

# *the* **candidates** *guide*

The following notes are provided purely for the information and assistance of candidates for election as District Councillors. They do not purport to be a complete statement of law and practice relating to elections, and should not be relied upon as an authoritative interpretation of the law.

N.B. All references to candidates in this guide make use of the male gender (i.e. him, he etc). This is solely for the purpose of condensing the text as far as possible, and the guidance equally applies to female candidates.

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## **1. ROLES AND RESPONSIBILITIES**

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### **The Returning Officer**

The Chief Executive of the Council is the Electoral Registration Officer (responsible for the compilation and maintenance of the Register of Electors and Absent Voting lists), and also the Returning Officer responsible for the organisation of the election. Deputy Returning Officers have been appointed to carry out any of his functions. While this guide refers to responsibilities carried out by the Returning Officer, it is likely that candidates and agents will liaise directly with the Deputy Returning Officers and the authority's electoral services staff (see below). It is important to note that the Returning Officer and his or her staff must act impartially in their dealings with candidates and agents at all times during the conduct of the election.

At various stages of an election the Returning Officer may also appoint staff to help him run the election. Any staff appointed for the duration of the election period are under the direction and control of the Returning Officer, irrespective of their normal employment. The Returning Officer is required to appoint a presiding officer for each polling station in the ward, and may appoint as many of the following staff as are needed to assist him in the conduct of the election:

- staff for the issue and receipt of postal votes;
- poll clerks;
- counting assistants.

It is important to note that the Returning Officer and his or her staff are not responsible for monitoring the conduct of candidates, agents and campaigners, and any concerns regarding their conduct should be brought to the attention of the police.

### **Electoral services staff**

The day-to-day administration of the election is likely to be carried out by the Council's electoral services team. This includes recruiting and training staff, arranging polling stations, delivering poll cards, processing postal and proxy voting applications and arranging their despatch and receipt, preparing polling stationery and equipment, and organising the counting of votes. These staff are likely to be the first and main point of contact for candidates and agents during the election. Please see the contact details in section 20 of this guide.

## 2. QUALIFICATIONS FOR CANDIDATURE

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To be qualified to be elected a member of a district council a person must have attained the age of 18 and be a British Citizen, a citizen of a qualifying Commonwealth country, a citizen of the Irish Republic or a citizen of another member state of the European Union.

The candidate must also meet at least one of the following four qualifications on the day he is nominated and on polling day:-

- (i) on the day of nomination and on the day of the election he is and thereafter he continues to be registered as a voter in the district or
- (ii) for the whole of twelve months before the day of nomination and the day of the election he has occupied any land or other premises as owner or tenant in the district; or
- (iii) for the whole of the twelve months before the day of nomination and the day of the election his principal or only place of work has been in the district; or
- (iv) for the whole of the twelve months before the day of nomination and the day of the election he has resided in the district.

There are certain **disqualifications** from being a member of a local authority and standing for election, of which the main are:

- (a) holding a paid office under the local authority;
- (b) being subject to a Bankruptcy Restrictions Order or Interim Order;
- (c) having been sentenced to a term of imprisonment (whether suspended or not) of not less than three months, without the option of a fine during the five years preceding the election;
- (d) being disqualified under Part III of the Representation of the People Act 1983 (which relates to donations and other offences) or under the Audit Commission Act 1998;
- (e) being disqualified under any enactment relating to corrupt or illegal practices, or disqualified from standing for election to a local authority following a decision of the Adjudication Panel for England; and
- (f) holding a politically restricted post under a local authority (Part I, Local Government and Housing Act 1989).

(See extract from Local Government Act 1972 provided amongst the nomination documents)

### 3. NOMINATION

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Every candidate must be nominated on a separate nomination paper in the prescribed form, the notes to which should be read carefully.

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

"Commonly used" surnames and forenames are now permitted, as long as the Returning Officer is satisfied that they are not likely to mislead or confuse electors, and are not obscene or offensive. If the name is not permissible, the Returning Officer will write to the candidate stating the reason for disallowing the commonly used name, and the candidate's full names will be used instead.

