

# Parish and community council elections in England and Wales

# Guidance for candidates and agents

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

This document applies to parish and community council elections only. It does not apply to district, borough, county, county borough and unitary council elections, or mayoral elections. Our guidance and resources for all local elections in England and Wales 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 whether or not you can stand for election at a parish election in England or a community council election in Wales. Supplementary information, which may only be relevant to some candidates, is provided at the back of this document. You can 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' to refer to a specific legal requirement and 'should' for recommended practice.

Deadlines mentioned in this document are generic. For deadlines relating to the 22 May 2014 parish elections in England, please see our [election timetable](#).

## Qualifications for standing for election

1.1 To be able to stand as a candidate at a parish council election in England or a community council election in Wales you must:

- be at least 18 years old on the day of your nomination
- be a British citizen, an eligible [Commonwealth citizen](#) or a citizen of any other [member state of the European Union](#)
- meet at least one of the following four qualifications:

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

- I. You are, and will continue to be, registered as a local government elector for the parish/community in which you wish to stand from the day of your nomination onwards. See paragraph **1.5** for further information.
- II. You have occupied as owner or tenant any land or other premises in the parish/community area during the whole of the 12 months before the day of your nomination and the day of election. For more details, see paragraph **1.6**.
- III. Your main or only place of work during the 12 months prior to the day of your nomination and the day of election has been in the parish/community area. More information is provided in paragraph **1.14**.
- IV. You have lived in the parish/community area or within three miles of it during the whole of the 12 months before the day of your nomination and the day of election. See paragraph **1.15** for further details.

## Disqualifications

1.2 Apart from meeting the qualifications for standing for election, you must also not be disqualified from standing. There are certain people who are disqualified from being elected to a parish or community council in England and Wales. You cannot be a candidate if at the time of your nomination and on the day of the election:

- I. You are **employed by the parish/community council** or hold a paid office under the parish/community council (including joint boards or committees). For further information, see paragraph **1.17**.
- II. You are the subject of a **bankruptcy restrictions order or interim order**. For more information, see paragraph **1.24**
- III. You have **been sentenced to a term of imprisonment** of three months or more (including a suspended sentence), without the option of a fine, during the five years before polling day.

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- IV. You have been disqualified under the Representation of the People Act 1983 (which covers corrupt or illegal electoral practices and offences relating to donations) or under the Audit Commission Act 1998.

1.3 A person may also be disqualified from election if they have been disqualified from standing for election to a local authority following a decision of the First-tier Tribunal (formerly the Adjudication Panel for England or Wales).

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

## If my parish/community is warded, can I stand for election in more than one ward?

1.4 Some parishes and communities will be sub-divided into wards. You can check with the Returning Officer if the parish or community you intend to stand in is warded. While you may submit nomination papers for more than one ward, you cannot stand for election in more than one ward within the same parish/community after the deadline for withdrawals. If the Returning Officer accepts your nomination papers and you are validly nominated in more than one ward within the same parish/community, you must withdraw from all wards but one before 12 noon on the 16<sup>th</sup> working day before the poll (by 4pm on the 19<sup>th</sup> working day before the poll for elections on or after 22 May 2014). If you do not, then you will be deemed to have withdrawn from all of the wards. More details can be found in either [Part 2a: Standing as an independent candidate](#) or [Part 2b: Standing as a party candidate](#).

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## Supplementary information

### Qualifications

#### Qualification 1: being a registered local government elector

1.5 The qualification of being a registered local government elector requires your name to appear on the register of local government electors at the time of your nomination and throughout your term of office should you be elected. Unlike the other qualifications that must only be satisfied on the day of your nomination and on polling day, this is an on-going qualification. We therefore recommend that if you meet any of the other qualifications as well, you also indicate this on your [consent to nomination](#), which is one of the required nomination papers.

#### Qualification 2: occupying as owner or tenant any land or other premises in the parish/community

1.6 You must have occupied as owner or tenant any land or other premises in the parish/community during the whole of the 12 months before the day of your nomination and before polling day.

