13 Once the UK Parliament has been dissolved and you or others declare you to be a candidate you will be entitled to a free copy of the electoral register. The register allows you to check that your subscribers are in fact registered electors in the constituency. The Electoral Registration Officer(s) for the constituency will supply you with a copy on making a request in writing. Contact details can be obtained from your (Acting) Returning Officer or from [www.aboutmyvote.co.uk](http://www.aboutmyvote.co.uk).

### **Home address form**

2.14 On this form you must state your home address in full. If you do not want your address to be made public and to appear on the ballot paper, you must state the constituency in which your home address is situated or, if you live outside the UK, the country in which you live.

### **Consent to nomination**

2.15 You will also have to complete a consent to nomination form. You will be asked to give your date of birth and declare that you are not disqualified from being elected. You will also need a witness to attest the form.

### **Descriptions and emblems**

2.16 The nomination paper allows you to enter a description. This description will appear under your details on the ballot paper.

2.17 You may use the word 'Independent' (and/or 'Annibynnol' in a constituency in Wales) or you may choose not to use a description at all and leave that part of the nomination paper and the ballot paper blank.

2.18 If you are a party candidate, you may use a description, but this must be either one of the descriptions registered by your party with the Commission or the registered name of your party. You must also supply a certificate of authorisation signed by your party's Nominating Officer (or a person appointed by them to act on their behalf).

2.19 If you are standing on behalf of a party and wish to have a registered party emblem printed on the ballot paper next to your name, you must also sign and submit an emblem request form before the close of nominations.

## Delivering the forms

2.20 You or your election agent should check the arrangements for the delivery of nomination papers with the (Acting) Returning Officer. Nomination papers can only be delivered between 10am and 4pm on the days stated on the notice of election.

2.21 The sooner nomination papers are submitted, the better. Early submission will give you sufficient time to fill in and submit a new set of forms if you have made a mistake that has invalidated your nomination.

2.22 Nomination papers can only be delivered in person and by certain people:

- you
- your election agent
- one of the first two subscribers shown on the nomination paper, who are also known as the proposer and seconder

## Paying the deposit



By the close of nominations the (Acting) Returning Officer must have received the £500 deposit for your nomination to be valid. Payment arrangements should be checked well in advance with the (Acting) Returning Officer. The deposit will be returned to you if you gain more than 5% of the total valid votes cast in the constituency. See Part B, Chapter 3, paragraphs 3.64–7 for further guidance on the deposit.

## What types of agents are there and what do they do?



There are different categories of agents, although it is the election agent who will be the person responsible in law for managing all your election finances. Make sure you select someone you feel you can trust to act as your election agent. Further details about all agents' roles and responsibilities and how to appoint them can be found in Part B, Chapter 2, paragraphs 2.9–41.

### Election agents

2.23 Every candidate must have an election agent – although you can act as your own election agent if you wish. The deadline for appointing an election agent is the close of nominations. If no agent is appointed by that time, you will automatically become your own election agent, but you may revoke your appointment and appoint someone else later.

2.24 The election agent is the person responsible in law for the proper management of your election campaign. In particular, the election agent is responsible for all the financial aspects of your election. An election could be brought into question if your election agent does not perform their duties promptly and correctly.

### Sub-agents

2.25 To assist them with their duties, election agents in **county constituencies** can appoint sub-agents for particular parts of the constituency, as long as those parts do not overlap. Your (Acting) Returning Officer will be able to advise you whether or not the constituency you intend to stand in is a county constituency.

### Postal vote opening, polling and counting agents

2.26 You, or your agent, can also appoint people to observe proceedings on your behalf at postal vote openings, on polling day in polling stations and at the count.

## Free resources available to you as a candidate



Once Parliament has been dissolved and you have declared yourself a candidate, you will be entitled to a free copy of the electoral register and to use public meeting rooms free of charge. After becoming validly nominated, i.e. after submitting your nomination papers and deposit, you will also be entitled to post, free of charge, an election communication to electors in the constituency. You will, however, be responsible for printing costs. For further guidance, see Part B, Chapter 4, paragraphs 4.1–19.

### The electoral register

2.27 As a candidate, you will be entitled to a free copy of the full electoral register for the constituency you are contesting (including absent voters lists). The register can be used to ensure that your nomination papers are completed correctly, to assist you with your campaign and to check that any donations received are permissible. The request for the register must be made in writing; the (Acting) Returning Officer or the relevant Electoral Registration Officer(s) will be able to provide you with a form for this purpose.

### Use of rooms for public meetings

2.28 As a candidate you will be entitled to use certain rooms free of charge to hold public meetings. The (Acting) Returning Officer will be able to provide you with a list of the rooms available in the constituency.

2.29 Such meetings can be held between the day the (Acting) Returning Officer receives the legal document that requires them to hold an election (known as ‘the writ’) and the day before polling day.

2.30 While you will not need to pay for hiring the venue, you will need to cover running costs such as heating or lighting.

### Freepost

2.31 As a ‘**validly nominated**’ candidate you will be entitled to free postage for one election communication to electors in your constituency.

2.32 You should consult Royal Mail’s guidance on candidate mailings at [www.royalmail.com/candidatemail](http://www.royalmail.com/candidatemail) for more details.

## What you need to consider when producing campaign publicity materials



All printed election publicity must carry an imprint with details of the name and postal address of the printer and promoter of the material. Further examples and information are provided in Part B, Chapter 4, paragraphs 4.23–37.

2.33 Campaign publicity material is subject to a number of restrictions under electoral law. For example, no campaign publicity material may resemble a poll card or contain a false statement about the personal character or conduct of a candidate. You can make any statement about politics or another candidate's or party's policies, but you need to be aware that campaign publications are subject to the general civil and criminal law. They must not contain statements or comments that constitute libel, otherwise you could be liable to serious legal action. Statements or comments that incite violence and/or hatred would also leave you liable to criminal action.

## What are the limits on spending and what donations are allowed?



As a candidate, you are subject to spending limits during the regulated period ahead of the election. You can only accept donations worth more than £50 from certain UK-based sources.

Advice on what counts towards your election spending and which donations you can accept is provided in Part C.

2.34 You must record spending on your election campaign from **1 January 2010**. The regulated period is split into two sections:

- the **long campaign**, which starts on 1 January 2010 and ends on the date that Parliament is dissolved
- the **short campaign**, which starts on the day you become a candidate for the purposes of obtaining the electoral register and ends on polling day

2.35 There are different spending limits for each period. Further guidance is provided in Part C, Chapter 2, 'The spending limits – when they apply and how much you can spend'.

2.36 There are also rules about who you can accept donations from, and you must report all donations received with a value over £50. For general information on what counts as a donation and what to do if you receive one, please see Part C, Chapter 4, 'How to deal with donations'.

## Attending electoral proceedings



Both you and your election agent are entitled to attend the following electoral proceedings:

- the delivery of nomination papers (but only from the point that your nomination paper has been delivered)
- postal vote openings
- the poll
- the count

For a description of the proceedings and an explanation of what you and your election agent may and may not do while observing them, please see Part B, Chapter 2, paragraphs 2.9–41; Chapter 3, paragraphs 3.68–76; and Chapter 5, 'Postal voting opening sessions, the poll and the count.'

## What to do after the election



After the results have been announced, and even if you have not been successful, there are a number of documents that your agent will need to submit to the (Acting) Returning Officer.

2.37 The documents that must be submitted after an election are listed in Table 2.<sup>3</sup>

**Table 2: Documents that must be submitted after an election**

Document required	Deadline for submission (calendar days)
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

2.38 Downloadable copies of the required forms and explanatory notes to help candidates and election agents to complete them can be found on our website at [www.electoralcommission.org.uk/guidance/those-we-regulate/candidates-and-agents](http://www.electoralcommission.org.uk/guidance/those-we-regulate/candidates-and-agents). Advice on completing the forms can also be obtained from the Commission by phoning 020 7271 0616. If you are standing in Scotland, you should phone 0131 225 0200, and in Wales you should call 029 2034 6800.

<sup>3</sup> Section 81, RPA 1983.



# Part B – Standing for election

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# 1 The deadlines



As this Part of the guide is aimed primarily at candidates, we have used 'you' whenever we refer to the candidate unless otherwise stated.

This guidance is not meant as a comprehensive guide to the relevant election law, and no expression of views on the part of the Commission can alter the application of any legislation to any particular case. While the Commission has a statutory power to provide advice, questions of the final interpretation of the law are ultimately a matter for the courts. A court would have regard to any guidance provided by the Commission.

## Election timetable



The election timetable is prescribed in law and is given in Table 3 below in its generic form. Once the election has been called, you will be able to download a timetable with actual dates from our website at [www.electoralcommission.org.uk](http://www.electoralcommission.org.uk). **The (Acting) Returning Officer has no discretion to extend any deadline no matter what the circumstances.**

1.1 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 at the end of that day. For the purposes of the election timetable, any references to days should be read as 'working days', unless otherwise specified. When calculating the deadlines, weekends and bank holidays are excluded.

**Table 3: Election timetable**

<b>Event</b>	<b>Number of working days before polling day (deadline if not 12 midnight)</b>
Issue of writ/proclamation	17 days
Receipt of writ	17 or 16 days
Notice of election published	Not later than 2 days after receipt of writ (by 4pm) (Most likely to be published on date of receipt of writ)
First delivery of nomination papers	Not earlier than 1 day after publication of notice of election (10am)
Deadline for delivery of nomination papers	11 days (4pm)
Deadline for withdrawals of nomination	11 days (4pm)

**Table 3 (Cont.): Election timetable**

<b>Event</b>	<b>Number of working days before polling day (deadline if not 12 midnight)</b>
Deadline for requests for a new postal vote or to change or cancel an existing postal vote or proxy arrangement	11 days (5pm)
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	11 days
Deadline for new applications to vote by proxy (not postal proxy), except for medical emergencies	6 days (5pm)
Election notice of alteration to the register published	5 days
Polling day	0 (7am to 10pm)
Last day to issue replacements for spoilt or lost postal ballot papers	Polling day (5pm)
Deadline for new applications to vote by proxy on grounds of a medical emergency	Polling day (5pm)
Deadline to make alterations to the register to correct a clerical error or to implement a court (registration appeal) decision	Polling day (9pm)

## 2 Who is responsible for the election?



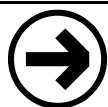
A number of institutions and people are responsible for, or concerned with, various aspects of a UK Parliamentary general election. These are:

- the Ministry of Justice
- the Electoral Commission
- the Returning Officer and Acting Returning Officer
- the Electoral Registration Officer
- elections office staff
- election agents
- sub-agents (in county constituencies only)
- postal voting, polling and counting agents
- electoral observers
- tellers

### The Ministry of Justice

2.1 The Ministry of Justice (MoJ) is the central UK government department with responsibility for the legislative framework for UK Parliamentary elections and all issues covered by PPERA (such as party and candidate finance law). These include the registration of political parties, rules on donations to political parties and third-party donations. The MoJ should be contacted if you have comments on the content of legislation, rather than how it is implemented.

### The Electoral Commission



More details about the Electoral Commission are given in Part A, Chapter 1, 'Introduction'.

### The Returning Officer and Acting Returning Officer



In England and Wales, the Returning Officer is a largely ceremonial position. Their rights are only to receive and return the writ and to announce the result at the end of the count. In a borough constituency, the mayor or chairman of the district is the Returning Officer. In a county constituency, the Sheriff of the County is the Returning Officer. The actual election is, however, run by the Acting Returning Officer, who is normally the chief officer of the local authority.



In Scotland, the Returning Officer for a UK Parliamentary election is the same person who is the Returning Officer for local government elections, and they are responsible for the running of the election. The term Acting Returning Officer is not used in Scotland.

2.2 In this guide, (Acting) Returning Officer is used to refer to both the Acting Returning Officer in England and Wales and the Returning Officer in Scotland. Contact details can be obtained from the relevant Commission office. Telephone numbers and email addresses for the Commission's offices are provided in Part A, Chapter 1.

2.3 The day-to-day work of the election is usually managed by elections office staff, and it is these staff with whom candidates and agents are likely to have most dealings during the course of the election.

2.4 It is important to note that (Acting) Returning Officers and their staff must act impartially in their dealings with candidates and agents at all times during the election. Also, no one employed by the (Acting) Returning Officer can help a candidate 'in or about the election'.<sup>4</sup> While undertaking election duties, the (Acting) Returning Officer, although usually a senior employee of the council, is not accountable to the council, but is independent and answerable only to the courts.

2.5 The same rules apply to the staff appointed by (Acting) Returning Officers to help them run the election. Any staff appointed during the election period are under the direction and control of the (Acting) Returning Officer, irrespective of their normal employment. The (Acting) Returning Officer is required to appoint a Presiding Officer for each polling station in the constituency, 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

2.6 It is important to note that (Acting) 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, the matter should be referred to the police. Unsubstantiated allegations should not be made as a campaign tactic.

## The Electoral Registration Officer

2.7 The Electoral Registration Officer is responsible for maintaining the register of electors and absent voters lists. In England and Wales, the Electoral Registration Officer is normally a senior officer in the local authority and may also be an (Acting) Returning Officer. In Scotland, the Electoral Registration Officer is normally the person who has also been appointed as Assessor.<sup>5</sup> Contact details can be found at [www.aboutmyvote.co.uk](http://www.aboutmyvote.co.uk).

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<sup>4</sup> Rule 26(1), PER.

<sup>5</sup> The only exception to this is Dundee City Council, which has appointed another senior officer of the local authority as the Electoral Registration Officer.

## Elections office staff

2.8 The day-to-day administration of the election is likely to be carried out by the council's elections team, working directly for the (Acting) Returning Officer. This includes recruiting and training the staff needed to run the election, arranging polling stations, delivering poll cards, 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 you and your election agent during the election.

## Election agents

2.9 The election agent is the person responsible in law for the proper management of your election campaign. In particular, your election agent is responsible for the financial management of the campaign and for ensuring that the declarations and returns of your election expenses are properly completed and delivered to the appropriate officer (see Part C, Chapter 6, 'After the election' for more details).



The election agent is responsible for all financial aspects of your election campaign. Once appointed, only the agent can make payments for election expenses.

## Who can be an election agent?

2.10 There are no particular qualifications for agents. You should, however, consider carefully who you are going to appoint and make sure that they understand their obligations.

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

- the (Acting) Returning Officer or any officer or clerk appointed under the election rules to run the election<sup>6</sup>
- any partner or clerk of any of the above individuals<sup>7</sup>
- anyone not entitled to vote in the election as a result of the report of an election court or a conviction for a corrupt or illegal practice under the RPA 1983<sup>8</sup>

## Appointing an election agent

2.12 Every candidate must have an election agent, although you can act as your own agent if you wish.

2.13 You may appoint an election agent at any time, and you should do this in writing. You do not need to notify anyone of the appointment until the short campaign has begun.

2.14 No later than the deadline for the delivery of nomination papers, you must declare the name and both the home and office addresses of your election agent in

<sup>6</sup> Section 99(1)(a) and (b), RPA 1983.

<sup>7</sup> Section 99(1)(c), RPA 1983.

<sup>8</sup> Section 165(1), RPA 1983.

writing to the (Acting) Returning Officer.<sup>9</sup> The written declaration should be signed by you and by the election agent to show their acceptance of the post.<sup>10</sup> The (Acting) Returning Officer will be able to provide a form, or you could use the form of declaration provided on the Commission's website at [www.electoralcommission.org.uk](http://www.electoralcommission.org.uk).

2.15 It is useful – though not a requirement – if the election agent provides the (Acting) Returning Officer with a contact telephone number and email address, for ease of communication.

2.16 If you have not appointed someone else as your election agent by the close of nominations, you will automatically become your own election agent.<sup>11</sup>

2.17 You can revoke the appointment of your election agent at any time and a new appointment can be made by the same process. If your election agent dies, you can also appoint a new agent, after you have made your declaration to the (Acting) Returning Officer. If a new appointment is not made on the day of death or the day after, then you will be deemed to be your own election agent from the time of death.<sup>12</sup>

2.18 You can also revoke your own 'appointment' and appoint a new election agent at any time up to polling day.<sup>13</sup>

2.19 Once an agent has signed their acceptance they cannot resign and must fulfil their duties until their appointment is revoked.