Titles or prefixes, such as Mr, Mrs, Dr should not be used; the format should be, for example, Miller, Andrew John. If the candidate is normally known by another name, it can be included as follows: Miller, Andrew John and the "commonly used forenames" section would show "Andy". This would mean that the ballot paper will read "Miller, Andy".

The exact wording of the candidate's name, as entered on the nomination paper, will appear on any notices and on the ballot paper. If the "commonly used" surname and/or forename provision has been used, these details will be used instead.

The nomination paper must also include the **candidate's full home address**, and may include the **candidate's description** – see the notes later in this section.

<p><b>NB</b> It is important to enter the candidate's name, address and description (if any) on the nomination paper <b>before</b> getting subscribers' signatures (see next paragraph). This aids transparency by ensuring that the people who subscribe the nomination paper are fully aware of who they are subscribing to and whether or not that person is standing for a party.</p>
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The nomination paper must be subscribed by a **proposer** and **seconder** and by **eight assentors**. All the signatories must be registered local government electors of the ward for which the candidate is standing and their **electoral numbers** must be given on the nomination paper. A person's electoral number is his number in the Register of Electors, including the distinctive letters of the polling district in which he is registered which appear at the top of each page of the Register.

The Register to be used for nomination purposes is that which is in force on the latest date for publication of the Notice of Election (as detailed on the election timetable provided).

It is important to note that electors can only subscribe as many nomination papers as there are vacancies in the particular ward. For example, in a ward with two vacant

seats for election, an elector can subscribe up to two nomination papers, but no more.

A copy of the Register of Electors may be inspected under supervision at the District Council Offices. After publication of the Notice of Election a candidate for election may obtain a copy of this Register free of charge from the Electoral Registration Officer, Council Offices, Holt Road, Cromer, but the use which the candidate may make of this Register is limited by statute to 'electoral purposes' and 'for the purpose of complying with the statutory controls on donations'. When applying in writing he should state that he is a candidate for election as a District Councillor for a particular ward.

The Candidate's consent form (see Section 5 below) duly signed together with the completed Nomination Paper(s) must be delivered to the Returning Officer at Council Offices, Holt Road, Cromer, by not later than 12 noon on the date shown in the timetable for the election supplied by the Returning Officer. They may be delivered at any time after the Notice of Election is published, and there are advantages in delivering the papers at an early stage so that the Returning Officer may examine them and inform the candidate whether or not they are in order in time to rectify any omissions or errors.

**N.B. Nomination Offence**

*A person is guilty of a corrupt practice if he causes or permits to be included in a document delivered or otherwise furnished to a returning officer for use in connection with the election –*

- (a) a statement of the name or home address of a candidate at the election which he knows to be false in any particular; or*
- (b) anything which purports to be the signature of an elector who proposes, seconds or assents to, the nomination of such a candidate but which he knows –*
  - (i) was not written by the elector by whom it purports to have been written, or*
  - (ii) if written by that elector; was not written by him for the purpose of signifying that he was proposing, seconding, or (as the case may be) assenting to, that candidate's nomination.*

**Description of Candidate**

As mentioned above, the nomination paper must show the full names (and may show commonly used names if relevant) and home address of the candidate, and may if desired show his description, which must not exceed six words in length. All these details will appear on the ballot paper.

Under section 22 of the Political Parties, Elections and Referendums Act 2000 no nomination for election to a district council may be made unless the nomination is in respect of –

- (a) a person who stands for election in the name of a qualifying registered party; or
- (b) a person who does not purport to represent any party; or
- (c) a qualifying registered party (in the case of an election in which registered parties may be nominated).

*The effect of his provision is that any candidate who is not seeking election in the name of a registered party may only use the description "Independent", or alternatively, no description at all in his/her nomination.*

Please see Section 4 below concerning the use of a party description.

