

Guidance for candidates and agents

UK Parliamentary by-elections in Great
Britain

Revised: November 2015

Translations and other formats

For information on obtaining this publication in another language or in a large-print or Braille version please contact the Electoral Commission:

Tel: 020 7271 0500

Email: publications@electoralcommission.org.uk

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.

Part A – Introduction and summary

1	Introduction	3
	How to use this guide	3
	The Electoral Commission	4
	Contact information.....	4
	Relevant legislation.....	5
2	Summary	6
	Can you stand for election to the UK Parliament?	6
	When do you become a candidate?	6
	Forms you must submit to become ‘validly nominated’	7
	Paying the deposit	9
	What types of agents are there and what do they do?.....	9
	Free resources available to you as a candidate	10
	What you need to consider when producing campaign publicity materials	11
	What is the limit on spending and what donations are allowed?.....	11
	Attending electoral proceedings	12
	What to do after the election	12

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 by-election. There is separate guidance for a UK Parliamentary general election which can be accessed [here](#). 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 spending and fundraising. The Electoral Commission regulates compliance with these rules and if you require advice please contact us. Our contact information can be found at paragraph **1.19** below.



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 likely 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.

1 The Electoral Commission

1.5 We are an independent statutory authority established in November 2000 by the Political Parties, Elections and Referendums Act 2000 (PPERA). We are headed by nine Commissioners, including a Chair. We report directly to the UK Parliament through a committee chaired by the Speaker of the House of Commons.

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 party and candidate spending on election campaigns. We also have a role in promoting voter awareness and are required to report on the administration of certain elections 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 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

1.10 If you have any questions about the non-financial aspects of our guidance, please contact your local Commission office. Details can be found [here](#).

1.11 If your question is about spending or donations, please contact us at

England

Tel: 0333 103 1928

Email: pef@electoralcommission.org.uk

Scotland

Tel: 0333 103 1928

Email: infoscotland@electoralcommission.org.uk

Wales

Tel: 0333 103 1928 or for Welsh language: 0333 103 1929

Email: infowales@electoralcommission.org.uk

Relevant legislation

1.12 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 legislation

Abbreviation	Full title
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)
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
ERA	Electoral Registration and Administration Act 2013

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 spending 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 on the day you are nominated and on polling day 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 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 date that the vacancy occurs 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 and valid set of nomination papers, together with a deposit of £500, to the (Acting) Returning Officer before the close of nominations.



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 spending from the date that the vacancy occurs.

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 Commission. Telephone numbers and email addresses for the Commission are provided earlier in this Part A, Chapter 1 'Introduction'.

2.8 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'.

Forms you must submit to become 'validly nominated'



All the required forms must be submitted before 4pm on the last day for delivery of nomination papers, as stated on the notice of election, 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. Providing a false statement could invalidate your election, and is also punishable by an unlimited fine and/or six months imprisonment in England and Wales (12 months on indictment), or, in Scotland a fine of up to £10,000 and/or imprisonment.

2.9 You must submit a completed set of nomination papers to the place fixed by the (Acting) Returning Officer before the close of nominations. The start date from which you will be able to submit nomination papers, as well as the times and place for delivery, will be set out in the notice of election. You will need to submit:

- a nomination form (as prescribed by law)
- 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 are also available from the Commission's website at [nomination form](#) and [withdrawal form](#).

How to complete your nomination forms

Nomination paper

2.12 The nomination paper must contain your full name and must be signed by 10 electors included on the UK Parliamentary register for the constituency, known as 'subscribers'.

2.13 Once the vacancy has occurred 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 (Acting) Returning Officer or the relevant Electoral Registration Officer(s) for the constituency will supply you with a copy for making a request in writing. Contact details for the relevant Electoral Registration Officer(s) can be obtained from your (Acting) Returning Officer or from 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 the 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. You must also state that you are not a candidate for any other UK parliamentary by-election taking place on the same day.

Descriptions and emblems

2.16 The nomination paper allows you to enter a description if you wish. 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 issued by your party's Nominating Officer (or a person authorised by them to act on their behalf). This must be the original certificate and cannot be a copy.

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 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 and to the place fixed for that purpose by the (Acting) Returning Officer.

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
- either 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 3.62–5 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 2.12–42

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 the vacancy has occurred and you have declared yourself a candidate, you will be entitled to a free copy of the electoral register and to request the use of 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, as well as the lists of absent voters for the constituency you are contesting. 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 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 in England and Wales or defamation in Scotland - otherwise you could be liable to serious legal action. Statements or comments that incite violence and/or hatred would leave you liable to criminal action.

What is the limit on spending and what donations are allowed?



As a candidate, you are subject to a spending limit 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 the date that you formally become a candidate. You become a candidate at a UK Parliamentary by-election on the date that the vacancy occurs, if you or others on your behalf have made it clear that you will be standing as a candidate on or before that date. 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. There is a spending limit of £100,000 during the regulated period. Further guidance is provided in Part C, Chapter 2, 'The spending limit – when it applies and how much you can spend'.

2.35 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 result has been announced, and whether or not you have been successful, there are a number of documents that your agent will need to submit to the (Acting) Returning Officer.

2.36 The documents that must be submitted after an election are listed in Table 2.¹

Table 2: Documents that must be submitted after an election

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

2.37 Downloadable copies of the required forms and explanatory notes to help candidates and election agents to complete them can be found on our website for [spending return](#), [candidate declaration](#) and [agent declaration](#). Advice on completing the forms can also be obtained from the Commission by phoning 0333 103 1928.²

¹ Section 81, RPA 1983.

² Section 81, RPA 1983.