### **Election agent's office address**

2.20 It is important to note that, if you have appointed an election agent, their office address must be:

- within the parliamentary constituency where you are standing, or
- within a constituency which adjoins the constituency where you are standing, or
- within Wales, within a Welsh county borough which is part of, or adjoins, the constituency, or
- within London, within a London borough which is part of, or adjoins, the constituency

2.21 The election agent's office address will often be the same as their home address, but it might also be that of the local political party office or an office especially set up for the election.

2.22 Where you are acting as your own election agent, the office address is deemed to be the address given on the home address form described in Part B, Chapter 3, paragraphs 47–8. If that address is outside the relevant qualifying area (see above),

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<sup>9</sup> Sections 67(1) and 69(1), RPA 1983.

<sup>10</sup> Section 67(5), RPA 1983.

<sup>11</sup> Section 70(1), RPA 1983.

<sup>12</sup> Section 70(2), RPA 1983.

<sup>13</sup> Section 70(3A), RPA 1983.



the office address is deemed to be the qualifying address of the person named in the statement as proposer.<sup>14</sup>

2.23 On one of the nomination papers that you will be required to submit – the home address form – you may request that your home address is not published on the statement of persons nominated and on the ballot paper. If you decide that you wish to keep your home address from being published you should be aware that if you act as your own election agent, or do not appoint another person as your election agent, your home address will still be published by the (Acting) Returning Officer on the notice of appointment of election agents.<sup>15</sup> If you do not wish your home address to be published on that notice you should appoint another person to be your election agent.

## Sub-agents

2.24 Sub-agents may be appointed in county constituencies only.<sup>16</sup> The (Acting) Returning Officer will be able to tell you or your agent whether or not your constituency is a county constituency. Election agents may appoint sub-agents for particular parts of the constituency, as long as those parts do not overlap. The agent may determine the parts into which they wish to sub-divide the constituency.

2.25 A sub-agent may do anything, including incur election expenses, as if they were an election agent and do anything which the election agent is entitled to do within the area to which they are appointed. The election agent should ensure that whoever they decide to appoint as a sub-agent is aware of the election and spending rules. Any act, illegal practice or other offence committed by a sub-agent will be treated as if it had been done by the election agent themselves.

2.26 We strongly recommend that election agents give a clear written notice to any sub-agents of the maximum amount of expenditure that they can incur, as all expenditure will count towards the overall limit for the candidate. Expenditure in excess of any given amount in such a notice is the responsibility of the election agent. For further information on election spending, see Part C.

2.27 The election agent must give written notice to the (Acting) Returning Officer of the appointment of sub-agents by 12 midnight at the end of the second working day before the poll. The notice must state the name and address of each sub-agent and the area in which they may act. The relevant form can be obtained from your (Acting) Returning Officer or from the Commission's website at [www.electoralcommission.org.uk/guidance/those-we-regulate/candidates-and-agents](http://www.electoralcommission.org.uk/guidance/those-we-regulate/candidates-and-agents). The election agent can revoke an appointment at any time and appoint someone else as a sub-agent. They must then again provide the same details to the (Acting) Returning Officer.

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<sup>14</sup> Section 70(4), RPA 1983.

<sup>15</sup> Section 67(6), RPA 1983.

<sup>16</sup> Section 68, RPA 1983.

## Polling agents, counting agents and agents at postal vote openings

2.28 Candidates and election agents can also appoint people to attend electoral proceedings on their behalf on polling day in polling stations, at postal vote openings and at the count, although there is no obligation to appoint any such people. Anyone apart from officials employed by the (Acting) Returning Officer can be appointed to act as polling, postal voting or counting agents.<sup>17</sup> A candidate can also act as their own polling, postal voting or counting agent. The same person can be appointed as a polling, counting and postal voting agent.

2.29 All agents are required to maintain the secrecy of voting, and are subject to the important legal requirements relating to secrecy contained in Section 66 of the RPA 1983, which are reproduced in Appendix B.<sup>18</sup>

### What does an agent at postal vote openings do and how are they appointed?

2.30 Postal voting is a form of absent voting (that is, voting otherwise than the elector themselves in person at the polling station). The elector must submit an application to the Electoral Registration Officer by 5pm, 11 working days before the poll. A Code of conduct for political parties, candidates and canvassers on dealing with postal votes and postal vote applications has been developed and agreed with a number of the largest political parties in Great Britain (see Appendix D). The administration of postal votes has changed since 2006, adding further security to the process. This includes:

- a requirement for each postal voter to provide their signature and date of birth (known as their '**personal identifiers**') on a separate postal voting statement at the time of voting
- the introduction of new offences relating to absent voting (see Appendix D)

2.31 Personal identifiers are collected from every postal voter on their postal vote application form. The identifiers provided on the postal voting statement are then checked back against the original application. (Acting) Returning Officers are required to check at least 20% of returned ballot packs at each opening session, but most will carry out checks on 100% of returned ballot packs.

2.32 (Acting) Returning Officers will carry out several postal vote opening sessions ahead of polling day and on polling day itself. You, your election agent and your postal voting agents may observe the postal vote opening process but must not interfere with it. (Acting) Returning Officers will give at least 48 hours' notice of the time and place for the opening of the ballot boxes containing the returned postal votes, and that notice will also specify the number of agents that you or your election agent is allowed to appoint. The maximum number that may attend will be decided by the (Acting) Returning Officer.

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<sup>17</sup> Rule 30, PER.

<sup>18</sup> Rule 31, PER.

2.33 The (Acting) 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 ballot box** containing the returned postal votes.<sup>19</sup>



Please note that candidates and agents are not entitled to attend the issue of postal votes.

What does a polling agent do and how are they appointed?

2.34 The main rights 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 who are 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. No further enquiries beyond the statutory questions may be made.
- 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.<sup>20</sup> (Please note that polling agents' seals **cannot** be attached to ballot boxes at the commencement of or during the poll.)

2.35 Polling agents must maintain the secrecy of the ballot. They must not give information to anyone as to who has or has not voted, or a person's electoral 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.

2.36 You or your election agent can also do any of the things that a polling agent is authorised to do.<sup>21</sup> 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.<sup>22</sup>

2.37 You or your election agent can appoint any number of polling agents to attend each polling station. However, only one of each candidate's polling agents will be

<sup>19</sup> Regulation 69(2), 2001 Regulations.

<sup>20</sup> Rule 43(1), PER.

<sup>21</sup> Rule 30(8) and (9), PER.

<sup>22</sup> Rule 30(10), PER.

allowed into a particular polling station at any one time.<sup>23</sup> Any agent may be appointed to attend more than one polling station.

2.38 The (Acting) Returning Officer must be notified **in writing** of the names and addresses of any polling agents **no later than the second working day before the poll.**<sup>24</sup>

## Electoral observers

2.39 In July 2006, the UK Parliament passed legislation which allows individuals and organisations to observe proceedings at elections in the UK.

2.40 Both representatives of the Electoral Commission and observers accredited by the Commission may observe proceedings at the issue and receipt of postal ballot papers, at the poll and at the counting of the votes. Representatives of the Commission are also entitled to observe the working practices of the Electoral Registration Officer and the (Acting) Returning Officer.

2.41 All observers must abide by a Code of practice, which includes a requirement to be politically impartial. More information on observers, including the Code of practice, can be found at [www.electoralcommission.org.uk/elections/electoral\\_observers](http://www.electoralcommission.org.uk/elections/electoral_observers).

## What does a counting agent do and how are they appointed?

2.42 The main role of a counting agent is to oversee the counting process on your 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. Counting agents may however draw to the attention of count staff any doubtful ballot papers and requests that the (Acting) Returning Officer mark on a rejected ballot paper the words 'rejection objected to' if they do not agree with their decision. Further details about proceedings at the count are outlined later in Part B, Chapter 5, 'Postal voting opening sessions, the poll and the count'.

2.43 The (Acting) Returning Officer will inform you of the number of counting agents you will be allowed to appoint. The minimum number you will be entitled to appoint is calculated by dividing the number of counting assistants employed at the count by the total number of candidates.<sup>25</sup> 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 constituency will be allowed to appoint exactly the same number of counting agents.

2.44 As with polling agents, either you or your election agent can appoint counting agents. Again, the (Acting) Returning Officer must be notified **in writing** of the names and addresses of counting agents **no later than the end of the second working day before the poll.**

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<sup>23</sup> Rule 32(2), PER.

<sup>24</sup> Rule 30(3), PER.

<sup>25</sup> Rule 30(2), PER.

## Tellers

2.45 Tellers usually volunteer on behalf of political parties. They stand outside polling stations or polling places and record the elector number of voters who have voted. This is for the purpose of assisting party workers to identify potential supporters who have yet to vote. However, tellers should be made aware that voters have the right to refuse to give them any information.

2.46 We have consulted on guidance on the activities of tellers. This guidance is reproduced in Appendix C. It is important to remember that the (Acting) Returning Officer is in charge of the conduct of the election, and so if they feel that the poll is being adversely affected by the activities of tellers, they will request that tellers either comply with agreed behaviour or leave the polling place.

### 3 Running for election



In order to be eligible to stand for election a person must be qualified to stand and not be disqualified. For your name to appear on a ballot paper, you must submit to the relevant (Acting) Returning Officer a set of nomination papers before 4pm on the eleventh working day before the poll, along with a £500 deposit. **The (Acting) Returning Officer cannot move the deadline for any reason.**

#### Qualifications required for candidature

3.1 To qualify as a candidate for a UK Parliamentary election you must satisfy the following criteria on the day you are nominated and on polling day.

3.2 You must:

- be at least 18 years old<sup>26</sup> **and**
- either be a British citizen or a citizen of the Republic of Ireland,<sup>27</sup> **or**
- be a citizen of a Commonwealth country and either not require leave to enter or remain in the UK or have indefinite leave to remain in the UK

3.3 There is no requirement for you to be a registered elector in the constituency.

3.4 Citizens of other countries (including other EU member states) are not eligible to become a Member of the UK Parliament.

#### Disqualifications

3.5 Certain people are disqualified from becoming a Member of Parliament:

- someone who is the subject of a bankruptcy restrictions order in England or a debt restrictions order in Wales<sup>28</sup>
- someone who has had their estate sequestrated in Scotland and remains undischarged<sup>29</sup>
- someone who has been adjudged bankrupt in Northern Ireland and remains undischarged<sup>30</sup>
- a convicted prisoner who is serving a prison sentence of more than 12 months<sup>31</sup>
- civil servants
- members of police forces
- members of the armed forces
- government-nominated directors of commercial companies
- judges

<sup>26</sup> Section 17, EAA.

<sup>27</sup> Section 18, EAA; Section 3, Act of Settlement 1700; and Section 52(6), British Nationality Act 1981.

<sup>28</sup> People who were declared bankrupt before the amendments to the bankruptcy disqualifications following commencement of the Enterprise Act 2002 and are discharged are not disqualified from standing. See also: Section 423(6A), Insolvency Act 1986.

<sup>29</sup> Section 427, Insolvency Act 1986.

<sup>30</sup> Section 427, Insolvency Act 1986.

<sup>31</sup> Disqualification under the RPA 1981.

- members of the legislature of any country or territory outside the Commonwealth
- people found guilty of certain electoral offences (corrupt or illegal practices)
- peers who sit and can vote in the House of Lords<sup>32</sup>
- bishops of the Church of England (known as the Lords Spiritual) who are entitled to sit and vote in the House of Lords

3.6 This list is not comprehensive and detailed lists of disqualifying offices are set out in the House of Commons Disqualification Act 1975 (as amended).



You should consult this legislation and, if in doubt, always seek your own legal advice. The (Acting) Returning Officer will not be able to advise you on this matter.

3.7 You cannot stand in more than one constituency at the same UK Parliamentary general election.<sup>33</sup>

3.8 Being a Member of the European Parliament is incompatible with being a Member of the UK Parliament.

## Disqualification under the RPA 1981

3.9 Under this Act, a person is disqualified from membership of the House of Commons if they meet **all** of the following criteria:

- They have been found guilty of one or more offences.
- They have been sentenced to be imprisoned or detained for more than one year.
- They are detained in the UK, the Republic of Ireland, the Channel Islands or the Isle of Man, or are unlawfully at large at a time when they would otherwise be detained.

3.10 The nomination of a person disqualified under this Act is void. The (Acting) Returning Officer must reject the nomination paper of such a person, either upon an objection being made or on their own initiative.

## Nomination

### Becoming a candidate

3.11 You may refer to yourself as a 'candidate' at any time, and spending limits apply from 1 January 2010. However, it is not until the **dissolution of Parliament** that you can become a candidate for the purposes of obtaining the electoral register and absent voters lists.

3.12 You will become a candidate for this purpose:

<sup>32</sup> House of Lords Act 1999.

<sup>33</sup> Rule 8(3), PER.

- on the date of the dissolution of Parliament at the earliest if, on or before that date, you have declared your intention to be a candidate at the election, or others have declared you to be a candidate, or
- otherwise, after the dissolution of Parliament on the day that you or others declare your intention to run for election, or you submit your nomination papers (whichever is earlier)

**Example box 1: Becoming a candidate for the purposes of obtaining the register and absent voters lists**

- Your local political party declares you to be a candidate for the next UK Parliamentary general election on 4 February. Parliament is dissolved on 11 March. You become a candidate on 11 March.
- You declare yourself to be a candidate for the next UK Parliamentary general election on 9 March. Parliament is dissolved on 11 March. You become a candidate on 11 March.
- You, or others, have not declared that you are going to be a candidate for the next UK Parliamentary general election, but you deliver valid nomination papers to the (Acting) Returning Officer on 17 March. You become a candidate on 17 March.
- Parliament is dissolved on 11 March. You, or others, have declared on 12 March that you are going to be a candidate at the election and you deliver valid nomination papers to the (Acting) Returning Officer on 17 March. You become a candidate on 12 March.

3.13 However, for your name to be added to a ballot paper, you must also become a 'validly nominated' candidate. This means that you must have submitted a completed set of nomination papers, together with a deposit of £500, to the (Acting) Returning Officer before the close of nominations at 4pm on the deadline day as published in the notice of election.



Nomination papers can only be delivered between 10am and 4pm on the days specified in the notice of election. Nominations cannot be delivered on the day the notice of election is published.

Nomination papers can only be delivered in person by you, your election agent (the form of appointment of the election agent may be delivered at the same time as the nomination paper) or the proposer or seconder as shown on the nomination paper. Nomination papers may not be sent by post, fax or other electronic means.

You should confirm the arrangements for the delivery of nomination papers with the (Acting) Returning Officer.



## Becoming a validly nominated candidate

**Step 1** – Contact your (Acting) Returning Officer and obtain a nomination pack. Attend any briefing sessions offered, and read any guidance provided locally and by the Electoral Commission.

**Step 2** – Complete the required nomination papers and ask 10 registered electors in the constituency to subscribe your nomination. Make a written request for a copy of the relevant electoral register(s) to allow you to check whether your subscribers are registered electors and include their elector numbers on the nomination form. The register is held by the Electoral Registration Officer. You can obtain contact details from your (Acting) Returning Officer or from [www.aboutmyvote.co.uk](http://www.aboutmyvote.co.uk).

**Step 3** – Submit completed nomination papers and a £500 deposit to the (Acting) Returning Officer by 4pm on the eleventh working day before polling day as stated on the notice of election.

3.14 You must complete and submit the following forms:

- a nomination form
- a home address form
- your consent to nomination
- a certificate of authorisation to use a party name or description (if you are a party candidate and wish to use a party name or description registered with the Commission)
- an emblem request form (only if you are a party candidate and wish to use a party emblem)

3.15 We collectively refer to these as ‘nomination papers’.



The (Acting) Returning Officer will supply you with as many copies of the nomination papers as you require. Alternatively, the forms provided on our website at [www.electoralcommission.org.uk](http://www.electoralcommission.org.uk) could be completed and handed to the (Acting) Returning Officer. (Acting) Returning Officers will also prepare the nomination form for signature if required.<sup>34</sup>

3.16 We recommend that you submit nomination papers as early as possible so that there is time to submit a new one if the first has a mistake and is deemed invalid by the (Acting) Returning Officer.

3.17 By the close of nominations, you must also have deposited £500 with the (Acting) Returning Officer for your nomination to be valid.

### Your nomination paper

3.18 Anyone wishing to stand for election needs to complete a nomination following the prescribed form.<sup>35</sup>

<sup>34</sup> Rule 7(4), PER.

<sup>35</sup> Rule 6(1), PER.