**N.B.** A specimen nomination paper is reproduced at Appendix 2 of this guide.

## **4. CANDIDATES AND REGISTERED PARTIES**

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A candidate representing a qualifying registered party can use a description, but this may only be one of up to 12 possible descriptions registered with the Electoral Commission or the registered name of the party. A certificate of authorisation from that party's nominating officer (or a person appointed by him to act on his behalf) giving the candidate permission to use that description must be submitted to the Returning Officer before the close of nominations.

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

The request to use an emblem must be made **in writing** by the candidate and delivered to the Returning Officer, together with the other nomination papers, before the close of nominations deadline.

A person will be guilty of a corrupt practice if he fraudulently purports to be authorised to issue a certificate on behalf of a registered political party's nominating officer.

## **5. CONSENT TO NOMINATION**

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The Nomination is NOT valid unless a candidate's consent to nomination, given in writing on or within one month before the last day for the delivery of nomination papers, is delivered at the place and within the time appointed for delivery of nomination papers (see Section 3 above).

The consent must contain a statement declaring that, with reference to the day of his nomination the candidate is, and on the day of election will be, qualified to be elected

(giving particulars of his qualification). It must be signed by the candidate and attested by a witness.

Candidates are urged to complete this form as fully as possible by completing all the alternative qualifications which apply in their individual circumstances.

The first qualification listed (being a local government elector for the District) will cease to have effect should the Councillor move out of the area covered by the District Council and subsequently not be included on the North Norfolk Register of Electors; however, all the remaining qualifications (residence, place of work, ownership/occupation of land/property) are ongoing and would not necessarily affect the right of the Councillor to continue in office should his circumstances change before the next election for the District Council.

## **6. STATEMENT OF PERSONS NOMINATED**

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In accordance with the election timetable provided, the Returning Officer is required to publish a statement of the persons who stand nominated and of the reasons why any other persons nominated no longer stand nominated. If a candidate has been nominated by more than one nomination paper the candidate may select the nomination paper which he desires to be used for this purpose; if he does not do so the Returning Officer must select it. The selected nomination paper will be the one used for the purposes of the Notice of Poll.

## **7. WITHDRAWAL OF CANDIDATURE**

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A candidate may withdraw his candidature if, by the deadline specified in the election timetable provided, he delivers at the place fixed for the delivery of nomination papers a notice of withdrawal signed by himself, and attested by one witness.

**N.B.** If a candidate is validly nominated for more than one ward within the District he must withdraw from all but one, or otherwise is deemed to have withdrawn from all wards.

## **8. APPOINTMENT OF ELECTION AGENT**

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Every candidate must appoint an election agent and give notice of the appointment to the proper officer of the Council not later than the deadline specified in the election timetable provided.

The election agent is the person responsible in law to the candidate for the proper management of the candidate's campaign. In particular, the election agent is responsible for the financial management of the election campaign and for ensuring that the declarations and returns of the candidate's election expenses are properly completed and delivered to the appropriate officer (see sections 14 and 15 for more details).



*It is important to note that a candidate's election may be invalidated if the election agent does not promptly and correctly perform his duties.*

The candidate may appoint some other person, or may appoint himself. If some other person is appointed the notice of appointment should be accompanied by a written declaration of acceptance signed by that person.

If the candidate fails to give notice of the appointment in the prescribed time, or if the appointment is revoked, or the agent dies, and the candidate does not make a further appointment forthwith, he will be deemed to have appointed himself as election agent.

The appointment must show the election agent's name and address, and also the address to which claims and other documents may be sent. The latter address must be within the district or in an adjoining borough or district, or in a constituency in which the district is comprised.

## **9. UNCONTESTED ELECTION**

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If, after any withdrawals, the number of candidates remaining validly nominated in the ward is less than or equal to the number of seats to be filled at the election, those candidates are declared to be elected. As soon as possible after the latest time for delivery of withdrawals of nominations the Returning Officer must declare to be elected the person or persons remaining validly nominated, and give notice of their names to the proper officer of the Council.

It is important to note that a candidate who is declared to be elected in an uncontested election must still make a declaration as to his or her election expenses. See sections 14 and 15 for more details.

