

## UK Parliamentary general election

# Guidance for candidates and agents

## Part 1 of 6 – Can you stand for election?

This document applies to the May 2015 UK Parliamentary general election in Great Britain. Our guidance and resources for other elections in the UK can be accessed from our website at:

[www.electoralcommission.org.uk/guidance/resources-for-those-we-regulate/candidates-and-agents](http://www.electoralcommission.org.uk/guidance/resources-for-those-we-regulate/candidates-and-agents).

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# Can you stand for election?

This document contains our guidance on whether or not you can stand as a candidate at a UK Parliamentary election.

We are here to help, so please contact your local Commission team if you have any questions. See our [Overview document](#) for contact details.

In this document, we use 'you' to refer to the candidate. We use 'must' when we refer to a specific requirement. We use 'should' for items we consider to be minimum good practice, but which are not legal or regulatory requirements.

We have included relevant deadlines throughout this document, but you can also find a separate [election timetable](#) setting out all the key dates on our website.

## Qualifications for standing for election

1.1 To be able to stand as a candidate at a UK Parliamentary general election in Great Britain you must, on the day you are nominated and on polling day, be:

- at least 18 years old, and
- either a British citizen, a citizen of the Republic of Ireland or an eligible [Commonwealth citizen](#)

1.2 Citizens of other countries (including EU member states other than the UK, Republic of Ireland, Cyprus and Malta) are not eligible to become a Member of the UK Parliament.

An **eligible** Commonwealth citizen is a Commonwealth citizen who either:

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

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

## Disqualifications

1.4 Apart from meeting the qualifications for standing for election, you must also not be disqualified from standing at the time of nomination and on the day of the election.

### Disqualifying offices

1.5 Certain post-holders are disqualified from becoming a Member of Parliament. These include:

- civil servants
- members of police forces
- members of the armed forces
- government-nominated directors of commercial companies
- judges
- members of the legislature of any country or territory outside the Commonwealth
- peers who sit and can vote in the House of Lords
- bishops of the Church of England (known as the Lords Spiritual) who are entitled to sit and vote in the House of Lords

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

### Incompatible offices

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

### Bankruptcy

1.8 Bankruptcy in itself is not a disqualification. You are, however, disqualified if:

UK legislation is published by the National Archives and is available on [www.legislation.gov.uk](http://www.legislation.gov.uk)

However, at the time of writing, there were outstanding changes not yet made by the legislation.gov.uk editorial team to the House of Commons Disqualification Act 1975. If in doubt, you should seek your own independent legal advice.

- you are currently subject to a bankruptcy restrictions order or debt relief restrictions order made by a court in England, Wales or Northern Ireland, or
- your estate has been sequestrated by a court in Scotland and you have not been discharged

1.9 If a person has been adjudged bankrupt by a court in England, Wales or Northern Ireland, or is subject to an interim bankruptcy restrictions order, they are not disqualified on that basis, as long as they are not also currently subject to any of the particular bankruptcy disqualifications listed above.

## Imprisonment and court decisions

1.10 You are disqualified under the Representation of the People Act 1981 if you have been convicted of an offence, have been sentenced to be imprisoned or detained for more than a year and are detained anywhere in the UK, the Republic of Ireland, the Channel Islands or the Isle of Man, or are unlawfully at large.

1.11 The nomination of a person disqualified on this basis is void, and the (Acting) Returning Officer will reject their nomination paper.

1.12 You are also disqualified under the Representation of the People Act 1983 (as amended), if you have been convicted or have been reported guilty of a corrupt or illegal electoral practice or of an offence relating to donations.

## Standing in more than one constituency

1.13 You cannot stand in more than one constituency at the same UK Parliamentary general election.

The full range of disqualifications is complex and if you are in any doubt about whether you are disqualified, you must do everything you can to check that you are not disqualified before submitting your nomination papers. You must be sure that you are not disqualified as you will be asked to sign one of the required nomination papers to confirm that you are not disqualified. It is a criminal offence to make a false statement on your nomination papers as to your qualification for being elected, so if you are in any doubt, you should contact your employer, consult the legislation or, if necessary, take your own independent legal advice. The (Acting) Returning Officer will not be able to confirm whether or not you are disqualified.

## UK Parliamentary general election

# Guidance for candidates and agents

## Part 2a of 6 – Standing as an independent candidate

This document applies to the May 2015 UK Parliamentary general election in Great Britain. Our guidance and resources for other elections in the UK can be accessed from our website at:

[www.electoralcommission.org.uk/guidance/resources-for-those-we-regulate/candidates-and-agents](http://www.electoralcommission.org.uk/guidance/resources-for-those-we-regulate/candidates-and-agents).

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# Essential information

This section of the document contains our guidance on standing as an independent candidate at the May 2015 UK Parliamentary general election in Great Britain. Supplementary information, which may only be relevant to some candidates, is provided at the back of this document. You can also view this supplementary guidance by clicking on the links within this document or by clicking on the chapter heading on the contents page.

We are here to help, so please contact your local Commission team if you have any questions. See our [Overview document](#) for contact details.

In this document, we use 'you' to refer to the candidate. We use 'must' when we refer to a specific requirement. We use 'should' for items we consider to be minimum good practice, but which are not legal or regulatory requirements.

We have included relevant deadlines throughout this document, but you can also find a separate [election timetable](#) setting out all the key dates on our website.

## Completing your nomination papers

1.1 To become nominated as a candidate at a UK Parliamentary general election in Great Britain, you need to submit a completed set of nomination papers to the place fixed by the (Acting) Returning Officer by 4pm on the 19th working day before the poll (by 4pm on 9 April 2015). This deadline is set out in law and cannot be changed for any reason. 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

official notice of election published by your (Acting) Returning Officer.

The last day for publishing the notice of election is 22 working days before the poll (2 April 2015).

1.2 There are three nomination papers that you must submit to make your nomination valid:

- the nomination form (the form to be used is prescribed in law)
- a home address form
- your consent to nomination

1.3 You can obtain nomination papers from your local elections office. In England and Wales, contact details can be obtained from [www.aboutmyvote.co.uk](http://www.aboutmyvote.co.uk). In Scotland, you can contact the elections office through your local council. Alternatively, the Commission has produced a set of [nomination papers](#) that you could use.

1.4 If you, your agent or someone you trust are unable to complete the nomination form, the (Acting) Returning Officer can help by preparing the form for your signature.

1.5 The (Acting) Returning Officer may also be able to offer informal checks of your completed nomination papers before you submit them. You should find out from your (Acting) Returning Officer whether they plan to offer informal checks.

1.6 Note that any information you provide on your nomination papers must be true to the best of your knowledge. It is an offence to provide a false statement on your nomination papers. Providing a false statement could invalidate your election, and is also punishable by a maximum fine of £5,000 in England and Wales or £10,000 in Scotland (or an unlimited fine if convicted on indictment) and/or imprisonment.

## The nomination form

1.7 By law, a nomination form must be completed in English or, in Wales, in English or Welsh. The form must contain:

- Your full name. This means your surname and other names in full. Using initials only could lead to your nomination paper being rejected. Also, do not use prefixes such as Mr, Mrs, Dr or Cllr as part of your name.

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The same applies to suffixes. However, if you have a title, you can use this as your full name. For example, if your actual name is Joseph Smith but your hereditary title is Joseph Avon, you can use the name Joseph Avon as your full name.

To find out how to obtain the electoral register, see: [Part 4 – The campaign](#)

- Signatures of 10 registered electors (known as subscribers) from the constituency. Your subscribers must appear on the Parliamentary electoral register that is in force on the 22nd working day before the poll (i.e. on the register published on 1 April 2015). For further information, see paragraph **1.81**.

Your name and description (if you choose to use one) should be written on the nomination form **before** you ask subscribers to sign the form.

1.8 The following is optional:

- A commonly used name – if you commonly use a name that is different from your actual name and you wish this
- to appear on the ballot paper, you need to state this on the nomination form. More details are provided in paragraph **1.74**.
- A description – if you want the word ‘Independent’, and/or ‘Annibynnol’ in Wales, to appear on the ballot paper underneath your name, you need to state this on the nomination form. No other descriptions are allowed for candidates who are not standing on behalf of a registered
- political party. Alternatively, you may choose not to have a description at all by leaving this part of the form blank.

If you wish to stand as a party candidate, see [Part 2b – Standing as a party candidate](#) for further information.

## Home address form

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

1.10 Your home address:

- must be completed in full
- must not contain abbreviations
- must be your current home address
- must not be a business address (unless you run a business from your home)

1.11 Your address does not need to be in the constituency in which you intend to stand.

## Consent to nomination

1.12 You must also formally [consent to your nomination](#) in writing. The content of the consent to nomination form is fixed by law. On the form you will be asked to state that you are qualified and not disqualified from standing. You must also state your date of birth.

1.13 You are not allowed to sign the consent form earlier than one calendar month before the deadline for submitting your nomination papers. Your signature must be witnessed, and the witness must sign the form and give their full name and address. There are no restrictions on who can be a witness to the consent to nomination.

## Submitting your nomination papers

1.14 All nomination papers, including the home address form and consent to nomination, must be delivered to the place specified on the notice of election by 4pm on the 19th working day before the poll (by 4pm on 9 April 2015). It is your responsibility to ensure that all of your nomination papers are delivered in the correct manner and by the required deadlines.

## Who can deliver the nomination papers?

1.15 Only a limited number of persons may deliver your nomination form and home address form. The nomination form and home address form may only be delivered by yourself, your proposer or seconder, or by your election agent (if the

(Acting) Returning Officer has previously received notification of their appointment).

1.16 There are no restrictions on who can deliver your consent to nomination, but you should ensure that you, your agent, your proposer or seconder, or someone you trust does this, so you can be sure the consent is delivered to the (Acting) Returning Officer in time.

### How must nomination papers be submitted?

1.17 The nomination form, home address form and the consent to nomination must be submitted by hand and cannot be submitted by post, fax, e-mail or other electronic means.

1.18 The **original version** of each completed paper must be submitted. Submitting copies of nomination papers, for example print-outs of pdf documents, are not allowed.

### When must nomination papers be submitted?

1.19 You should submit your nomination papers as early as possible to give the (Acting) Returning Officer an opportunity to conduct an informal check and to give you sufficient time to submit new nomination papers should your first set contain any errors.

1.20 The (Acting) Returning Officer will confirm the exact details of when and where nomination papers can be delivered on the official notice of election. The notice of election will be published no later than 4pm, 22 working days before the poll (no later than 4pm on 2 April 2015). In most cases, the notice of election will be published on the website of the local authority of the (Acting) Returning Officer.

1.21 You can submit nomination papers between the hours of 10am and 4pm from the day after the publication of the notice of election until the sixth working day after the date of dissolution of Parliament (i.e. between 10am and 4pm on any working day after publication of the notice of election until 4pm on 9 April 2015).

1.22 You should contact the (Acting) Returning Officer as soon as possible to find out what arrangements are in place for submitting nomination papers.

1.23 If, after you have submitted your nomination papers you change your mind and no longer want to stand for election, you can withdraw, provided you do so by 4pm on the 19th working day before the poll (by 4pm on 9 April 2015). For more details on withdrawing, see paragraph **1.39**.

## The deposit

1.24 For a candidate's nomination to be valid, the sum of £500 must be deposited with the (Acting) Returning Officer by the deadline for nominations, 4pm on the 19<sup>th</sup> working day before the poll (i.e. by 4pm on 9 April 2015). The deposit can be made using:

- cash (British pounds only)
- a UK banker's draft

1.25 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. 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.

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

1.27 Candidates who poll more than 5% of the total valid votes cast in the constituency will have their deposit returned. Those candidates who have polled less than, or equal to, 5% of the total valid votes cast will lose their deposit.

## Inspecting other candidates' nomination papers

1.28 Only certain people are entitled to attend the delivery of nomination papers and to inspect and make any objections to the validity of a nomination form or home address form. After your nomination papers and deposit have been delivered and you stand validly nominated, the following can inspect and make objections to a nomination form or home address form:

- you
- your election agent
- your proposer or seconder

1.29 Nomination papers cannot be inspected by anybody else at any time.

1.30 Electoral Commission representatives and one other person chosen by a validly nominated candidate can also be present at the delivery of nomination papers, but they are not allowed to inspect or make any objections to nomination papers.

1.31 No other person, except the (Acting) Returning Officer and their staff, may attend the delivery of nomination papers.

If you are your own election agent, you can appoint one other person to attend the delivery of nomination papers and make objections.

If you have submitted more than one nomination form, only the proposer and seconder from the nomination form you have selected will be entitled to attend. If none has been selected, it will be the proposer and seconder of the first submitted nomination form who will have that entitlement.

## Objections to nominations

1.32 Objections to the validity of any nomination form or home address form can be made on the 19<sup>th</sup> working day before the poll (on 9 April 2015).

1.33 The time within which an objection can be made depends on when the nomination papers are delivered.

In one exceptional circumstance, where the objection is on the grounds that a candidate is disqualified because they are serving a prison sentence of a year or more, objections can be made on the 18<sup>th</sup> working day before the poll (on 10 April 2015).

## Timetable for objections

### Nominations delivered up to 4pm on 8 April 2015

1.34 Objections to any nomination form or home address form delivered up to and including 4pm on 8 April must be made **between 10 am and 12 noon on 9 April 2015**.

### Nominations delivered after 4pm on 8 April 2015

1.35 Objections to any nomination form delivered after 4pm on 8 April 2015 must be made **between 10am and 5pm on 9 April 2015**. Any objection must be made at or immediately after the time of the delivery of the nomination.

### Objections on the grounds that a candidate is imprisoned for a year or more

1.36 In the rare case that the (Acting) Returning Officer considers that a candidate may be disqualified because they are imprisoned and serving a sentence of a year or more, they will publish a notice inviting objections on those grounds. Any such objection may be made **between 10am and 4pm on 10 April 2015**.

## Decisions on objections

1.37 The (Acting) Returning Officer will consider any objections made, but is entitled to hold a nomination invalid only on the following grounds:

- that the particulars of the candidate or subscribers are not as required by law
- that the paper is not subscribed as required
- that the candidate is disqualified on the grounds that they are imprisoned and serving a sentence of a year or more

1.38 The (Acting) Returning Officer's decision that a nomination is valid is final and cannot be challenged during the election. The decision can only be challenged after an election through an election petition (see [Part 6 – After the declaration of results](#) for further information on election petitions).

## Withdrawing

1.39 You may withdraw as a candidate by signing and submitting a [withdrawal notice](#), which must be witnessed by one other person. There are no restrictions on who may submit the notice, but it must be delivered by hand. Your witness must also sign the notice. A notice of withdrawal can be obtained from your (Acting) Returning Officer or downloaded from our website.

1.40 The withdrawal notice must be submitted by the deadline for withdrawals (i.e. by 4pm on the 19th working day before the poll; by 4pm on 9 April 2015). After the withdrawal deadline it is not possible to withdraw from the election, and your name will appear on the ballot paper. If the election is uncontested, you will be declared elected.

1.41 If you withdraw as a candidate, your deposit will be returned.

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.

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.