Part B – Standing for election

Contents

1 Introduction	6
How to use this guide	6
1 The Electoral Commission.....	7
Contact information	7
Relevant legislation.....	8
2 Summary	9
Can you stand for election to the UK Parliament?	9
When do you become a candidate?	9
Forms you must submit to become ‘validly nominated’.....	10
How to complete your nomination forms	11
Delivering the forms	12
Paying the deposit	12
What types of agents are there and what do they do?.....	12
Free resources available to you as a candidate	13
The electoral register	13
Use of rooms for public meetings.....	13
Freepost.....	13
What you need to consider when producing campaign publicity materials	14
What is the limit on spending and what donations are allowed?.....	14
Attending electoral proceedings	15
What to do after the election	15
1 The deadlines	21
Election timetable	21
2 Who is responsible for the election?	23
The Cabinet Office.....	23
The Electoral Commission.....	23
The Returning Officer and Acting Returning Officer	23
Elections office staff.....	25
Election agents	25

Who can be an election agent?.....	25
Appointing an election agent.....	26
Sub-agents	27
Polling agents, counting agents and agents at postal vote openings	28
What does an agent at postal vote openings do and how are they appointed?	28
Electoral observers	30
What does a counting agent do and how are they appointed?	30
Tellers.....	31
3 Running for election	32
Qualifications required for candidature	32
Disqualifications.....	32
Disqualification under the RPA 1981.....	33
Nomination	33
Becoming a candidate.....	33
Becoming a validly nominated candidate	35
Delivering your nomination papers.....	41
The deposit	42
Attendance at the delivery of nomination papers.....	43
Objecting to nominations	43
Registering as a new political party	44
What if you no longer want to be a candidate?	44
Uncontested elections	45
Death of a candidate.....	45
Death of an independent candidate	45
New election	46
4 The election campaign	47
Using the electoral register and absent voters' lists.....	47
Format of the electoral register and absent voters' lists	48
Use of schools and rooms for public meetings	48
Freepost	49
Canvassers.....	49
Campaign publicity material.....	50
Imprint requirements	50
Restrictions and offences	53
Absent voting	55
Relief	57
5 Postal vote opening sessions, the poll and the count.....	58

Postal vote opening sessions	58
Importance of secrecy.....	60
The poll.....	60
The count.....	62
Importance of secrecy.....	62
Count procedure	62
Equality of votes.....	63
Declaration of result	63
6 After the election.....	65
Parliamentary oath or affirmation.....	65
Return of deposit	65
Election spending returns	65
Election petitions.....	65
Costs.....	66
Inspecting documents after the election	67
What can be inspected?.....	67
For how long are the documents available?.....	68
1 Overview	70
About the spending limit	70
About donations.....	70
Planning and managing your election expenses	70
After the election.....	71
2 The spending limit – when it applies and how much you can spend.....	72
Who does the spending limit apply to?.....	72
When does the regulated period begin and end?.....	72
3 What are election expenses?.....	73
Key points.....	73
Items that count as expenses	74
Advertising	74
Unsolicited material sent to electors.....	74
Transport.....	74
Public meetings.....	75
Staff costs	75
Administrative costs	76
The candidate’s personal expenses.....	76
4 How to deal with donations.....	77
What is a donation?	77

Who can I accept donations from?	77
What do I need to do when I receive a donation?	78
5 Planning and managing election expenses	80
Incurring election expenses	80
Paying election expenses	80
Record-keeping	81
Valuing free or discounted items or services	81
Splitting spending	82
Why you may need to split spending.....	82
6 After the election.....	84
What you need to do and when	84
About your election expenses return	84
What to do if you miss a deadline or make a mistake.....	85
Appendix A – Summary list of key electoral and non-electoral offences	87
Bribery.....	87
Treating	87
Undue influence	87
Personation	87
False statements	88
False registration information and false postal/proxy voting application	88
False application to vote by post or by proxy	88
Multiple voting and proxy voting offences	89
Breaches of the secrecy of the ballot.....	89
Campaign publicity material	89
Racial hatred.....	89
Appendix C – How to check if a donation is from a permissible source.....	94
What does ‘carrying on business’ mean?	95

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 likely have regard to any guidance provided by the Commission.

Election timetable



The election timetable is prescribed in law. Once the election has been called, you will be able to obtain a copy of the timetable from the (Acting) Returning Officer.

The timetable for a UK Parliamentary by-election may be altered in a number of prescribed ways by the (Acting) Returning Officer but the (Acting) Returning Officer has no discretion to extend any deadline no matter what the circumstances.

This page is kept blank for you to insert the (Acting) Returning Officer's timetable when available.

2 Who is responsible for the election?



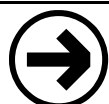
A number of institutions and people are responsible for, or concerned with, various aspects of a UK Parliamentary by-election. These are:

- the Cabinet Office
- 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 Cabinet Office

2.1 The Cabinet Office 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 Cabinet Office 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, who is normally the chief officer of the local authority, 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 your local [Commission office](#).

2.3 The day-to-day work of the election is usually managed by elections office staff, and it is these staff that candidates and agents are likely to have most dealings with 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'³ 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 for the election 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
- 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.

2.7 If you are concerned that electoral fraud may have been committed, you should first speak to the Electoral Registration Officer or (Acting) Returning Officer for your constituency.

2.8 They may be able to explain whether or not electoral fraud may have been committed, and can refer your concerns to the police if necessary. They can also provide you with the details of the police contact for the relevant police force so that you can report the allegation yourself. If you have evidence that an electoral offence has been committed you should contact the police **immediately**. You should be prepared to give them a statement and substantiate your allegation.

2.9 Please note that if your allegation relates to party, election or registered campaigner finance matters, such as spending or donations, then you should follow the advice given at the following link: www.electoralcommission.org.uk/party-finance/enforcement/making-allegations.

³ Rule 26(1), PER.

The Electoral Registration Officer

2.10 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 often the person who has also been appointed as Assessor. Contact details can be found at www.aboutmyvote.co.uk.

Elections office staff

2.11 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

2.12 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?

2.13 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.

2.14 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 election⁴
- any partner or clerk of any of the above individuals⁵
- 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 1983⁶

⁴ Section 99(1)(a) and (b), RPA 1983.

⁵ Section 99(1)(c), RPA 1983.

⁶ Section 165(1), RPA 1983.

Appointing an election agent

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

2.16 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 regulated period has begun.

2.17 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 writing to the (Acting) Returning Officer⁷ The written declaration should be signed by you and by the election agent to show their acceptance of the post⁸ 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.

2.18 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.

2.19 If you have not appointed someone else as your election agent by the close of nominations, you will automatically become your own election agent⁹

2.20 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 death¹⁰

2.21 You can also revoke your own 'appointment' and appoint a new election agent at any time, including after polling day¹¹

2.22 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

2.23 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

⁷ Sections 67(1) and 69(1), RPA 1983.

⁸ Section 67(5), RPA 1983.

⁹ Section 70(1), RPA 1983.

¹⁰ Section 70(2), RPA 1983.

¹¹ Section 70(3A), RPA 1983.

- within London, within a London borough which is part of, or adjoins, the constituency

2.24 The election agent's office address may 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.

2.25 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 45–6. If that address is outside the relevant qualifying area (see paragraph 2.23 above), the office address is deemed to be the qualifying address of the person named in the statement as proposer¹²

2.26 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 agents¹³ 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

2.27 Sub-agents may be appointed in county constituencies only¹⁴ 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.

2.28 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.