1.7 You must occupy 'land or other premises' to meet this qualification. The inclusion of the words 'other premises' can be taken as something other than land (i.e. some form of structure). Because 'land' and 'other premises' are alternatives it is, in theory, possible for a person to meet this qualification by occupying land only. There are some structures that might, arguably, fall outside the term 'premises' (e.g. a tent, caravan,

house boat or mobile home). However, a person occupying such a structure need only establish occupancy of the land on which, for example their tent, is located.

1.8 If the land or premises crosses the parish/community boundary, the land/premises is 'in that area' with respect to both parishes/communities.

1.9 You must also occupy the land or other premises as an 'owner' or 'tenant'. Ownership may be established by showing title to the land or premises in question. Tenancy is established by showing a lease over the land. In a number of circumstances, a lease will survive even though it has expired and the parties have failed to sign a new lease, and the tenancy survives through tacit agreement between the parties. Therefore, there may be circumstances in which a person's tenancy of land or premises might need to be established by evidence other than a current lease.

1.10 You must also have 'occupied' the land or premises. Therefore, in addition to establishing legal ownership or legal tenancy, you must establish that you have actually occupied the land or premises. This is a question of fact in each case. The interpretation of the term 'occupy' in other legal contexts suggests that it is not necessary for a person to be personally resident on the land or premises (which would in any event be covered by the qualification of 'lived in the parish/community').

1.11 However, it does require something to be actually done on the land or premises – an empty unlocked house cannot be described as 'occupied', for example. It also requires a sufficient degree of control to prevent strangers from interfering with the land or premises. If you have sub-let your land or premises to another person, this will point against you having 'occupied' it yourself.

1.12 Finally, you must have occupied the land or premises 'during the whole of the twelve months preceding' the day on which you are nominated (and polling day). Whether an absence will prevent you from claiming that you have occupied the land or premises for the preceding year should be worked out by taking into account all other factors: for instance, whether you have allowed others to occupy the land or premises in your absence, and the reason for your absence.

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1.13 For example, a person who is absent from their home for two months caring for an elderly parent might be considered to have retained occupancy of the land or premises for the purposes of the legislation – while a person who is absent for two months because they have relocated to an alternative residence and who leases their home while they are away may not be considered to have retained occupancy for the purposes of the legislation.

## Qualification 3: your main or only place of work is in the parish/community area

1.14 Your main or only place of work must have been in the parish/community area during the 12 months prior to your nomination and prior to polling day itself. You do not have to be in paid employment to qualify, as long as you satisfy the requirement of your main or only place of work being in the parish/community area. Councillors whose main or only job is being a councillor would qualify under this heading, provided that their offices are within the parish/community area.

## Qualification 4: living in the parish/community (or within three miles of it)

1.15 You are not required to have lived at the same address for the whole of the 12 months before the day on which you are nominated, but you must have lived in the same parish/community during the whole of those 12 months, or within three miles of it.

1.16 If in the last 12 months you have lived at more than one address in the parish/community (or within three miles of it), you should list on your [consent to nomination](#), one of the required nomination papers, all of the addresses at which you have lived during that period. This qualification also requires you to live in the parish/community, or within three miles of it, from the date of nomination to polling day.

## Disqualifications

### Disqualification 1: working for the parish/community council

1.17 You are disqualified from standing as a candidate at elections to a particular parish or community if you are a paid officer or employee of that parish or community. This would be the case where your appointment has been made, could be made, or has been confirmed by the parish or community (or by any committee or sub-committee of that authority, or by any joint committee or National Park authority where the local authority is represented, or by a person holding such office or employment).

1.18 However, the disqualification on the basis of being a paid officer or employee does not apply to the office of chairman, vice-chairman or deputy chairman of the parish or community.

1.19 Most parishes and communities will not have committees or sub-committees, but some may. Paid officers of a parish or community employed under the direction of such committees or sub-committees are disqualified from standing to that parish or community. In addition, where such a committee or sub-committee has a member, or members, appointed on the nomination of another local authority, the disqualification will also apply to being elected to the other local authority.