## What happens after the close of nominations?

1.42 Provided no objections have been made, the (Acting) Returning Officer will publish a statement of persons nominated by 5pm on the 19<sup>th</sup> working day before the poll (by 5pm on 9 April 2015). The statement will include:

- the full or commonly used names, as the case may be, of all candidates validly nominated
- the names of candidates who no longer stand nominated, if any (i.e. invalid and withdrawn candidates), with the reason why they are no longer standing
- the home address of each candidate, or if they have requested not to make their home address public, the constituency in which their home address is situated (or the country if their address is outside the UK)
- each candidate's description (if any)

1.43 If objections have been made, the (Acting) Returning Officer will publish the statement of persons nominated by 4pm on the 18<sup>th</sup> working day before the poll (by 4pm on 10 April).

## Appointing your election agent and other agents

1.44 The election agent is the person responsible for the proper management of your election campaign and, in particular, for its financial management. You must have an election agent. If you do not appoint an agent, you will become your own agent by default.

1.45 Once appointed, only the election agent can make payments for election expenses.

1.46 You can also appoint other agents to observe the following electoral processes, which both you and your election agent are also entitled to observe:

- the opening of postal votes
- the poll
- the count

### Who can be an election agent?

1.47 There are no particular qualifications needed to be an election agent and you can be your own agent if you wish.

1.48 However, the following people are not allowed by law to be election agents:

- the (Acting) Returning Officer or a member of their staff
- a partner or clerk of the (Acting) Returning Officer or a member of their staff
- anyone not entitled to vote at the election as a result of the report of an election court or a conviction for a corrupt or illegal practice under the Representation of the People Act 1983

## Appointing an election agent

1.49 Because of the responsibilities attached to the role of an election agent you should consider carefully who you are going to appoint and make sure that they understand their obligations. You can also be your own agent if you wish.

1.50 You must declare in writing the name, address and office address of your election agent to the (Acting) Returning Officer by 4pm on the 19<sup>th</sup> working day before the poll (by 4pm on 9 April 2015). The declaration should be signed by you and by the agent to show their acceptance of the appointment.

1.51 The (Acting) Returning Officer may provide a declaration form, or you could use the [form](#) produced by the Commission. If you do not appoint someone else as your agent by the deadline, you will automatically become your own agent.

It is helpful to also provide a contact telephone number and email address for your election agent so that the (Acting) Returning Officer can easily contact them.

1.52 Your agent's 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 or county borough which is part of, or adjoins, the constituency, or
- within London, within a London borough which is part of, or adjoins, the constituency

1.53 The agent's office address will often be their home address, but it could be an office set up for the election.

1.54 The office address declared to the (Acting) Returning Officer must be an address to which any legal notices can be delivered and therefore must be a physical address – PO boxes or similar mailboxes cannot be used.

1.55 If you act as your own election agent, the office address is deemed to be the address you provided on your home address form. If that address is outside the permitted area, the office address is deemed to be the qualifying address of your proposer (i.e. the first subscriber on your nomination form).

## Revoking an election agent's appointment

1.56 You can revoke the appointment of your election agent at any time, including after polling day, and a new appointment can be made in the same manner as outlined above. If you revoke your election agent's appointment and do not appoint anyone else, you will be deemed to be your own election agent.

1.57 If you are acting as your own agent you can revoke your own appointment and appoint someone else as your agent.

1.58 Once an agent has signed their acceptance, they cannot resign and must fulfil the duties required of them unless you revoke their appointment.

## Sub-agents

1.59 An election agent in a county constituency may appoint sub-agents to act on their behalf. No sub-agents can be appointed in a borough (or burgh) constituency.

1.60 Election agents may appoint sub-agents for particular parts of the constituency, as long as those parts do not overlap. The agent can determine the parts into which they wish to sub-divide the constituency.

1.61 The office of the sub-agent must be in the area within they are appointed to act.

1.62 A sub-agent can do anything that the election agent is entitled to do within the area to which they are appointed.

1.63 The election agent should ensure that whoever they decide to appoint as a sub-agent is aware of the election and spending rules. Anything done by the sub-agent will be treated as if it had been done by the election agent.

1.64 By the second working day before the poll (by 5 May 2015) the election agent must declare in writing to the (Acting) Returning Officer the name, address and office address of any sub-agents and the area in which they are each appointed to act. The (Acting) Returning Officer will provide a form you can

There are two types of constituency: borough and county.

Typically, borough (burgh in Scotland) constituencies are mainly urban while county constituencies are mainly rural.

If you do not know which type of constituency you are standing in, you can obtain this information from the (Acting) Returning Officer.

use. Alternatively, you can use the form included for this purpose in the Commission's [nomination pack](#).

1.65 The election agent can revoke the appointment of a sub-agent at any time and another sub-agent may be appointed. If another sub-agent is appointed, the election agent must declare in writing the name, address, office address and area of appointment of the new sub-agent to the (Acting) Returning Officer.

## Appointing postal voting, polling and counting agents

1.66 You may appoint other people as agents to attend the opening of postal votes, the poll and the verification and count.

1.67 Anyone, apart from those listed in paragraph **1.48**, can be appointed as a postal vote, polling or counting agent. Both you and your election agent can also automatically act as one of those agents without the need of an official appointment.

1.68 You can appoint any number of polling agents to attend each polling station, but only one polling agent for each candidate can be present in a polling station at any time. A polling agent can be appointed to attend multiple polling stations.

1.69 The (Acting) Returning Officer will tell you the maximum number of postal voting and counting agents you can appoint. All candidates will be allowed to appoint exactly the same number. At the count, unless there are special circumstances, the number of counting agents allowed for each candidate will not be less than the number obtained by dividing the number of counting assistants (i.e. those staff employed on the counting) by the number of candidates.

The request to appoint these agents must be made in writing to the (Acting) Returning Officer. It must contain the names and addresses of the people being appointed. The (Acting) Returning Officer will provide the relevant forms for this, or you can find [postal voting](#), [polling](#) and [counting agent](#) appointment forms on our website.

1.70 The deadline for appointing these agents will depend on the process they are to attend. Polling and counting agents must be appointed by not later than the fifth working day before the poll (by 29 April 2015). However, appointment forms for postal voting agents only need to be submitted to the (Acting) Returning Officer by the time fixed for the opening of postal votes they want to attend. The (Acting) Returning Officer will give you at least 48 hours' notice before the scheduled start of each postal vote opening session.

1.71 If an agent dies or becomes incapable of acting, you may appoint another agent in their place by submitting the relevant appointment form to the (Acting) Returning Officer. Any new appointment in these circumstances must be made without delay.

1.72 More information on what agents can and cannot do and what they can expect to see at postal vote opening sessions, polling stations and the count, can be found in [Part 5 – Your right to attend key electoral events](#).

## Death of a candidate

1.73 If a candidate dies during the election period, see paragraph **1.88** for further information on how this will affect the election.

# Supplementary information

## Commonly used name(s)

1.74 If you commonly use a different name from your actual name, you can ask 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

1.75 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.

1.76 You can request to use a commonly used forename, surname or both.

1.77 For example, you may be known by your abbreviated name 'Andy', rather than your full first name 'Andrew'. In that case, you can write 'Andy' into the commonly used forename box on the nomination paper if you would rather that name appear on the ballot paper.

1.78 You may also use initials as part of your commonly used name if you are commonly known by them.

1.79 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.

1.80 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.

## Signatures of subscribers

1.81 Each nomination form needs to be signed (subscribed) by 10 electors on the register of parliamentary electors in the constituency.

1.82 The first two electors will sign and print their names as proposer and seconder, and the remaining eight as assenters.

1.83 The elector number of each subscriber as it appears on the electoral register, including the distinctive numbers or letters of the polling district, must be entered on the nomination form. The distinctive numbers/letters of the polling district can usually be found at the front of the register. Both the (Acting) Returning Officer and Electoral Registration Officer will be able to advise you how the register is laid out.

1.84 You will be entitled to a free copy of the electoral register once you become a candidate. You should use it to ensure that your nomination form is properly subscribed.

1.85 Each elector may only subscribe one nomination form at the election. If an elector does sign two or more nomination forms, the first nomination form delivered to the (Acting) Returning Officer will be accepted and the rest will be invalid. You should therefore always enquire, before asking a subscriber to sign your form, if they have already signed someone else's.

1.86 If a nomination form contains more than ten subscribers' signatures, only the first ten will be accepted. If any of the first ten subscribers is invalid, the (Acting) Returning Officer must hold the nomination form invalid, regardless of whether the form contains more than ten.

To find out how to obtain the electoral register, see:

[Part 4 – The campaign](#)

There may be some electors on the register who have registered anonymously because of risks to their safety.

Anonymous registered electors may not subscribe nomination forms.

Anonymous electors are shown on the register with just their poll number and the letter 'N' (rather than with their name and address).

1.87 Nomination forms should not be altered once they are subscribed. All of your details should be completed before you invite anyone to subscribe your nomination. Once the (Acting) Returning Officer has formally accepted a nomination form, signatures cannot be withdrawn.

## Death of a candidate

1.88 The impact of the death of a candidate before the declaration of the result depends on whether or not the deceased candidate was standing on behalf of a registered political party.

### Death of an independent candidate

1.89 If a candidate not standing on behalf of a political party dies, the election continues as normal. 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.

1.90 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 came joint first with the same number of votes as any other candidate, the other candidate is declared elected.

1.91 If only two persons are standing nominated and an independent candidate dies, the election is treated as an uncontested election and the other candidate is declared elected.

1.92 In all circumstances, the deposit of the deceased candidate will be returned

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.

## Death of a party candidate

1.93 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 (or as a joint candidate standing on behalf of two or more parties) has died, the election is stopped immediately. If the poll is under way or the count is being undertaken, that process stops. There will be a new election.

1.94 No new nominations are required: all the existing candidates remain nominated for the new election and retention or return of the deposit is determined by the re-run election result. No new nominations are allowed for the re-run election, except that a new candidate can be nominated to stand on behalf of the same party (or parties) of the candidate who died. Any existing candidates may withdraw by the deadline for withdrawals for the new election. The nomination papers for the candidate standing for the party (or parties) whose candidate died must be submitted by the close of nominations based on the new timetable.

## Death of the Speaker of the House of Commons

1.95 If the (Acting) Returning Officer receives proof and is satisfied before the declaration of result that a candidate who was the Speaker of the House of Commons seeking re-election has died, the election is stopped immediately. If the poll is under way or the count is being undertaken, that process stops. There will be a new election.

1.96 In the case of the death of the Speaker new nominations are allowed for the new election, and these must be submitted in the usual way and by the deadline for nominations based on the new timetable.

## New election

1.97 The timetable for any new election will be prepared as if the writ was received seven working 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 new election timetable.

## UK Parliamentary general election

# Guidance for candidates and agents

## Part 2b of 6 – Standing as a party candidate

This document applies to the May 2015 UK Parliamentary general election in Great Britain. Our guidance and resources for other elections in the UK can be accessed from our website at:

[www.electoralcommission.org.uk/guidance/resources-for-those-we-regulate/candidates-and-agents](http://www.electoralcommission.org.uk/guidance/resources-for-those-we-regulate/candidates-and-agents).

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# Essential information

This section of the document contains our guidance on standing as a party candidate at the May 2015 UK Parliamentary general election in Great Britain. Supplementary information, which may only be relevant to some candidates, is provided at the back of this document. You can also view this supplementary guidance by clicking on the links within this document or by clicking on the chapter heading on the contents page.

We are here to help, so please contact your local Commission team if you have any questions. See our [Overview document](#) for contact details.

In this document, we use 'you' to refer to the candidate. We use 'must' when we refer to a specific requirement. We use 'should' for items we consider to be minimum good practice, but which are not legal or regulatory requirements.

We have included relevant deadlines throughout this document, but you can also find a separate [election timetable](#) setting out all the key dates on our website.

## Completing your nomination papers

1.1 To become nominated as a candidate at a UK Parliamentary general election in Great Britain, you need to submit a completed set of nomination papers to the place fixed by the (Acting) Returning Officer by 4pm on the 19th working day before the poll (4pm on 9 April 2015). This deadline is set out in law and cannot be changed for any reason. 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

official notice of election published by your (Acting) Returning Officer.

1.2 There are three nomination papers that you must submit to make your nomination valid:

- the nomination form (the form to be used is prescribed in law)
- a home address form
- your consent to nomination

1.3 To stand on behalf of a registered political party, you will also need:

- A certificate authorising you to use the party name or a registered description on the ballot paper (known as the [certificate of authorisation](#)). For more details on the certificate of authorisation, see paragraph **1.15**.
- A written request to use one of the party's emblems (if you would like one to appear on the ballot paper). For more information on the emblem request form, see paragraph **1.20**.

1.4 You can obtain nomination papers from your local elections office. In England and Wales, contact details can be obtained from [www.aboutmyvote.co.uk](http://www.aboutmyvote.co.uk). In Scotland, you can contact the elections office through your local council. Alternatively, the Commission has produced a set of [nomination papers](#) that you could use.

1.5 If you, your agent or someone you trust are unable to complete the nomination form, the (Acting) Returning Officer can help by preparing the form for your signature.

1.6 The (Acting) Returning Officer may also be able to offer informal checks of your completed nomination papers before you submit them. You should find out from your (Acting) Returning Officer whether they plan to offer informal checks.

1.7 Note that any information you provide on your nomination papers must be true to the best of your knowledge. It is an offence to provide a false statement on your nomination papers. Providing a false statement could invalidate your election, and is also punishable by a maximum fine of £5,000

The last day for publishing the notice of election is 22 working days before the poll (2 April 2015).

in England and Wales or £10,000 in Scotland (or an unlimited fine if convicted on indictment) and/or imprisonment.

## The nomination form

1.8 By law, a nomination form must be completed in English or, in Wales, in English or Welsh. The form must contain:

- Your full name. This means your surname and other names in full. Using initials only could lead to your nomination paper being rejected. Also, do not use prefixes such as Mr, Mrs, Dr or Cllr as part of your name. The same applies to suffixes. However, if you have a title, you can use this as your full name. For example, if your actual name is Joseph Smith but your hereditary title is Joseph Avon, you can use the name Joseph Avon as your full name.
- Signatures of 10 registered electors (known as subscribers) from the constituency. Your subscribers must appear on the Parliamentary electoral register that is in force on the 22nd working day before the poll (i.e. on the register published on 1 April 2015). For further information, see paragraph **1.92**.

1.9 The following is optional:

- A commonly used name – if you commonly use a name that is different from your actual name and you wish this to appear on the ballot paper, you need to state this on the nomination form. More details are provided in paragraph **1.85**.
- A description – you can ask for either the party's name as registered with the Commission or one of the party's registered descriptions to appear on the ballot paper underneath your name. If you are a candidate in Wales, you may use either the English version, Welsh version or both versions of either the party name or description as long as they are registered with us.

To find out how to obtain the electoral register, see:

[Part 4 – The campaign](#)

Your name and description should be written on the nomination form before you ask subscribers to sign the form.

Registered party names and registered descriptions can be found on [our online register](#).

Welsh translations of party names are listed on the website under 'other name' and translations of descriptions are listed to the right of the description under 'translation(s)'.