2.29 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.

2.30 The election agent must give written notice to the (Acting) Returning Officer of the appointment of sub-agents by 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

¹² Section 70(4), RPA 1983.

¹³ Section 67(6), RPA 1983.

¹⁴ Section 68, RPA 1983.

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/i-am-a/candidate-or-agent/uk-parliamentary-by-elections-great-britain. 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.

Polling agents, counting agents and agents at postal vote openings

2.31 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.¹⁵ 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.

2.32 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 can be found [here](#) under Part 4 - resources.¹⁶

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

2.33 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. You should ensure that you and your supporters follow our [Code of Conduct](#) for campaigners on handling applications to vote by post or proxy and postal votes, which has been developed and agreed with a number of the largest political parties in Great Britain.

2.34 The administration of postal votes 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.

2.35 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 identifiers held on record. (Acting) Returning Officers are required to check all returned ballot packs.

2.36 (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

¹⁵ Rule 30, PER.

¹⁶ Rule 31, PER.

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.

2.37 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 votes¹⁷



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?

2.38 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.¹⁸ (Please note that polling agents' seals **cannot** be attached to ballot boxes at the commencement of or during the poll.)

2.39 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.

2.40 You or your election agent can also do any of the things that a polling agent is authorised to do.¹⁹ 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.²⁰

¹⁷ Regulation 69(2), 2001 Regulations.

¹⁸ Rule 43(1), PER.

¹⁹ Rule 30(8) and (9), PER.

²⁰ Rule 30(10), PER.

2.41 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 allowed into a particular polling station at any one time²¹ Any agent may be appointed to attend more than one polling station.

2.42 The (Acting) Returning Officer must be notified **in writing** of the names and addresses of any polling agents **no later than the fifth working day before the poll**.²² A form for appointing polling agents is available on the Commission's website and can be accessed [here](#).

Electoral observers

2.43 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.

2.44 All observers must abide by a Code of Practice, which includes a requirement to be politically impartial. More information on observers, can be found here [Code of Practice](#).

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

2.45 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 request 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'. A form for notifying the appointment of counting agents is available on the Commission's website and can be found [here](#).

2.46 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 candidates²³ 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.

2.47 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 fifth working day before the poll**.

²¹ Rule 32(2), PER.

²² Rule 30(3), PER.

²³ Rule 30(2), PER.

Tellers

2.48 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.

2.49 You should make sure that any tellers working for you follow our [tellers do's and don'ts](#) and any guidance issued by the (Acting) Returning Officer.

2.50 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 last day for delivery of nomination papers, as stated on the notice of election, 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 old²⁴ **and**
- either be a British citizen or a citizen of the Republic of Ireland,²⁵ **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 EU member states other than the UK, the Republic of Ireland, Cyprus and Malta) 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 currently subject to a bankruptcy restrictions order or debt relief restrictions order made by a court in England, Wales or Northern Ireland,²⁶
- someone who has had their estate sequestrated in Scotland and remains undischarged²⁷
- a convicted prisoner who is serving a prison sentence of more than 12 months²⁸
- civil servants
- members of police forces
- members of the armed forces
- government-nominated directors of commercial companies

²⁴ Section 17, EAA.

²⁵ Section 18, EAA; Section 3, Act of Settlement 1700; and Section 52(6), British Nationality Act 1981.

²⁶ 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.

²⁷ Section 427, Insolvency Act 1986.

²⁸ Disqualification under the RPA 1981.

- judges
- 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 Lords²⁹
- 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 as a candidate in more than one constituency if there is more than one UK Parliamentary by-election happening on the same day³⁰

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, however, it is not until the date that the vacancy occurs 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:

²⁹ House of Lords Act 1999.

³⁰ Rule 8(3), PER.

- on the date that the vacancy occurs, 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 date that the vacancy occurs, 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 by-election on 4 February. A vacancy occurs on 11 March. You become a candidate on 11 March.
- You declare yourself to be a candidate for the next UK Parliamentary by-election on 9 March. A vacancy occurs 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 by-election, but you deliver valid nomination papers to the (Acting) Returning Officer on 17 March. You become a candidate on 17 March.
- A vacancy occurs 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 included on the 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 form. Nomination papers cannot 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.

Step 3 – Submit completed nomination papers and a £500 deposit to the (Acting) Returning Officer by 4pm on the last day for delivery of nomination papers, 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 in this guidance 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 could be completed and handed to the (Acting) Returning Officer. (Acting) Returning Officers will also prepare the nomination form for signature if required.³¹

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 form

3.18 Anyone wishing to stand for election must complete a nomination following the prescribed form.³²

³¹ Rule 7(4), PER.

³² Rule 6(1), PER.

3.19 At an election in a constituency in Wales, a nomination form may be submitted in Welsh or English.

3.20 The nomination form needs to contain your full name and must be signed by 10 electors registered on the UK Parliamentary register for the constituency – these electors are known as ‘subscribers’.

3.21 **Name** – the nomination form must include your surname, then other names in full;³³ you risk having your nomination paper rejected by the (Acting) Returning Officer if you use initials. Titles or prefixes, such as Mr, Mrs or Dr, should not be used as they are not part of the actual name.

3.22 1.85 If you commonly use a different name from your actual name, you can request on your nomination form for your commonly used name(s) to be used instead of your actual name. The commonly used name(s) would then appear on:

- the statement of persons nominated and the notice of poll, and
- the ballot papers

3.23 A commonly used name is one which is different from any other forename or surname that you have. This means that a forename in its original format cannot be used as a commonly used name. If you wish to use a commonly used forename and/or surname then these must be different from your full name as it appears on the nomination form. For example, in the case of Andrew John Smith, he could not use Andrew Smith as his commonly used name, although he would be able to use Andy Smith (if Andy was the name by which he is commonly known).

3.24 You can request to use a commonly used forename, surname or both. You may also use initials as part of your commonly used name if you are commonly known by them.

3.25 The (Acting) Returning Officer will disallow commonly used names that are likely to mislead or confuse electors, or are obscene or offensive. If the name(s) are not permissible, the (Acting) Returning Officer will write to you stating the reason for rejection. In those cases, your actual name will be used instead.

3.26 If either the commonly used forename or surname box on the nomination paper is left blank, then your actual forename or surname, depending on which commonly used name box has been left blank, will be used.

3.27 1.91 It is an offence to give a false statement on your nomination paper. Therefore if you choose to provide a commonly used name you must ensure that it is a forename or surname which you commonly use.