1.20 If you are a paid officer of a local authority employed under the direction of a joint board, joint or combined authority, joint waste authority, economic prosperity board or joint committee, you will be disqualified from being elected as a member of all of the authorities that are represented on that body.

1.21 As a general rule, if you work in the local public sector, you should seek advice from your employer's HR department to help you establish whether the disqualification would apply to you. Sometimes employment relationships can be complex and if this is the case for you, we recommend that you seek your own legal advice.

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1.22 This disqualification applies on both the date of your nomination and on polling day. If you were employed by the parish/community council, you must have resigned and served any notice period before the date of your nomination to avoid having a contract of employment with the parish/community council at that time.

## Disqualification 2: bankruptcy restrictions or interim order

1.23 Bankruptcy in itself is not a disqualification. If you are or have been bankrupt you are not disqualified from standing for election or remaining an elected councillor on that basis.

1.24 Only those who are subject to a bankruptcy restrictions order or interim order are disqualified from standing for election or remaining a councillor. The disqualification ends at the same time as the order ends.

# Parish and community council elections in England and Wales

# Guidance for candidates

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

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[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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# 2

## Essential information

This section of the document contains our guidance on standing as an independent candidate at a parish council election in England or a community council election in Wales. 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' to refer to a specific legal requirement and 'should' for recommended practice.

Deadlines mentioned in this document are generic. For deadlines relating to the 22 May 2014 parish elections in England, please see our [election timetable](#).

## Completing your nomination papers

1.1 To become nominated as a candidate at a parish or community council election in England or Wales, you need to submit a completed set of nomination papers to the Returning Officer by 12 noon on the 19<sup>th</sup> working day before the poll (by 4pm on the 19<sup>th</sup> working day before the poll for elections on or after 22 May 2014). 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 local Returning Officer.

1.2 There are two nomination papers that you must submit for your nomination to be valid:

- the nomination form
- your consent to nomination

1.3 You can obtain nomination papers from your local elections office. Contact details can be obtained from our About my vote website [www.aboutmyvote.co.uk](http://www.aboutmyvote.co.uk). 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 Returning Officer can help by preparing the form for your signature.

1.5 The Returning Officer may also be able to offer informal checks of your completed nomination papers before you submit them.

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 (or unlimited if convicted on indictment) and/or imprisonment of up to six months.

## 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. The same applies to suffixes. However, if you have a title, you can use this as your full name. For example, if your

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actual name is Joseph Smith but your hereditary title is Joseph Avon, you can use the name Joseph Avon as your full name.

- **Your full home address.** 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)

Unless you are relying on the qualification of being registered as an elector for the parish/community area, your home address does not need to be in the parish/community area in which you wish to stand. If you are relying on the qualification of having lived in the area (or within 3 miles of it) for the whole of the last 12 months, then your home address must be in the parish/community area (or within 3 miles of it).

- **Signatures of 2 registered electors** (known as a proposer and seconder) from the parish/community area, or from the parish/community ward if the parish/community is warded. Your proposer and seconder must be on the electoral register that is in force for nominations. For more information on proposers and seconders, see paragraph **1.45**.

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. See paragraph **1.38** for further details.
- **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.  
Alternatively, you may use a description of no more than six words in English or, in Wales, in English and/or Welsh. It can be any description providing it is sufficient to

Your name, address and any description should be written on the nomination form **before** you ask the proposer and seconder to sign the form.

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

For details on descriptions that candidates standing on behalf of registered political parties can use, see our document [Part 2b: Standing as a party candidate](#).

For information on how to register a political party, see our website at [www.electoralcommission.org.uk/guidance/resources-for-those-we-regulate/register-a-new-party](http://www.electoralcommission.org.uk/guidance/resources-for-those-we-regulate/register-a-new-party)

identify you and is unlikely to associate you with a political party registered with the Electoral Commission. Examples include 'farmer', 'Baker in the High Street', 'member of village action team', etc. Note that the six-word limit is set out in law and the Returning Officer will have to reject your nomination if you exceed it. If you are in any doubt about whether your description exceeds six words, you should contact the Returning Officer for advice.