- If you want to use a party name or description, you must submit alongside your other nomination papers a certificate that shows that you are authorised to use the party's name or description (known as a certificate of authorisation). The certificate must be issued by the registered party's Nominating Officer (or someone authorised to act on their behalf) and be received by the (Acting) Returning Officer by the nominations deadline, i.e. by 4pm on the 19th working day before the poll (by 4pm on 9 April 2015). Further information on the certificate is provided in paragraph **1.15**.
- If you are standing on behalf of two or more parties, you may use a joint description as registered with the Commission. In that case, you will need authorisation from the Nominating Officer for each of the registered parties (or people authorised to act on their behalf).
- You should take particular care when completing the descriptions field on the nomination form. The party name/description used on the nomination paper must exactly match the party name/and chosen description on the Commission's online register of political parties. If it does not, the whole nomination paper will be rejected.
- Note that you do not have to use a description. You may choose not to have a description at all by leaving the description field of the form blank. However, the party you are standing on behalf of may request that you use a particular description.

Special rules apply to the Speaker of the House of Commons. The Speaker can use the following description: "The Speaker seeking re-election"

If you wish to stand as an independent candidate, see [Part 2a – Standing as an independent candidate](#) for further information.

## Home address form

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

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## 1.11 Your home address:

- must be completed in full
- must not contain abbreviations
- must be your current home address
- must not be a business address (unless you run a business from your home)

1.12 Your address does not need to be in the constituency in which you intend to stand.

## Consent to nomination

1.13 You must also formally [consent to your nomination](#) in writing. The content of the consent to nomination form is fixed by law. On the form you will be asked to state that you are qualified and not disqualified from standing. You must also state your date of birth.

1.14 You are not allowed to sign the consent form earlier than one calendar month before the deadline for submitting your nomination papers. Your signature must be witnessed, and the witness must sign the form and give their full name and address. There are no restrictions on who can be a witness to the consent to nomination.

## The certificate of authorisation

1.15 Political parties authorise candidates to stand for them by issuing a [certificate of authorisation](#). This must state that the named candidate can stand on their behalf and allow them to use one of the following:

- the exact party name as registered with the Commission
- one of the party's registered descriptions
- your choice of either the registered party name or one of the registered descriptions.

1.16 Particular care should be taken by the Nominating Officer (or someone authorised to act on their behalf) when completing the certificate of authorisation. If the certificate explicitly authorises a particular party name/description and

this does not match the party name/description on the nomination paper, the whole nomination will be invalid.

1.17 The certificate of authorisation must be signed by the registered Nominating Officer of the political party or by someone authorised by the Nominating Officer to act on their behalf.

## Request to use an emblem on the ballot paper

1.18 If you have been authorised by a political party to use the party name or a registered description on the ballot paper, you can also request that one of the party's official emblems is printed on the ballot paper next to your name.

1.19 You must make the request for an emblem in writing and deliver it to the (Acting) Returning Officer. The request must be received by the (Acting) Returning Officer by 4pm on the 19th working day before the poll (by 4pm on 9 April 2015). The (Acting) Returning Officer will supply you with a form you can use to make this request or, alternatively, you can use the [emblem request form](#) produced by the Commission.

Emblems can be viewed or downloaded from our [online register of political parties](#).

1.20 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 online register of political parties. Registered emblems cannot be varied in any way.

1.21 Candidates standing on behalf of two or more registered parties and using a joint description can use an emblem that has been registered by one of the relevant parties. The request must be made in writing and delivered to the (Acting) Returning Officer by the close of nominations, i.e. by 4pm on the 19th working day before the poll (by 4pm on 9 April 2015). The (Acting) Returning Officer will supply you with a form you can use to make this request or you can use the [emblem request form](#) produced by the Commission. The request should state the name of the political party that has registered the emblem you wish to use and the description of the emblem to be used, as listed on the Commission's online register of political parties.

## Submitting your nomination papers

1.22 All nomination papers, including the home address form, consent to nomination, certificate of authorisation and emblem request form, must be delivered to the place specified on the notice of election by 4pm on the 19th working day before the poll (by 4pm on 9 April 2015). It is your responsibility to ensure that all of your nomination papers are delivered in the correct manner and by the required deadlines.

### Who can deliver the nomination papers?

1.23 Only a limited number of persons may deliver your nomination form and home address form. The nomination and home address form may only be delivered by yourself, your proposer or seconder, or by your election agent (if the (Acting) Returning Officer has previously received notification of their appointment).

1.24 There are no restrictions on who can deliver your consent to nomination, certificate of authorisation and emblem request form, but you should ensure that you, your agent, your proposer or seconder, or someone you trust does this so you can be sure they are delivered to the (Acting) Returning Officer in time.

### How must nomination papers be submitted?

1.25 The nomination form, home address form and the consent to nomination must be submitted by hand and cannot be submitted by post, fax, e-mail or other electronic means. The only exception to this is where a candidate is overseas, in which case their consent to nomination may be sent electronically.

1.26 The certificate of authorisation and the emblem request form may be submitted by post, but may not be submitted by fax, e-mail or other electronic means.

1.27 The **original version** of each completed paper must be submitted. A certificate of authorisation which has been sent as

an attachment to an e-mail to be printed out, for example, would make it a 'copy document' and not the original document.

## When must nomination papers be submitted?

1.28 You should submit your nomination papers as early as possible to give the (Acting) Returning Officer an opportunity to conduct an informal check and to give you sufficient time to submit new nomination papers should your first set contain any errors.

1.29 The (Acting) Returning Officer will confirm the exact details of when and where nomination papers can be delivered on the official notice of election. The notice of election will be published no later than 4pm, 22 working days before the poll (no later than 4pm on 2 April 2015). In most cases, the notice of election will be published on the website of the local authority of the (Acting) Returning Officer.

1.30 You can submit nomination papers between the hours of 10am and 4pm from the day after the publication of the notice of election until the sixth working day after the date of dissolution of Parliament (i.e. between 10am and 4pm on any working day after publication of the notice of election until 4pm on 9 April 2015).

1.31 You should contact the (Acting) Returning Officer as soon as possible to find out what arrangements are in place for submitting nomination papers.

1.32 If, after you have submitted your nomination papers you change your mind and no longer want to stand for election, you can withdraw, provided you do so by 4pm on the 19th working day before the poll (by 4pm on 9 April 2015). For more details on withdrawing, see paragraph **1.48**.

## The deposit

1.33 For a candidate's nomination to be valid, the sum of £500 must be deposited with the (Acting) Returning Officer by the deadline for nominations, 4pm on the 19<sup>th</sup> working day before

the poll (i.e. by 4pm on 9 April 2015). The deposit can be made using:

- cash (British pounds only)
- a UK banker's draft

1.34 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. 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.

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

1.36 Candidates who poll more than 5% of the total valid votes cast in the constituency will have their deposit returned. Those candidates who have polled less than, or equal to, 5% of the total valid votes cast will lose their deposit.

## Inspecting other candidates' nomination papers

1.37 Only certain people are entitled to attend the delivery of nomination papers and to inspect and make any objections to the validity of a nomination form or home address form. After your nomination papers and deposit have been delivered and you stand validly nominated, the following can inspect and make objections to a nomination form or home address form:

- you
- your election agent
- your proposer or seconder

1.38 Nomination papers cannot be inspected by anybody else at any time.

If you are your own election agent, you can appoint one other person to attend the delivery of nomination papers and make objections.

If you have submitted more than one nomination form, only the proposer and seconder from the nomination form you have selected will be entitled to attend. If none has been selected, it will be the proposer and seconder of the first submitted nomination form who will have that entitlement.

1.39 Electoral Commission representatives and one other person chosen by a validly nominated candidate can also be present at the delivery of nomination papers, but they are not allowed to inspect or make any objections to nomination papers.

1.40 No other person, except the (Acting) Returning Officer and their staff, may attend the delivery of nomination papers.

## Objections to nominations

1.41 Objections to the validity of any nomination form or home address form can be made on the 19<sup>th</sup> working day before the poll (on 9 April 2015).

1.42 The time within which an objection can be made depends on when the nomination papers are delivered.

### Timetable for objections

#### Nominations delivered up to 4pm on 8 April 2015

1.43 Objections to any nomination or home address form delivered up to and including 4pm on 8 April must be made **between 10 am and 12 noon on 9 April 2015**.

#### Nominations delivered after 4pm on 8 April 2015

1.44 Objections to any nomination form delivered after 4pm on 8 April 2015 must be made **between 10am and 5pm on 9 April 2015**. Any objection must be made at or immediately after the time of the delivery of the nomination.

#### Objections on the grounds that a candidate is imprisoned for a year or more

1.45 In the rare case that the (Acting) Returning Officer considers that a candidate may be disqualified because they are imprisoned and serving a sentence of a year or more, they will publish a notice inviting objections on those grounds. Any such objection may be made **between 10am and 4pm on 10 April 2015**.

In one exceptional circumstance, where the objection is on the grounds that a candidate is disqualified because they are serving a prison sentence of a year or more, objections can be made on the 18<sup>th</sup> working day before the poll (on 10 April 2015).

## Decisions on objections

1.46 The (Acting) Returning Officer will consider any objections made, but is entitled to hold a nomination invalid only on the following grounds:

- that the particulars of the candidate or subscribers are not as required by law
- that the paper is not subscribed as required
- that the candidate is disqualified on the grounds that they are imprisoned and serving a sentence of a year or more

1.47 The (Acting) Returning Officer's decision that a nomination is valid is final and cannot be challenged during the election. The decision can only be challenged after an election through an election petition (see [Part 6 – After the declaration of result](#) for further information on election petitions).

## Withdrawing

1.48 You may withdraw as a candidate by signing and submitting a [withdrawal form](#), which must be witnessed by one other person. There are no restrictions on who may submit the notice, but it must be delivered by hand. Your witness must also sign the notice. A [notice of withdrawal](#) can be obtained from your (Acting) Returning Officer or downloaded from our website.

1.49 The withdrawal notice must be submitted by the deadline for withdrawals (i.e. by 4pm on the 19th working day before the poll; by 4pm on 9 April 2015). After the withdrawal deadline it is not possible to withdraw from the election, and your name will appear on the ballot paper. If the election is uncontested, you will be declared elected.

1.50 If you withdraw as a candidate, your deposit will be returned.

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.

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.

## What happens after the close of nominations?

1.51 Provided no objections have been made, the (Acting) Returning Officer will publish a statement of persons nominated by 5pm on the 19<sup>th</sup> working day before the poll (by 5pm on 9 April 2015). The statement will include:

- the full or commonly used names, as the case may be, of all candidates validly nominated
- the names of candidates who no longer stand nominated, if any (i.e. invalid and withdrawn candidates), with the reason why they are no longer standing
- the home address of each candidate, or if they have requested not to make their home address public, the constituency in which their home address is situated (or the country if their address is outside the UK)
- each candidate's description (if any)

1.52 If objections have been made, the (Acting) Returning Officer will publish the statement of persons nominated by 4pm on the 18<sup>th</sup> working day before the poll (by 4pm on 10 April 2015).

## Appointing your election agent and other agents

1.53 The election agent is the person responsible for the proper management of your election campaign and, in particular, for its financial management. You must have an election agent. If you do not appoint an agent, you will become your own agent by default.

1.54 Once appointed, only the election agent can make payments for election expenses.

1.55 You can also appoint other agents to observe the following electoral processes, which both you and your election agent are also entitled to observe:

- the opening of postal votes
- the poll
- the count

## Who can be an election agent?

1.56 There are no particular qualifications needed to be an election agent and you can be your own agent if you wish.

1.57 However, the following people are not allowed by law to be election agents:

- the (Acting) Returning Officer or a member of their staff
- a partner or clerk of the (Acting) Returning Officer or a member of their staff
- anyone not entitled to vote at the election as a result of the report of an election court or a conviction for a corrupt or illegal practice under the Representation of the People Act 1983

1.58 Your party may also have specific rules about who you can appoint as an election agent.

## Appointing an election agent

1.59 Because of the responsibilities attached to the role of an election agent you should consider carefully who you are going to appoint and make sure that they understand their obligations. You can also be your own agent if you wish.

1.60 You must declare in writing the name, address and office address of your election agent to the (Acting) Returning Officer by 4pm on the 19<sup>th</sup> working day before the poll (by 4pm on 9 April 2015). The declaration should be signed by you and by the agent to show their acceptance of the appointment.

1.61 The (Acting) Returning Officer may provide a declaration form, or you could use the [form produced by the Commission](#). If you do not appoint someone else as your agent by the deadline, you will automatically become your own agent.

1.62 Your agent's office address must be:

It is helpful to also provide a contact telephone number and email address for your election agent so that the (Acting) Returning Officer can easily contact them.

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

1.63 The agent's office address will often be their home address, but it could be the local party office or an office set up for the election.

1.64 The office address declared to the (Acting) Returning Officer must be an address to which any legal notices can be delivered and therefore must be a physical address – PO boxes or similar mailboxes cannot be used.

1.65 If you act as your own election agent, the office address is deemed to be the address you provided on your home address form. If that address is outside the permitted area, the office address is deemed to be the qualifying address of your proposer (i.e. the first subscriber on your nomination form).

## Revoking an election agent's appointment

1.66 You can revoke the appointment of your election agent at any time, including after polling day, and a new appointment can be made in the same manner as outlined above. If you revoke your election agent's appointment and do not appoint anyone else, you will be deemed to be your own election agent.

1.67 If you are acting as your own agent you can revoke your own appointment and appoint someone else as your agent.

1.68 Once an agent has signed their acceptance, they cannot resign and must fulfil the duties required of them unless you revoke their appointment.

There are two types of constituency: borough and county.

Typically, borough (burgh in Scotland) constituencies are mainly urban while county constituencies are mainly rural.

If you do not know which type of constituency you are standing in, you can obtain this information from the (Acting) Returning Officer.

## Sub-agents

1.69 An election agent in a county constituency may appoint sub-agents to act on their behalf. No sub-agents can be appointed in a borough (or burgh) constituency.

1.70 Election agents may appoint sub-agents for particular parts of the constituency, as long as those parts do not overlap. The agent can determine the parts into which they wish to sub-divide the constituency.

1.71 The office of the sub-agent must be in the area within they are appointed to act.

1.72 A sub-agent can do anything that the election agent is entitled to do within the area to which they are appointed.

1.73 The election agent should ensure that whoever they decide to appoint as a sub-agent is aware of the election and spending rules. Anything done by the sub-agent will be treated as if it had been done by the election agent.

1.74 By the second working day before the poll (by 5 May 2015) the election agent must declare in writing to the (Acting) Returning Officer the name, address and office address of any sub-agents and the area in which they are each appointed to act. The (Acting) Returning Officer will provide a form you can use. Alternatively, you can use the form included for this purpose in the Commission's [nomination pack](#).

1.75 The election agent can revoke the appointment of a sub-agent at any time and another sub-agent may be appointed. If another sub-agent is appointed, the election agent must declare in writing the name, address, office address and area of appointment of the new sub-agent to the (Acting) Returning Officer.

## Appointing postal voting, polling and counting agents

1.76 You may appoint other people as agents to attend the opening of postal votes, the poll and the verification and count.

1.77 Anyone, apart from those listed in paragraph **1.56**, can be appointed as a postal vote, polling or counting agent. Both you and your election agent can also automatically act as one of those agents without the need of an official appointment.

1.78 You can appoint any number of polling agents to attend each polling station, but only one polling agent for each candidate can be present in a polling station at any time. A polling agent can be appointed to attend multiple polling stations.