3.19 At an election in a constituency in Wales, a nomination paper may be submitted in Welsh.

3.20 The nomination paper needs to contain your full name and must be signed by 10 electors from the constituency – these electors are known as subscribers. You may also request to use on the ballot paper any commonly used name you have, rather than your full name. Further information on this can be found in the paragraphs below. If you want to use a description other than ‘Independent’ or ‘Annibynol’ on the ballot paper, you can only do so with the permission of a registered political party and you will need to submit a certificate of authorisation. See later in this chapter, paragraphs 3.34–40 for further details.

3.21 **Name** – the nomination form must include your surname, then other names in full;<sup>36</sup> you risk having your nomination paper rejected by the (Acting) Returning Officer if you use initials.

3.22 You may ask for a commonly used surname(s) and/or forename(s) to be printed on the statement of persons nominated and on the ballot papers if you wish. There is a section on the nomination paper to make this application next to the place for your full name.

3.23 You should only request a commonly used name if you actually commonly use that name.<sup>37</sup> There is no requirement to use a commonly used name, but you can do so if you have a commonly used name which you would like to appear on the ballot paper. If you intend to stand under your full name, you should leave the commonly used name boxes on the form blank.

3.24 Commonly used names which the (Acting) Returning Officer considers likely to mislead or confuse electors, or are obscene or offensive, will be disallowed.<sup>38</sup>

3.25 If the name(s) is not permissible, the (Acting) Returning Officer will inform you in writing why they have disallowed the commonly used name. In such a case, your full name will appear on the statement of persons nominated and the ballot paper.

3.26 If the (Acting) Returning Officer does allow the commonly used name it will appear on the statement of persons nominated, which will be combined with the notice of poll, and will be printed on the ballot papers instead of your full name.

3.27 Titles or prefixes, such as Mr, Mrs or Dr, should not be used as part of the actual name. However, if you are commonly known by a name that includes a prefix, such as Dr Vanessa Smith, then you may include the prefix in the commonly used forename box.

3.28 If the candidate’s full name is Andrew John Miller but he is normally known by the name ‘Andy’, he has two options. His first option would be to use his commonly used name, in which case his nomination paper would read:

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<sup>36</sup> Rule 6(2), PER.

<sup>37</sup> Rule 6(2A), PER.

<sup>38</sup> Rule 14(2B), PER.

<b>Candidate's surname</b>	<b>Other names in full</b>	<b>Commonly used surname (if any)</b>	<b>Commonly used forenames (if any)</b>
Miller	Andrew John		Andy

3.29 The ballot paper would show:

<b>MILLER</b>
Andy Miller

3.30 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:

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

3.31 The ballot paper would show:

<b>MILLER</b>
Andrew John Miller

3.32 Should you require a single name only (e.g. Superstar, see Table 4 below) then this should be clearly indicated on the form – with the unused commonly used surname/forename box marked 'none to be used' or crossed through. If either the commonly used forename or surname box is left blank, then your actual forename or surname, depending on which commonly used name box has been left blank, will go on the ballot paper.

**Table 4: Candidate’s names options**

<b>Candidate’s actual surname</b>	<b>Candidate’s other names in full</b>	<b>Commonly used forename(s)</b>	<b>Commonly used surname</b>	<b>Name to go on statement of persons nominated and notice of poll</b>	<b>Name to go on ballot papers</b>
Elector	Ann	Elsie	Voter	Voter, Elsie	VOTER Elsie Voter
Elector	Ann	[Blank]	Voter	Voter, Ann	VOTER Ann Voter
Elector	Ann	Elsie	[Blank]	Elector, Elsie	ELECTOR Elsie Elector
Elector	Ann	None to be used	Superstar	Superstar	SUPERSTAR

3.33 A person who is known by their title may use this instead of their surname. For example, a candidate who has the actual name of Jo Smith, but who has the hereditary title of Baroness Purple, may use the name Jo Purple as if it were their actual name.<sup>39</sup> In this case the name Jo Purple may be used by the candidate as their actual name without the need to fill in the commonly used name boxes.

3.34 **Description** – the nomination paper allows you to enter a description. This description will appear under your details on the ballot paper. You may use the word ‘Independent’ (and/or ‘Annibynol’ in a constituency in Wales) or you may choose not to use a description at all and leave that part of the nomination paper and the ballot paper blank.

3.35 If you are a candidate representing a political party, you may use any one of your party’s descriptions registered with the Commission or the registered name of your party.<sup>40</sup> The current name and list of descriptions registered by political parties are available at <http://registers.electoralcommission.org.uk/regulatory-issues/regpoliticalparties.cfm>. By the close of nominations, you must supply a form, the ‘certificate of authorisation’, signed by your party’s Nominating Officer or a person appointed by them to act on their behalf, giving you permission to use one of the party’s descriptions or the party name. See later in this chapter, paragraphs 3.52–4 for more details on the certificate of authorisation. If you would like to register a political party to allow you to use a description other than ‘Independent’, more details can be found later in this chapter, paragraphs 3.77–9.

3.36 A political party may register a description in English or Welsh. The party may also register a translation of that description in Welsh or English respectively. A candidate in a constituency in Wales may use the description and/or its translation on their nomination paper, if authorised by a certificate of authorisation. Party names can also be registered with a translation and can be used in the same way.

<sup>39</sup> Note 2, Form of nomination paper, Appendix of forms, PER.

<sup>40</sup> Section 28A, PPERA, as inserted by Section 49, EAA.

3.37 You may stand as a candidate on behalf of two or more different registered political parties and use a joint description as registered with the Commission. You will need authorisation in writing from each party's Nominating Officer or someone appointed by them to act on their behalf before you can use a joint description.

3.38 In summary, you have five options in respect of the description. You can:

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' (and/or 'Annibynnol' in a constituency in Wales).
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 or more parties as it is registered with the Commission, with authorisation in writing from the Nominating Officer for each registered political party, or people acting on their behalf.

3.39 As stated above, the proposed description or party name must be registered with the Commission. If it is not, the (Acting) Returning Officer must hold the entire nomination paper invalid.<sup>41</sup>

3.40 The Speaker of the House of Commons has special rules on the description that they may use – details regarding this are available from the Commission on request.

3.41 **Subscribers and access to the register** – you will need 10 electors registered in the constituency as Parliamentary electors on the last day for publication of the notice of election to subscribe your nomination form. A person who is shown on the register as being under 18 years old can only subscribe a nomination form if they will be 18 years old on or before polling day. 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 forms.

3.42 Your name, party name (if applicable) and description (if applicable) should be given on the form before you ask any electors to subscribe your nomination. Your nomination form should not be altered after signatures have been added.

3.43 Subscribers can only subscribe one nomination paper at the election.<sup>42</sup> Once a nomination paper is formally submitted to the (Acting) Returning Officer, signatures on nomination forms cannot be withdrawn. If an elector does sign two or more nomination forms, the first nomination form delivered to the (Acting) Returning Officer will be accepted and the rest will be invalid.

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<sup>41</sup> Rule 12(3A), PER.

<sup>42</sup> Rule 7(5), PER.

3.44 Only the first 10 subscribers on any nomination form will be considered by the (Acting) Returning Officer. If one of the first 10 subscribers is invalid, irrespective of whether more than 10 subscribers have been added to the nomination form, the (Acting) Returning Officer must hold the nomination form invalid.

3.45 To ensure that the nomination paper is completed correctly you should obtain a copy of the electoral register that will be valid for nominations at the election.<sup>43</sup> The elector number of each subscriber, including the distinctive letter(s) of the polling district, must be entered on the nomination paper.



You are entitled to receive a free copy of the register for the constituency in which you are standing from the moment that Parliament has been dissolved if you, or others, have expressed your intention to stand as a candidate at the election. The request must be made in writing to the Electoral Registration Officer. The (Acting) Returning Officer or the relevant Electoral Registration Officer(s) will be able to provide you with a form for this purpose.

3.46 You may be asked to sign a form undertaking to use the register and lists of absent voters in accordance with the 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.

### Home address form

3.47 The home address form must state your home address in full. If you do not want your address to be made public and to appear on the ballot paper, you must make a statement to this effect on the home address form and give the name of the constituency in which your home address is situated or, if you live outside the UK, the name of the country in which you reside.<sup>44</sup>

3.48 Your home address must be completed in full, and should not contain any abbreviations. The address must be your current home address, and not a business address. The address does not need to be in the constituency in which you intend to stand.

### Consent to nomination

3.49 In order for your nomination as a candidate to be valid, you must also formally consent to your nomination in writing.<sup>45</sup> On the consent to nomination form you will be asked to state that you are qualified and not disqualified and to give your date of birth.

3.50 You must sign and date the consent to nomination within one calendar month before the last day for delivery of nomination papers. Your signature must be witnessed, and the witness must also sign the form and give their full name and address.<sup>46</sup> The consent form should be delivered in person to the (Acting) Returning Officer with the other nomination papers and must be delivered before 4pm on the eleventh working day before the poll.

<sup>43</sup> Rule 7(6), PER is clear that the subscribers must be on the electoral register on the last day for the publication of the notice of election and must be able to vote on polling day (even if they are under 18 when they sign the paper).

<sup>44</sup> Rule 6(5), PER

<sup>45</sup> Rule 8(1), PER

<sup>46</sup> Rule 8, PER.

3.51 If you are out of the UK for the whole of the nomination period, which would make it impracticable for you to sign the consent, the consent may be made by telegram or other such form of communication such as fax or email before the deadline, and would not require attestation. The (Acting) Returning Officer would have to be satisfied that you were out of the UK and were not able to consent in the normal manner before accepting this method of consent.<sup>47</sup>

3.52 **Certificate of authorisation** – if you are a party candidate, you may use as a description either a description registered by the party with the Commission or the registered name of the party. The description section on the nomination paper must match the registered party name or description exactly. If it does not, the entire nomination will be invalid.

3.53 If you are going to use a party description or name you must supply a certificate of authorisation signed by your party's Nominating Officer (or a person appointed by them to act on their behalf). There is no prescribed form, but it must state that the named candidate can stand on the party's behalf and state the description that may be used: 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 registered descriptions. A form may be provided by the (Acting) Returning Officer in your nomination pack. The form can also be downloaded from the Commission's website at [www.electoralcommission.org.uk](http://www.electoralcommission.org.uk).

3.54 If the Nominating Officer allows you to use any of the descriptions that the party has registered with the Commission you should check the Commission's website at <http://registers.electoralcommission.org.uk/regulatory-issues/regpoliticalparties.cfm> to make sure that you select a valid description or party name. Some party names are listed on the website in a search-friendly format, e.g. Vote Party [The], even though the correct party name would be 'The Vote Party'.

3.55 **Emblem request form** – if you are standing on behalf of a party and wish to have a registered party emblem printed on the ballot paper next to your name, you must also sign and submit an emblem request form before the close of nominations. Each registered party can register up to three emblems; these emblems can be viewed or downloaded from our website at <http://registers.electoralcommission.org.uk/regulatory-issues/regpoliticalparties.cfm>.

3.56 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.

3.57 Please note that our website is not a depository of print-quality emblems; it simply holds the design of the emblem that may be used. Ensure that a good-quality version is available to the (Acting) Returning Officer for use on the ballot paper if necessary.

## Delivering your nomination papers

3.58 It is always advisable to submit nomination papers well in advance of the deadline, to allow time for any errors to be corrected. No changes can be made, or papers re-submitted, after the close of nominations.

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<sup>47</sup> Rule 8(2), PER.

3.59 Nomination papers can only be delivered between 10am and 4pm on the days stated on the notice of election, and cannot be delivered on the day of the publication of the notice of election itself. No new nomination papers can be submitted after the close of nominations. This is a statutory deadline and cannot be altered for any reason.

3.60 Nomination papers can only be delivered in person and by certain people:

- you
- your election agent
- one of the first two subscribers shown on the nomination paper, who are also known as the proposer and seconder

3.61 Ask the (Acting) Returning Officer whether they, or their staff, will offer an informal inspection of nomination papers. They may check the papers before they are actually lodged, and such an informal check may reveal any errors in time for these to be remedied. There is, however, no requirement for election staff to do this, especially if nomination papers are delivered on the last day.

3.62 The (Acting) 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.<sup>48</sup> For example, where an elector number has been entered incorrectly, the (Acting) Returning Officer may amend it if they are satisfied as to the cause of the error (for example, wrong polling district prefix, transposed number, etc.). Where the elector number has been omitted altogether, however, the nomination paper will be rejected on the basis that no error has been made to the number – it has simply not been supplied.



Please do not rely on the (Acting) Returning Officer's power to correct minor errors. The idea of rectifying 'obvious' errors of spelling is difficult, as what is obvious to one person may not be so to another. You should take care to ensure that all nomination papers are completed correctly before formally submitting them.

## False information on nomination papers

3.63 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 or not disqualified when that is not true, or to falsify the signature of a subscribing elector.<sup>49</sup> 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.<sup>50</sup> If a candidate or their agent are found guilty of making a false statement in a nomination paper, the election may be invalidated.<sup>51</sup>

<sup>48</sup> Rule 14A, PER

<sup>49</sup> Section 65A, RPA 1983.

<sup>50</sup> Section 168, RPA 1983.

<sup>51</sup> Section 159(1), RPA 1983.



## The deposit

3.64 A £500 deposit is required from candidates wishing to stand at a UK Parliamentary election.<sup>52</sup> This sum must be paid before 4pm on the last day for delivery of nomination papers. Payment may be made by legal tender. Payment may also be made by a banker's draft from a drawer (i.e. a bank/building society) which carries out business as a banker in the UK.

3.65 The (Acting) Returning Officer has a discretionary power to accept alternative forms of payment, such as credit or debit card or the electronic transfer of funds.<sup>53</sup> You or your agent should always check with the (Acting) Returning Officer as to the acceptable methods of payment. If card or transfer payments are accepted, they must have reached the (Acting) Returning Officer's account by the close of nominations, otherwise your nomination will be ruled invalid.

3.66 If the (Acting) Returning Officer allows the deposit to be paid by credit or debit card, there may be a fee charged by the bank or credit card company for the transaction, in which case you will be required to pay any additional fees as well as the £500 deposit.

3.67 Candidates who obtain more than 5% of the total valid votes cast will have their deposit returned.

## Attendance at the delivery of nomination papers

3.68 In addition to those people identified earlier in this chapter, paragraph 3.60, there are some people who are entitled to attend the nomination of candidates but who may not object to any of the nominations. These people are:

- one person appointed by each of the candidates to attend and not already entitled to attend
- Commission representatives<sup>54</sup>

3.69 No other person except the (Acting) Returning Officer and their staff is allowed to attend the delivery of nomination papers.<sup>55</sup> Nomination papers are not open to public inspection – they are only open to the people mentioned in this section.

## Objecting to nominations

3.70 From the moment that your nomination papers have been submitted, you and your election agent, as well as your proposer and your seconder, have the right to attend at the nomination of candidates and to inspect and object to the nomination of other candidates. There is no limit to the number of nomination papers you may deliver, but only the proposer and seconder of one nomination form chosen by you may inspect or object to the nomination of other candidates.

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<sup>52</sup> Rule 9, PER.

<sup>53</sup> Rule 9, PER.

<sup>54</sup> Rule 11(1), PER.

<sup>55</sup> Rule 11(1), PER.

3.71 As stated above, a candidate may also choose one other person to attend their nomination and all further nominations by other people, but that person does not have the right to inspect or object to the validity of any nomination paper.<sup>56</sup>

3.72 The time within which an objection can be made to a nomination paper depends on when the nomination paper is delivered.<sup>57</sup> Nomination papers delivered up until 4pm on the day before the final day for delivery can only be objected to up until 12 noon on the last day for delivery.

3.73 Nominations delivered on the last day can be objected to on that day until 5pm. If the objection relates to the particulars of the candidate on a nomination paper submitted on the last day, the objection must be made at the time of delivery or immediately afterwards.

3.74 There is a rare exception to these time limits: where the (Acting) Returning Officer considers that a candidate may be disqualified under the RPA 1981, they will publish a draft statement of persons nominated and the deadline for objection becomes 4pm on the day after the close of nominations.

3.75 There is no procedure laid down for making objections to nominations, and the (Acting) Returning Officer has no powers to act on an objection or to consider it in adjudicating a nomination (except an objection on the grounds that a candidate is disqualified under the RPA 1981, as above).