Remember that the description is optional and you may choose not to have a description at all by leaving this part of the form blank.

## Consent to nomination

1.9 You must also formally consent to your nomination in writing. The content of the [consent to nomination form](#) is fixed by law and the entire form must be returned in order for your nomination to be valid. 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.

1.10 You must meet at least one of the qualifications to stand for election, as explained in [Part 1: Can you stand for election?](#) On the consent to nomination form you should state as many of the qualifications as apply.

1.11 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

1.12 All nomination papers, including the consent to nomination, must be delivered to the place specified on the notice of election by 12 noon on the 19<sup>th</sup> working day before the poll (by 4pm on the 19<sup>th</sup> working day before the poll for elections on or after 22 May 2014). It is your responsibility to ensure that your nomination papers are delivered in the correct manner and by the required deadlines. We recommend that

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you or someone you trust hand-delivers them, so you can be sure they are delivered to the Returning Officer in time.

1.13 Your nomination papers must be submitted in person and cannot be submitted by post, fax, e-mail or other electronic means.

1.14 Where signatures are required, you must submit the **original signed version** of each completed paper. Documents without original signatures cannot be accepted.

1.15 You should submit your nomination papers as early as possible to give the 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.

1.16 The notice of election will be published no later than 25 working days before the poll and will state the earliest date on which you can submit nomination papers. In most cases, the notice of election will be published on the website of the local authority in which the parish/community is situated.

1.17 Usually, nomination papers can only be delivered during normal office hours. The Returning Officer will confirm the exact details of when and where they can be delivered on the official notice of election. You will be able to contact the Returning Officer via your local authority elections office. Contact details can be obtained from our About my vote website [www.aboutmyvote.co.uk](http://www.aboutmyvote.co.uk).

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

1.19 After you have submitted your nomination papers you will be sent a notice by the Returning Officer to let you know whether or not your nomination is valid.

1.20 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 12 noon on the 16<sup>th</sup> working day before the poll (by 4pm on the 19<sup>th</sup> working day before the poll for elections on or after 22 May 2014). For more details on withdrawing, see paragraph **1.23**.

## What happens after the close of nominations?

1.21 The Returning Officer will publish a statement of persons nominated for each parish/community, or for the parish/community ward if the parish/community is warded, no later than 12 noon on the 17<sup>th</sup> working day before the poll (by 4pm on the 18<sup>th</sup> working day before the poll for elections on or after 22 May 2014). 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 address of each candidate
- each candidate's description (if any)

### Being validly nominated in more than one ward

1.22 If the parish/community is warded and you are validly nominated in more than one ward in that parish/community, you must withdraw from all wards but one before the deadline for withdrawals (i.e. by 12 noon on the 16<sup>th</sup> working day before the poll; by 4pm on the 19<sup>th</sup> working day before the poll for elections on or after 22 May 2014). If you do not withdraw from all but one ward, you will be deemed to have withdrawn from all of the wards.

### Withdrawing as a candidate

1.23 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 local Returning Officer or downloaded from our website.

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1.24 The withdrawal notice must be submitted by the deadline for withdrawals. 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.

## Inspecting other candidates' nomination papers

1.25 From the close of nominations until the day before the poll, nomination papers that have been delivered are open to inspection during normal office hours, and any member of the public can take a copy of them.

## Will the election be contested or uncontested?

1.26 After the close of nominations, the Returning Officer will establish whether or not there is a need to hold a poll in the electoral area(s). If the parish/community is not warded, the electoral area will be the whole of the parish/community. If the parish/community is warded, the electoral area will be the parish/community ward. If there are more candidates than seats after the deadline for withdrawals, there will be a poll.

1.27 If, however, after the deadline for withdrawals there is only one validly nominated candidate, that candidate is declared to be elected.

1.28 In this case, the Returning Officer will declare that candidate to be elected to the parish/community council as soon as possible and will give public notice of it.

If elected at an uncontested election, candidates must still make a declaration as to their election spending.