1.79 The (Acting) Returning Officer will tell you the maximum number of postal voting and counting agents you can appoint. All candidates will be allowed to appoint exactly the same number. At the count, unless there are special circumstances, the number of counting agents allowed for each candidate will not be less than the number obtained by dividing the number of counting assistants (i.e. those staff employed on the counting) by the number of candidates.

1.80 The request to appoint these agents must be made in writing to the (Acting) Returning Officer. It must contain the names and addresses of the people being appointed. The (Acting) Returning Officer will provide the relevant forms for this, or you can find [Postal voting](#), [Polling agent](#) and [counting agent](#) appointment forms on our website.

1.81 The deadline for appointing these agents will depend on the process they are to attend. Polling and counting agents must be appointed by not later than the fifth working day before the poll (by 29 April 2015). However, appointment forms for postal voting agents only need to be submitted to the (Acting) Returning Officer by the time fixed for the opening of postal votes they want to attend. The (Acting) Returning Officer will give you at least 48 hours' notice before the scheduled start of each postal vote opening session.

1.82 If an agent dies or becomes incapable of acting, you may appoint another agent in their place by submitting the relevant appointment form to the (Acting) Returning Officer. Any new appointment in these circumstances must be made without delay.

1.83 More information on what agents can and cannot do and what they can expect to see at postal vote opening sessions, polling stations and the count, can be found in [Part 5 – Your right to attend key electoral events](#)

## Death of a candidate

1.84 If a candidate dies during the election period, see paragraph **1.99** for further information on how this will affect the election.

# Supplementary information

## Commonly used name(s)

1.85 If you commonly use a different name from your actual name, you can ask 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

1.86 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.

1.87 You can request to use a commonly used forename, surname or both.

1.88 For example, you may be known by your abbreviated name 'Andy', rather than your full first name 'Andrew'. In that case, you can write 'Andy' into the commonly used forename box on the nomination paper if you would rather that name appear on the ballot paper.

1.89 You may also use initials as part of your commonly used name if you are commonly known by them.

1.90 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.

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.

## Signatures of subscribers

1.92 Each nomination form needs to be signed (subscribed) by 10 electors on the register of parliamentary electors in the constituency.

1.93 The first two electors will sign and print their names as proposer and seconder, and the remaining eight as assenters.

1.94 The elector number of each subscriber as it appears on the electoral register, including the distinctive numbers or letters of the polling district, must be entered on the nomination form. The distinctive numbers/letters of the polling district can usually be found at the front of the register. Both the (Acting) Returning Officer and Electoral Registration Officer will be able to advise you how the register is laid out.

1.95 You will be entitled to a free copy of the electoral register once you become a candidate. You should use it to ensure that your nomination form is properly subscribed.

1.96 Each elector may only subscribe one nomination form at the election. If an elector does sign two or more nomination forms, the first nomination form delivered to the (Acting) Returning Officer will be accepted and the rest will be invalid. You should therefore always enquire, before asking a subscriber to sign your form, if they have already signed someone else's.

1.97 If a nomination form contains more than ten subscribers' signatures, only the first ten will be accepted. If any of the first ten subscribers is invalid, the (Acting) Returning Officer must hold the nomination form invalid, regardless of whether the form contains more than ten.

To find out how to obtain the electoral register, see:

[Part 4 – The campaign](#)

There may be some electors on the register who have registered anonymously because of risks to their safety.

Anonymously registered electors may not subscribe nomination forms.

Anonymous electors are shown on the register with just their poll number and the letter 'N' (rather than with their name and address).

1.98 Nomination forms should not be altered once they are subscribed. All of your details should be completed before you invite anyone to subscribe your nomination. Once the (Acting) Returning Officer has formally accepted a nomination form, signatures cannot be withdrawn.

## Death of a candidate

1.99 The impact of the death of a candidate before the declaration of the result depends on whether or not the deceased candidate was standing on behalf of a registered political party.

### Death of an independent candidate

1.100 If a candidate not standing on behalf of a political party dies, the election continues as normal. 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.

1.101 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 came joint first with the same number of votes as any other candidate, the other candidate is declared elected.

1.102 If only two persons are standing nominated and an independent candidate dies, the election is treated as an uncontested election and the other candidate is declared elected.

1.103 In all circumstances, the deposit of the deceased candidate will be returned.

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.

## Death of a party candidate

1.104 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 (or as a joint candidate standing on behalf of two or more parties) has died, the election is stopped immediately. If the poll is under way or the count is being undertaken, that process stops. There will be a new election.

1.105 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 election result at the new election. No new nominations are allowed for the new election, except that a new candidate can be nominated to stand on behalf of the same party (or parties) of the candidate who died. Any existing candidates may withdraw by the deadline for withdrawals for the new election. The nomination papers for the candidate standing for the party (or parties) whose candidate died must be submitted by the close of nominations based on the new timetable.

## Death of the Speaker of the House of Commons

1.106 If the (Acting) Returning Officer receives proof and is satisfied before the declaration of result that a candidate who was the Speaker of the House of Commons seeking re-election has died, the election is stopped immediately. If the poll is under way or the count is being undertaken, that process stops. There will be a new election.

1.107 In the case of the death of the Speaker new nominations are allowed for the new election, and these must be submitted in the usual way and by the deadline for nominations based on the new timetable.

## New election

1.108 The timetable for any new election will be prepared as if the writ was received seven working 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 new election timetable.

UK Parliamentary  
general election 2015

# Guidance for candidates and agents

Part 3 of 6 – Spending  
and donations

## 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](mailto:publications@electoralcommission.org.uk)

## Terms and expressions we use

You will normally be doing enough to comply with the law if you follow this guidance.

We use '**must**' when we refer to a specific requirement. We use '**should**' for items we consider to be minimum good practice, but which are not legal or regulatory requirements.

## What happens if you don't follow the rules?

If you do not comply with the legal or regulatory requirements you may be subject to criminal sanctions. If you win the election and someone succeeds in an election petition against your campaign activities or reporting, you could be barred from holding office.

If you take donations that you can't legally accept, we may apply to the courts for them to be forfeited.

You can find more information about the Commission's regulatory role at:

<http://www.electoralcommission.org.uk/our-work/roles-and-responsibilities/our-role-as-regulator-of-political-party-finances>

# Spending and donations

## Who is this document for:

Candidates and agents in Great Britain and Northern Ireland who want to know about the rules on spending and donations in the run up to the UK Parliamentary elections on 7 May 2015.

## The document covers:

- the regulated period
- how much you can spend
- the activities covered by the rules
- which donations you can accept
- how to check donations you receive
- recording and reporting spending

## Forms and explanations:

- [Return of candidate spending and donations: long campaign](#)
- [Return of candidate spending and donations: short campaign](#)
- [Candidate's declaration](#)
- [Agent's declaration](#)

# Introduction

Candidates and their agents at a UK Parliamentary general election must follow certain rules about how much they can spend, who they can accept donations from and what they must report after the election.

The UK Parliamentary general election is due to be held on 7 May 2015. If an early election is called, we will publish updated guidance on our [website](#).

This document explains these rules.

Section A sets out the rules on what you can spend, the activities covered by the rules and what information needs to be recorded.

Section B sets out the rules on donations, how to check if you can accept them and what records you must keep. Donations include contributions of money, goods or services towards your spending.

Section C explains how to report your campaign finances after the election. Even if you don't spend any money, you must still submit a report.

The election agent has the main responsibility for complying with the rules.

However, after the election, both the candidate and agent must sign declarations to say that their spending and donation return is complete and correct to the best of their knowledge.

This means that candidates also need to be fully aware of the rules and ensure that their agent is following them.

This document is part of our suite of guidance for candidates and agents.

You can find out more about other aspects of standing for election on our [guidance page for candidates and agents](#).

## Section A - Your spending

This section explains the rules on what a candidate can spend, the activities covered by the rules and what information needs to be recorded.

## An overview of the rules

The rules on spending apply to spending on activities to promote your candidacy or to criticise other candidates during the regulated period.

The regulated period is a set time when the spending limits and rules apply. There are two regulated periods for candidates contesting the UK Parliamentary general election, known as the 'short campaign' and 'long campaign'. You can find out more about the short and long campaigns on pages 5-6 of this guidance.

Candidate spending includes any expenses incurred, whether on goods, services, property or facilities, for the purposes of the candidate's election during the regulated period.

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%

There are rules covering:

- who can authorise spending and pay for items and services
- how much you can spend
- which activities count towards your spending limit
- deadlines for receiving and paying invoices
- what records you must keep
- how and when you report your spending

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.



## Access to Elected Office Fund

The Access to Elected Office Fund provides financial assistance to disabled candidates standing for election to help with the extra costs they may incur as a result of their disability. If you are applying for or have received a grant from the Access to Elected Office Fund, please read our [factsheet](#) for further information.

## When do the candidate spending and donation rules apply?

Candidate spending and donation rules apply during the regulated period.

### The regulated period

The regulated period for a UK Parliamentary general election is divided into two periods: the 'long campaign' and the 'short campaign'. Each period has its own spending limit.

You must keep within the spending limit for each period. You should also keep separate records of your spending and donations for each period.

## When do the long and short campaigns begin and end?

### Long campaign

The long campaign begins on 19 December 2014. It will end on **the day before** you officially become a candidate (see page 6).

### Short campaign

The short campaign begins on the day you officially become a candidate and ends on polling day, 7 May 2015.

If you start spending 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 during the regulated period or submit a return.

The earliest date you can officially become a candidate is the day that the UK Parliament is dissolved.

Following the Fixed-term Parliaments Act 2011, Parliament will usually be dissolved 25 working days before polling day. If the UK Parliamentary general election is held, as expected, on 7 May 2015, Parliament is scheduled to be dissolved on Monday 30 March 2015.

You will become a candidate on this date if you or others have already announced your intention to stand. For example, your party may have issued a press release when you were selected, or you might have announced your intention at a residents' meeting.

If your intention to stand has not been announced by the day of the dissolution of Parliament, you will officially become a candidate on the earlier of:

- the date you or another person declare your intention to stand
- the date when you are nominated

Further information on the timetable for the UK Parliamentary general election in 2015 can be found on the [Parliament website](#).

More information on becoming a candidate is available on our website:

[Guidance for candidates and agents](#)

## How much can I spend in the long and short campaigns?

In both the long and short campaigns, the spending limit is calculated by adding together a base amount and a variable top up that takes into account the number of registered electors in the constituency you are contesting.

The table below sets out the fixed amounts for the short and long campaigns, along with the variable amounts that apply to different types of parliamentary constituency:

Regulated period	Fixed amount	Variable amounts
Long campaign	£30,700	6p per registered parliamentary elector in a borough constituency (burgh constituency in Scotland), <b>or</b> 9p per registered parliamentary elector in a county constituency
Short campaign	£8,700	6p per registered parliamentary elector in a borough constituency (burgh constituency in Scotland), <b>or</b> 9p per registered parliamentary elector in a county constituency

You can find contact details for your local elections office on the [about my vote website](#).

For candidates in Northern Ireland, contact details for EONI are available [here](#).

Your local elections office, or the Electoral Office for Northern Ireland (EONI), will be able to tell you if your constituency is a borough/burgh or county constituency.

The number of Parliamentary electors in a particular constituency is based on the electoral register as it stands on the last date for publication of the notice of election. This date is after Parliament has been dissolved and it means that you will not know the exact figure you can spend in the long campaign until it has ended.

However your local elections office, or the EONI, will be able to give you current elector numbers on request which will help you to plan your expenses in the long campaign.



## What is included in candidate spending?

Candidate spending includes the costs of:

- advertising of any kind. For example, posters, newspaper adverts, websites or YouTube videos.
- unsolicited material sent to voters. For example, letters, leaflets or emails you send that aren't in response to specific queries.
- transport costs for you or your campaigners. For example, hire cars or public transport.
- public meetings.
- staff costs. For example, an agent's salary, or staff seconded to you by their employer. You do not need to include time spent on your campaign by volunteers.
- accommodation. For example, your campaign office.
- administrative costs. For example, telephone bills, stationery, photocopying and the use of databases.

## What isn't included in candidate spending?

Spending on the following does not count towards your spending limit:

- payment of a candidate's deposit.
- anything (except adverts) appearing in a newspaper or on a licensed broadcast channel
- facilities you use because you are entitled to do so as a candidate, such as a public room for a meeting
- volunteer time including time spent by your staff that you do not pay them for
- someone's main residence
- someone's personal car or other means of transport
- general computer equipment bought for personal use

### **Public meetings**

You do not need to include the costs of:

- events that are for party members only
- events held mainly for purposes other than your campaign, where your attendance is incidental – for example an annual social event at which you say a few words

Sometimes, it may not be easy to decide if an 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.

You may also be invited to attend hustings events run by local organisations or community groups. We have published separate [hustings guidance](#) that explains when the spending rules may apply to these events.

### **Volunteer time**

Sometimes you may not be sure if someone working for your campaign is a volunteer or if you should count their time towards your spending limit. For example, they may offer similar services professionally to the ones they are performing for you.

They are likely to be a volunteer if:

- their employer is not paying them for the time they spend on your campaign or;
- they are taking time off from work, or
- where they are self-employed, you won't benefit from any professional insurances they hold

If they use specialist equipment or materials, you should consider whether their use is notional spending.

### **Personal expenses**

Personal expenses include the reasonable travel and living expenses of the candidate. Personal expenses do not count towards your spending limit, but you must report them on your spending return.

Personal expenses may include car hire for the candidate if the candidate does not already own a car, or if their car is not suitable for campaigning. 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.

### Downloadable material

If you put material on a website for people to print off for their personal use, such as window posters or petition forms, the design and website costs count as candidate spending.

You do not need to count people's print costs against your spending limit, unless people are printing documents on your behalf.

If the material could be printed and distributed to voters – for instance a leaflet – you will need to make it clear how you expect people to use it.

If you authorise wider use of the material, the production costs may count as candidate spending whoever does the printing.

## Items received free of charge or at a discount and 'notional spending'

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

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

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'.

Commercial discounts are those available to other similar customers, such as discounts for bulk orders or seasonal reductions.

Non-commercial discounts are special discounts that you are given by suppliers. This includes any special rate which is not available on the open market..

Notional spending with a value of more than £50 will also be a donation. You can find out more about the rules on donations in Section B of this guidance.

### Valuing notional spending

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.

The internet is a good resource for finding out the market rate for goods and services.

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

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.

If you are not sure how to value something, please [email](#) or call us for advice.

### Valuing seconded staff

If an employer seconded a member of staff to your campaign, you must record their gross salary and any additional allowances as the notional value.

You do not need to include the employer's national insurance or pension contributions. You will need to include the value of any expenses, such as travel or food, that you or the employer refunds.

## Items only partly used for your campaign

Sometimes, you may need to split your costs between activities that count as candidate spending and those that don't.

For example, between:

- items used both before and during the regulated period
- spending on your campaign and spending on other activities such as an office that you share with your local party

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.

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.

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.

For more information on splitting spending, please see our guidance:

[Expert paper: Splitting Spending](#)



After the election, you will have to sign a return to declare that it is complete and correct to the best of your knowledge and belief.

It is an offence to knowingly or recklessly make a false declaration.