3.76 The (Acting) Returning Officer's decision that a nomination paper is valid cannot be challenged during the election. Any question on a nomination paper that has been deemed valid can only be made by way of an election petition.<sup>58</sup>

## Registering as a new political party

3.77 If you want to register a political party, you must send the following to the Party and Election Finance Directorate at the Electoral Commission:

- a completed application form (available for download from the Commission's website at [www.electoralcommission.org.uk](http://www.electoralcommission.org.uk))
- a copy of the party's constitution
- a draft financial scheme, and
- a fee of £150

3.78 Further information and guidance on registering a political party can be found in our document, *Registering a political party: a brief guide*, which can be found on our website or obtained by phoning 020 7271 0616.

3.79 Parties must be registered on the register of political parties **two days before the close of nominations**. Please note, however, that it may take up to four weeks (20 working days) to process applications, so you should submit your application as soon as possible.

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<sup>56</sup> Rule 11(4), PER.

<sup>57</sup> Rule 11, PER.

<sup>58</sup> Rule 12(5) and (6), PER.

## What if you no longer want to be a candidate?

3.80 Once the (Acting) Returning Officer has accepted your nomination, you can still withdraw from the election if you do so by the close of nominations (before 4pm on the eleventh working day before the poll). You can do this by delivering a written notice to the (Acting) Returning Officer, which must be signed and witnessed by one other person. Your deposit will be returned to you.



Please note that after the close of nominations, it is not possible to withdraw from the election, and the names of all candidates validly nominated at the close of nominations will appear on the ballot paper.

## Uncontested elections

3.81 If, after the close of nominations and the time allowed for withdrawals, there is only one validly nominated candidate, that person is declared elected.

3.82 The statement of persons nominated will, in addition to showing the one person standing nominated, also declare that person elected. That person will have their details returned to the Clerk of the Crown as the elected Member of Parliament for that constituency.

3.83 Candidates declared to be elected in an uncontested election must still make an election expenses return.

## Death of a candidate

3.84 The impact of the death of a candidate on the election depends on whether or not the deceased candidate was standing on behalf of a registered political party.

### Death of an independent candidate

3.85 If a candidate not standing on behalf of a political party dies, the election continues as normal.<sup>59</sup> If the deceased candidate receives the most votes, they are not elected and the election is re-run. No new nominations are required: all of the existing candidates remain nominated for the new election and retention or return of the deposit is determined by the re-run election result. No new nominations are allowed for the re-run election, although candidates may withdraw.

3.86 If the independent candidate who died did not receive the most votes at the original poll, the candidate who did is declared the winner and the election is not affected. If the candidate who died came joint first with the same number of votes as any other candidate, the other candidate is declared the winner.

3.87 In all circumstances, the deposit of the deceased candidate will be returned.<sup>60</sup>

<sup>59</sup> Rules 60–62, PER.

<sup>60</sup> Rule 60(3), PER.

## Death of a party candidate



It is the time at which the (Acting) Returning Officer receives proof of the candidate's death that is the relevant factor, not the actual time of death.

3.88 If the (Acting) Returning Officer receives proof and is satisfied before the declaration of result that a candidate standing on behalf of a political party has died, the election is stopped immediately.<sup>61</sup> If the poll is under way or the count is being undertaken, that process stops. The election is re-run.

3.89 No new nominations are required: all the existing candidates remain nominated for the new election and retention or return of the deposit is determined by the re-run election result. No new nominations are allowed for the re-run election, except that a person may be nominated and added to the list of candidates if they are authorised to stand by the registered party of the candidate who died. Any existing candidates may withdraw by the deadline for withdrawals for the new election. A party wishing to put forward a candidate to replace their candidate who has died must do so by the close of nominations based on the new timetable.

## Death of the Speaker of the House of Commons

3.90 If the (Acting) Returning Officer receives satisfactory proof before the result is announced that a candidate who was the Speaker of the House of Commons seeking re-election has died, then the election must be stopped immediately.<sup>62</sup> If the poll is under way or the count is being undertaken, that process stops. The election is re-run.

3.91 Any person who was validly nominated for the first election, except the candidate who has died, will remain validly nominated unless they withdraw by the deadline.

3.92 There is no restriction on who may submit new nominations for the new election, either as an independent candidate or as a candidate standing on behalf of a registered political party.

## New election

3.93 The timetable for any new election will be prepared as if the writ was received seven days after the proof of the death was received by the (Acting) Returning Officer. The (Acting) Returning Officer will set a new polling day and provide you with details of the revised election timetable.

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<sup>61</sup> Rule 63, PER.

<sup>62</sup> Rule 64, PER.

## 4 The election campaign



You can start campaigning at any time. You do not have to wait until you become a validly nominated candidate to declare that you will run for election, ask people to support you or publish campaign material.

There are a number of resources that may assist your campaign. This chapter provides further information on these, as well as details on the restrictions affecting campaign publicity material, and includes a list of electoral offences.

### Using the electoral register and absent voters lists

4.1 For information on how to obtain the electoral register and the absent voters list see Part B, Chapter 3, paragraphs 3.45–6.

4.2 The registration data provided will be the relevant part of the register for the constituency in which you are standing. The copy you will receive will be the one in force on the last day for publication of the notice of election.

4.3 Electors can register to vote up until the eleventh day before the poll, and you are also entitled to request the list of newly registered electors when this is published, five working days before polling day.

4.4 Strict legal restrictions apply to the use of information in the full electoral register and absent voters lists. A person who has been supplied with a copy of these must not:

- pass on a copy of the register or lists to any other person
- disclose any information from these (which is not contained in the edited version of the register also published by the Electoral Registration Officer)<sup>63</sup>
- make use of any information contained in the register or lists other than for electoral purposes<sup>64</sup>



You may only use the copy of the register and absent voters lists for electoral purposes. Any person found guilty of breaching the restrictions could face a fine of up to £5,000.

4.5 You may, however, supply your copy of the register or absent voters lists to your agent and campaign workers, who must also abide by the requirements listed above and use the data for electoral purposes only, to avoid potential criminal prosecution. You must not supply the register to anybody else and you should make sure that any person who receives information from the electoral register or absent voters lists is aware of the restrictions on the use of the information.

<sup>63</sup> 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.

<sup>64</sup> Regulation 108(5), 2001 Regulations; Regulation 107(5), 2001 Regulations (Scotland).

4.6 Checking the permissibility of donors is a legitimate electoral purpose, as is using the register and absent voters lists for canvassing support for your election.

4.7 Registered political parties and local constituency parties are entitled to the full register at any time on making a written request, irrespective of whether an election has been called or not. Similar restrictions on the use of the full register as stated above apply.

### Format of the electoral register and absent voters lists

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

4.9 CSV files can be read or modified with most popular spreadsheet or database applications and can also be read or modified with any text editor or word processing program. In particular, CSV files can be used with the mail-merge function of most word processing programs to create mailing labels and personalised letters.

4.10 There are no rules on the format in which the lists can be supplied: on the request form you can ask for the lists to be provided in either paper or data format. However, the Electoral Registration Officer only has an obligation to provide the data in the format in which they hold it.

### Use of schools and rooms for public meetings

4.11 Local education authorities in England and Wales and education authorities in Scotland are required to maintain a list of rooms in school premises that you are entitled to use for election meetings to which the general public is invited.<sup>65</sup> Similarly, the Electoral Registration Officer of each council in England and Wales, and the proper officer of each council in Scotland, must keep a list of the location and availability of other suitable meeting rooms in their area.<sup>66</sup>

4.12 You and your agent are entitled to inspect these lists at all reasonable times in the period between the publication of the notice of election and the day before polling day. You should speak to your education authority, Electoral Registration Officer or proper officer at the earliest opportunity if you wish to use this facility. You will need to contact the owners of these facilities with reasonable notice or your request may be declined.

4.13 In broad terms, the rooms that can be used are those funded by the local education authorities and councils. For example, in England and Wales, you can use suitable rooms in any community, foundation or voluntary school in the constituency, and if no such rooms are available, you can use any school in an adjacent constituency. In Scotland, candidates can use suitable rooms in any school that is not an independent school within the meaning of the Education (Scotland) Act 1980. Any public meeting room situated in the constituency that is supported out of public funds may also be used.

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<sup>65</sup> Section 95 and Schedule 5, RPA 1983.

<sup>66</sup> Section 95 and Schedule 5, RPA 1983.

4.14 While there is no hire charge for these rooms, you will need to pay for any expenses incurred during the meeting, such as heating, lighting and cleaning, and for any damage to the premises.<sup>67</sup>

4.15 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. You should also be aware that the legislation defines a public meeting room as a room 'which it is the practice to let for public meetings'. This means that not all rooms qualify and a specific room that you may have had the intention of using may not be on the list maintained by the relevant Electoral Registration Officer or proper officer.<sup>68</sup>

4.16 Section 97 of the RPA 1983 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. The maximum fine on conviction is £5,000.<sup>69</sup>

## Freepost

4.17 As a 'validly nominated' candidate you will be entitled to free postage on an election address to electors in the constituency. Candidates wishing to make use of this provision should contact Royal Mail to make arrangements. Royal Mail can require reasonable terms and conditions to be complied with.

4.18 You may have postage paid on either:

- one unaddressed election communication of up to 60 grams to every postal address, or
- one election communication of up to 60 grams addressed to each elector

4.19 We strongly advise you to consult Royal Mail's guidance on candidate mailings at [www.royalmail.com/candidatemail](http://www.royalmail.com/candidatemail).

## Canvassers

4.20 You 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.<sup>70</sup> In addition, members of the police forces, whether paid or unpaid, are prohibited from acting as canvassers.

4.21 A working definition of canvassing is:

... 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.<sup>71</sup>

<sup>67</sup> Section 95(4), RPA 1983, as applied by Section 96(4), RPA 1983.

<sup>68</sup> Section 95(7), RPA 1983.

<sup>69</sup> Section 97, RPA 1983.

<sup>70</sup> Section 111, RPA 1983.

<sup>71</sup> Section 100, RPA 1983. This definition is taken from the definition of illegal canvassing by police officers. In the absence of a specific definition elsewhere in the RPA 1983 we have used this as a working definition.

4.22 We do not consider that leaflet delivery falls within the definition of canvassing. You should make sure that anyone paid to deliver leaflets understands that they must not attempt to persuade electors to vote in a particular way.

## Campaign publicity material

4.23 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. For example, no campaign publicity material may resemble a poll card.<sup>72</sup>

4.24 It is a common complaint that campaign materials are not available in alternative formats or in large print. In order to be more accessible, for example to elderly or visually impaired voters, we recommend that you provide at least a text version of campaign materials in large print. Where appropriate, alternative formats or materials in languages other than English could also be considered. It is important that every elector has a chance to be part of the election process by being able to find out about the candidates and choose between them.

## Newspaper articles and advertisements

4.25 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 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

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

- Section 110 of the 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.<sup>73</sup>
- Section 143 of PPERA applies to election material relating to parties, or two or more candidates.



All printed election publicity must carry an imprint with details of the name and postal address of the printer and promoter of the material.

4.27 Election publicity also refers to materials that prejudice, criticise or disparage the electoral prospects at the election of other parties or candidates, or which

<sup>72</sup> Section 94, RPA 1983.

<sup>73</sup> Section 110, RPA 1983.



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.<sup>74</sup>

4.28 In relation to parties specifically, election material is material that can reasonably be regarded as intended to:

- a. promote or procure electoral success at any relevant election for:
  - i. one or more particular registered parties
  - ii. one or more registered parties which advocate (or do not advocate) particular policies or which otherwise fall within a particular category of such parties, or
  - iii. 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
  
- b. otherwise enhance the standing:
  - i. of any such party or parties, or
  - ii. of any such candidates

with the electorate in connection with future relevant elections (whether imminent or otherwise).<sup>75</sup>

4.29 Where election publicity can reasonably be regarded as referring to two or more candidates standing in the name of a party, this can be regarded as being published on behalf of the party, and not on behalf of the candidates.<sup>76</sup>

4.30 Materials that require an imprint include posters, placards and bills, although this is by no means an exhaustive list. If there is any doubt as to whether certain campaign material requires an imprint, we suggest that one should be added as a matter of recommended practice.

4.31 If no imprint is included in such materials, the promoter, any other person by whom the material is published and the printer are each liable to a fine of up to £5,000.<sup>77</sup> 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.

4.32 There is no requirement to include the details of a publisher; however, if the material includes the publisher's details in addition to that 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.<sup>78</sup>

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<sup>74</sup> Section 85(4), PPERA.

<sup>75</sup> Section 85(3) and (4), PPERA.

<sup>76</sup> Section 143(2A) and (2B), PPERA.

<sup>77</sup> Section 110(9), RPA 1983; Sections 143(8) and 150, PPERA.

<sup>78</sup> Section 143, PPERA, as amended by Section 66, EAA and Section 110, RPA 1983, as substituted by Schedule 18 of PPERA.

4.33 The intention of imprint requirements is to enable anyone to trace the person responsible for 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 the person can be contacted. It could, for example, be an office address.

4.34 An email address is not acceptable as an imprint address because it is not a physical address, and it is possible to create one using false or fictitious details.



#### **Internet and social networking material**

The rules on including an imprint do not apply to material that appears on a website, on a social networking site or on any other such system. However, websites that contain material by or on behalf of a candidate should have an imprint as a matter of recommended practice.

The imprint that should be included should be the same as for printed material, except that there would clearly be no requirement to give the printer's details.

Any posters that are available for download from a website should, however, carry the full imprint, i.e. they should include details of both the printer and the promoter.

#### **Who is the printer and who is the promoter?**

4.35 The promoter is the person who causes the material to be published.<sup>79</sup> The person on whose behalf the material is being published is the person/body to whom the material refers. Their details need only be included where that person/body is different from the promoter.

4.36 The printer is the person or company that physically prints the material. The publisher might be, for example, the same person as the printer, a candidate or agent, the local party organisation or a separate individual.

#### **Examples**

4.37 The following template can be used to create your imprint:

**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 party],

**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 third party. 'On behalf of' is only needed if the candidate or candidates are not also the promoter].

<sup>79</sup> Section 143(11), PPERA.



## Example box 2

### Sample imprints

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

### Imprints for independent candidates who have appointed an agent

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

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

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

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 the candidate].

### Imprints for independent candidates who are their own agents

If the candidate prints leaflets using their own equipment, the imprint should look like this:

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

If the candidate prints leaflets using a print company, the imprint should look like this:

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

### Imprints for party candidates

If the material is designed to enhance the standing of the party and does not mention a particular candidate, the imprint might look like this:

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].

If the material specifically mentions the candidate, then the imprint should refer to the candidate. The imprint might look like this:

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

## Display of advertisements

4.38 The display of all advertising is controlled by the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 in England, the Town and Country Planning (Control of Advertisements) Regulations 1992 in Wales and the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 in Scotland.

4.39 Practice can vary between councils depending on where advertisements are to be displayed. You 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.<sup>80</sup>

4.40 You and your agent should also be aware that councils exercise tight regulations with regard to display of advertisements on council property, e.g. lampposts, open spaces, highway verges, etc. We strongly recommend that you consult the appropriate council officer for guidance; the elections office will be able to advise who this officer is.

4.41 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.<sup>81</sup> 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

4.42 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.<sup>82</sup> It is a defence to show reasonable grounds for believing that the statement was true. This provision applies both before and during an election period, but is subject to the definition of a 'candidate', as discussed in Part B, Chapter 3, paragraphs 3.11–12. It is also an illegal practice to make a false statement of a candidate's withdrawal.<sup>83</sup>

4.43 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 shall be void.<sup>84</sup> Anyone found guilty of

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<sup>80</sup> Schedule 1, Town and Country Planning (Control of Advertisements) (England) Regulations 2007; Schedule 2, Town and Country Planning (Control of Advertisements) Regulations 1992; Regulation 12(2)(a), Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984.

<sup>81</sup> Section 109(1), RPA 1983.

<sup>82</sup> Section 106(1), RPA 1983.

<sup>83</sup> Section 106(5), RPA 1983.

<sup>84</sup> Section 159(1), RPA 1983.

breaching this provision may, upon summary conviction, be fined up to £5,000.<sup>85</sup> Further, people who have been found guilty of an illegal practice are subsequently banned from registering to vote at any UK Parliamentary elections or local government elections in Great Britain for a period of three years.<sup>86</sup> In addition to this, they are unable to hold office in the House of Commons or any other elected office in the same period. 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.