## **10. CONTESTED ELECTION – THE POLL AND THE COUNT**

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Where more candidates are nominated than there are Councillors to be elected, a poll will be held (see election timetable). The poll commences at 7.00am and closes at 10.00pm.

The counting of the votes will take place immediately after the close of poll at the location shown on the election timetable provided. Further guidance upon the Counting Process will be provided to candidates at the appropriate time.

## **11. ELIGIBILITY TO VOTE**

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In order to vote, a person must either be included on the Register of Electors for the ward for which the election is to be held and which is in force at the date of the statutory deadline for receipt of nominations at the election, or has applied to be

registered under the 'rolling' registration process by not later than the 11<sup>th</sup> working day prior to polling day and his application has been allowed.

Against the names of persons who will reach the age of 18 on or after the date of publication of the Register is printed the date on which they will reach that age. If a person is under 18 years of age on polling day, even if his name is on the Register, it will be an offence for such a person to vote.

If a person's name is not on the Register he will not be eligible to vote.

In addition to underage persons on the Register, there are two other classifications of electors whose names may appear on the Register, but who are not eligible to vote at Local Government elections. These are:

- (i) Overseas Electors – whose names are prefixed by the letters 'E' or 'F' on the Register; and
- (ii) Citizens of the European Union who have ONLY registered to vote at European Parliamentary elections – such electors are prefixed by the letter 'U' against their names on the Register.

**N.B.** Most European Union Citizens included on the Register are eligible to vote at Local Government elections and these classifications of voters have the letters 'G' or 'K' before their names on the Register.

## **12. ABSENT VOTING**

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Any registered elector can apply to vote by post.

In addition, certain electors are entitled to apply for proxy voting arrangements where they are not able to vote in person at their polling stations. These persons may be disabled, persons whose work or studies regularly take them away from home, on holiday, temporarily ill, etc.

There are deadlines by which postal and proxy voting applications must be received (specified in your election timetable).

Once these deadlines have been reached, the Returning Officer will publish an absent voters list, and, **where requested in writing by the candidate**, provide copies. These will be made up of the following:

POSTAL VOTERS – where the ballot papers are to be sent to the electors by post to their homes or other addresses;

PROXY VOTERS – where the electors have appointed other qualified persons to vote personally on their behalf (**N.B.** No person can act as proxy for more than two electors to whom he is not closely related); and

POSTAL PROXIES – where the appointed proxy is not able to vote in person and has applied to vote as proxy by post.

NO ELECTOR WHO APPEARS IN THE POSTAL VOTERS OR POSTAL PROXIES LISTS FOR THE ELECTION MAY SUBSEQUENTLY VOTE IN PERSON AT THEIR DULY APPOINTED POLLING STATION. An elector who appears on the proxy voters list may vote personally if he does so before his proxy votes on his behalf.

The dates on which postal votes are to be dispatched and opened will appear on the election timetable.

Every candidate may appoint one agent to attend the postal voting opening sessions for the purposes of overseeing these proceedings. Notice of these appointments must be given to the Returning Officer prior to the dates set for these proceedings. There is no statutory right provided to permit candidates or their agents to attend the postal votes issue proceedings.

Postal Votes opening agents are required to maintain the secrecy of voting and are subject to the legal requirements relating to secrecy under Section 66 of the Representation of the People Act 1983, which are reproduced in Appendix 1.

#### **N.B. Absent Voting Offences**

*In order to tighten the security of the absent voting process and tackle related fraudulent activities, the government created new offences in 2007. A person commits an offence if :*

- *he engages in an act specified below, and*
- *intends, by so doing, to deprive another person of an opportunity to vote or to make for himself or another a gain of a vote to which he or another is not otherwise entitled or a gain of money or property.*

*These acts 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 an Electoral Registration Officer or Returning Officer to send a postal ballot paper or any communication relating to a postal or proxy vote, to an address that has not been agreed to by the person entitled to the vote*
- *causing a communication relating to a postal or proxy vote or containing a postal ballot paper not to be delivered to the intended recipient*

*A person who commits such an offence or who aids, abets, counsels or procures the commission of such an offence will be guilty of a corrupt practise.*

After consultation with the larger political party organisations, the Electoral Commission has agreed and published a **code of conduct** on the handling of postal voting applications and postal ballot papers by candidates and election agents. This represents an agreed standard of acceptable behaviour which all candidates and agents should follow and is reproduced in Appendix 4.