## Political party campaign spending

Political parties also have spending limits for campaigning. These are separate from a candidate's long and short campaign spending limits.

### Deciding if an item is candidate spending or party spending

Spending does not need to be counted against both the candidate's and the party's spending limit. An item of spending will fall into one category or the other:

- items that promote the candidate are likely to count towards the candidate's spending limit
- items that promote the party are likely to be covered by the rules on party campaign expenditure. For example, posters with the party name and not the candidate's name.

The regulated period for political parties usually runs for 365 days before a general election.

However, the regulated period for political parties for the 2015 UK Parliamentary general election began on **23 May 2014** and ends on polling day, **7 May 2015**.

For more information on political party campaign spending, see our guidance on [party campaign spending](#).

## Who is responsible for candidate spending?

There are rules in place to make sure that spending can be controlled and accurately recorded and reported.

During the regulated period, only the following people are allowed to **incur** election spending. By '**incur**' we mean making a legal commitment to spend the money:

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

The agent rather than the candidate must make **payments** for most candidate spending during the regulated period. There are three exceptions:

- the candidate can pay for items before the agent is appointed
- the candidate can pay for up to £600 in personal expenses
- the agent can authorise in writing someone to pay for minor expenses such as stationery or postage. The authorisation must include the amount of the payment

Candidates can also act as their own election agents.

Once appointed, the agent must keep invoices or receipts for any payments made of £20 and above.

You should make sure that your volunteers and campaigners are aware of these rules and know who can and cannot incur or pay costs.

Separate guidance on the appointment of election agents is available on our [website](#).

If you authorise someone to incur candidate spending, it is good practice to do so in writing and be clear how much they can spend and on what.

In county constituencies only, an election agent can appoint a sub-agent to assist them in their work. A sub-agent acts on behalf of the agent, but the election agent is ultimately responsible for anything that the sub-agent does.

More information about appointing a sub-agent is available on our [website](#)

## The records you must keep

You must record all of your candidate spending. You will need to include this information in your spending return after the election. Once appointed, the election agent is responsible for this. See part C for further information.

### What you need to record

For each item of candidate spending and personal expenses, you should record the following information to put in your spending return:

- what the spending was for – for example, leaflets or advertising
- the name and address of the supplier
- the amount or value
- the date that you spent the money

Once appointed, the agent must keep invoices or receipts for any payments of £20 and above.

### After the election

After the election, the agent must meet deadlines for:

- receiving and paying invoices, and
- sending a spending and donations return to the local returning officer.

Both the agent and the candidate must also submit declarations that the return is complete and accurate.

You must still submit a return and declarations even if you haven't spent any money. This is called a 'nil return'.

You can find these deadlines, and more information on reporting, in Section C of this guidance.



All costs must include VAT, even if you can recover VAT payments.

You must include the full commercial value of items or services given free of charge or at a non-commercial discount of more than 10%.

See page 11 on notional spending for more information.

# Section B – Your donations

This section explains the rules on donations, how to check if a donation can be accepted and what information needs to be recorded.

## An overview of the rules

Candidates can only accept donations of money, items or services towards their campaign spending from certain mainly UK-based sources, and must report them to the (Acting) Returning Officer, or for candidates in Northern Ireland to the Chief Electoral Officer, after the election.

This includes donations from your own political party.

The candidate and election agent may both receive donations towards candidate spending, but once an election agent is appointed, donations must be passed to them as quickly as possible. The election agent must check that donations are within the rules before accepting them.

Both the candidate and agent must sign a declaration on their expenses return to say that the donation return is complete and correct to the best of their knowledge. So the candidate needs to make sure that their agent is following the rules.

If no agent has been appointed, the candidate is responsible for handling and checking donations.

In this section, we use 'you' to refer to the person who is responsible at the time for dealing with donations.

This section of the guidance has two parts:

Part One explains the rules on donations, and who you can accept them from.

Part Two explains the checks you need to make on different types of donor, and the information you need to record.

You can find out more about reporting donations after the election in Section C.

## Part One - About donations

### What counts as a donation?

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.

Some examples of donations include:

- a gift of money or other property
- payment of an invoice for candidate spending that would otherwise be paid by you
- a loan that is not on commercial terms
- sponsorship of an event or publication
- free or specially discounted use property or facilities, for example the free use of an office

You must include donations towards candidate spending even if you receive them before you become a candidate.



### Local party fighting funds

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. You do not need to treat them as donations to the candidate.

However, you will need to report donations from the party that are made to your campaign during the regulated period.

## Who can you accept a donation from?

You must only accept donations from a permissible source. A permissible source is:

- an individual registered on a UK electoral register, including overseas electors
- a Great Britain registered political party
- a Northern Ireland registered political party (only if you are standing for election in Northern Ireland)
- most UK registered companies
- a UK-registered trade union
- a UK-registered building society
- a UK-registered limited liability partnership (LLP) that carries on business in the UK
- a UK-registered friendly society
- a UK-based unincorporated association that is based in and carries on business or other activities in the UK

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.

Although you can legally 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.

## How do you decide if you can accept a donation?

When you receive any donation of more than £50, you must immediately make sure that you know who the donor is and that the donation is from a permissible source.

When you receive a donation, you have 30 days to decide if you can accept it.

You should ask yourself:

- ‘am I sure that I know who this donation is from?’
- ‘is the donor permissible?’

If

- the donation is not from a permissible donor, or
- for any reason you cannot be sure of the true identity of the source

you must return it within the 30-day period. If you don't, you will be deemed to have accepted it, and we may apply to the courts to have the donation forfeited.

If you've accepted an impermissible donation, you should tell us as soon as possible.

## Donations given on behalf of others

If you are given a donation on behalf of someone else, the person giving you the donation (the agent) must tell you:

- that the donation is on behalf of someone else
- the actual donor's details

An example of someone acting as an agent is where an event organiser is handing over the proceeds from a dinner held specifically to raise funds for your organisation.

If you have reason to believe that someone might be acting as an agent but has not told you, you should find out the facts so that you can make the right checks. **If you are uncertain who the actual donor is you must not accept the donation.**

If the donation isn't from a permissible donor, or for any reason you can't be sure of the true identity of the source, you must return it within this 30-day period.



## When do you 'receive' a donation?

You usually 'receive' a donation on the day you take ownership of it.

For example:

- if you are given free leaflets, you receive the donation when the leaflets are handed over to you.
- if you are given a cheque, you receive the donation on the date that the cheque clears.
- if a donation is transferred directly into your bank account you receive the donation on the date that you check your account or are notified of its receipt by the bank, whichever is earlier.

## How do you return a donation?

If you know who the donor is, you must return it to them.

If the donation is from an unidentified source (for example, an anonymous £100 cash donation), you must return it to:

- the person who transferred the donation to you; or
- the financial institution used to transfer the donation.

If you cannot identify either, you must send the donation to us. We will pay it into the Government's consolidated fund.

If any interest has been gained on the donation before you return it, you can keep it. This is not treated as a donation and it does not need to be reported.

## Candidates who are party members or holders of elected office

If you are a member of a registered political party or you already hold some relevant elected office, you need to follow rules about donations and loans to you that relate to political activity before the regulated period. For instance, you may be given donations to help fund your campaign to be selected as a candidate, or to cover campaigning activity before the start of the regulated period.

Holders of elective office are:

- a member of the UK Parliament
- a member of the European Parliament elected in the UK
- a member of the Scottish Parliament
- a member of the National Assembly for Wales
- a member of the Northern Ireland Assembly
- a member of any local authority in the UK, excluding parish or community councils
- a member of the Greater London Authority
- the Mayor of London or any other elected mayor, or
- a Police and Crime Commissioner

We call these individuals 'regulated donees'. If you are a regulated donee and you receive certain donations or loans of more than £500, you can only accept them from permissible sources. You have 30 days from receipt to decide whether to accept them.

If you accept a donation or loan of more than £1,500 (or donations or loans from one source that in aggregate amount to more than £1,500), you must report it to us within 30 days of accepting it.

If you are elected, you will also be covered by these rules after you are elected.

You can find our guidance on these rules on our [website](#).

### Important

Members of Parliament do not need to report permissible donations and loans directly to us. The Registrar of Members' Financial Interests will pass the relevant information to us so that we can check permissibility and publish details on our registers.

Members still need to report to us directly if they return a donation because the donor is not permissible.

## How do you value a donation?

You must put a value on any donation that is not money. The value of a donation is the difference between the value of what you receive and the amount (if any) you pay for it.

If you are given property, goods or services free of charge, or at a non-commercial discount of more than 10%, you must value them at the market rate.

For example:

Market rate for goods	-	Price you pay	=	Value of donation
£200	-	£100	=	£100

Or:

Market rate for services	-	Price you pay	=	Value of donation
£150	-	£0	=	£150

If the donor 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 property, goods or services and use this as the commercial value.

If you are still not sure how to value a particular donation, please [email](#) or call us for advice.

You should keep a record of how you reached your valuation.

**Commercial discounts** are those available to other similar customers, such as discounts for bulk orders or seasonal reductions.

**Non-commercial discounts** are special discounts that you are given by suppliers. This includes any special rate that is not available on the open market

### **Valuing a donation by sponsorship**

If someone sponsors a publication or event on the candidate's behalf, the value of the donation is the full amount that they pay.

You must not make any deduction for any benefit that they receive from the sponsorship.

More information is available in our

[Factsheet:  
Sponsorship](#)

## **What records do you need to keep?**

### **Donations you have accepted**

If you accept a donation over £50, you must record these details:

- the donor's name and address
- if the donor is a company, their registered company number
- the amount (for a cash donation) or nature and the value of the donation (for a non cash donation)
- the date on which the donation was accepted

If the donor is an individual, you must record their address as it is shown on the relevant electoral register. If the donor is an overseas elector, you must record their home address. This is because no address will appear on the electoral register.

If the donor is a company, you must record the donor's registered address and company number as it is shown on the Companies House register.

If the donor is an unincorporated association, you must record the main office address. This is because there is no register of unincorporated associations to refer to.

### **Donations you have returned**

If you receive a donation from an impermissible source the election agent must return it and record these details:

- the amount or nature of the donation and its value
- the name and address of the donor (unless the donation was given anonymously)
- if the donation was given anonymously, details of how the donation was made
- the date you received the donation
- the date you returned the donation
- the action you took to return the donation (for example, the person or institution you returned it to)

If you receive a donation from a source which you cannot identify (for example an anonymous cash donation of £100), you must return it to either:

- the person who transferred the donation to you; or
- the financial institution used to transfer the donation

### **After the election**

You will need to report these details in your spending and donations return. You can find more information about the return, and when you need to submit it, in Section C.

If you cannot identify either the person who transferred the donation to you, or the financial institution used to transfer the donation, you must send the donation to us. We will pay it into the Government's consolidated fund.

## Part Two - How to check that you can accept a donation

Before you accept any donation of more than £50 for the purpose of meeting candidate spending, you must take all reasonable steps to:

- make sure you know the identity of the true source
- check that the source is permissible

You have 30 days to do this, and return the donation if you can't accept it. If you keep a donation longer than 30 days, you are deemed to have accepted it. If you keep an impermissible donation after this time, we may apply to the courts to have it forfeited to us.

### Donations from individuals

#### **What makes an individual permissible?**

Individuals must be on a UK electoral register at the time of the donation. This includes overseas electors.

#### **How do you check permissibility?**

You can use the electoral register to check if an individual is permissible. Candidates and their agents are entitled to a free copy of the full electoral register in the run-up to an election. You must only use the register for checking if a donor is permissible or other electoral purposes. You must not pass it on to anyone else.

To obtain a copy of the register, you should contact the electoral registration department at your local council, or the Electoral Office for Northern Ireland (EONI) as appropriate, explaining that you are asking for it as a candidate at an election or as the election agent on behalf of the candidate.

You should also ask them to send you all the updates to the register.

You must check the register and updates carefully to make sure that the person is on the register on the date you received the donation.

In special circumstances, people have an anonymous registration. If a donor is anonymously registered, please contact us for advice.

## Donations from companies

### What makes a company a permissible donor?

A company is permissible if it is:

- registered as a company at Companies House
- incorporated in a Member State of the EU, and
- carrying on business in the UK

You must be sure that the company meets all three criteria.

### How do I check company registration and EU incorporation?

You should check the register at Companies House, using the free Webcheck service at [www.gov.uk/companies-house](http://www.gov.uk/companies-house).

You should look at the full register entry for the company.

To check that the company is permissible, you need to look at its registered number. Some companies will have a number only. Other companies have a letter as a prefix to the number.

The table below shows you if a company with a particular prefix is permissible, as long as it is also carrying on business in the UK.

Prefix letter	Is it permissible?
None	Yes
NI, SC	Yes
FC, NF, SF	Yes, if 'country of origin' on the register entry is an EU Member State
OC3, SO3	Yes, as a limited liability partnership – see separate section below
IP, SP, NP	Maybe – see industrial and provident societies in the 'Other types of donor' section on page 32
RC	Maybe – you should check with Companies House
Any other prefix	No

### **How do you check if the company is carrying out business in the UK?**

You must be satisfied that the company is carrying on business in the UK. The business can be non-profit-making.

Even if you have direct personal knowledge of the company, you should check the Companies House register to see if:

- the company is in liquidation, dormant, or about to be struck off
- the company's accounts and annual return are overdue

A company may still be carrying on business if it is in liquidation, dormant or late in filing documents, but you should make extra checks to satisfy yourself that this is the case.

For any company, you should consider looking at:

- the company's website
- relevant trade, telephone directories or reputable websites
- the latest accounts filed at Companies House

If you are still not sure if the company is carrying on business in the UK, you should ask for written confirmation of its business activities from the company's directors.

If after carrying out your checks you are still uncertain that a company is permissible, please [email](#) or call us for advice

## Donations from Limited Liability partnerships

### **What makes a limited liability partnership a permissible donor?**

A limited liability partnership (LLP) is a permissible donor if it is:

- registered as an LLP at Companies House
- carrying on business in the UK

### **How do you check permissibility?**

You should check the register at Companies House, using the free Webcheck service at [www.gov.uk/companies-house](http://www.gov.uk/companies-house).

You need to look at the LLP's registered number. Only numbers beginning with OC3 or SO3 are permissible LLPs.

As with companies, you must be satisfied that the LLP is carrying on business in the UK. You can find more information in the previous section 'How do you check if the company is carrying on business in the UK?' on page 29.

## Donations from unincorporated associations

### **What makes an unincorporated association a permissible donor?**

An unincorporated association is a permissible donor if:

- it has more than one member
- the main office is in the UK
- it is carrying on business or other activities in the UK

### How do you check permissibility?

There is no register of unincorporated associations.  
Permissibility is a matter of fact in each case.

In general, an unincorporated association should have:

- an identifiable membership, and
- rules or a constitution, and
- a separate existence from its members

For example, members' clubs are sometimes unincorporated associations.

If you are not sure that an association meets the criteria, you should consider whether the donation is actually from individuals within it (rather than the association) or if someone within the association is acting as an agent for others.

If you think this is the case, you must check the permissibility of all individuals who have contributed more than £50 and treat them as the donors.

You can find more information on carrying on business in the previous section 'How do you check if the company is carrying on business in the UK?' on page 29.