## Civil law

4.44 Election campaign material is also subject to general restrictions of the civil law. Election material that constitutes libel is liable to legal action.

## Other criminal offences

4.45 Election campaign material is also subject to general restrictions of the criminal law.

4.46 Under the Public Order Act 1986 and the Racial and Religious Hatred Act 2006 it is an offence to publish or distribute threatening, abusive or insulting material that is intended to stir up racial hatred or hatred on religious grounds.<sup>87</sup>

4.47 You and your agent should be aware of a number of other electoral offences specified by the RPA 1983. 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

4.48 A person is guilty of the corrupt practice of bribery if they, directly or indirectly, give any money, procure any office to or 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.<sup>88</sup>

### Treating

4.49 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 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.<sup>89</sup>

### Undue influence

4.50 The importance of unimpeded access to the polling station cannot be over-emphasised. The **intention** to unduly influence is also an offence.

4.51 A person is guilty of the corrupt practice of undue influence if:<sup>90</sup>

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<sup>85</sup> Section 169, RPA 1983.

<sup>86</sup> Section 173(1), RPA 1983.

<sup>87</sup> Sections 19 and 29C, Public Order Act 1986, as amended by the Racial and Religious Hatred Act 2006.

<sup>88</sup> Section 113(2), RPA 1983.

<sup>89</sup> Section 114(2), RPA 1983.

<sup>90</sup> Section 115(2), RPA 1983, as amended by Section 38, EAA.

- 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, or
- they impede or prevent or intend to impede or prevent the free exercise of the franchise of an elector through duress or a fraudulent device

4.52 If a candidate is considering the use of tellers or campaigners in or near to 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 C).

4.53 However, undue influence does not exclusively relate to physical access to the polling station. For example, a leaflet that threatens to make use of force in order to induce a voter to vote in a particular way would also be undue influence.

## Absent voting

### Postal and proxy votes

4.54 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

4.55 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 (Acting) 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

4.56 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.<sup>91</sup>

### Offences associated with absent voting

4.57 The Commission has 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 D. Please note that the legislative requirements for postal and proxy vote applications have changed since the last UK Parliamentary general election and so the Electoral Registration Officer(s) should be consulted before printing or distributing any such application forms.

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<sup>91</sup> Section 40, EAA.

## Reporting offences



Neither the (Acting) Returning Officer nor the Commission has any discretion to investigate allegations of the offences set out in this chapter, paragraphs 4.20–51.<sup>92</sup> We are not able to comment on the legality of any particular electoral material beyond the general advice we have given in this guidance.

In addition, leaflets and advertisements that are electoral material are not subject to the Advertising Standards Authority (ASA) code and therefore the ASA is not able to consider any complaint about electoral advertisements.

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. Reporting allegations to the police should not be considered unless the complaint is substantiated by evidence and the complainant is prepared to make a written statement.

## Campaigning on polling day



### **Definition of polling place and polling station for the purposes of this guidance**

**Polling place:** the building or area in which polling stations are situated.  
**Polling station:** the area where the poll takes place.

4.58 While it is clear that campaigning cannot happen within the actual area that the poll is taking place (the polling station) or other surrounding areas hired by the (Acting) Returning Officer (the polling place), there is no restriction on campaigning on polling day as long as you and your supporters do not break the law on undue influence (see above) and follow the Code of practice for tellers (see Appendix C). Electors must be able to quietly and privately cast their vote free of any intimidation (whether real or perceived). Electors should be able to enter the surrounding area in the same manner.

4.59 As a matter of recommended practice, 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 to the polling place. Cars being used in campaigns that are also used to transport voters may need to wait for the voter while they cast their vote at the polling station, but this should not be unduly prolonged.

4.60 If a Presiding Officer at a polling station considers that large groups of a candidate's supporters or detractors are gathered and that electors may feel intimidated or influenced, they may report that to the (Acting) Returning Officer.

4.61 If a Presiding Officer or the (Acting) Returning Officer expresses concern that you or your supporters may be breaching the law on undue influence you should consider taking action. You should remember that breaching the law on undue influence may invalidate your election.



<sup>92</sup> The Electoral Commission can, however, investigate allegations of election expenses offences.


4.62 The Presiding Officer or (Acting) Returning Officer may also report actions that may breach public order to the police. The police may act to ensure that public order and other general criminal law are not breached at or near the polling places.

## Relief

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

4.64 Independent legal advice should be taken if this is being considered.

 	<p>To obtain information about this in England and Wales, visit <a href="http://www.hmcourts-service.gov.uk/HMCSCourtFinder">www.hmcourts-service.gov.uk/HMCSCourtFinder</a>, select 'Forms and Guidance' from the left-hand menu, and enter the form number LOC002, or contact the Election Petitions Office at the Royal Courts of Justice:</p> <p>Supreme Court Cost Office Room 2.14 Clifford's Inn Fetter Lane London EC4A 1DQ</p> <p>Tel: 020 7947 6423 Fax: 020 7947 6807</p>
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	<p>To obtain information on this in Scotland contact:</p> <p>The Election Petitions Office Court of Session Parliament House Parliament Square Edinburgh EH2 1RQ</p> <p>Tel: 0131 240 6747 Fax: 0131 240 6755</p>
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## 5 Postal vote opening sessions, the poll and the count



You and your election agent can play an important role in making sure that the election is conducted in a transparent manner, so that everyone can have confidence in and accept the results.

Both you and your election agent are entitled to observe proceedings at postal vote opening sessions, polling stations and the count. As mentioned in Part B, Chapter 2, 'Who is responsible for the election?', you can also appoint postal vote, polling and counting agents to attend those proceedings on your behalf.

This chapter provides a brief description of what you and your agents can expect at those proceedings.

### Postal vote opening sessions

5.1 Postal voting is where an elector has the ballot paper sent to them by post. As postal votes are returned throughout the election period, the postal vote covering envelopes are placed into one or more postal voters ballot boxes by the (Acting) Returning Officer or their deputy. Given the large number of postal votes being issued and returned in recent elections and the need to verify personal identifiers, there are likely to be several postal vote opening sessions ahead of polling day, as well as on polling day itself.

5.2 There is a requirement for postal voters to provide their signature and date of birth ('the personal identifiers') on a separate postal voting statement at the time of voting, which are compared against those provided on the original postal vote application form. (Acting) Returning Officers are required to check the identifiers on at least 20% of returned postal votes at each opening session.

5.3 You and your agent will receive at least 48 hours' notice of the time and place of the opening of any postal votes.<sup>93</sup> Other than the (Acting) Returning Officer and their staff, those entitled to attend the opening of postal voters ballot boxes and watch proceedings are:<sup>94</sup>

- 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 votes
- any accredited election observers
- representatives of the Electoral Commission

<sup>93</sup> Regulation 80, 2001 Regulations.

<sup>94</sup> Regulation 68, 2001 Regulations.

5.4 All postal votes not rejected by the (Acting) Returning Officer during the opening process will move forward to the count.

5.5 You may 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 you and your 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 (Acting) Returning Officer or a member of their staff immediately.

5.6 The following represents a brief summary of the opening process. It must be emphasised that responsibility rests with (Acting) Returning Officers, and each one may organise the process slightly differently to take account of local circumstances. Generally, the (Acting) Returning Officer will organise staff into teams, with a number of supervisors. If you have any questions about the process, you should direct these to the (Acting) 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.<sup>95</sup>
- 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 signed<sup>96</sup> 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.<sup>97</sup> Any queries the staff may have will be referred to supervisors and the (Acting) 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 (Acting) 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.<sup>98</sup>
- At least 20% of each box of returned postal votes must be set aside for personal identifier verification. The (Acting) 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 (Acting) Returning Officer must:

<sup>95</sup> Regulation 84(1), 2001 Regulations.

<sup>96</sup> 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.

<sup>97</sup> Regulation 85(2), 2001 Regulations.

<sup>98</sup> 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 separately 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.

5.7 Where the (Acting) Returning Officer determines that a postal voting statement is not valid:

- either because a signature<sup>99</sup> 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.

5.8 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.

5.9 All valid postal ballot papers (i.e. those not rejected by the (Acting) 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 later in this chapter.

## Importance of secrecy

5.10 As with all other aspects of the election process, all those attending the opening of postal ballots must be aware of the requirement to ensure the secrecy of the ballot. Any person who is found guilty of breaching the requirements set out in Section 66 of the

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<sup>99</sup> Except in the limited circumstances where an elector has been granted a waiver and is not required to supply a signature.

RPA 1983 may face a fine of up to £5,000, or may be imprisoned for up to six months in England and Wales, or up to a year in Scotland.<sup>100</sup>

## The poll

5.11 Polling hours are between **7am and 10pm**. Details of the locations of polling stations will be confirmed by the (Acting) Returning Officer in a notice to the election agent, or directly to you if you have not appointed one.

### Entitlement to attend the polling station

5.12 Both you and your agent are entitled to visit any polling station in the constituency 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 time.

### Importance of secrecy

5.13 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 the RPA 1983, which is reproduced in Appendix B. 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 in England and Wales, or a year in Scotland.<sup>101</sup>

### Keeping order

5.14 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. 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

5.15 During polling hours, the (Acting) Returning Officer may arrange for the collection of postal votes which have been handed into a polling station. In this case, the Presiding Officer must seal the postal votes into a packet before collection. Polling agents can also add their own seals to the packet, if they are present.

## The count

### Time and location of count

5.16 The counting of ballot papers takes place as soon as practicable after the close of poll at 10pm. Due to the amount of work required in processing postal votes delivered to polling stations on polling day and the delay in getting ballot boxes to the count in large geographic areas, the count may proceed at different times in different constituencies. The (Acting) Returning Officer will write to all candidates, election agents and counting agents with details of the exact time and location of the count, normally soon after the deadline for appointing counting agents.

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<sup>100</sup> Section 66(6), RPA 1983.

<sup>101</sup> Section 66(6), RPA 1983.

## Importance of secrecy

5.17 As with all other aspects of the election process, all those attending the count must be aware of the requirement to ensure the secrecy of the ballot. All those attending the count must be given a copy of Section 66 of the RPA 1983, which is reproduced in Appendix B. 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 in England and Wales, or up to a year in Scotland.<sup>102</sup>

## Count procedure

5.18 Other than the (Acting) Returning Officer and their staff, the following people are entitled to attend the count:

- 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

5.19 The (Acting) 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 (Acting) Returning Officer as to who may attend the count is final.

5.20 The maximum number of counting agents that you can appoint will be determined by the (Acting) 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.

5.21 The (Acting) Returning Officer must 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. Both you and your 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. It is important to note that proceedings at the count are not invalidated if any person entitled to attend is not present.

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

5.23 The numbers of ballot papers counted and compared 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

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<sup>102</sup> Section 66(6), RPA 1983.

number counted and the number expected. The (Acting) 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 (Acting) 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.

5.24 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. Ballot papers will be sorted by candidate and the total number of papers for each will be added up to ascertain the candidate who has received the most votes.

## Recount

5.25 You and your agent may ask the (Acting) Returning Officer to conduct a recount of the votes. There is no legal limit to the number of recounts that may be conducted, but the (Acting) Returning Officer can refuse to conduct a recount if they believe the request is unreasonable.

5.26 No action will be taken by the (Acting) 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.

## Equality of votes

5.27 If, once the count or any recount is complete, the result is a tie between two or more candidates who equally have the highest number of votes, the (Acting) Returning Officer must decide between the candidates by 'lot' as soon as possible. Whichever candidate wins the lot receives an additional vote that enables them to be declared elected.

5.28 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 one 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 (Acting) Returning Officer may, however, choose to use another method of drawing lots.

## Declaration of result

5.29 Once the count, recount or drawing of lots is completed, the (Acting) Returning Officer will declare elected the candidate with the most votes.

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

5.31 Any candidate receiving more than 5% of the total votes given to all the candidates (ignoring rejected votes) will have their deposit returned.

## 6 After the election



This chapter provides information on what you will need to do after an election and which election documents you will be entitled to inspect.

### Parliamentary oath or affirmation

6.1 The successful candidate will be given a document by the (Acting) Returning Officer from the House of Commons which will give information on how they will be able to attend Parliament.

6.2 Before a person can sit and vote in the House of Commons they must take the Parliamentary oath or make an affirmation to the monarch.

### Return of deposit

6.3 Those candidates who received more than 5% of the total valid votes cast will have their deposit returned by the next working day following the declaration of result.<sup>103</sup>

### Election expenses returns

6.4 Please see Part C, Chapter 6, 'After the election' for details on election expenses returns.

### Election petitions

6.5 Election petitions are used to challenge the result of elections. The procedure for presenting an election petition is described below.

6.6 Any person considering lodging a petition is strongly advised to take independent legal advice, including ensuring that the information provided below remains accurate at that time. Petitions can be costly and petitioners should always seek advice on costs from the relevant court office prior to submitting a petition.

6.7 An election petition can be presented by:

- a person who voted as an elector at the election or had a right so to vote
- a person claiming to have had a right to be elected or returned at the election
- a person alleging themselves to have been a candidate at the election

6.8 The allowable grounds for a petition are:

- undue election, or
- undue return

6.9 The Member whose election or return is complained about must be a respondent to the petition. If the petition complains about the conduct of the (Acting)

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<sup>103</sup> Rule 53, PER.

Returning Officer or their staff during the election, the (Acting) Returning Officer must also be a respondent.

6.10 The petition must be presented within 21 days after the date of the return of the writ (which in most cases will be the day after the election) and can be lodged at any time up to, but no later than, **12 midnight** on the last day.

6.11 If, however, the petition complains of corrupt or illegal practices involving the payment of money or other reward that has taken place since the election, or an illegal practice relating to election expenses, further time may be allowed.

### Form of petition

6.12 The petition itself should follow the form prescribed by the Election Petition Rules 1960 in England and Wales, and the Rules of the Court of Session 1994 in Scotland. In England and Wales, three copies of the petition must be submitted, and in Scotland six copies are required. The petition must contain the following information:

- details of the capacity by which the person or persons are qualified to bring the petition (see earlier in this chapter, paragraph 6.7)
- the date and result of the election in question and the date the writ was returned to the Clerk of the Crown
- the date from which the time for lodging the petition is calculated, if not within 21 days
- in Scotland only, the proceedings at the election
- the grounds on which the election petition is being brought and setting out the facts (but not the evidence) of why the court should change the result of the election
- how the declared result should be changed (e.g. require a new election to be held or declare someone else elected)
- such other details and formatting as the rules may require

6.13 The petition must be signed personally by each petitioner. The petition must be left at the appropriate office of the relevant court (addresses given below).

### Costs

6.14 A fee is payable on issue of the election petition. In addition, an application to fix the amount of security for costs must be issued. The amount of security for costs will be fixed by the Prescribed Officer. This must be deposited with the court in the form of cash or sureties or a combination of both.

6.15 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. Petitioners should seek advice on costs from the relevant court office prior to submitting a petition.

6.16 Petitioners should contact the relevant Election Petitions Office for more detailed information on the costs and processes to be followed in issuing an election petition:



### **England and Wales**

The Election Petitions Office  
Room E19  
Royal Courts of Justice  
Strand  
London WC2A 2LL

Tel: 020 7947 7529  
Fax: 020 7947 6807

### **Scotland**

The Election Petitions Office  
Court of Session  
Parliament House  
Parliament Square  
Edinburgh EH2 1RQ

Tel: 0131 240 6747  
Fax: 0131 240 6755

## **Inspecting materials and documents after the election**

### **What can be inspected?**

6.17 Any person may inspect most of the documents from the election after the result has been declared. The ballot papers, corresponding number lists and certificates of employment are not, however, open to inspection, in order to ensure the secrecy of the ballot.

### **The marked register of electors and marked absent voters lists**

6.18 These are available on written request from the Electoral Registration Officer and show who has been issued with a ballot paper in a polling station and who has returned their postal ballot paper, or who has had their proxy vote on their behalf.

6.19 The documents can be inspected under supervision free of charge where handwritten notes can be taken. The document can be supplied for a fee of £10 plus £2 for printed and £1 for data versions per 1,000 entries to persons who are able to be supplied with an unmarked copy of the full electoral register, which includes candidates.

### **Documents from the election**

6.20 These can be inspected after the election but no details or notes of the documents can be made and no copies can be supplied to any person.

### **Election spending returns**

6.21 These can be inspected by any person after they have been submitted by the candidates and agents. Any person can inspect them and copies can be made and supplied to any person for a fee of 20p per side.