**The legislative requirements for postal and proxy voting applications were changed significantly in 2007, so the Electoral Registration Officer should be consulted before printing and distributing any such application forms.**

### **13. POLLING AGENTS, COUNTING AGENTS AND TELLERS**

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Any person, other than officials appointed by the Returning Officer, can be appointed to act as a polling or counting agent, and may act for more than one candidate. A candidate can also act as his or her own polling or counting agent.

Both polling agents and counting agents are required to maintain the secrecy of voting and are subject to the legal requirements relating to secrecy under Section 66 of the Representation of the People Act 1983, which are reproduced in Appendix 1.

Tellers have no status in electoral law, and are dealt with separately below.

#### **Polling agent**

The principal function of a polling agent is to aid in the detection of personation (attempting to vote as another person) in the polling station.

Up to four polling agents may be appointed to attend each polling station on behalf of a candidate, although only one polling agent will be admitted at the same time to a polling station on behalf of the same candidate. Polling agents may be appointed to attend more than one polling station.

Unpaid polling agents can be appointed by the candidate, but paid polling agents must be appointed by the election agent. The Returning Officer should be notified **in writing** of the appointment of any polling agents, giving the names and addresses of those appointed, by the deadline identified in the election timetable provided.

#### **Counting agent**

The principle function of a counting agent is to oversee the counting process on behalf of the candidate and see that it is undertaken in an orderly, accurate and correct manner. Counting agents do not participate directly in the counting process.

The maximum number of counting agents able to be appointed by each candidate will be determined by the Returning Officer, but will be not *less* than the total number of counting clerks employed at the count divided by the total number of candidates. The number permitted to be appointed will be the same for each candidate. The

Returning Officer will normally advise candidates and their election agents of the maximum number of counting agents allowed soon after the close of nominations.

A counting agent may be appointed by the candidate or by the election agent. The Returning Officer should be notified **in writing** of the appointment of any counting agents, giving the names and addresses of those appointed, no later than the deadline shown in the election timetable provided.

## **Tellers**

Candidates may sometimes use 'tellers' to stand outside polling stations and request the electoral numbers of people who have attended the polling station. Tellers have no status in electoral law, and they are not allowed to actually enter the polling station itself. More details of the role and responsibilities of tellers, including further guidance on their conduct are provided in appendix 3.

## **14. ELECTION EXPENSES**

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Election expenses are expenses incurred in respect of advertising, unsolicited material addressed to electors, transport, public meetings, services of an election agent or other staff, and accommodation and administration costs, for the purposes of the candidate's election after the \*date when he becomes a candidate at the election. This applies whether the expenses are incurred before or after that date.

*\*N.B. Individuals who have already been declared to be candidates (by themselves or others) officially become candidates on the last date for publication of the Notice of Election (specified in the election timetable).*

*An individual who has not declared to be a candidate before that date becomes a candidate either:*

*[a] on the day on which he is declared to be a candidate; or*

*[b] on the day on which he is nominated as a candidate at the election; whichever is the earliest.*

Limits on election expenses are prescribed under paragraphs 76 and 77 of the Representation of the People Act 1983 (ask the Returning Officer for current details).

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

The law relating to (i) receipt of campaign income including donations by candidates or election agents, and (ii) the incurring and settlement of permitted expenditure by the candidate or election agent, is very complex and onerous. Also, there may be

severe penalties if the legal requirements are not adhered to. Separate detailed guidance will be provided to candidates and agents together with the relevant forms of return and declaration, and they are urged to study this guidance thoroughly.