If you would like more guidance on permissibility and unincorporated associations, please [email](#) or call us for advice.

## Other types of donor

The table below shows how you check permissibility for other types of donor.

Type of donor	Requirement	Where to check
Political party	If you are standing for election in Great Britain, the party must be registered on the Great Britain register of political parties If you are standing for election in Northern Ireland, the political party must be registered on the Great Britain register OR the Northern Ireland register of political parties	The Electoral Commission <a href="http://www.electoralcommission.org.uk">http://www.electoralcommission.org.uk</a>
Trade union	Listed as a trade union by the Certification Officer	The Certification Officer <a href="http://www.certoffice.org">www.certoffice.org</a>
Building society	A building society within the meaning of the Building Societies Act 1986	The Financial Services Authority <a href="http://mutuals.fsa.gov.uk">http://mutuals.fsa.gov.uk</a>
Friendly/ industrial provident society	Registered under the Friendly Societies Act 1974 or the Industrial and Provident Societies Act 1965	The Financial Services Authority <a href="http://mutuals.fsa.gov.uk">http://mutuals.fsa.gov.uk</a>

# Section C – After the election

This section explains how to report your campaign finances after the election.

## What you must do after the election and the deadlines

After the election the agent must make sure that:

- all invoices are received within 21 days of the election result being declared
- all invoices are paid on time within 28 days of the election result being declared
- details of the candidate's spending and donations are reported to the (Acting) Returning Officer, or for candidates in Northern Ireland to the Chief Electoral Officer for Northern Ireland within 35 days of the election result being declared, together with a declaration that the return is complete and correct

The candidate must also submit a declaration confirming that the return is complete and correct to the (Acting) Returning Officer or Chief Electoral Officer for Northern Ireland as appropriate. This must be done within 7 days of the return being submitted.

If the candidate is outside the United Kingdom when the declaration is due, the deadline is extended to 14 days after they come back.



The return should separate donations and spending between the long campaign and the short campaign

You must still submit a return even if you haven't spent any money. This is called a 'nil return'

### Dealing with unpaid claims

We call claims (invoices for your candidate spending) that are not received by the election agent within the deadline unpaid claims. Unpaid claims cannot legally be paid unless a court order is gained granting leave to pay the claim.

We call claims that have not been paid within the deadline disputed claims. Disputed claims cannot legally be paid without a court order first being gained granting leave to pay the claim.

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

It can be an offence to pay an unpaid claim without a court order

## Completing your return

The spending and donations report is known as a 'return'.

The return should separately show expenses that have been incurred during the long and short campaign and must include the following for each item of spending:

- what the spending was for – for example, leaflets or advertising
- the name and address of the supplier
- the amount or value
- details of any unpaid or disputed claims
- details of any notional spending, and a declaration of its value
- invoices and receipts for any payment of £20 and above

The return must also include:

- details of all donations over £50
- the total amount of all donations of less than £50

You can find more information on the details you must report for each donation in Section B of this guidance document.

The candidate and agent must also sign a declaration that the return is complete and correct to the best of their knowledge and belief.



It is a criminal offence to knowingly or recklessly make a false declaration

## Where you can find the return and declaration forms

We produce forms and explanatory notes you can use for your return and declarations. You can find these on our guidance page for [candidates and agents](#). They cover all the information you must include.

## How we can help

You can find more information in the guidance documents we have suggested in this document, or you can view our full range of guidance and up-to-date resources on our website.

You can also contact us on one of the phone numbers or email addresses below. We are here to help, so please get in touch.

Call us on:

- **England:** 020 7271 0616  
[pef@electoralcommission.org.uk](mailto:pef@electoralcommission.org.uk)
- **Scotland:** 0131 225 0200  
[infoscotland@electoralcommission.org.uk](mailto:infoscotland@electoralcommission.org.uk)
- **Wales:** 029 2034 6800  
[infowales@electoralcommission.org.uk](mailto:infowales@electoralcommission.org.uk)
- **Northern Ireland:** 0289 089 4020  
[infonorthernireland@electoralcommission.org.uk](mailto:infonorthernireland@electoralcommission.org.uk)

Visit us at [www.electoralcommission.org.uk](http://www.electoralcommission.org.uk)

We welcome feedback on our guidance – just email us at: [pef@electoralcommission.org.uk](mailto:pef@electoralcommission.org.uk)

## UK Parliamentary general election

# Guidance for candidates and agents

## Part 4 of 6 – The campaign

This document applies to the May 2015 UK Parliamentary general election in Great Britain. Our guidance and resources for other elections in the UK can be accessed from our website at:

[www.electoralcommission.org.uk/guidance/resources-for-those-we-regulate/candidates-and-agents](http://www.electoralcommission.org.uk/guidance/resources-for-those-we-regulate/candidates-and-agents).

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# Essential information

This section of the document contains our guidance on campaigning at the May 2015 UK Parliamentary general election in Great Britain. Supplementary information, which may only be relevant to some candidates, is provided at the back of this document. You can also view this supplementary guidance by clicking on the links within this document or by clicking on the chapter heading on the contents page.

We are here to help, so please contact your local Commission team if you have any questions. See our [Overview document](#) for contact details.

In this document, we use 'you' to refer to the candidate. We use 'must' when we refer to a specific requirement. We use 'should' for items we consider to be minimum good practice, but which are not legal or regulatory requirements.

We have included relevant deadlines throughout this document, but you can also find a separate [election timetable](#) setting out all the key dates on our website.

## Campaigning dos and don'ts

### When can you start campaigning?

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

1.2 Election spending limits apply ahead of a UK Parliamentary election. For more information on election spending, please see [Part 3 - Spending and donations](#).

## When does a person officially become a candidate?

1.3 The earliest you can officially become a candidate is on the date the UK Parliament is dissolved, i.e. on the 25<sup>th</sup> working day before the poll (30 March 2015).

1.4 You will officially become a candidate on this day if on or before this date you have already declared yourself a candidate at the election (or another person has declared that you are a candidate).

1.5 If after this date you or others declare that you will be a candidate at the election, you will become a candidate on the date such a declaration is made, or on the date that you submit your nomination papers, whichever is the earlier.

1.6 Once you have officially become a candidate, you are entitled to a copy of the register of electors. You are also entitled to a copy of the absent voters' lists for the constituency you are standing in. In addition, you can use publicly funded rooms and schools for public meetings (see paragraph 1.18 below).

## During the campaign, you may...

- Encourage people who are not on the electoral register to apply for registration. The deadline for registering to vote in time for the election is 12 working days before the poll (20 April 2015). Individuals can now register online at <https://www.gov.uk/register-to-vote>. You can find out more about who can register at [www.aboutmyvote.co.uk](http://www.aboutmyvote.co.uk).
- Help voters with information about postal and proxy voting – you can find information at [www.aboutmyvote.co.uk](http://www.aboutmyvote.co.uk). The deadline for applying for a postal vote for the elections is 5pm on the 11<sup>th</sup> working day before the poll (5pm on 21 April 2015). The deadline for applying for a proxy vote for the elections is 5pm on the sixth working day before the poll (5pm on 28 April 2015), although in certain circumstances electors may apply for an emergency proxy up to 5pm on polling day (5pm on 7 May 2015). An elector can apply for an

emergency proxy if, after 5pm on the sixth working day before the poll (5pm on 28 April 2015), they have had a medical emergency or have been called away on business.

## During the campaign, you should...

- If you develop your own absent vote application forms, make sure they include all the required information, or the applications will be rejected. In particular, you must make sure that the signature and date of birth fields on postal and proxy application forms are in the correct format. You should use our absent voting application forms on [www.aboutmyvote.co.uk](http://www.aboutmyvote.co.uk) as a guide. You should consider liaising with your Electoral Registration Officer(s) who may be able to provide you with forms you can use.
- Make sure your supporters follow our [code of conduct on handling applications](#) – this will help them to avoid situations where their honesty or integrity could be questioned.
- Make sure your supporters are courteous when dealing with other candidates and their supporters.
- Be aware of the deadlines for appointing an election agent, and agents to attend postal vote opening sessions, polling stations and the count. Deadlines are set out in our guidance document [Part 2a – Standing as an independent candidate](#) and [Part 2b – Standing as a party candidate](#)
- Check our guidance on how postal vote openings, the voting process and the count will work so that you know what you can expect to happen and when (see [Part 5 – Your right to attend key electoral events](#)).
- Check that your systems for recording spending and donations are working. For more information on donations and election spending see [Part 3 - Spending and donations](#)

The registration system has recently changed. The new system is called 'Individual Electoral Registration'.

Electors must be registered individually, or have applied to be registered individually, in order to be able to apply for a postal or proxy vote.

While no elector will be removed from the register because of the change before the May 2015 elections, electors who previously had an absent vote but who are not registered individually by the time the electoral register is revised (by 1 December 2014 in England and Wales; by 2 March 2015 in Scotland) will have lost their entitlement to vote by post or proxy. If, however, they later successfully apply to be registered under the new system, they can make a new application to vote by post or proxy.

## During the campaign, you must not...

- Knowingly make a false statement about the personal character of another candidate.
- Pay canvassers. Canvassing means trying to persuade an elector to vote for or against a particular candidate or party.

1.7 More information on election offences and how to report these can be found in the supplementary information section at the end of this document (from paragraph **1.42**).

1.8 If either you or your agent have made a mistake and have acted in contravention of the rules, you can apply for relief from the consequences of having made a mistake. See paragraph **1.64** for more information.

## Use of the electoral register

1.9 Once you officially become a candidate as explained in paragraphs **1.3** to **1.5**, you are entitled to receive a free copy of the full electoral register. You are also entitled to the lists of people voting by post or proxy ('the absent voters' lists') for the constituency that you are contesting.

1.10 The version you will receive will be the current one at the time of your application. You can also request the list of newly registered electors when it is published five working days before the poll.

1.11 The full electoral register and absent voters' lists contain people's personal data and so their use is very carefully controlled.

1.12 You can use them to:

- complete your nomination form
- help you campaign
- check that donations are permissible

1.13 You must not release to any person any details that appear only in the full register and not on the open register

Registered political parties are entitled to receive a copy of the full electoral register at any time.

which is available for general sale, otherwise than for the purposes set out above. You must not:

- use the full register and absent voters' lists for any other purpose not listed above, or
- pass copies on to anyone outside your campaign (except for certain data processing companies)

1.14 If you have supplied a copy of the register or absent voters' lists to campaign workers, they must also comply with the requirements above.

## Applying for a copy of the electoral register and absent voters' lists

1.15 You must ask for your copy of the register and absent voters' lists from the Electoral Registration Officer. You can find their contact details on [www.aboutmyvote.co.uk](http://www.aboutmyvote.co.uk).

1.16 The request must be made in writing and we have made a [register request form](#) and an [absent voters list request form](#) available on our website for this purpose.

1.17 The register and lists will be supplied in electronic format unless you specifically request a paper copy.

## Using schools and rooms for public meetings

1.18 You may want to engage with the public at public meetings, promoting your views and responding to questions from the audience.

1.19 The Electoral Registration Officer of each council in England and Wales, and the Proper Officer of each council in Scotland, keep a list of the location and availability of meeting rooms in their area. They will make this list available for inspection by candidates and election agents (and persons authorised by them) from the dissolution of the UK Parliament on the 25<sup>th</sup> working day before the poll (from 30 March 2015). Contact details for Electoral Registration Officers can be found on [www.aboutmyvote.co.uk](http://www.aboutmyvote.co.uk). In Scotland you can obtain the contact details of the Proper Officer through your local council.

Any person found breaching the restrictions on use of the electoral register could face a fine of up to £5,000.

Candidates' right to use rooms does not include hours during which a school is used for educational purposes. Equally, any prior letting of a meeting room must take precedence.

1.20 You should contact the owner of the premises to make a booking. You must give reasonable notice, which will reduce the risk of the request being refused.

1.21 There is no hire charge for using these rooms, but you must pay for any expenses incurred, such as heating, lighting and cleaning, and for any damage to the premises.

## Freepost

1.22 If you are shown as standing nominated in the statement of persons nominated you will be entitled to free postage on an election address to electors in the constituency. The address must only contain matters relating to the election.

1.23 Before the publication of the statement of persons nominated, if you declare yourself to be a candidate you are entitled to exercise this right, but only if you give a security that is required by Royal Mail for the payment of postage in case you are not shown on the statement as standing nominated.

1.24 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

1.25 If you are considering exercising this right, you should contact Royal Mail to make arrangements. Royal Mail's terms and conditions must be complied with.

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

## Campaign publicity dos and don'ts

### 1.27 You must:

- Use imprints on all your printed campaign material and any electronic campaign material that is designed to be printed off locally. See paragraph **1.31** below for more information.
- Comply with planning rules relating to advertising hoardings and large banners – you should ask the relevant local authority for advice.
- Make sure that outdoor posters are removed promptly after the election – you must do this within two weeks of the close of the poll.

### 1.28 You should:

- Include an imprint on all non-printed campaign material, including websites.
- Consider how to make your campaign accessible to people who are visually impaired, have learning difficulties or low literacy skills, or whose first language isn't English or, in Wales, Welsh. You may want to make contact with disability groups in your local area for advice.

### 1.29 You must not:

- Produce material that looks like the poll cards sent to voters by the (Acting) Returning Officer.
- Pay people to display your adverts (unless they display adverts as part of their normal business).

## Using imprints

### What is an imprint?

1.30 An imprint should be added to all campaign material and, in the case of printed material, must be added by law, to show who is responsible for its production. It helps to ensure that the campaign is transparent.

### What do you need to include?

1.31 On printed material, such as leaflets and posters, you must include the name and address of:

- the printer
- the promoter
- any person on behalf of whom the material is being published (and who is not the promoter)

1.32 The promoter is the person who has authorised the material to be published. If the promoter is acting on behalf of a group or organisation, the group or organisation's name and address must also be included.

1.33 You can use either home or office addresses.

1.34 If you are putting an advert in a newspaper, your advert does not need to include the printer's details. However, the advert must contain the name and address of the promoter and any person on behalf of whom the advert is being published. If the promoter and the person on behalf of whom the advert is being published are the same, their name and address need only be included once.

### Example of an imprint

1.35 A standard imprint for independent candidates should look like this:

Printed by [printer's name and address].

Promoted by [agent's name] of [agent's address], on behalf of [candidate's name] of [candidate's address].

1.36 If the candidate is also the promoter of the material, the 'on behalf of' part of the imprint is not required.

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

### Where do you put the imprint?

1.38 If your material is single-sided – such as a window poster – you must put the imprint on the face of the document. If it is multi-sided, you must put it on the first or last page.

### Websites and other electronic material

1.39 You should also put an imprint on electronic material, such as websites and emails. The imprint should include the name and address of the promoter and the organisation on whose behalf it has been produced.

## Polling day dos and don'ts

1.40 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.
- Make sure that any agents who are attending polling stations, postal vote opening sessions or the count understand the rules about the secrecy of the ballot. For more information, see our documents setting out the secrecy requirements for [the poll](#), [postal voting](#) and [the count](#)
- For candidates in Wales, we have also produced the secrecy requirements for [postal voting](#), [the poll](#) and [the count](#) bi-lingually in English and Welsh.
- Comply with requests by polling station staff or the (Acting) Returning Officer about campaigning near polling stations.