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

³³ Rule 6(2), PER.

3.28 The ballot paper would show:

MILLER, Andy

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

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

3.30 The ballot paper would show:

MILLER, Andrew John

3.31 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 title of Baroness Purple, may use the name Jo Purple as if it were their actual name.³⁴ 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.

3.32 **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 '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.

3.33 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 party³⁵ The current name and list of descriptions registered by political parties are available on the register of political parties:

<http://search.electoralcommission.org.uk>

3.34 By the close of nominations, you must supply a form, the 'certificate of authorisation', signed by your party's Nominating Officer or a person authorised 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 3.50-2 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 3.75-7.

³⁴ Note 2, Form of nomination paper, Appendix of forms, PER.

³⁵ Section 28A, PPERA, as inserted by Section 49, EAA.

3.35 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.

3.36 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.

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

- leave the description part of the form blank, in which case no description will appear on the ballot paper
- use the description 'Independent' (and/or 'Annibynnol' in a constituency in Wales)
- 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
- 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
- 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

3.38 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 invalid³⁶

3.39 **Subscribers and access to the register** – you will need 10 electors who are 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 cannot subscribe nomination forms.

3.40 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.

3.41 Subscribers can only subscribe one nomination form at the election.³⁷ Once a nomination form is formally submitted to the (Acting) Returning Officer, signatures on nomination forms cannot be withdrawn. If an elector does sign two or more

³⁶ Rule 12(3A), PER.

³⁷ Rule 7(5), PER.

nomination forms, the first nomination form delivered to the (Acting) Returning Officer will be accepted and the rest will be invalid.

3.42 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.

3.43 To ensure that the nomination form is completed correctly you should obtain a copy of the electoral register that will be valid for nominations at the election.³⁸ The elector number of each subscriber, including the distinctive letter(s) of the polling district, must be entered on the nomination form.



You are entitled to receive a free copy of the register from the time that the vacancy occurs 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.

3.44 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

3.45 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 reside³⁹

3.46 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

3.47 In order for your nomination as a candidate to be valid, you must also formally consent to your nomination in writing.⁴⁰ 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.

3.48 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 address⁴¹ The consent form should be delivered in person to the (Acting) Returning

³⁸ Rule 7(6)

³⁹ Rule 6(5), PER

⁴⁰ Rule 8(1), PER

⁴¹ Rule 8, PER.

Officer with the other nomination papers and must be delivered before 4pm on the last day for delivery of nomination papers, as stated on the notice of election.

3.49 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 fax or email before the deadline, and would not require attestation. The (Acting) Returning Officer would have to be satisfied that you were abroad and were not able to consent in the normal manner before accepting this method of consent.⁴²

3.50 **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.

3.51 If you are going to use a party description or name you must supply a certificate of authorisation issued by your party's Nominating Officer (or a person appointed by them to act on their behalf). This must be the original certificate and cannot be a copy. 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 is also included in the nomination pack which can be downloaded from the Commission's website at www.electoralcommission.org.uk/i-am-a/candidate-or-agent/uk-parliamentary-by-elections-great-britain.

3.52 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://search.electoralcommission.org.uk/> 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'.

3.53 **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://search.electoralcommission.org.uk/>

3.54 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. If you are standing on behalf of two or more different registered political parties you can request to use a registered emblem of one of those parties.

3.55 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.

⁴² Rule 8(2), PER.

Delivering your nomination papers

3.56 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.

3.57 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.

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

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

3.59 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.

3.60 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 candidate⁴³ 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.

⁴³ Rule 14A, PER



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

3.61 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.⁴⁴ Providing a false statement could invalidate your election, and is also punishable by an unlimited fine and/or six months imprisonment (12 months on indictment) in England and Wales, or, in Scotland a fine of up to £10,000 or 12 months imprisonment.⁴⁵

The deposit

3.62 A £500 deposit is required from candidates wishing to stand at a UK Parliamentary election⁴⁶ 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. The (Acting) Returning Officer may also accept a deposit made by a building society cheque, a debit or credit card or an electronic funds transfer.⁴⁷ However, they may refuse to do so. If you are considering paying the deposit in one of these ways, you should discuss with your (Acting) Returning Officer at the earliest opportunity whether the payment method is acceptable.

3.63 If card or transfer payments are accepted, they must have reached the (Acting) Returning Officer's account by the deadline for submitting nominations, otherwise your nomination will be ruled invalid.

3.64 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 fee, as well as the £500 deposit.

3.65 Candidates who obtain more than 5% of the total valid votes cast will have their deposit returned. Candidates who obtain equal to or less than 5% of the total valid votes cast will forfeit their deposit.

⁴⁴ Section 65A, RPA 1983.

⁴⁵ Section 168, RPA 1983.

⁴⁶ Rule 9, PER.

⁴⁷ Rule 9, PER.

Attendance at the delivery of nomination papers

3.66 In addition to those people identified earlier in this chapter, paragraph 3.58, 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 representatives⁴⁸

3.67 No other person except the (Acting) Returning Officer and their staff is allowed to attend the delivery of nomination papers⁴⁹ Nomination papers are not open to public inspection – they are only open to the people mentioned in this section.

Objecting to nominations

3.68 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 forms 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.

3.69 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.⁵⁰

3.70 The time within which an objection can be made to a nomination paper depends on when the nomination paper is delivered⁵¹ Nomination papers delivered up until 4pm on the day before the final day for delivery can be objected to only up until 12 noon on the last day for delivery.

3.71 Nomination papers 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.

3.72 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.

3.73 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).

⁴⁸ Rule 11(1), PER.

⁴⁹ Rule 11(1), PER.

⁵⁰ Rule 11(4), PER.

⁵¹ Rule 11, PER.

3.74 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 petition⁵²

Registering as a new political party

3.75 If you want to register a political party, you can do this online. You will need to register as an online user and you can do this by emailing pef@electoralcommission.org.uk, or calling 0333 103 1928. Alternatively you can download a form (available here: www.electoralcommission.org.uk/i-am-a/party-or-campaigner) that you must send to the Research and Registration team at the Electoral Commission together with:

- a copy of the party's constitution
- a draft financial scheme, and
- a fee of £150

3.76 Further information and guidance on registering a political party can be found in our document 'Introduction to registering a political party' which can be found on our website [here](#).

3.77 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 six weeks (30 working days) to process applications, so you should submit your application as soon as possible.

What if you no longer want to be a candidate?