## **15. RETURN OF ELECTION EXPENSES**

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Within 35 days after the declaration of the result of the election the election agent must deliver to the proper officer of the Council a return in a prescribed form showing all payments made by him, together with the bills and receipts. The return must be accompanied by a declaration made in a prescribed form by the election agent declaring that to the best of his knowledge and belief the return is true and correct.

This return is required for the purpose of public deposit (and for checking that the expenses incurred do not exceed the authorised amount). It does not, of course, entitle the candidate to any refund of such expenses from the Council.

At the same time that the election agent delivers the return and declaration, or within seven days thereafter, the candidate (unless he was his own election agent) must also send to the proper officer a declaration in the same form. If the candidate is outside the United Kingdom when the election agent delivers his return he must deliver his declaration to the proper officer within 14 days of his return to the United Kingdom.

Failure by an election agent or candidate to send in the return or declaration within the prescribed time constitutes an illegal practice; knowingly making a false declaration constitutes a corrupt practice. On certain grounds, however, including illness or inadvertence, a candidate or election agent may apply to a court for an "authorised excuse".

Furthermore, where the required returns are not received from or on behalf of unopposed or successful candidates, they will be prohibited from sitting or voting at any meeting of the Council or its Committees at any time after the 35 day deadline mentioned above until such time as their returns and declarations have been received by the Proper Officer.

## **16. CORRUPT PRACTICES**

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A person found guilty of a corrupt practice is liable to penalties prescribed under the Representation of the People Act 1983. If an elected candidate is reported guilty of a corrupt practice by an election court, his election will be void.

It is corrupt practice to influence, or attempt to influence, a person in the way he votes by:

- (a) bribery, i.e. giving any gift, or procuring any office;
- (b) treating, i.e. providing food, drink or entertainment;

(c) undue influence, i.e. using or threatening any kind of force, violence or duress.

There are also corrupt practices relating to the nominations and absent voting processes - see Sections 3, 4, and 12 above.

## **17. ILLEGAL PRACTICES**

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A person convicted of an illegal practice is liable to penalties prescribed under the Representation of People Act 1983. If any elected candidate is reported guilty of an illegal practice by an election court, his election will be void.

A candidate or election agent may be convicted of an illegal practice if he:

- (a) makes or publishes any false statement of fact about the personal character or conduct of a candidate unless he can show that he had reasonable grounds for believing and did believe the statement to be true;
- (b) induces or procures the withdrawal of another person in consideration of a payment or promise of a payment; this offence also applies to the person who withdraws;
- (c) publishes a false statement of the withdrawal of a candidate for the purpose of procuring the election of another candidate;
- (d) pays any voter for the exhibition of any election address, bill or notice unless the voter's ordinary business is that of an advertising agent;
- (e) prints, publishes, posts or distributes any bill, placard or poster referring to the election, or any document distributed for the purpose of promoting or procuring the election of a candidate, unless it bears on the face of it the name and address of the printer and promoter;

For the purposes of the legal requirement, 'promoting or procuring' the election of a candidate includes material criticising or disparaging another candidate at the election.

**(Note:** Care must also be taken to comply with the provisions of the Town and Country Planning (Control of Advertisement) Regulations regarding the display and removal of election notices, etc.)

- (f) employs or engages a canvasser for payment;
- (g) with intent to influence the voting makes use of any television or other wireless transmitting station outside the United Kingdom otherwise than under arrangements for a broadcast by the BBC, or the holder of any license granted by the Independent Television Commission or the Radio Authority;

- (h) publishes before the poll is closed, any statement as to the way in which the voters have voted, or any forecast as to the result of the election, based on information given by voters after they have voted (“exit polls”).

*NB The details of offences outlined in sections 16 and 17 above do not purport to represent the entire range of election offences laid down under electoral legislation. These are considered to be those of which the candidates should be most aware.*

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## 18. QUESTIONING AN ELECTION

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A local authority election can be questioned only by way of an election petition. Any person desiring to do so will be well advised to take legal advice. The petition must normally be presented to the High Court within 21 days after the date on which the election was held. If presented on the grounds of a corrupt or illegal practice after the election, or of a complaint relating to election expenses, it may, in certain cases, be presented at a later date.