Tellers are volunteers for candidates who stand outside polling stations and record the elector numbers of electors who have voted.

1.41 You must not:

- Campaign near polling stations in a way that could be seen by voters as aggressive or intimidating (for example, large groups of supporters carrying banners, or vehicles with loudspeakers or heavily branded with campaign material).
- Breach the requirements on secrecy of the ballot. This is an essential part of any modern democracy and breaches are taken seriously.

In particular, if you (or your agents) are attending postal vote opening sessions, you must not seek to identify and publicise how votes have been marked on individual ballot papers.

- Before the close of poll, publish exit polls or any other data based on information given by people about how they voted after they have cast their vote, including a postal vote.

# Supplementary information

## List of offences

1.42 You should be aware of a number of electoral and non-electoral offences, and should seek your own legal advice where necessary.

### Bribery

1.43 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

1.44 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

1.45 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.

1.46 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.

1.47 Undue influence doesn't exclusively relate to physical access to the polling station. For example, a leaflet that

We do not regulate any of these offences.

For details of how to report any allegations of electoral malpractice see paragraph **1.59**.

threatens to make use of force in order to induce a voter to vote in a particular way could also be undue influence.

## Personation

1.48 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

1.49 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.

1.50 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.

1.51 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

1.52 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

1.53 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

1.54 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

1.55 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

1.56 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

1.57 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.

We do not regulate the content of campaign material and are not able to comment on the legality of any particular electoral material beyond what is covered in this guidance.

## Racial hatred

1.58 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.

## Reporting allegations of electoral fraud

1.59 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 local area.

1.60 They may be able to explain whether or not electoral fraud has 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.

1.61 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.

1.62 In England and Wales, contact details for the Electoral Registration Officer or (Acting) Returning Officer are available from our About my vote website [www.aboutmyvote.co.uk](http://www.aboutmyvote.co.uk). In Scotland, you can also find contact details of Electoral Registration Officers on [www.aboutmyvote.co.uk](http://www.aboutmyvote.co.uk) and you can contact Returning Officers through your local council.

1.63 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](http://www.electoralcommission.org.uk/party-finance/enforcement/making-allegations).

## What if you have made a mistake?

1.64 If either you or your agent has mistakenly acted in contravention of the election rules, you can apply for relief from the penalties for any offence.

1.65 You should always seek legal advice if considering applying for relief.

1.66 For more information, you should:

In England and Wales:

- visit [www.hmcourts.service.gov.uk/HMCSCourtFinder/FormFinder.do](http://www.hmcourts.service.gov.uk/HMCSCourtFinder/FormFinder.do), and enter the form number LOC002  
or
- contact the Election Petitions Office at the Royal Courts of Justice at:  
Supreme Court Cost Office  
The Election Petitions Office  
Room E113  
Royal Courts of Justice  
Strand  
London WC2A 2LL  
Email: [Election\\_Petitions@hmcts.gsi.gov.uk](mailto:Election_Petitions@hmcts.gsi.gov.uk)  
  
Phone: 020 7947 6877  
Fax: 0870 324 0024

In Scotland:

- contact the Election Petitions Office at:  
  
The Election Petitions Office  
Court of Session  
Parliament House  
Parliament Square  
Edinburgh EH2 1RQ  
Email: [supreme.courts@scotcourts.gov.uk](mailto:supreme.courts@scotcourts.gov.uk)  
  
Tel: 0131 225 2595  
Fax: 0131 240 6711

## UK Parliamentary general election

# Guidance for candidates and agents

## Part 5 of 6 – Your right to attend key electoral events

This document applies to the May 2015 UK Parliamentary general election in Great Britain. Our guidance and resources for other elections in the UK can be accessed from our website at:

[www.electoralcommission.org.uk/guidance/resources-for-those-we-regulate/candidates-and-agents](http://www.electoralcommission.org.uk/guidance/resources-for-those-we-regulate/candidates-and-agents).

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# Essential information

This section of the document contains our guidance on attending key electoral processes at the May 2015 UK Parliamentary general election in Great Britain. Supplementary information, which may only be relevant to some candidates, is provided at the back of this document. You can also view this supplementary guidance by clicking on the links within this document or by clicking on the chapter heading on the contents page.

We are here to help, so please contact your local Commission team if you have any questions. See our [Overview document](#) for contact details.

In this document, we use ‘you’ to refer to the candidate. We use ‘must’ when we refer to a specific requirement. We use ‘should’ for items we consider to be minimum good practice, but which are not legal or regulatory requirements.

We have included relevant deadlines throughout this document, but you can also find a separate [election timetable](#) setting out all the key dates on our website.

## The opening of postal votes

1.1 You, your election agent and a person appointed by you to attend in your election agent’s place are entitled to attend the opening of returned postal votes. Additionally, you may appoint agents to attend openings on your behalf. See [Part 2a – Standing as an independent candidate](#) or Part 2b – Standing as a party candidate for details on how to appoint these agents.

Candidates, election agents and postal voting agents are not entitled to attend the **issue** of postal votes.

## What is postal voting?

1.2 People aged 18 or over who are registered individually, or have applied to be registered individually, can apply to vote by post in UK Parliamentary elections by submitting an application to the Electoral Registration Officer. The application must be received by the Electoral Registration Officer by 5pm on the 11th working day before the poll (by 5pm on 21 April 2015). Those who have been appointed to vote as a proxy on behalf of someone else may also apply for a postal vote by applying by 5pm on the 11th working day before the poll (by 5pm on 21 April 2015). The Electoral Registration Officer has no discretion to extend the deadline for whatever reason.

1.3 Postal ballot packs will be sent to electors one to two weeks before polling day. There will be a final batch of postal votes issued to electors who registered close to the registration deadline once their names have been added to the final register update on the fifth working day before the poll (on 29 April 2015).

1.4 Electors will then complete and return their postal vote to the (Acting) Returning Officer before the close of poll (10pm on 7 May 2015).

The registration system has recently changed. The new system is called 'Individual Electoral Registration'.

Electors must be individually registered before they are entitled to vote by post.

For more information see [Part 4 – The campaign](#)

## What does the postal ballot pack contain?

- **Envelope A** is the envelope that the elector returns their ballot paper in. It is marked with the letter 'A' and the words 'ballot paper envelope'
- **Envelope B** is the envelope that the elector will use to return the ballot paper envelope and the postal voting statement. It is marked with the letter 'B' and the address of the (Acting) Returning Officer
- **The postal voting statement** contains the elector's name, the number of the ballot paper issued to them, instructions on how to vote by post and space for the elector to sign and provide their date of birth
- **The ballot paper**

If the election is combined with another poll, the (Acting) Returning Officer may have decided to combine the issue of postal votes.

In that case, the postal ballot pack will also contain the ballot paper for the other electoral event(s).

## What does a postal voting agent do?

1.5 A postal voting agent is allowed to attend and observe postal vote opening sessions, which are run by the (Acting) Returning Officer. At each opening session the (Acting) Returning Officer will decide whether or not the date of birth and signature provided by electors on their postal voting statements match the signature and date of birth previously provided and held on their records. If there is a mismatch, the postal vote will be rejected.

1.6 A postal voting agent has a right to observe, but not to interfere with, this process. A postal voting agent can, however, object to the decision of an (Acting) Returning Officer to reject a postal vote. It will not affect the (Acting) Returning Officer's decision, but the (Acting) Returning Officer will record any objections by marking the postal voting statement with the words 'rejection objected to'.

1.7 Like your postal voting agents, you, your election agent and the person you may have appointed to attend on your election agent's behalf are also entitled to object to a rejection.

1.8 The (Acting) Returning Officer will explain the postal vote opening process to you and may issue you with information on the procedures to be followed, including instructions on what you can and cannot do at the session. You should comply with any instructions that the (Acting) Returning Officer has given.

## Duty to maintain secrecy

1.9 Anyone attending an opening session must not attempt to look at identifying marks or numbers on ballot papers, disclose how any particular ballot paper has been marked or pass on any such information gained from the session. Anyone found guilty of breaching these requirements can face a fine of up to £5,000, or may be imprisoned for up to six months in England and Wales, or up to a year in Scotland.

For more information read the [postal voting secrecy requirements in English](#)

Also available [bilingually in English and Welsh](#)

## When are postal votes opened and how will you know when an opening session is taking place?

1.10 It is likely that several opening sessions will take place before polling day, as well as on polling day itself.

1.11 The (Acting) Returning Officer must give candidates at least 48 hours' notice of when and where the sessions will take place. They will also tell you how many postal voting agents will be allowed to attend each session.

1.12 There will be a final opening session after the polls have closed to open any postal votes handed in to polling stations. This session may be held at the count venue or in another location. The (Acting) Returning Officer will advise you of the location for the final opening.

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## Flowchart of the opening session process

1.13 The postal vote opening process can be summarised as follows:

- 1 Postal votes are brought to the opening session in ballot boxes
- 2 The covering envelopes (envelope B) are taken out and counted
- 3 The total number of covering envelopes is entered onto a form
- 4 Covering envelopes (envelope B) are divided between teams of opening staff
- 5 Staff open each covering envelope (envelope B) and remove the postal voting statement and the sealed ballot paper envelope (envelope A)
- 6 Staff check that the number on the postal voting statement matches the number on envelope A
- 7 If the numbers match, staff check that the elector has provided a signature and a date of birth (without checking that they are the elector's at this stage).  
Postal voting statements without a signature and date of birth cause the postal vote to be rejected.

A very small number of voters do not need to sign their postal voting statement. These voters will have been granted a waiver because they are unable to sign or provide a consistent signature due to a disability or an inability to read or write. The postal voting statement sent to such electors will make this clear.

- 8 If the statement **or** ballot paper envelope is missing, or the numbers on the statement and ballot paper envelope do not match, the document(s) are set aside, recorded and stored in secure packets
- 9 The (Acting) Returning Officer must verify the dates of birth and signatures provided on the statements
- 10 The (Acting) Returning Officer must be satisfied that the dates of birth and signatures on the statements match those previously provided and held on record
- 11 Following verification of the signatures and dates of birth, postal voting statements are removed from the tables
- 12 Staff open the ballot paper envelopes (envelope A) and remove the ballot paper
- 13 Staff check that the number on the back of the ballot paper matches the number on the ballot paper envelope (envelope A)
- 14 Valid ballot papers (**not** votes) are counted and the total number is recorded
- 15 All valid ballot papers are placed into ballot boxes and stored securely before being delivered to the count venue for counting after the close of poll

The (Acting) Returning Officer will match up postal voting documents received separately, provided the statement is completed correctly and received by the close of poll.

Ballot papers must be kept face down throughout this process.

**Valid** ballot papers are those ballot papers whose related postal voting statement has passed the signature and date of birth checks.

Invalid ballot papers are set aside and stored in secure packets.

## Invalid and rejected postal voting statements

1.14 Unless a waiver has been granted, the (Acting) Returning Officer will reject a postal voting statement if a signature and/or date of birth is missing or if a signature and/or date of birth does not match that previously provided by the elector and held on record.

1.15 Rejected statements are attached to the relevant ballot paper or ballot paper envelope. They are marked as 'rejected' and shown to any agents present.

1.16 Agents can object to the (Acting) Returning Officer's decision to reject any postal vote and, if they do, the words 'rejection objected to' are added to it. However, the (Acting) Returning Officer's decision is final and the postal vote will remain rejected.

## Polling stations

1.17 You and your election agent are entitled to observe proceedings inside polling stations. Additionally, you may appoint agents to attend polling stations on your behalf. See [Part 2a – Standing as an independent candidate](#) or [Part 2b – Standing as a party candidate](#) for details on how to appoint polling agents.

## Who can vote at polling stations?

1.18 Most people choose to vote in person at their polling station. Any person on the polling station's electoral register can vote at the polling station in a UK Parliamentary election, unless:

- they are a registered postal voter
- they are a registered proxy voter and their proxy has already voted for them or has applied to vote on their behalf by post
- they are not 18 years of age or older on polling day
- they are a peer in the House of Lords

- they are an EU citizen (except for citizens from the UK, the Republic of Ireland, Cyprus and Malta, who are entitled to vote at a UK Parliamentary election)

1.19 Electors will receive a poll card before the election telling them where and when they can vote. Electors do not need to take their poll card to the polling station in order to vote.

1.20 Registered postal voters cannot be issued with a ballot paper at the polling station, but they can return their completed postal ballot pack to their polling station on polling day. Alternatively, they may return their postal vote to certain other polling stations in the constituency (the elections office will be able to provide details) or by hand to the (Acting) Returning Officer at the elections office. Postal ballot packs returned to polling stations must be handed to polling station staff and not placed in the ballot box.

The only electors who need to bring a poll card with them to vote are those who have registered anonymously because of risks to their safety.

## Polling station opening hours

1.21 Polling stations will be open on polling day between 7am and 10pm.

Any voters waiting in a queue at their polling station at 10pm will be allowed to vote, even if they haven't been issued with a ballot paper.

## Finding the location of polling stations

1.22 The (Acting) Returning Officer will give public notice of the location of polling stations by 4pm on the 18th working day before the poll (4pm on 10 April 2015). They will give a copy of this notice to election agents soon after this.

While a polling agent can observe the poll, they do not have to be present in a polling station for polling and related procedures to take place.

## What does a polling agent do?

1.23 Polling agents have a number of important roles to play on polling day. They can:

- be present in the polling station before the opening of the poll to watch the Presiding Officer show the empty ballot box before it is sealed
- detect personation and prevent people voting more than once in the election (other than as proxies)
- be present when the Presiding Officer marks a ballot paper at the request of an elector who needs assistance marking a ballot paper because of a disability or an inability to read or write

**Personation** is when an individual votes as someone else (whether that person is living or dead, or is a fictitious person).

- report to you or your election agent any improper activities and keep notes, if required, for giving evidence in court
- be present at the close of poll when the various packets of documents are sealed
- attach their seal to any packets made up by the Presiding Officer at the close of poll, including the ballot box

1.24 You and your election agent can also do anything that a polling agent is entitled to do.

## Maintaining the secrecy of the ballot

1.25 Anyone attending a polling station has a duty to maintain the secrecy of the ballot. In particular, the following information must not be disclosed:

- the name or electoral number of who has or has not voted
- the number or other unique identifying mark on the ballot paper

1.26 You must also not try to ascertain how a voter has voted or who they are about to vote for.

1.27 A polling agent can mark off on their copy of the register of electors those voters who have applied for ballot papers. If the polling agent leaves the polling station during the hours of polling, they will need to leave the marked copy of the register in the polling station to ensure that secrecy requirements are not breached.

1.28 Any person found guilty of breaching the secrecy requirements can face a fine of up to £5,000, or may be imprisoned for up to six months in England and Wales, or up to a year in Scotland.

## What is the normal voting process?

1.29 The normal voting process at a polling station is straightforward and can be summarised as follows:

Polling agents' seals cannot be attached to ballot boxes at the start of or during the poll.

For more information see:

[secrecy requirements - the poll](#)

Also available [bilingually in English and Welsh](#)

Where the election has been combined with another electoral event, polling station staff will be issuing the ballot papers for all electoral events.

Different electoral events may have different franchise requirements, so sometimes an elector will not be entitled to vote at all of the polls taking place.