3.78 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. 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.

3.79 If you are outside the UK your proposer can withdraw on your behalf as long as the withdrawal is accompanied by a written declaration signed by your proposer confirming your absence.

3.80 If you are outside the UK and stand nominated by more than one nomination form, you should speak to the (Acting) Returning Officer if you wish to withdraw as special rules apply in this instance.

⁵² Rule 12(5) and (6), PER.

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 spending 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 planned.⁵³ 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 elected and the election is not affected. If the candidate who died were to be joint first with the same number of votes as any other candidate, the other candidate would be declared elected.

3.87 In all circumstances, the deposit of the deceased candidate will be returned⁵⁴

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.⁵⁵ If the poll is under way or the count has started, that process stops. The election will be re-run.

⁵³ Rules 60–62, PER.

⁵⁴ Rule 60(3), PER.

⁵⁵ Rule 63, PER.

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 will be 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.

New election

3.90 The timetable for any new election will be prepared as if the writ were 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.

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 3.43–4.

4.2 The registration data provided by the Electoral Registration Officer(s) 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 apply to register to vote up until the twelfth 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 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 open version of the register also published by the Electoral Registration Officer)⁵⁶
- make use of any information contained in the register or lists other than for electoral purposes⁵⁷



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 be given an unlimited fine and/or imprisonment in England and Wales, or, in Scotland a fine of up to £5,000 (or an unlimited fine if convicted on indictment) and/or imprisonment.

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

⁵⁶ Electoral Registration Officers are required to publish two versions of the electoral register: a version containing the details of all electors in the area, and an open version which is available for sale and which does not contain information about electors who have requested that their details are not included in the open version.

⁵⁷ Regulation 108(5), 2001 Regulations; Regulation 107(5), 2001 Regulations (Scotland).

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.

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 register of electors at any time on making a written request, irrespective of whether an election has been called or not. The same restrictions on the use of the 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.⁵⁸ 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.⁵⁹

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

⁵⁸ Section 95 and Schedule 5, RPA 1983.

⁵⁹ Section 95 and Schedule 5, RPA 1983.

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.

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, caretaking and cleaning, and for any damage to the premises.⁶⁰

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.⁶¹

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 summary conviction shall not exceed level 1⁶²

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.

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.⁶³ In addition, members of the police forces, whether paid or unpaid, are prohibited from acting as canvassers.

⁶⁰ Section 95(4), RPA 1983, as applied by Section 96(4), RPA 1983.

⁶¹ Section 95(7), RPA 1983.

⁶² Section 97, RPA 1983.

⁶³ Section 111, RPA 1983.

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.*⁶⁴

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.⁶⁵

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 material:

- 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.⁶⁶

⁶⁴ 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.

⁶⁵ Section 94, RPA 1983.

⁶⁶ Section 110, RPA 1983.

- Section 143 of PPERA applies to election material that can reasonably be regarded as intended to influence voters to vote for or against a political party or category of candidates.



All printed election material must carry an imprint with details of the name and postal address of the printer and promoter of the material. **It is an offence for a printer or promoter to publish printed election material without an imprint.**

4.27 Election material also refers to materials that prejudice, criticise or disparage the electoral prospects at the election of other parties or candidates, or which 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.⁶⁷

4.28 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.

4.29 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.

4.30 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?

4.31 The promoter is the person who causes the material to be published. 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.

⁶⁷ Section 85(4), PPERA.

4.32 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

4.33 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].

For example:

Printed by Armadillo Printing Ltd, 22 Thornfields Avenue, Glasgow.

Promoted by John Smith, 110 High Street, Airdrie on behalf of Jane Smith of 112 High Street Airdrie.

or where you are using an office address:

Printed by Armadillo Printing Ltd, 22 Thornfields Avenue, Glasgow.

Promoted by John Smith, on behalf of .Jane Smith of 112 High Street Airdrie.

Where the candidate is also the promoter of the material, the 'on behalf of' part of the imprint is not required. This may happen when a candidate is their own agent.

For example:

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

Printed and promoted by Jane Smith of 112 High Street Airdrie.

Where the candidate prints leaflets using a printing company, the imprint should look like this:

- Printed by [printer's name and address].
- Promoted by [candidate's name and address].

Printed by Armadillo Printing Ltd, 22 Thornfields Avenue, Glasgow.

Promoted by Jane Smith of 112 High Street Airdrie.

In all cases, you must make sure that the imprint lists all the promoters and organisations involved.

Display of advertisements

4.34 The display of all advertising is controlled. 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 and can be displayed only with the prior consent of the agency which manages the trunk road. All advertisements must be removed within 14 calendar days after the election.⁶⁸

4.35 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 you who to contact.

4.36 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.⁶⁹ 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

4.37 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.⁷⁰ 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.⁷¹

4.38 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.⁷² Further, people who have been found guilty of

⁶⁸ 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.

⁶⁹ Section 109(1), RPA 1983.

⁷⁰ Section 106(1), RPA 1983.

⁷¹ Section 106(5), RPA 1983.

⁷² Section 159(1), RPA 1983.

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.⁷³ 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

4.39 Election campaign material is also subject to general restrictions of the civil law. Election material that constitutes libel in England and Wales or defamation in Scotland is liable to legal action.

Other criminal offences

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

4.41 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.⁷⁴

4.42 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

4.43 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.⁷⁵

Treating

4.44 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.⁷⁶

⁷³ Section 173(1), RPA 1983.

⁷⁴ Sections 19 and 29C, Public Order Act 1986, as amended by the Racial and Religious Hatred Act 2006.

⁷⁵ Section 113(2), RPA 1983.

⁷⁶ Section 114(2), RPA 1983.

Undue influence

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

4.46 A person is guilty of the corrupt practice of undue influence if:⁷⁷

- 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

4.47 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](#) and [tellers do's and don'ts](#).

4.48 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

4.49 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

4.50 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

4.51 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.⁷⁸

⁷⁷ Section 115(2), RPA 1983, as amended by Section 38, EAA.

⁷⁸ Section 40, EAA.

Offences associated with absent voting

4.52 The Commission has agreed a [Code of Conduct](#) with the larger political parties on handling applications to vote by post or proxy and postal votes. This code represents an agreed standard of acceptable behaviour that all candidates and agents and their supporters should follow.

Reporting offences



Neither the (Acting) Returning Officer nor the Commission has any discretion to investigate allegations of the offences set out in this chapter in paragraphs 4.20–51.⁷⁹ 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 room or area where the poll takes place.

4.53 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 campaigners. 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.