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## 19. ACCEPTANCE OF OFFICE

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A successful candidate must not act as a councillor unless he has made a declaration of acceptance of office in a prescribed form within two months of his election. If he fails to do so in that time his office will become vacant. In addition, a person elected must also register his financial and other interests within 28 days of his election, as required under Section 81 of the Local Government Act 2000.

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## 20. GENERAL

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The Returning Officer will be pleased to answer candidates' and prospective candidates' questions. **Telephone** us on Cromer (01263) 516317 or 516046, or **Email** us at [elections@north-norfolk.gov.uk](mailto:elections@north-norfolk.gov.uk) or **Fax** us on 01263 515042, or **visit** us at the Council Offices, Holt Road, Cromer, and ask for Electoral Services.



# Appendix 1 - Secrecy requirements

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

## Representation of the People Act 1983

Requirement of secrecy

66 (1) The following persons:-

- (a) every Returning Officer and every Presiding Officer or clerk attending at a polling station;
- (b) every candidate or election agent or polling agent so attending,
- (c) every person so attending by virtue of any of sections 6A to 6D of the Political Parties, Elections and Referendums Act 2000,

shall maintain and aid in maintaining the secrecy of voting and shall not, except for some purpose authorised by law, communicate to any person before the poll is closed any information as to -

- (i) the name of any elector or proxy for an elector who has or has not applied for a ballot paper or voted at a polling station;
- (ii) the number on the register of electors of any elector who, or whose proxy, has or has not applied for a ballot paper or voted at a polling station; or
- (iii) the official mark.

(2) Every person attending at the counting of the votes shall maintain and aid in maintaining the secrecy of voting and shall not -

- (a) ascertain or attempt to ascertain at the counting of the votes the number or other unique identifying mark on the back of any ballot paper;
- (b) communicate any information obtained at the counting of the votes as to the candidate for whom any vote is given on any particular ballot paper.

(3) No person shall -

- (a) interfere with or attempt to interfere with a voter when recording his vote;
- (b) otherwise obtain or attempt to obtain in a polling station information as to the candidate for whom a voter in that station is about to vote or has voted;
- (c) communicate at any time to any person any information obtained in a polling station as to the candidate for whom a voter in that station is about to vote or has voted, or as to the number or other unique identifying mark on the back of the ballot paper given to a voter at that station;

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

# Appendix 2 Example Nomination Paper

## Office Use Only

North Norfolk District Council

Time delivered	Date delivered	No of Nomination Paper in order of delivery	Initials

## ELECTION OF A DISTRICT COUNCILLOR

for

..... Ward (*state ward*)

Date of Election: Thursday, 5 May 2011

We the undersigned, being local government electors for the said Ward,  
do hereby nominate the under-mentioned person as a candidate at the said election.

PLEASE COMPLETE IN CAPITALS (except where a signature is required)

Candidate's surname	Other forename(s) in full	Commonly used surname (if any)	Commonly used forenames (if any)	Description (if any) use no more than 6 words	Home Address in full
EXAMPLE	NOMINATION	PAPER	FOR	INFORMATION	ONLY
Title	Email Address	Telephone			

Signature	Print Name as Signed	Electoral Number	
		Polling District Letters	Number
<i>Proposer</i>			
<i>Seconder</i>			
<b>We the undersigned, being local government electors for the said Ward, do hereby assent to the foregoing nomination</b>			
1			
2			
3			
4			
5			
6			
7			
8			

### Notes

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

## Appendix 3 - Guidance for tellers in and around polling places

Tellers work for political parties. They stand outside polling stations or polling places and record the elector numbers of voters who have voted. By identifying electors who have not voted and relaying this information to the party, tellers play an important role in elections. Parties may then contact the voters who have not yet been to vote during polling day and persuade them to vote, which may help to increase turnout.

There should be no more than one teller at a polling station for each candidate or political party at any time. Where a polling place contains more than one polling station with separate entrances, it may be appropriate for there to be tellers at each entrance, but no more than one per candidate or political party.