Where polls are combined, a single ballot box may be used for all of the contests or one ballot box may be used for each separate contest.

#### Polling station staff will...

- ask voters for their name and address, and make sure they are eligible to vote
- mark a straight line against the voter's entry on the register of electors
- call out the number and name of the elector
- write the elector number on a list next to the number of the ballot paper to be issued
- ensure the ballot paper includes the official mark (e.g. a barcode or watermark)
- fold the ballot paper and then hand it to the voter **unfolded** so that they can see all of the options on the ballot paper

#### The voter will...

- mark the ballot paper in private in the polling booth
- fold the ballot paper and show the ballot paper number and unique identifying mark on the back of the ballot paper to the Presiding Officer
- place the ballot paper in the ballot box and leave the polling station

1.30 The Presiding Officer can assist anyone who is unable to mark the ballot paper themselves. Alternatively, a voter may bring along someone they know and trust to assist them in marking their vote. The person assisting the voter must either be a close relative over the age of 18, or be a person entitled to vote at the election. A person can only assist a maximum of two voters at the election.

### Collection of postal ballots from the polling station

1.31 The (Acting) Returning Officer may arrange for the collection of any postal votes that electors have handed in at polling stations throughout polling day. The Presiding Officer must seal any returned postal votes in a packet before they are collected. Any agents present can add their own seal to the packet if they wish.

The (Acting) Returning Officer is in charge of the conduct of the election. If they are concerned by the activities of tellers, they can ask tellers to comply with agreed behavior or leave the polling place.

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## Tellers

1.32 Tellers are people who stand outside polling places and record the elector numbers of electors who have voted. They can then identify likely supporters who have not voted and encourage them to vote before the close of poll.

1.33 Tellers have no legal status and voters can refuse to give information to them.

1.34 We have produced a factsheet of [tellers dos and don'ts](#), as well as more comprehensive [guidance on the activities of tellers](#). The guidance aims to ensure that everyone knows precisely what is and is not acceptable and is designed to promote appropriate standards of conduct. The (Acting) Returning Officer may also provide their own guidance to tellers.

## What happens after polls close?

1.35 Once all voters who have been issued with a ballot paper have voted, the ballot box is sealed by the Presiding Officer and polling agents, candidates or election agents can add their own seal if they wish. After the Presiding Officer has completed all of the paperwork, the sealed ballot box is taken to the count venue.

## The count

1.36 You and your election agent are entitled to attend the count. Additionally, you can invite one other person to attend the count and may also appoint agents to attend the count on your behalf. See [Part 2a – Standing as an independent candidate](#) or [Part 2b – Standing as a party candidate](#) for details on how to appoint counting agents.

## What does a counting agent do?

1.37 Counting agents have a number of important roles to play at the count:

- They observe the counting process and make sure that it is accurate.

- They can draw to the attention of count staff any doubtful ballot papers.
- If they disagree with a decision by the (Acting) Returning Officer to reject a ballot paper, they can ask the (Acting) Returning Officer to mark on the ballot paper “rejection objected to”.
- If a count is suspended for any reason, counting agents can add their seals when the (Acting) Returning Officer seals the ballot boxes and envelopes.

1.38 You and your election agent can do anything a counting agent is allowed to do.

### When and where will the count take place?

1.39 The (Acting) Returning Officer will notify you of the exact time and location. All (Acting) Returning Officers must take reasonable steps to have completed verification and begun counting the votes as soon as practicable within four hours of the close of poll.

1.40 Where this doesn't happen in practice – for example, as a result of higher-than-expected turnout levels, queues in polling stations at close of poll, the combination of the UK Parliamentary election with other polls, or the particular geography of a constituency, (Acting) Returning Officers must report this to the Commission.

1.41 While it is important that a count is timely, it is also important that the count produces an accurate result that everyone can have confidence in.

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## How the votes will be counted

### Check-in

- 1 The (Acting) Returning Officer's staff deliver the ballot boxes from the polling stations to the count venue
- 2 The (Acting) Returning Officer's staff check in ballot boxes as they arrive at the count venue

### Verification

- 3 Ballot boxes are emptied onto tables and the empty boxes are shown to agents
- 4 Staff count the ballot papers from each polling station
- 5 Staff verify that the number of ballot papers matches the number of papers issued, as recorded on the Presiding Officers' ballot paper accounts
- 6 The verified ballot papers are shown to election and counting agents face up
- 7 The (Acting) Returning Officer determines the reasons for any discrepancies and produces a final verified total
- 8 The (Acting) Returning Officer produces a statement of the verification. Agents can view or copy this statement if they wish

Where the election has been combined with another electoral event, all ballot boxes will be verified before the UK Parliamentary count can start.

There may be a single ballot box for all elections or separate boxes for each. In any case, ballot papers will be sorted into the separate contests.

Any ballot paper found in the 'wrong' ballot box is still valid and will be moved to the correct box during verification.

## Counting of the votes

- 9 Staff sort ballot papers by candidate
- 10 Staff count the number of votes cast for each candidate
- 11 The (Acting) Returning Officer will share the provisional result with you and the agents. You or your election agent can ask the (Acting) Returning Officer to recount the votes
- 12 The (Acting) Returning Officer can refuse to recount if they think the request is unreasonable

If the UK Parliamentary election is combined with other polls and the count for those polls does not take place immediately following verification, the verified boxes will be stored securely. Candidates and agents can attach their seals to boxes if they wish.

## What if the vote on a ballot paper is not clear?

1.42 A ballot paper will not be counted if it:

- is unmarked
- does not contain the official mark
- contains votes for more than one candidate
- contains any mark or writing that can identify the voter
- does not indicate the voter's intention with certainty

1.43 The (Acting) Returning Officer must draw up a statement showing the number of ballot papers rejected for these reasons.

1.44 If the voter's intention is clear on a ballot paper and the voter cannot be identified by any mark or writing, it will not be void if a vote is marked:

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- elsewhere than in the proper place
- by other means than a cross (e.g. a tick)
- by more than one mark

1.45 The (Acting) Returning Officer must mark the word “rejected” on any ballot paper that is rejected. They must add the words “rejection objected to” if a counting agent objects to the (Acting) Returning Officer’s decision. For more details on the adjudication of doubtful ballot papers, see paragraph **1.47**.

## Equality of votes

13

If two or more candidates have the same number of votes, and a further vote for either would see the candidate elected, the (Acting) Returning Officer must decide between them by drawing lots

The (Acting) Returning Officer will decide the method of drawing lots.

## Declaration of result

14

The (Acting) Returning Officer will declare elected the candidate with the most votes

15

The (Acting) Returning Officer will give public notice of the result.

16

The (Acting) Returning Officer will publish a notice with the name of the candidate elected, the number of votes for all candidates, and the number of rejected ballot papers.

Some (Acting) Returning Officers allow candidates to make speeches after the result is declared. Please check arrangements with your (Acting) Returning Officer.

## What happens to the paperwork after the result is announced?

1.46 The (Acting) Returning Officer must seal all election documentation and add a description of the contents to each packet. In England and Wales, the (Acting) Returning Officer will forward them on to the Electoral Registration Officer. In Scotland, the documents are held by the Returning Officer.

For details of what happens after the result has been announced see:

[Part 6 – After the declaration of result](#)

# Supplementary information

## Doubtful ballot papers

1.47 To assist (Acting) Returning Officers, we have produced guidance on how to adjudicate votes on ballot papers that may appear doubtful. This guidance is contained in our booklet *Dealing with doubtful ballot papers*, which (Acting) Returning Officers may refer to at the count. We have also produced a [placemat of allowed and rejected votes](#) for quick reference.

1.48 The examples given in this document are based on the election rules. Please note that while this document provides guidance for (Acting) Returning Officers, each individual (Acting) Returning Officer has the ultimate responsibility for making a decision on individual ballot papers. Their decision to reject a particular ballot paper during the count or recount is final and can be reviewed only at an election petition after the declaration of the result. For more details on election petitions, see [Part 6 – After the declaration of result](#)

## UK Parliamentary general election

# Guidance for candidates and agents

### Part 6 of 6 – After the declaration of result

This document applies to the May 2015 UK Parliamentary general election in Great Britain. Our guidance and resources for other elections in the UK can be accessed from our website at:

[www.electoralcommission.org.uk/guidance/resources-for-those-we-regulate/candidates-and-agents](http://www.electoralcommission.org.uk/guidance/resources-for-those-we-regulate/candidates-and-agents).

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# Essential information

This section of the document contains our guidance on what happens after the results at the May 2015 UK Parliamentary general election in Great Britain have been announced. Supplementary information, which may only be relevant to some candidates, is provided at the back of this document. You can also view this supplementary guidance by clicking on the links within this document or by clicking on the chapter heading on the contents page.

We are here to help, so please contact your local Commission team if you have any questions. See our [Overview document](#) for contact details.

In this document, we use 'you' to refer to the candidate. We use 'must' when we refer to a specific requirement. We use 'should' for items we consider to be minimum good practice, but which are not legal or regulatory requirements.

We have included relevant deadlines throughout this document, but you can also find a separate [election timetable](#) setting out all the key dates on our website.

## Parliamentary oath or affirmation

1.1 The successful candidate will be given information on how they will be able to attend Parliament.

1.2 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. This is known as the swearing in and will take place at the start of the new Parliament. You can

find more information on taking the oath or affirmation on the [UK Parliament's website](#).

## Return of deposit

1.3 Those candidates who received more than 5% of the total valid votes cast in the constituency will have their deposit returned by the next working day following the declaration of result.

1.4 Those candidates who have polled equal to or less than 5% of the total number of valid votes cast in the constituency will lose their deposit.

## Election petitions

1.5 The outcome of a UK Parliamentary election can be challenged through an election petition. For further details on challenging an election, see paragraph **1.10**.

## What happens to the election paperwork after the result is announced?

1.6 In England and Wales, all election documents are held by the Electoral Registration Officer. In Scotland, they are retained by the Returning Officer.

1.7 Most documents are available for public inspection. Please note that ballot papers are not open to public inspection. If you wish to inspect election documents, see paragraph **1.18** for further information.

## Submitting your election spending returns

1.8 Within 35 calendar days of the election result being declared your election agent will need to prepare and submit to the (Acting) Returning Officer an election spending return. In addition, both you and your election agent will need to sign a declaration stating that the return is complete and correct to the best of your knowledge and belief.

1.9 More information on what must be included in the return is contained in [Part 3 - Spending and donations](#). We have also produced forms which you can use to complete your return. These forms – and accompanying detailed notes explaining how to complete and submit your return – can be found under Part 3 [on our website](#).

Political parties contesting the UK Parliamentary election on 7 May 2015 must also report the details of their fundraising and campaign spending to us. Detailed information can be found in our [guidance document for political parties](#).

# Supplementary information

## Lodging an election petition

1.10 Only certain people can lodge an election petition, and only under specific circumstances.

1.11 A UK Parliamentary election petition can be issued by:

- a person claiming to have been a candidate at the election, or
- a person claiming to have had a right to be elected or returned at the election, or
- a person who voted as an elector at the election or who had a right to vote at the election, except for an elector who is registered anonymously

1.12 The allowable grounds for a petition are that there has been an:

- undue election, or
- undue return

1.13 There is a separate judicial process for challenging the election of an MP on the grounds that they were or are disqualified under the House of Commons Disqualification Act 1975 (as amended). In that case, an application may be made to the Privy Council for a declaration to that effect (provided that a petition is not pending or an Order of the House of Commons to disregard the disqualification has not been made).

1.14 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.

1.15 Normally a 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. However, if the petition complains of corrupt or illegal practices involving the payment of money or other reward, or an illegal practice relating to election spending, further time may be allowed.

1.16 For any questions relating to election petitions, including to confirm the deadlines for lodging an election petition, you should contact:

**In England and Wales:**

The Election Petitions Office  
Room E113  
Royal Courts of Justice  
Strand  
London WC2A 2LL  
Email: [Election\\_Petitions@hmcts.gsi.gov.uk](mailto:Election_Petitions@hmcts.gsi.gov.uk)

Phone: 020 7947 6877  
Fax: 0870 324 0024

**In Scotland:**

The Election Petitions Office  
Court of Session  
Parliament House  
Parliament Square  
Edinburgh EH2 1RQ  
Email: [supreme.courts@scotcourts.gov.uk](mailto:supreme.courts@scotcourts.gov.uk)

Tel: 0131 225 2595  
Fax: 0131 240 6711

1.17 There are costs attached to an election petition. If you are considering lodging an election petition, we strongly recommend that you take independent legal advice.

## Inspection and supply of election-related documents

1.18 In England and Wales, documents available for supply and inspection can be provided by your Electoral Registration Officer, except for the election spending returns, which are kept by the (Acting) Returning Officer. Contact details for Electoral Registration Officers and (Acting) Returning Officers can be found on the Commission's About My Vote website [www.aboutmyvote.co.uk](http://www.aboutmyvote.co.uk).

1.19 In Scotland, all documents are retained by the Returning Officer. You can contact the Returning Officer through your local council.

## Inspection and supply of the marked registers and absent voters' lists

1.20 The marked electoral registers and absent voters' lists show who has been issued with a ballot paper, who has returned their postal ballot paper, and who has had a proxy vote cast on their behalf.

1.21 You can inspect or obtain copies of the marked register of electors and absent voters' lists after the election if you make a request in writing. In England and Wales, the request must be made to the Electoral Registration Officer. In Scotland, the request must be made to the Returning Officer.

1.22 Note that you can only use the information obtained from these documents for research or electoral purposes.

1.23 The request for inspection must specify:

- which documents are requested
- the purposes for which the information in any document will be used
- where the request is to inspect the marked register or lists, any reason why inspecting the full register or unmarked lists would not be sufficient to achieve that purpose

- who will inspect the documents
- the date on which they wish to inspect the documents, and
- whether they would prefer to inspect the documents in a printed or data form

1.24 Inspection is under supervision and will be free of charge. You won't be able to take copies, but may make handwritten notes.

1.25 The request for supply must specify:

- which of the marked register or lists (or the relevant part of the register or lists) are requested
- whether a printed copy of the records or lists is requested or a copy in data form
- the purposes for which the marked register or lists will be used and why the supply or purchase of a copy of the full register or unmarked lists would not be sufficient to achieve that purpose

1.26 The requested document will be supplied for a fee of £10 plus £2 for printed and £1 for data versions per 1,000 entries.

1.27 Note that after 12 months these documents will be destroyed, unless a court order directs otherwise.

## Inspection of other election documents

1.28 You can inspect other election documents, but you will not be allowed to make any notes or take copies of these documents. The only documents that cannot be inspected are:

- the ballot papers
- the corresponding number lists
- the certificates allowing polling station staff to vote at the polling station they are working at
- nomination papers

Nomination papers may only be inspected during the time for delivery of nomination papers, and only by candidates, their election agent, their proposer and seconder. Further details can be found in [Part 2a](#) or [2b](#)

1.29 After 12 months all of the election documents will be destroyed, unless a court order directs otherwise.

## Election spending returns

1.30 Spending returns can be inspected by any person after they have been submitted. Copies can also be made for a fee of 20p per side.

1.31 Spending returns are kept for two years. You can request to have them returned to you or your agent at the end of this period. If you or your agent does not want them back, they will be destroyed.