6.22 The Electoral Registration Officer will be able to give details of where the documents from the election and the election spending returns are held. Details on

how to contact the relevant Electoral Registration Officer can be found on our website at [www.aboutmyvote.co.uk](http://www.aboutmyvote.co.uk).

For how long are the documents available?

6.23 The documents are available for one year after the election and are then destroyed unless there is an election petition or police investigation pending.

6.24 Election spending returns are kept for two years before being offered back to the candidates and agents, or otherwise destroyed.

# Part C – Election expenses

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# 1 Overview



## Part C

In this Part, we use ‘**you**’ to cover both the agent and the candidate. Where the legal obligation is on one and not on the other, we make this clear in the text. You do not have to follow this guidance, but if you do, you will normally be doing enough to comply with the law.

1.1 This chapter highlights the main things you need to know about election expenses, and where in Part C you can find more information.

## About spending limits

1.2 There are limits on the total amount that a candidate can spend on campaigning in the run-up to the general election. There are two separate periods during which limits apply: the long campaign and the short campaign.

1.3 The first period begins on 1 January 2010, and ends on the date that Parliament is dissolved. In this guidance, we call this the **long campaign**.

1.4 The second period begins on the day you become a candidate, and ends on polling day. In this guidance, we call this the **short campaign**.

1.5 When we refer to the period covered by both the long campaign and the short campaign, we call this the **regulated period**.

1.6 You can find more information on when the limits begin, and how much you can spend in Part C, Chapter 2, ‘The spending limits – when they apply and how much you can spend’.

1.7 You can find more information on what you need to record as election expenses in Part C, Chapter 3, ‘What are election expenses?’.

## About donations

1.8 There are rules about who you can accept donations from, and you must report all donations over £50 that you receive for your election expenses.

1.9 If you are standing on behalf of a party, your local party may be responsible for most donations.

1.10 You can find more information on donations in Part C, Chapter 4, ‘How to deal with donations’.

## Planning and managing your election expenses

1.11 The agent has overall responsibility for election expenses. You may wish to consider appointing an agent as soon as you decide to stand. You should do this in writing to record your understanding of the agent’s duties.

1.12 You must make sure that all election expenses are properly authorised and paid. You should keep proper records so that the agent can fill in the expenses return after the election. Record-keeping is very important as both the candidate and agent must be able to declare that the return is complete and correct to the best of their knowledge and belief.

1.13 If the general election is held on the same day as the 2010 local government elections, you may need to split some expenses between the general election campaign and the local government campaigns.

1.14 If you are standing on behalf of a registered political party, some expenses may have to be split between your candidate-focused campaign and your party's separate spending limit for campaigning at a regional or national level.

1.15 There is more information on planning and managing election expenses in Part C, Chapter 5, 'Planning and managing election expenses'.

## After the election

1.16 After the election, you must make sure that you receive invoices and pay your suppliers within legal deadlines. The agent must also complete an election expenses return with details of what you have spent and the donations you have received.

1.17 The agent must submit the return to the (Acting) Returning Officer within 35 calendar days of the announcement of the result in your constituency, together with your invoices or receipts.

1.18 There is more information on what you need to do in Part C, Chapter 6, 'After the election'.



### **Candidate spending and party spending**

If you are standing for a political party, your party also has spending limits for campaigning. These are separate to the limits on your election expenses for promoting your own candidacy. An item of expenditure will fall into one category or the other. You do not need to double-count any spending.

Items that promote the **candidate** are likely to be covered by the rules on **election expenses**.

Items that promote the **party** are likely to be covered by the rules on **party campaign expenditure**. This includes information on national policies or people, or posters with the party name rather than the candidate's.

The party limits apply for 365 days before a general election. **This means that these limits are already in force, as the last possible date for a general election is 3 June 2010.**

Only people who have **written authorisation** from the party treasurer or campaigns officer can agree to campaign expenditure. You should ask your party about their procedures for this.

You can find out more about party spending in our Campaign Expenditure Guidance for party treasurers and campaigns officers, which is available on our website at [www.electoralcommission.org.uk](http://www.electoralcommission.org.uk). We will publish further guidance in *Topic overview: Candidate expenses and party spending*.

## 2 The spending limits – when they apply and how much you can spend

2.1 This chapter sets out when the spending limits apply and how much you can spend in the long campaign and in the short campaign.

2.2 There is a worked example of the spending limits later in this chapter, in Example box 3, after paragraph 2.14.



You must make sure that you keep within the spending limit for each of the long campaign and the short campaign periods.

You cannot spend less than the limit for one period and then add the underspend to the limit for the other.

You should make sure that you keep separate records for each period.

### The long campaign

#### Who do the spending limits apply to?

2.3 The spending limits apply to anyone who becomes a candidate at the following general election.

2.4 If you start to spend money on campaigning but later decide not to stand as a candidate, or your nomination is rejected for any reason, you will not need to account for your expenses or submit a return.

#### When does the long campaign begin and end?

2.5 The long campaign begins on 1 January 2010. It ends on the date that Parliament is dissolved by the monarch. This may not be the same date that the Prime Minister announces that the general election is called. You should check the House of Commons website at [www.parliament.uk](http://www.parliament.uk) or get in touch with us to make sure that you have the right date.



The limit for the long campaign will apply after Parliament has been sitting for 55 months. This means that there will not be a limit for the long campaign if a Parliament sits for less than 55 months.

The current Parliament will have sat for 55 months if it has not been dissolved by 11 December 2009. However, the new rules introducing the long campaign will only be effective from 1 January 2010. This means that the period from 11 December 2009 to 1 January 2010 is not included in the long campaign.

## How much can I spend?

2.6 How much you can spend in the long campaign depends on when Parliament is dissolved.

2.7 The spending limit is based on a **maximum sum**. If Parliament is not dissolved until 11 April 2010, you can spend up to this maximum sum. If it is dissolved earlier, you can spend a lower proportion of that sum.

2.8 Table 5 below shows the proportion of the maximum that you can spend if Parliament is dissolved earlier than 11 April 2010.

**Table 5: Proportion of maximum spend allowed if Parliament is dissolved earlier than 11 April 2010**

<b>Parliament dissolved between</b>	<b>Spending limit</b>
1 January and 10 January 2010	60% of the maximum sum
11 January and 10 February 2010	70% of the maximum sum
11 February and 10 March 2010	80% of the maximum sum
11 March and 10 April 2010	90% of the maximum sum

2.9 In the long campaign, the maximum sum is £25,000 plus:

- 5p per Parliamentary elector in a borough/burgh constituency, or
- 7p per Parliamentary elector in a county constituency

2.10 For this purpose, the number of Parliamentary electors is based on the electoral register on the date for last publication of the notice of election. This date will be two or three days after Parliament has been dissolved. This means that the exact maximum will not be known during the long campaign. However, from 1 December 2009 your local Electoral Registration Officer will be able to give you current figures on request. This will help you to plan your expenses so that you can stay within the relevant limit.

2.11 Your local Electoral Registration Officer will be able to tell you if your constituency is a borough/burgh or a county constituency.

## The short campaign

### When does it begin?

2.12 The short campaign begins when you formally become a candidate. If you or others on your behalf have made it clear that you will be standing as a candidate before Parliament is dissolved, you become a candidate on the day after dissolution.

2.13 If this is not the case, you will become a candidate when you or others actually declare that you will stand, or when you are formally nominated, whichever is the earlier.





For spending limit purposes, the actual date of dissolution is part of the long campaign.

## How much can I spend?

2.14 In the short campaign, you can spend £7,150 plus:

- 5p per Parliamentary elector in a borough/burgh constituency
- 7p per Parliamentary elector in a county constituency

### **Example box 3 – A worked example of the spending limits**

In autumn 2009, your party selects you as their prospective Parliamentary candidate in a borough/burgh constituency that has 70,000 electors.

#### **The long campaign**

You begin campaigning in November 2009 after your party issues a press release announcing that you are the prospective Parliamentary candidate. You do not need to account for items you use in November and December 2009.

From 1 January 2010, the maximum spending limit will be £25,000 plus 5p for each elector.  $70,000 \times 5p$  is £3,500. This adds up to £28,500 (£25,000 plus £3,500).

Parliament is dissolved on Friday 12 March 2010, for a general election on Thursday 8 April. This means that you formally become a candidate on 13 March 2010, because you have been campaigning before this date.

Between 1 January 2010 and 12 March 2010, you can spend 90% of the maximum of £28,500. So your expenses limit for the long campaign is £25,650.

#### **The short campaign**

From 13 March, your limit is £7,150, plus 5p for each of the 70,000 electors (£3,500). So the total for this period is £10,650.

You will need to split the cost of items used in both periods between them, based on the amount used in each period. There is more information on how to do this in Part C, Chapter 5, paragraphs 5.18–34.

### 3 What are election expenses?

3.1 This chapter sets out what you do and do not need to count as election expenses.

#### Key points

3.2 The term ‘election expenses’ refers to the value of specified items you use for promoting or procuring the candidate’s election during the regulated period. It also includes items used to discourage people from voting for another candidate.

3.3 In general, you must include the value of everything **used** in the regulated period, even if it was bought before the period began. For example, if you print leaflets and deliver some in December 2009 and some in January 2010, you must declare the value of the leaflets delivered in January. See Part C, Chapter 5 for more information on splitting expenses.

3.4 However, you do not need to count items used in the long campaign which were bought before 25 November 2009, when the new rules came into effect.

3.5 The items that must be treated as election expenses are:

- advertising
- unsolicited materials sent to electors, such as leaflets
- some types of transport
- public meetings
- staff costs
- accommodation
- administrative costs, such as telephone and stationery costs<sup>104</sup>

3.6 You can find more information about the spending categories later in this chapter, paragraphs 3.9–27.

3.7 You must account for the candidate’s personal expenses on travel and accommodation separately (see later in this chapter, paragraphs 3.25–7).

3.8 You do not need to include:

- volunteer time
- use of the following items if the owner acquired them mainly for personal (not business or commercial) use and has provided them to you free of charge:
  - cars or other means of transport
  - a sole or main residence
  - personal computer equipment
- facilities you use because you are legally entitled to do so as a candidate, such as a public room for a meeting
- anything that is published in a newspaper or broadcast by a licensed broadcaster and is not an advertisement<sup>105</sup>

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<sup>104</sup> Schedule 4A, RPA 1983.

<sup>105</sup> Schedule 4A, RPA 1983.



The election expenses limit includes the **full commercial value** of items or services that are given to the campaign, paid for on your behalf or provided at a discount of more than 10% from the commercial rate. This is called **notional expenditure** (see Part C, Chapter 5).

Notional expenditure will usually need to be reported on your election expenses return as a donation too (see Part C, Chapter 4).

## Items that count as expenses

### Advertising

3.9 This includes:

- posters
- newspaper advertisements
- websites
- any other form of advertising, whatever the medium

3.10 You must include design, print and delivery costs and any agency fees.

### Unsolicited material sent to electors

3.11 This covers anything sent to electors, whether by post, hand delivery or email, which they have not specifically asked for. This applies whether or not it is addressed to a particular elector. In our view, this category includes material sent to electors who have previously responded to a survey or ticked a box on a response form.

### Transport

3.12 Most transport in the regulated period will be by people's personal cars. This is exempt from election expenses if it is given free of charge. In our view, the exemption includes fuel costs.

3.13 You must include in your election expenses public transport costs, and any means of transport that was not acquired mainly for personal use by its owner. This includes hire cars.

3.14 The candidate's own reasonable transport costs do not count towards the spending limit. They are 'personal expenses'. You can find more information on personal expenses later in this chapter, paragraphs 3.25–7.

## Public meetings

3.15 This covers events open to the public that are organised by you or on your behalf to promote your candidacy. You must include:

- venue hire costs
- use of backdrops
- speakers' fees and accommodation
- any costs you reimburse to anyone for attending the meeting
- anything you provide at the meeting, such as refreshments

3.16 You do not need to include:

- events that are for party members only
- events held mainly for purposes other than promoting your candidacy, where your attendance is incidental. For example, this would cover an annual barbecue, at which you say a few words.

3.17 Sometimes it may not be easy to decide whether or not a public event should be included. In these cases, you should ask yourself whether in good faith you can say that the event was held mainly for other purposes. If you are still in doubt, please contact us for advice.

3.18 You may also be invited to attend hustings events run by local organisations or community groups. If the hustings event is held for members of the group or organisation only, rather than for members of the public, it is not an election expense.



We have published further guidance about hustings events in *Topic overview: Hustings events*.

## Staff costs

3.19 You must count all paid staff time spent on the campaign during the regulated period, including any fees for acting as agent. This includes the value of any staff seconded to you who are still paid by their employer. You do not need to include time spent by volunteers.

3.20 You can find more information on staff costs in Part C, Chapter 5, paragraphs 5.26–30 and Appendix E.

## Accommodation

3.21 You must include the use of any office, and any hotel or similar costs for campaign workers.

3.22 You do not need to include the use of someone's sole or main home if it is given free of charge.

3.23 The candidate's own reasonable overnight accommodation costs do not count towards the spending limit. They are 'personal expenses'. You can find more information on personal expenses later in this chapter, paragraphs 3.25–7.

### Administrative costs

3.24 You should include:

- telephone bills
- stationery and postage costs
- electricity and other utility bills
- use of photocopying or printing equipment
- use of databases

You should contact us for further advice on valuing the use of databases. Appropriate valuations will vary depending on particular circumstances.

### The candidate's personal expenses

3.25 Personal expenses cover transport and overnight accommodation costs for the candidate.

3.26 The value of the candidate's reasonable personal expenses does not count towards the election expenses limit. However, you must report it separately on the election expenses return.

3.27 In our view, personal expenses could include car hire for the candidate if the candidate does not already own a car, or if their own car is not suitable for campaign use. For example, if you are standing in a rural constituency, it may be reasonable to hire a four-wheel-drive vehicle to access remote areas.

## 4 How to deal with donations

4.1 This chapter sets out:

- who you can accept donations from
- what you need to do when you receive a donation
- what information you need to record for your election expenses return



Many political parties run local fighting funds for candidates. If the fund is managed and controlled by the party and not the candidate, donations to the fund are usually treated as made to the party and you do not need to treat them as donations to the candidate. However, you will need to report donations from the local party that are made to your campaign during the regulated period.

### What is a donation?

4.2 A donation is something with a value **over £50** given to you for the purpose of meeting election expenses, and that is:

- money
- items or services provided free of charge or not on commercial terms
- payment of invoices for election expenses that would otherwise be paid by the agent or candidate
- sponsorship
- any loans that are not on commercial terms

4.3 An item is not provided on commercial terms if the supplier gives you a deal that is not available to other customers.

4.4 **Sponsorship** means help given towards the costs of meetings, events, publications or research by or on behalf of the candidate. It does not include admission charges for events, the retail price of a publication or advertisements bought at a commercial rate.



Items or services that you receive at any time count as donations if they are given to you to use for your election expenses.

If an item or service is not an election expense, it will not be a donation. See Part C, Chapter 3, paragraph 3.8 for a list of things that are not election expenses.

4.5 The agent must put a value on any donation that is not money. To do this, you should follow our guidance on how to value notional expenditure. You can find this in Part C, Chapter 5.

### Who can I accept donations from?

4.6 You must only accept donations over £50 from certain sources, which are mainly UK-based. They are:

- someone on a UK electoral register (including overseas electors)

- a company that is:
  - registered in the UK
  - incorporated in an EU member state, and
  - carrying on business in the UK
- a registered political party (if you are standing in Great Britain, this must be from a party on our Great Britain register – Northern Ireland-registered parties cannot donate to candidates standing in Great Britain)
- trade unions, building societies, limited liability partnerships and friendly/industrial provident societies if registered in the UK
- a UK-based unincorporated association

4.7 Once an agent is appointed, donations must be passed to them as quickly as possible, and the agent rather than the candidate must check that all donations come from one of these sources. If someone has passed on a donation on someone else's behalf, this must be treated as a donation from the original source, and not from the person passing it on.

4.8 You can find more information on how to make the necessary checks in Appendix F.

4.9 You can also accept donations from some types of trust and from bequests. The rules on these donations are complicated, so please get in touch with us for more information.

4.10 The agent must return any donations that are anonymous, or do not come from a permissible source. This must be done within 30 calendar days of when the donation is received. After the 30 days, the donation is deemed to be accepted, and the Commission may apply to the courts for it to be forfeited to us.