4.54 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.

⁷⁹ The Electoral Commission can, however, investigate allegations of election spending offences.

4.55 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.

4.56 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.

4.57 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

4.58 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.

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



To obtain information on this in England and Wales contact:

The Election Petitions Office
Room E113
Royal Courts of Justice
Strand
London WC2A 2LL

Email: Election_Petitions@hmcts.gsi.gov.uk

Phone: 020 7947 7529

Fax: 0870 324 0024



To obtain information on this in Scotland contact:

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

Email: supreme.courts@scotcourts.gov.uk

Tel: 0131 225 2595

Fax: 0131 240 6711

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 held on record by the Electoral Registration Officer. (Acting) Returning Officers are required to check the identifiers on all returned postal votes.

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.⁸⁰ Other than the (Acting) Returning Officer and their staff, those entitled to attend the opening of postal voters ballot boxes and watch proceedings are:⁸¹

- 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

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

⁸⁰ Regulation 80, 2001 Regulations.

⁸¹ Regulation 68, 2001 Regulations.

5.5 You may observe but cannot 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.⁸²
- 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 signed⁸³ and that the voter 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.⁸⁴ 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.⁸⁵
- The (Acting) Returning Officer must verify all 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:

⁸² Regulation 84(1), 2001 Regulations.

⁸³ 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.

⁸⁴ Regulation 85(2), 2001 Regulations.

⁸⁵ 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

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

- either because a signature⁸⁶ and/or date of birth is missing
- or 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 RPA 1983 may face an unlimited fine or may be imprisoned for up to six months in England and Wales. In Scotland you could face up a fine of up to £5,000, or six months imprisonment⁸⁷

The poll

⁸⁶ Except in the limited circumstances where an elector has been granted a waiver and is not required to supply a signature.

⁸⁷ Section 66(6), RPA 1983.

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. An elector who is in the polling station or in a queue at their polling station at 10pm to receive a ballot paper will be allowed to vote.

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. However you and your agents must apply for accreditation from the (Acting) Returning Officer at least five days before polling day. 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.

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. The (Acting) Returning Officer will write to all candidates and election agents with details of the exact time and location of the start of the count.

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 can be found in Appendix B.

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 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 number of valid 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 receive more than 5% of the total valid votes cast will have their deposit returned by the next working day following the declaration of result. Those candidates who receive equal to or less than 5% of the total valid votes cast will forfeit their deposit.⁸⁸

Election spending returns

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

Election petitions

6.5 Election petitions may be 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:

⁸⁸ Rule 53, PER.

- 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) 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 or 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 must be submitted. The petition must contain the following information:

- details of the capacity by which the person or persons are qualified to bring the petition (see 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 should not be embarked upon lightly and it is strongly advised 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 E113
Royal Courts of Justice
Strand
London WC2A 2LL

Email: Election_Petitions@hmcts.gsi.gov.uk

Phone: 020 7947 6877

Fax: 0870 324 0024

Scotland

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

Email: supreme.courts@scotcourts.gov.uk

Tel: 0131 225 2595

Fax: 0131 240 6711

Inspecting 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 in England and Wales or the Returning Officer in Scotland 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. A copy of 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 in England and Wales or the Returning Officer in Scotland 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 or Returning Officer can be found on our website at www.aboutmyvote.co.uk.

For how long are the documents available?

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

6.24 Election spending returns are available for two years before either being returned to the candidates or their election agents (who must request them before the end of the two year period), otherwise the documents will be destroyed.

Part C – Election expenses

Contents

1 Overview	66
About the spending limit	66
About donations.....	66
Planning and managing your election expenses	66
After the election.....	67
2 The spending limit – when it applies and how much you can spend	68
3 What are election expenses?	69
Key points.....	69
Items that count as expenses	70
4 How to deal with donations.....	73
What is a donation?	73
Who can I accept donations from?	73
What do I need to do when I receive a donation?	74
5 Planning and managing election expenses.....	76
Incurring election expenses	76
Paying election expenses	76
Record-keeping	77
Valuing free or discounted items or services	77
Splitting spending	78
6 After the election.....	80
What you need to do and when	80
About your election expenses return	80
What to do if you miss a deadline or make a mistake.....	81

1 Overview



Part C

In this Part, we use ‘**you**’ to cover both the election 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 the spending limit

1.2 There is a limit of £100,000 on the total amount that a candidate can spend on campaigning in the run-up to a UK Parliamentary by-election.

1.3 The period during which the spending limit and rules on donations apply is called the **regulated period**, which begins on the day after the date you become a candidate.

1.4 You can find more information on when the limit begins, and how much you can spend in Part C, Chapter 2, ‘The spending limit – when it applies and how much you can spend’.

1.5 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

1.6 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.

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

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

Planning and managing your election expenses

1.9 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. You can find more information about how to appoint an election agent in Part B “, paragraphs 2.14-42.

1.10 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.

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

After the election

1.12 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.

1.13 The agent must submit the return to the (Acting) Returning Officer within 35 calendar days of the result of the election being announced, together with your invoices or receipts.

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

2 The spending limit – when it applies and how much you can spend

2.1 This chapter sets out when the spending limit applies and how much you can spend during the regulated period.

Who does the spending limit apply to?

2.2 The spending limit applies to anyone who becomes a candidate at a UK Parliamentary by-election.

2.3 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.

How much can I spend?

2.4 The maximum limit of election spending on items and services used during the regulated period is £100,000.

When does the regulated period begin and end?

2.5 The regulated period begins on the day after the date you formally become a candidate and ends on the date of the poll.

2.6 You become a candidate at a UK Parliamentary by-election on the date that the vacancy occurs, if you or others on your behalf have made it clear that you will be standing as a candidate on or before that date.

2.7 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.

3 What are election expenses?

3.1 This chapter sets out what you do and do not need to count as election expenses. Candidate spending is often known as ‘expenses’. Sometimes, people think this means that spending can be reclaimed from the local council, or from us. This is not the case. You are not entitled to recover any spending from public funds



You and your election agent should not be under the impression that you are eligible to reclaim 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. In general, you must include the value of everything **used** in the regulated period, even if it was bought before the period began. See Part C, Chapter 5 for more information on splitting expenses. This includes:

- items or services bought before the regulated period begins, but used during it
- items or services given to you free of charge or given to you at a non-commercial discount of more than 10%

3.3 Candidate spending includes the costs of :

- 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 costs⁸⁹

3.4 You can find more information about the spending categories later in this chapter, paragraphs 3.7–22.

3.5 You must account for the candidate’s personal expenses on travel and accommodation separately (see later in this chapter, paragraphs 3.23–5).