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

### **Tellers must:**

- always remain outside the polling station/place
- only enter the polling station to cast their own vote, to vote as a proxy or to assist a voter with disabilities
- always comply with the instructions of the Returning Officer or Counting Officer and Presiding Officer.

### **Tellers must not:**

- be able to see or hear what is happening inside the polling station
- impede, obstruct or intimidate voters on their way in or out of the polling station/place
- **demand** any information relating to a voter's elector number, name or address
- ask voters to re-enter the polling station to ascertain their elector number
- have discussions with voters that may give rise to allegations of undue influence (e.g. voting intentions, party affiliations or campaigns)
- display any campaign material in support of or against any particular Referendum campaigner other than a rosette

### **Tellers may:**

- Approach voters for information as they **enter/leave** the polling station/place
- Display a coloured rosette displaying the name of the referendum campaigner. While the rosette must not be oversized, it may carry a description or emblem.

Please refer to the Electoral Commission's guidance *Tellers in and around polling places*, available from [www.electoralcommission.org.uk](http://www.electoralcommission.org.uk)

# **Appendix 4 – Code of conduct for political parties, candidates and canvassers on the handling of postal vote applications and postal ballot papers in England and Wales**

## **Introduction**

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

## **Key principles**

2. All political parties, candidates and canvassers handling postal vote applications and postal ballot papers will adhere to the following two key principles:

- candidates and supporters should assist in the efficient and secure administration of elections and uphold the secrecy of the ballot no candidate or supporter should place themselves in a situation where their honesty or integrity – or that of their party or candidate – can be questioned.

## **What the law says**

3. An individual may only vote once for each contest in each election and not for more than the number of seats available in that election.

4. A voter's signature or mark must always be their own.

5. An individual may not vote for, or as, someone else unless they are formally appointed to act as their proxy. If an individual steals someone else's vote they may be prosecuted for making a false statement, forgery, using a false instrument or pretending to be someone else (personation).

6. An individual may not exert, or attempt to exert, undue influence to persuade or force someone to vote, not to vote, or to vote a certain way. Someone who prevents or deters the voter from freely exercising their right to vote, or attempts to do so, may be found guilty of undue influence.

7. It is an offence to offer money, food, drink, entertainment or other gifts to persuade someone to vote, or not to vote.

8. It is an offence to falsely apply for a postal or proxy vote (absent vote) as some other person. It is also an offence to otherwise make a false statement or otherwise induce the Returning Officer to either send a postal ballot paper or other election mail to an address which has not been agreed by the person entitled to the vote, or to cause a postal ballot paper not to be delivered to the intended recipient.<sup>1</sup>

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

**See the 'Election offences and penalties' section in this appendix for further information on specific electoral and general offences of which you should be particularly aware.**

## Applications for postal voting

10. If you develop a bespoke application form, it should conform fully with the requirements of electoral law, including all the necessary questions and the options open to electors.

11. Electors should be encouraged to ask for the postal vote to be delivered to their registered home address, unless there are compelling reasons why this would be impractical. Such reasons must be stated on the application form.

12. Because of the risk of suspicions that the application may be altered and the risk of the application form being delayed or lost in transit, the local Electoral Registration Officer's address should be the preferred address given for the return of application forms.

13. If an intermediary address is used, forms should be despatched unaltered to the relevant Electoral Registration Officer's address within two working days of receipt.

14. If you are given a completed application form, you should forward it directly and without delay to the local Electoral Registration Officer.

15. The Electoral Registration Officer may check the signature on an absent voting application against any other copies of the elector's signature or date of birth which they hold or is held by any authority which they are authorised to inspect.<sup>3</sup>

16. The Electoral Registration Officer must confirm in writing to all successful applicants that they will receive a postal ballot.

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

<sup>2</sup> Section 13D, RPA 1983, as amended by Section 15, EAA.

<sup>3</sup> Regulation 51A, 2001 Regulations, as amended.