4.11 Sometimes it is not possible to return a donation to its source. For example, you may not be able to trace the donor, or to send it back through the banking system. If this is the case, you must send it to us. We pay it into public funds.

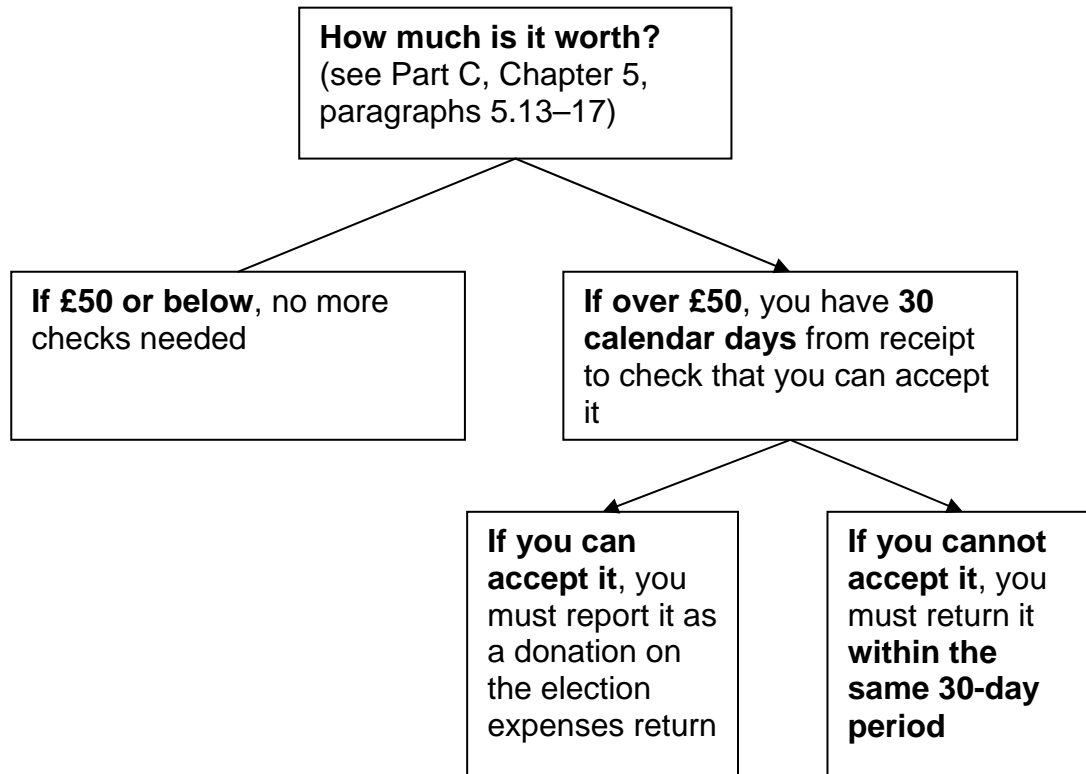


Although electoral law allows you to accept donations from charities that are registered companies, **charities are not usually allowed to make political donations** under charity law. You should check that any charity offering a donation has taken advice from the Charity Commission before accepting it.

## What do I need to do when I receive a donation?

4.12 Chart 1 below shows the steps the agent must take when a donation is received. All donations must be given to the agent as soon as possible.

**Chart 1: What to do when a donation is received**



4.13 For donations over £50 that you accept, you must record:

- the donor's name and address (this must be the registered address for companies and other registered donors)
- the company number (if applicable)
- the date you received the donation
- the date you accepted the donation (this is the day when you decided that you could accept the donation)

4.14 For donations you are not allowed to accept, you must record:

- the donor's name and address (if known)
- the date you received the donation
- the date you returned it, and
- how you returned it



## 5 Planning and managing election expenses

5.1 This chapter sets out:

- the rules on how election expenses must be incurred and paid
- the records you need to keep to fill in your election expenses return
- how you should approach splitting expenses between different campaigns
- how you should value items or services given to you free of charge or at a non-commercial discount



As the agent is responsible for completing the election expenses return, you should consider appointing your agent as soon as you begin to spend money on campaigning. You can find more information on agents in Part B, Chapter 2.

### Incurring election expenses

5.2 By 'incurring' election expenses, we mean making a legal commitment to spend the money. For example, this would include ordering leaflets to be printed, or booking a room for an event.

5.3 During the regulated period, only certain people are allowed to incur election expenses. They are:

- the agent
- the candidate, and
- anyone authorised by the candidate or the agent

5.4 If you authorise someone else to incur election expenses, it is good practice to do this in writing and be clear how much they can agree to spend and on what. This will help you to keep within the spending limits and avoid misunderstandings.

### Paying election expenses

5.5 During the regulated period, the agent rather than the candidate must make most payments for election expenses.

5.6 There are three exceptions:

- The candidate can pay for items before the agent is appointed.
- The candidate can pay for up to £600 of their own personal expenses (see Part C, Chapter 3, paragraphs 3.25–7).
- Anyone authorised in writing by the agent can pay for stationery, postage, telephone calls and other minor expenses. The authorisation must include the amount of the payment.

5.7 You must obtain all invoices for election expenses within **21 calendar days** of the announcement of the election result. You must pay them all within **28 calendar days** of the announcement of the election result. You should make sure your suppliers are aware of these deadlines.

5.8 If these deadlines are missed, you must apply to a county court or to the High Court (or sheriff court or Court of Session in Scotland) for an order allowing the invoice to be submitted or paid. You should contact the relevant court for more information about applying for this type of order.



You should make sure that other people working on your campaign know that:

- they should not incur or pay election expenses
- they should pass on any donations to the agent immediately

## Record-keeping

5.9 The agent must keep invoices or receipts for all payments over **£20**. You do not need these for items bought before the agent was appointed, or for notional expenditure (see below for more information on notional expenditure).

5.10 You will need to keep sufficient records to complete the election expenses return. Both the candidate and the agent must sign a declaration that the return is complete and correct to the best of their knowledge and belief. It is an offence to make a false declaration knowingly.

5.11 You should make sure that there is a system in place to record:

- who has been authorised to incur expenses
- how much expenditure has been incurred to date
- items or services given to you free of charge or at a discount of more than 10% of the commercial rate, or paid for on your behalf
- the basis for any valuations you have made for free or discounted items or services (see Part C, Chapter 5, paragraphs 5.13–17 for more information)
- any other donations you have received (see Part C, Chapter 4, ‘How to deal with donations’ for more information on donations)

5.12 You may have to split expenses between your own campaign and other local campaigns, or with your party’s regional or national campaign.



You can find more information about:

- donations in Part C, Chapter 4, ‘How to deal with donations’
- election expenses returns in Part C, Chapter 6, paragraphs 6.3–7
- splitting expenses between campaigns later in this chapter, paragraphs 5.18–34

## Valuing free or discounted items or services

5.13 On your election expenses return, you must declare **the full commercial value** of items or services which are:

- given free of charge or at a discount of more than 10% of the commercial rate, and
- worth more than £50

The difference between what you pay (if anything) and the commercial value of the item or service is called 'notional expenditure'.

5.14 You do not need to count anything valued at £50 or below, any discount of 10% or less, or commercial discounts of 10% or more. Commercial discounts are those given by a supplier to other customers, such as a bulk-order discount.

5.15 The agent must make sure that the value declared is a fair and honest assessment of the commercial rate. If the supplier is a commercial business, the commercial rate is what they would normally charge another customer for the same item or service.

5.16 If the supplier does not usually supply to other customers, the agent should find out how much a commercial supplier would charge. The internet may be helpful in checking prices.

5.17 The agent should keep records of how the value has been reached, including any quotes obtained.



Notional expenditure is usually also a donation. You can only accept donations from certain sources, which are mainly UK-based.

For more information about donations, see Part C, Chapter 4, paragraph 4.6–11.

## Splitting expenses

### Why you may need to split expenses

5.18 You may have started to spend on your campaign before the beginning of the regulated period on 1 January 2010, or you may share items or facilities with other campaigns or your local party. If this is the case, you may need to split the costs to get the right figure for your election expenses.

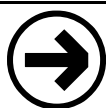
5.19 For example, you should think about whether you need to split expenses between:

- the period before 1 January 2010 and the long campaign
- the long campaign and the short campaign
- local government election campaigns and your constituency campaign
- regular party activity and your constituency campaign
- your constituency campaign and your party's national campaign



If you need to split expenses between your constituency campaign and your party's other activities, you should discuss this as soon as possible with your party to agree the basis for your calculation.

This is because others may need to fill in returns for their own share of the costs.



For more information about the differences between your election expenses and your party's national campaign expenditure, see Part C, Chapter 1, boxed text following paragraph 1.18.

## Key principles

5.20 Sometimes it will be easy to split costs. For example, the contents of a leaflet may be divided equally between your constituency campaign and the local government election campaign. In this case, half the costs of this leaflet should be counted towards your election expenses.

5.21 Sometimes it will not be so straightforward. For example, you may run the campaign from a desk in the local party office that is also used by the local council party group. In these cases, there are no hard and fast rules. Instead, you should follow the guiding principle and good practice suggestions below.



### **The guiding principle**

You should make an **honest assessment on the facts** of the proportion of the costs that can be attributed fairly to your election expenses – that is, to promoting or procuring your election during the regulated period.

This is important, because when you sign the declaration for your election expenses return, you are confirming that the return is complete and correct to the best of your knowledge and belief.

## Splitting costs at the start of or between regulated periods

5.22 This is straightforward for many common items, such as telephone rental or utilities. You should split these according to the proportion of the bill period that covers the relevant time. For telephone calls, you should make sure that your telephone bill is itemised so that you can see which calls were made when.

5.23 On other items, such as websites or posters, you may have paid for design or branding services. As you will be using the design during the regulated period, you should split these costs by spreading them equally across the entire time that the design work is used.

## Splitting costs between your campaign and other activities

5.24 In all cases, you should follow the guiding principle above. Our examples show some of the factors you should consider, but you should also take account of any other relevant factors that apply in your circumstances.

## Leaflets

5.25 If your leaflets include information about other campaigns, or your party's policy on national issues, you should consider:

- Content:
  - How much of the leaflet is about your campaign, and how much about other issues?
  - If more than a small proportion is about your party generally rather than about your campaign, should some of the costs be treated as national party expenditure? (See Part C, Chapter 1, boxed text following paragraph 1.18 for more information on this.)
- Delivery:
  - Was the leaflet delivered to all relevant areas equally? If significantly more copies were delivered to an area relevant to one candidate than to areas relevant to other candidates, you should take this into account when splitting costs.

## Staff

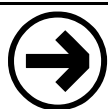
5.26 You may share staff with other campaigns, or they may have other duties for your local party that continue during the regulated period.

5.27 We recognise that, during an election period, staff will be spending their own time on unpaid campaigning, which is not part of their legal employment contracts. Where staff do this, they are volunteers. Volunteer time is not an election expense.

5.28 Where staff spend some paid time on your campaign, your starting point should be to look at how much of their working time is spent on the constituency campaign. This is likely to increase as the election gets closer.

5.29 You should make an initial estimate of how much paid time each staff member is expected to spend on your campaign. This will help you to plan your budget properly. During the regulated period, you should check regularly with staff to see whether you need to alter your estimate.

5.30 You should keep records of your calculations in case of post-election queries.



You can find a worked example of staff costs in Appendix E.

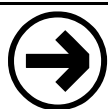
## Offices

5.31 You may use part of an office owned by your party, or your party's regional campaign may be run from an office you have rented, for example. In these cases, you should agree with your party what proportion of the office space your campaign is using.

5.32 You should consider:

- The space you use:
  - If your campaign has a defined area within the office, you should make a reasonable calculation based on the proportion of the floor area it takes up.

- If you do not have a defined area, you should make a fair estimate based on the overall space your campaign takes up when compared to the office as a whole.
  - If a member of staff based in the office works partly on your campaign and partly on other matters, you should use the relevant proportion of their salary as the basis for their share of the office space.
- Valuation:
    - When you have made an estimate of the relevant space, you should calculate its value for the purposes of your election expenses.
    - If the premises as a whole are rented, you should divide the rent by the proportion of space you use.
    - If the premises as a whole are owned, you should find details of similar premises that are available for rent, using local estate agents or the internet. You can then divide the estimated rent figure by the proportion of space that you use.

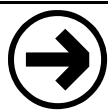


You can find a worked example of office costs in Appendix E.

### Meetings

5.33 If a public meeting promotes more than one candidate, or a combination of local government and Parliamentary candidates, the relevant campaigns must split the costs between them. You should make sure that the split is fair if some candidates have a higher profile at the event than others.

5.34 If the event is organised primarily for promoting your party on a regional basis, but some candidates attend and are mentioned briefly, your party may be recording the costs as national party expenditure. In that case, you do not need to allocate any costs to your campaign. You should discuss this with your party to ensure that the expenditure is being reported correctly.



You can find more information about what types of meeting must be included as election expenses in Part C, Chapter 3, paragraph 3.15–18.

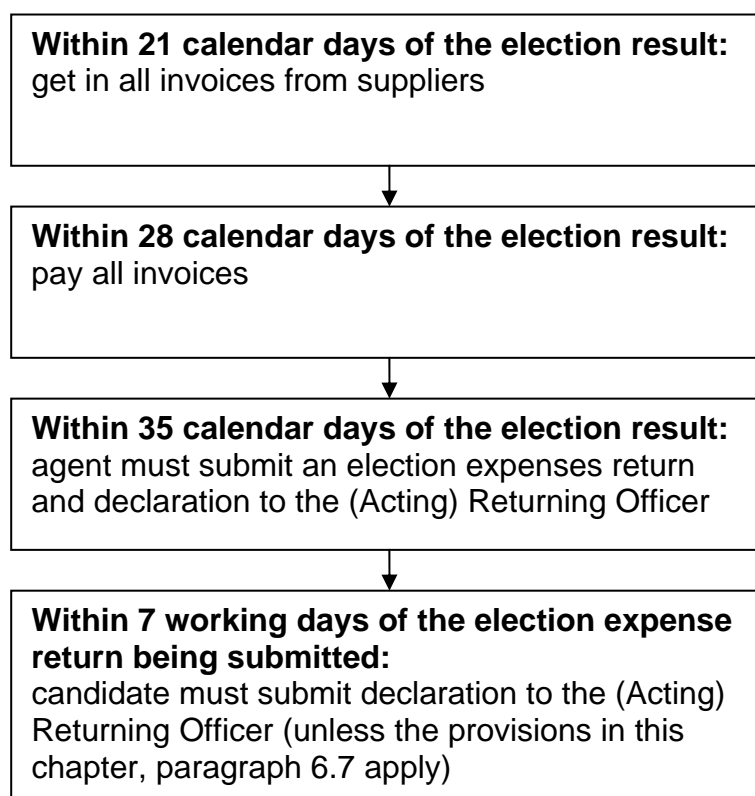
## 6 After the election

6.1 This chapter sets out what you must do after the election, and what you can do if you make any mistakes with your election expenses.

### What you need to do and when

6.2 Chart 2 below sets out the key steps you must take and the deadlines for taking them.

**Chart 2: What you need to do after the election**



### About your election expenses return

6.3 The agent must prepare the election expenses return. It must include:

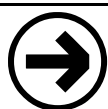
- a statement of all payments made, plus invoices or receipts for items over £20
- details and a declaration of value for all notional expenditure
- details of all donations as listed in Part C, Chapter 4, paragraphs 4.13–14
- details of any unpaid or disputed invoices

6.4 The return should break down expenditure into the categories listed in Part C, Chapter 3, paragraph 3.5.

6.5 The return must separate expenses between the long campaign and the short campaign.

6.6 Both the candidate and the agent must submit declarations that the return is complete and correct to the best of their knowledge and belief.

6.7 If the candidate is out of the UK when the return is submitted to the (Acting) Returning Officer, they must make the declaration within 14 days of coming back to the UK and submit it to the (Acting) Returning Officer as soon as possible.



You can find forms for election expenses returns and declarations on our website [www.electoralcommission.org.uk](http://www.electoralcommission.org.uk). There are also explanatory notes on how to complete the forms.

## What to do if you miss a deadline or make a mistake

6.8 If you miss the deadline for getting in or paying invoices from suppliers, you may apply to court for an order allowing you to pay the invoice. For more information on applying for an order, please go to [www.hmcourts-service.gov.uk](http://www.hmcourts-service.gov.uk) or [www.scotcourts.gov.uk](http://www.scotcourts.gov.uk). You should also seek legal advice.