3.6 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

⁸⁹ Schedule 4A, RPA 1983.

- 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 advertisement⁹⁰



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

3.7 This includes:

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

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

Unsolicited material sent to electors

3.9 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

3.10 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. .

3.11 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.

3.12 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 3.22–4.

⁹⁰ Schedule 4A, RPA 1983.

Public meetings

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

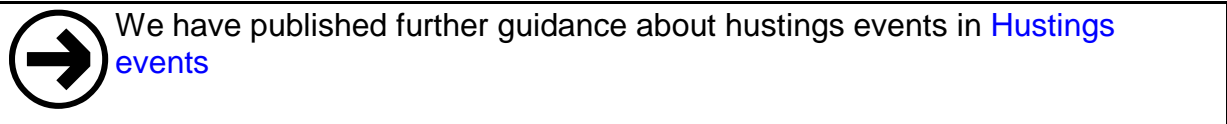
- venue hire costs
- use of backdrops
- speakers' fees and accommodation
- any costs you reimburse to anyone for attending the meeting
- anything you provide at the meeting, such as refreshments

3.14 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 social event at which you say a few words.

3.15 Sometimes it may not be easy to decide whether or not a public event should be included. In these cases, you should make an honest assessment based on the facts as to whether the meeting is genuinely being held for other purposes. If you are still in doubt, please contact us for advice.

3.16 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.



Staff costs

3.17 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.

Accommodation

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

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

3.20 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 3.22–4.

Administrative costs

3.21 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. Valuations will vary depending on particular circumstances.

The candidate's personal expenses

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

3.23 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.

3.24 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 money, property, goods or services which are given:

- towards your candidate spending
- without charge or on non-commercial terms

and has a value of over £50. Anything with a value of £50 or less does not count as a donation.

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 3.6 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 C.

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.

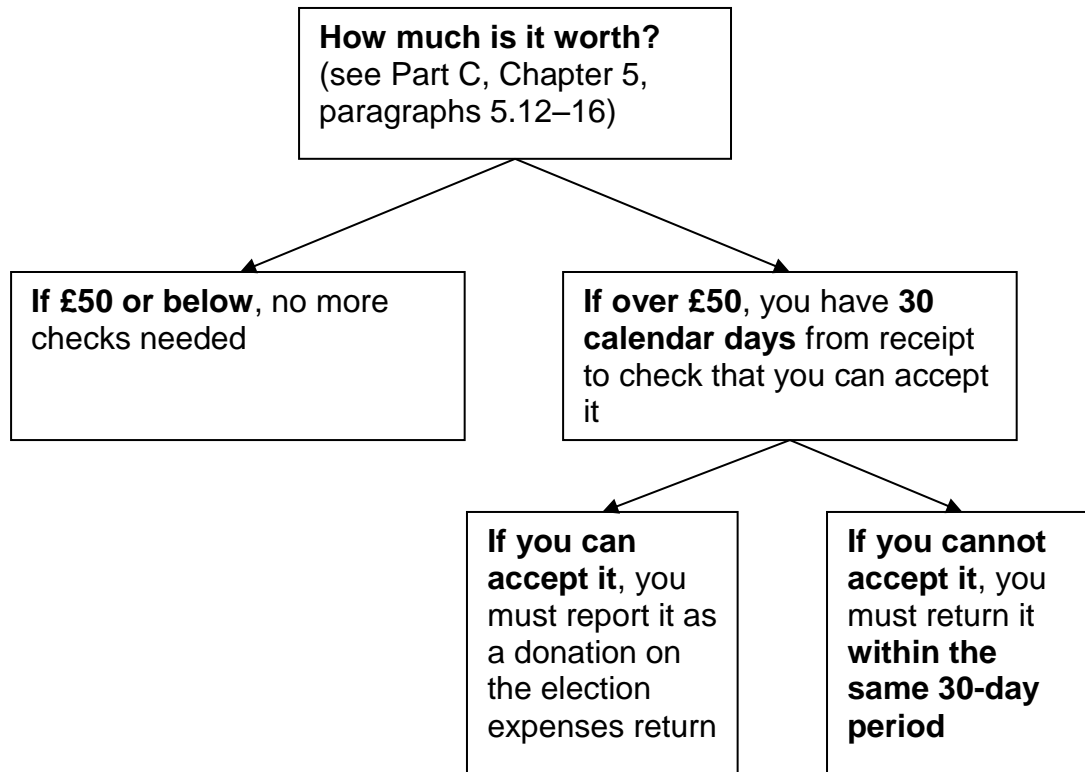


Although electoral law allows you to accept donations from charities that are registered companies, **charities are not usually allowed to make political donations** under charity law. You should check that any charity offering a donation has taken advice from the relevant UK Charity Regulator before 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 value items or services given to you free of charge or at a non-commercial discount
- how you should approach splitting expenses



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 limit 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 3.22-24).
- 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 in England and Wales or a sheriff court or the 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

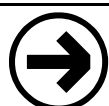
Record-keeping

5.9 Candidates can act as their own agents. Once appointed, the agent must keep invoices or receipts for all payments over **£20**.

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 or recklessly.

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 5.12–16 for more information)
- any other donations you have received (see Part C, Chapter 4, 'How to deal with donations' for more information on donations)



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 6.3–6

Valuing free or discounted items or services

5.12 You may find that you pay for items or activities at a lower cost than their commercial value. For example:

- a supplier who supports your campaign gives you goods or services at a reduced value
- your party lets you use an office or other facilities, or pays for leaflets on your behalf

5.13 You must record the full commercial value of these items or activities as candidate spending if:

- you receive the item free of charge or at a non-commercial discount of more than 10% and;
- the difference in value between the commercial value and what you pay is more than £50

5.14 If you receive a discount of 10% or less or the difference in value is £50 or less, you only need to record the amount you paid. The difference between the commercial value and the price you pay is called ‘notional spending’. Notional spending with a value of more than £50 will also be a donation.

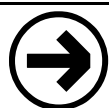
Valuing notional spending

5.15 If the supplier is a commercial provider, you should use the rates they charge other customers. If this information isn’t available, you should find out what similar providers charge for the same goods or services and use this as the commercial value.

5.16 You should keep a record of how you reached your valuation and keep copies of any quotes you receive.

5.17 After the election, the agent must make a declaration of the value of each item of notional spending (unless the amount is £50 or less). You must also include the price you paid (if any) in your spending return. The value you declare must be a fair and honest assessment of the commercial value.

5.18 If you are not sure how to value something, please email or call us for advice.



For more information about donations, see Part C, Chapter 4, paragraphs 4.5–10.

Splitting spending

Why you may need to split spending

5.19 You may need to split your costs between activities and materials that count as candidate spending and those that don’t.

5.20 Here are two common examples of where you need to split spending:

- if you have spent money on items used both before and during the regulated period
- if you use part of your local party’s office for your campaign, you will need to split costs between your campaign and the party’s other activities

The honest assessment principle

5.21 In all cases you should make an honest assessment, based on the facts, of the proportion of expenditure that can fairly be attributed to your candidate spending.

5.22 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. Sometimes, it may be difficult to make an exact split. For example, if you are sharing a party office, the telephone bill may only provide a breakdown of the cost of calls over a certain value.

5.23 In these cases, you should consider the best way of making an honest assessment on the information you have. For example, you could compare the bill with one that does not cover a regulated period.

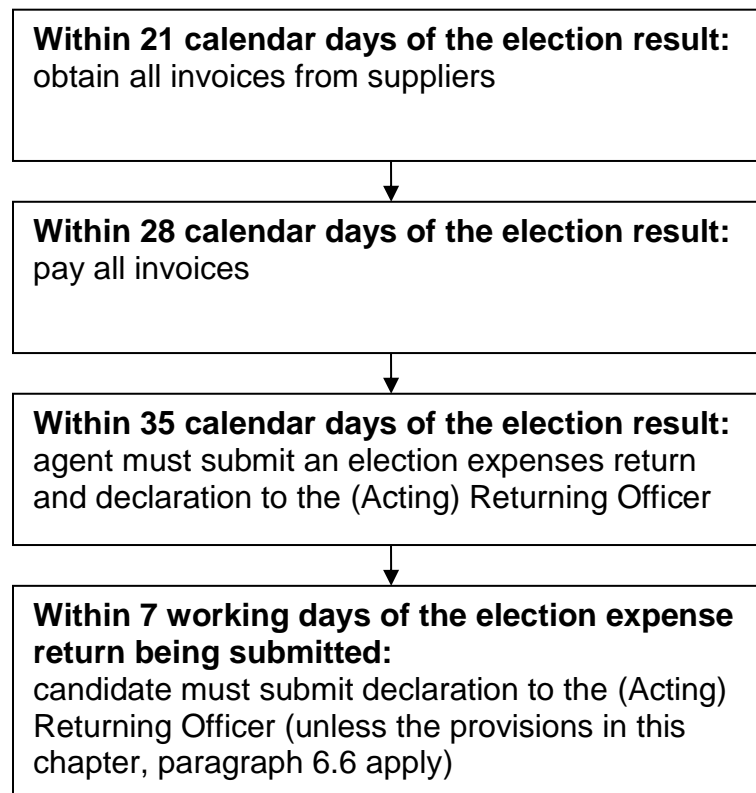
6 After the election

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 4.12-13
- 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 3.3.

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

6.6 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. There are also explanatory notes on how to complete the forms.

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

6.7 If you miss the deadline for obtaining or paying invoices from suppliers, you must 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 in England and Wales or www.scotcourts.gov.uk in Scotland. We also recommend you seek legal advice.

6.8 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 in England and Wales or to a sheriff court or the Court of Session in Scotland for relief. Candidates and agents can only apply for relief on specific grounds, such as the death, illness or misconduct of the other. We recommend you seek legal advice if you are considering an application.

Appendices

Appendix A – Summary list of key electoral and non-electoral offences.....	83
Appendix B – Secrecy requirements.....	92
Appendix C – How to check if a donation is from a permissible source	96

Appendix A – Summary list of key electoral and non-electoral offences

Bribery

The offence of bribery includes where someone directly or indirectly gives any money or procures any office to or for any voter, in order to induce any voter to vote or not vote.

Treating

A person is guilty of treating if either before, during or after an election they directly or indirectly give or provide any food, drink, entertainment or provision to corruptly influence any voter to vote or refrain from voting. Treating requires a corrupt intent - it does not apply to ordinary hospitality.

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, harm or loss upon or against any person in order to induce or compel that person to vote or refrain from voting.

A person may also be guilty of undue influence if they impede or prevent any voter from freely exercising their right to vote – even where the attempt is unsuccessful.

Undue influence doesn't 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 could also be undue influence.

Personation

Personation is defined as an individual voting as someone else either by post or in person at a polling station, as an elector or as a proxy. This offence applies if the person that is being personated is living, dead or fictitious. Aiding, abetting, counselling or procuring the offence of personation is also an offence.

False statements

About a candidate's personal character or conduct

It is an offence 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.

False statements that are not about a candidate's personal character or conduct are not illegal under electoral law, but could be considered as libel or slander.

It is also an illegal practice to make a false statement of a candidate's withdrawal in order to promote or procure the election of another candidate.

In nomination papers

It is an offence to provide a false statement on a nomination paper, which you know to be false. For example, if you know you are disqualified from election you must not sign the consent to nomination.

False registration information and false postal/proxy voting application

It is an offence to supply false information on a registration, postal vote or proxy vote application form. False information includes a false signature.

False application to vote by post or by proxy

A person is guilty of an offence if they apply to vote by post or proxy to gain a vote to which they are not entitled or to deprive someone else of their vote.

Multiple voting and proxy voting offences

There are various offences regarding multiple voting and proxy voting, including voting in person or by post as an elector or proxy knowing that you are subject to a legal incapacity to vote and inducing or procuring another to commit the offence.

Breaches of the secrecy of the ballot

Everyone involved in the election process or attending certain proceedings must maintain the secrecy of the ballot. The (Acting) Returning Officer will give a copy of the official secrecy requirements to everyone who attends the opening of postal votes or the counting of ballot papers and to polling agents.

Campaign publicity material

Certain offences relate specifically to election campaign publicity material. Printed election campaign publicity material must contain an imprint, not resemble a poll card and not contain a false statement of fact as to the personal character or conduct of a candidate.

Racial hatred

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



The Code is available on our website [here](#).

Appendix C – 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 F1: 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 www.companieshouse.gov.uk
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 www.certoffice.org
Building society	Must be a building society within the meaning of the Building Societies Act 1986. You can check the register at http://mutuals.fsa.gov.uk

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 www.companieshouse.gov.uk</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 http://mutuals.fsa.gov.uk</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.

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.