6.9 If no return and/or declaration is submitted, or you realise that your return is inaccurate, you can apply to an election court, county court or the High Court for relief. Candidates and agents can only apply for relief on specific grounds, such as the death, illness or misconduct of the other. You should seek legal advice if you are considering an application.



# Appendices

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## Appendix A – Summary table of electoral offences under the Representation of the People Act 1983



Please note that Section 45 of the Criminal Proceedings (Reform) (Scotland) Act 2007 imposes a blanket upgrading of the custodial sentence of every offence in Scotland taken under summary conviction to 12 months. References to six months should therefore be read as 12 months in respect of Scotland.

**Table A1: Representation of the People Act 1983 (RPA 1983), Electoral Administration Act 2006 (EAA) and case law**

<b>Offence</b>	<b>Legislation</b>	<b>Who can commit</b>	<b>Penalty (maximum)</b>
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)

**Table A1 (cont.): Representation of the People Act 1983 (RPA 1983), Electoral Administration Act 2006 (EAA) and case law**

<b>Offence</b>	<b>Legislation</b>	<b>Who can commit</b>	<b>Penalty (maximum)</b>
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, into the ballot box	Section 65, RPA 1983	(Acting) Returning Officer or their staff  Any person	On indictment, a fine, or up to two years' imprisonment, or both. Any person: 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
False statements in 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 a candidate's date of birth, qualification to stand for election or disqualification from being elected at that election	Section 65, RPA 1983; Section 22, EAA	Any person  (Acting) Returning Officer, Presiding Officer or a Clerk appointed to assist in conducting the poll	On summary conviction, a fine not exceeding level 5 on the standard scale and/or imprisonment for a term not exceeding six months  On indictment, a fine and/or imprisonment for a term not exceeding two years On summary conviction, a fine not exceeding the statutory maximum, and/or imprisonment for a term not exceeding six months

**Table A1 (cont.): Representation of the People Act 1983 (RPA 1983), Electoral Administration Act 2006 (EAA) and case law**

<b>Offence</b>	<b>Legislation</b>	<b>Who can commit</b>	<b>Penalty (maximum)</b>
<p>False statement by candidates on nomination papers</p> <p>In any Parliamentary election, or local government election in England and Wales, a candidate makes a false statement in any document in which their consent is given for nomination, regarding:</p> <p>a. their date of birth</p> <p>b. their qualification (that they are or will be qualified for being elected, and to the best of their knowledge or belief, they are not disqualified from being elected), or;</p> <p>c. that they are not a candidate at an election for any other constituency where the poll is to be held on the same day as the poll at the election to which the consent relates</p>	Section 65A (1A)	Any candidate	On summary conviction, statutory maximum fine or six months' imprisonment. On indictment: fine or one year's imprisonment

**Table A1 (cont.): Representation of the People Act 1983 (RPA 1983), Electoral Administration Act 2006 (EAA) and case law**

<b>Offence</b>	<b>Legislation</b>	<b>Who can commit</b>	<b>Penalty (maximum)</b>
Contravention of the secrecy requirements (requirements reproduced at Appendix B)	Section 66, RPA 1983	All persons attending a polling station, the issue and opening of postal ballots and the count.	Fine not exceeding level 5 on the standard scale (currently £5,000), or up to six months' imprisonment
Failure to comply with conditions relating to supply etc. of certain documents; failure to comply with election document retention conditions under rule 57 of the PER (hold all elections documents for one year and then have them destroyed) by: <ul style="list-style-type: none"> <li>a. a person, unless they have an appropriate supervisor and have complied with the requirements set by their supervisor, or</li> <li>b. an appropriate supervisor who has failed to take appropriate steps</li> </ul> Any other person is not guilty of an offence if they take all reasonable steps to comply with the conditions	Section 66B, RPA 1983	Electoral Registration Officer or supervisor	On summary conviction, a fine not exceeding level 5 on the standard scale (currently £5,000)

**Table A1 (cont.): Representation of the People Act 1983 (RPA 1983), Electoral Administration Act 2006 (EAA) and case law**

<b>Offence</b>	<b>Legislation</b>	<b>Who can commit</b>	<b>Penalty (maximum)</b>
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 their election agent	Section 71A(3), RPA 1983	Any person	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), RPA 1983	Section 73(6), RPA 1983	A candidate or any other person	Fine not exceeding level 5 on the standard scale (currently £5,000)
Incurring expenses without the written authority of the election agent (except as specified under Section 75, RPA 1983)	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, 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, statutory maximum fine or six months' imprisonment On indictment, a fine or one year's imprisonment

**Table A1 (cont.): Representation of the People Act 1983 (RPA 1983), Electoral Administration Act 2006 (EAA) and case law**

<b>Offence</b>	<b>Legislation</b>	<b>Who can commit</b>	<b>Penalty (maximum)</b>
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	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	Fine not exceeding level 5 on the standard scale (currently £5,000)
Paying 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	Fine not exceeding level 5 on the standard scale (currently £5,000)
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	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, statutory maximum fine or six months' imprisonment. On indictment, fine or one year's imprisonment

**Table A1 (cont.): Representation of the People Act 1983 (RPA 1983), Electoral Administration Act 2006 (EAA) and case law**

<b>Offence</b>	<b>Legislation</b>	<b>Who can commit</b>	<b>Penalty (maximum)</b>
Failure to submit a return or declaration, or to comply with the requirements of Section 81, RPA 1983 as to the contents of a return	Section 84, RPA 1983	Candidate and/or election agent	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	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
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



**Table A1 (cont.): Representation of the People Act 1983 (RPA 1983), Electoral Administration Act 2006 (EAA) and case law**

<b>Offence</b>	<b>Legislation</b>	<b>Who can commit</b>	<b>Penalty (maximum)</b>
Undue influence or intention to do so	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
Failing 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, statutory maximum fine or six months' imprisonment On indictment, fine or one year's imprisonment
Failing 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, 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, statutory maximum fine or six months' imprisonment. On indictment, a fine or one year's imprisonment

**Table A1 (cont.): Representation of the People Act 1983 (RPA 1983), Electoral Administration Act 2006 (EAA) and case law**

<b>Offence</b>	<b>Legislation</b>	<b>Who can commit</b>	<b>Penalty (maximum)</b>
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, 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"> <li>● Applying for a postal or proxy vote as some other person (whether living, dead or fictitious)</li> <li>● Otherwise making a false statement in connection with an application for a postal or proxy vote</li> <li>● 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</li> <li>● Causing such a communication not to be delivered to the intended recipient</li> </ul>	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

## Appendix B – 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 C – Tellers in and around polling places

### 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.

### Tellers

- 2.1 Tellers are usually volunteers who stand outside polling places and record the electoral numbers 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 rights 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).

## 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.

## 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.<sup>106</sup>

## 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 elections 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

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<sup>106</sup> 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).



necessary, and advised that it is an offence under the RPA 1983<sup>107</sup> 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 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.

## Tellers in and around polling places

- 6.1 Tellers work for political parties. They stand outside polling stations or polling places and record the electoral number 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 Local 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

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<sup>107</sup> Section 115(2)(b), RPA 1983, as amended.

- (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](http://www.electoralcommission.org.uk).

## Appendix D – Code of conduct for political parties, candidates and canvassers on the handling of postal vote applications and postal ballot papers

### 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.<sup>108</sup>

- 9 It is an offence to supply false information to the Electoral Registration Officer for any purpose connected with the registration of electors.<sup>109</sup>



See Appendix A 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.<sup>110</sup>
- 16 The Electoral Registration Officer must confirm in writing to all successful applicants that they will receive a postal ballot.

## Postal voting ballot papers

- 17 You should not touch or handle anyone else's ballot paper. If you are asked for assistance in actually completing a ballot paper, you should always refer the voter to the Returning Officer's staff at the elections office who can

<sup>108</sup> Sections 62A(2) and 62B(2), RPA 1983, as amended by Section 40, EAA and Section 15, Local Electoral Administration and Registration Services (Scotland) Act 2006 respectively.

<sup>109</sup> Section 13D, RPA 1983, as amended by Section 15, EAA.

<sup>110</sup> Regulation 51A, 2001 Regulations, as amended.

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.<sup>111</sup>

## The Electoral Commission

### Agreed December 2006 (and current for elections in 2010)

## Breaches of the Representation of the People Act 1983 (RPA 1983) 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.

Prosecutions under the 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.

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<sup>111</sup> 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).

## 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.<sup>112</sup>

## 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.<sup>113</sup>

## 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.<sup>114</sup> 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.<sup>115</sup>

## Secrecy

Everyone involved in the electoral process should be aware of the secrecy of the ballot and should not breach it. The (Acting) Returning Officer will give everyone who attends the opening or counting of ballot papers a copy of parts of Section 66 of the RPA 1983.

## Personation

It is an offence to commit, aid, abet, counsel or procure the offence of personation.<sup>116</sup> 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.

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<sup>112</sup> Section 113, RPA 1983.

<sup>113</sup> Section 114, RPA 1983.

<sup>114</sup> Section 115, RPA 1983.

<sup>115</sup> Section 115, RPA 1983, as amended by Section 39(1), EAA.

<sup>116</sup> Section 60, RPA 1983.

## False registration information and false postal or proxy vote applications

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.<sup>117</sup>

## 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.<sup>118</sup>

## 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 constituency; applying for a proxy without cancelling a previous proxy appointment; and inducing or procuring another to commit one of the above offences.<sup>119</sup>

There are also a number of non-electoral offences which may be relevant. In England and Wales such examples include:

- 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



A false statement is a false oath in Scotland under Section 44 of the Criminal Law (Consolidation) (Scotland) Act 1995. Forgery is known as 'uttering as genuine a false document' under Scots common law. Harassment is not a criminal offence in Scotland, but a person could be charged with breach of the peace (under common law) or a civil action could be taken. Vandalism is an offence under the 1995 Act. Appendix E – Worked examples of staff and office costs

<sup>117</sup> Section 13D, RPA 1983, as amended by Section 15 EAA.

<sup>118</sup> Section 62A, RPA 1983, as amended by Section 40 EAA.

<sup>119</sup> Section 61, RPA 1983.

## Appendix E – Worked examples of staff and office costs

### A worked example of staff costs

Jane works for her local party as a campaigns officer, earning £24,000 per year. Her salary is based on the standard 260 working days in a year. This means that her daily rate is £92 (to the nearest pound).

Her job description includes research work for the party's local councillors, administrative work for the local executive committee and general support for two prospective Parliamentary candidates.

You are the agent for one of the constituencies.

Before the start of the long campaign on 1 January 2010, you find out that Jane spends about 15% of her time on work for your candidate. This gives a daily rate of £13.80 (£92 x 0.15).

After discussing her role with the local party, you agree that this is likely to stay the same in January and February. From 1 March, you expect that about 25% of Jane's time will be spent on your campaign, rising to 50% during the short campaign.

25% of Jane's daily rate of £92 is £23. 50% of her daily rate is £46.

Parliament is dissolved on 12 April and polling day is 6 May. During the short campaign, Jane continues to work in the office during the day. She is a keen party supporter, and in the evenings and at weekends, she delivers leaflets and helps out generally with the campaign.

After the election you report her time on your election expenses as:

#### **In the long campaign**

1 January to 28 February (40 working days x £13.80)	£ 552
1 March to 12 April (29 working days x £23)	£ 667
Total	£1,219

#### **In the short campaign**

13 April to 6 May (17 working days x £46)	£ 782
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You do not count her time in the evenings and at weekends because she is acting as a volunteer at those times.

As Jane works for the local party, you record this as notional expenditure and as a donation from the local party. You can find more information on notional expenditure and donations in Part C, Chapter 4, 'How to deal with donations' and Chapter 5, 'Planning and managing election expenses'.



## A worked example of office costs

You are the agent for a constituency with an active local party. You begin campaigning in autumn 2009, using a room in the local party office as your base.

From 1 January 2010, you need to record the cost of that room as an election expense. Your room takes up about a quarter of the usable office space in the party's premises. As the party owns the office, you search the internet to find out how much similarly sized and equipped premises in the same area cost to rent, and decide that £1,200 per month is a fair estimate for the whole premises.

You work out that this is £14,400 per year. You divide this by 365 to get a daily rate of £39 (to the nearest pound). This means that the cost of your quarter of the office is £10 per day (to the nearest pound).

Parliament is dissolved on 12 April and polling day is 6 May.

From 13 April, you take over half the office, the other half being used for the local government election campaign. The cost for half the office is £20 per day.

After the election you report the office costs on your election expenses as:

### **In the long campaign**

1 January to 12 April (102 days x £10)	£1,020
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### **In the short campaign**

13 April to 6 May (24 days x £20)	£ 480
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As the office was given to the campaign by the local party, you record it as notional expenditure and a donation.

## Appendix F – How to check if a donation is from a permissible source

Table F1 below shows which register or list you need to check to make sure that a donor is permissible. Most of these registers can be found on websites, and links were correct in November 2009.

Some registers include organisations that are not permissible. For example, the companies register includes UK branches of companies not incorporated in the EU. You should check all the information on the register carefully and contact us for advice if you are not sure what it means.

**Table G1: Register or list you need to check to make sure that a donor is permissible**

Type of permissible donor	Register/list/legislation/Order on or under which donor must be registered to be a permissible donor
Individual	Must be registered on a UK electoral register
Company	Must be registered under the Companies Act 1985 or the Companies (Northern Ireland) Order 1986, incorporated within the EU, and carry out business in the UK. You can check the register on the Companies House website at <a href="http://www.companieshouse.gov.uk">www.companieshouse.gov.uk</a>
Trade union	Must be entered on the list maintained under the Trade Union and Labour Relations (Consolidation) Act 1992 or the Industrial Relations (Northern Ireland) Order 1992. You can check the list at <a href="http://www.certoffice.org">www.certoffice.org</a>
Building society	Must be a building society within the meaning of the Building Societies Act 1986. You can check the register at <a href="http://mutuals.fsa.gov.uk">http://mutuals.fsa.gov.uk</a>

**Table F1 (cont.): Register or list you need to check to make sure that a donor is permissible**

Type of permissible donor	Register/list/legislation/Order on or under which donor must be registered to be a permissible donor
Limited liability partnership	<p>Must be registered under the Limited Liability Partnerships Act 2000 (or equivalent Northern Ireland legislation) and carry on business in the UK.</p> <p>You can check the register on the Companies House website at <a href="http://www.companieshouse.gov.uk">www.companieshouse.gov.uk</a></p>
Friendly/industrial provident society	<p>Must be registered under the Friendly Societies Act 1974 or the Industrial and Provident Societies Act 1965 or the Provident Societies Act (Northern Ireland) 1969.</p> <p>Friendly societies are registered by the Financial Services Authority. You can check the register at <a href="http://mutuals.fsa.gov.uk">http://mutuals.fsa.gov.uk</a></p>

The UK electoral register is not available online, as there are restrictions on its use in order to protect people's personal information. It is available for inspection at your local council. Electoral candidates can get a free copy from the Electoral Registration Officer at the relevant local council, once they have been nominated. Registered political parties are also entitled to free copies. These copies must only be used for electoral purposes or for checking whether or not an individual donor is permissible. It is a criminal offence to use this information for other purposes.

There is no register of unincorporated associations. You should check with the association that it has its main office in the UK and is carrying on business or other activities in the UK. If you are not satisfied that this is the case, please ask us for advice.

### What does 'carrying on business' mean?

You should check at Companies House to make sure that a company or limited liability partnership is not in liquidation, or about to be struck off the register for other reasons, and that it is up-to-date with submitting accounts and returns. This information is available from the Companies House website at [www.companieshouse.gov.uk](http://www.companieshouse.gov.uk).

The business does not have to be intended to make a commercial profit.

If the donor is a newly established organisation, you should consider any evidence that it may have started trading. If you are in any doubt as to whether or not a donor is carrying on business, please ask us for advice.

## Appendix G – 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:

Party (if applicable):

Address:

Tel:

Email:

Please return this form to: Electoral Administration, The Electoral Commission, Trevelyan House, Great Peter Street, London SW1P 2HW; Fax: 020 7271 0505; Email: [jkohlmorgen@electoralcommission.org.uk](mailto:jkohlmorgen@electoralcommission.org.uk).

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Northern Ireland and the English regions,  
see inside back cover for details.

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