See [Part 3: Spending and donations](#) for further details.

## Appointing your postal voting, polling and counting agents

1.29 You can appoint agents to observe the following electoral processes, which you are also entitled to observe:

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

1.30 Anyone, except for the following, can be appointed as a postal vote, polling or counting agent:

- the Returning Officer or a member of their staff
- a partner or clerk of the 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

1.31 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. The number of agents who may be appointed to any particular polling station is limited to four, or such greater number as the Returning Officer decides to allow. If more than that number are appointed, the Returning Officer will draw lots to determine those people who may attend. Your right to attend will remain unaffected by this.

1.32 The 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.

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

1.34 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. However, appointment forms for postal voting agents only need to be submitted to the Returning Officer by the time fixed for the opening of postal votes they want to attend. The Returning Officer will give you at least 48 hours' notice before the scheduled start of each postal vote opening session.

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1.35 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 Returning Officer. Any new appointment in these circumstances must be made without delay.

1.36 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

1.37 If a candidate dies during the election period, see paragraph **1.52** for further information on how this will affect the election.

# Supplementary information

## Commonly used name(s)

1.38 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

1.39 The 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 Returning Officer will write to you stating the reason for rejection. In those cases, your actual name will be used instead.

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

1.41 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' in the commonly used forename box on the nomination paper if you would rather that name appear on the ballot paper.

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

1.43 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.

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1.44 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 proposer and seconder

1.45 Each nomination form needs to be signed (subscribed) by 2 electors registered in the parish/community or in the parish/community ward if the parish/community is warded.

1.46 The two electors will sign and print their names as proposer and seconder.

1.47 The elector numbers of the proposer and seconder as they appear 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 Returning Officer and the Electoral Registration Officer will be able to advise you how the register is laid out.

1.48 You will be entitled to a free copy of the electoral register for the parish/community area or parish/community ward you are contesting, as appropriate. You should use it to ensure that your nomination form is properly subscribed.

1.49 Each elector may not subscribe more nomination forms than there are vacancies. For example, if there are two vacancies in a parish/community ward, an elector may subscribe up to two candidates' nomination forms in that ward. If three candidates submit nomination forms signed by the same person, the two that were submitted first will be accepted, but the third will be invalid. You should therefore always enquire, before asking a subscriber to sign your form, if they have already signed someone else's.

1.50 If a nomination form contains more than two subscribers' signatures, only the first two will be accepted. If either of the subscribers is invalid, the Returning Officer must hold the

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).

nomination form invalid, regardless of whether the form contains more than two.

1.51 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 Returning Officer has formally accepted a nomination form, signatures cannot be withdrawn.

## Death of a candidate

1.52 If the Returning Officer is notified of a candidate's death during the election campaign or even on polling day itself (but before the declaration of the result), the poll will be cancelled.

1.53 The Returning Officer will in that case order a new election to fill the vacancy. The new polling day will be within 35 working days of the day fixed for the first election. Candidates already validly nominated do not have to be nominated a second time.

1.54 Should a fellow candidate die during the campaign, the Returning Officer will provide you with further guidance.

1.55 If an already elected candidate dies after the declaration of the result, a by-election would be needed to fill the vacancy.

# Parish and community council elections in England and Wales

# Guidance for candidates

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

This document applies to parish and community council elections only. It does not apply to district, borough, county, county borough and unitary authority elections, or mayoral elections. Our guidance and resources for all local elections in England and Wales 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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# 2

## Essential information

This section of the document contains our guidance on standing as a party candidate at a parish council election in England or a community council election in Wales. 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' to refer to a specific legal requirement and 'should' for recommended practice.

Deadlines mentioned in this document are generic. For deadlines relating to the 22 May 2014 parish and community elections in England, please see our [election timetable](#).

## Completing your nomination papers

1.1 To become nominated as a candidate at a parish/community council election in England or Wales, you need to submit a completed set of nomination papers to the place fixed by the Returning Officer by 12 noon on the 19th working day before the poll (4pm on the 19<sup>th</sup> working day before the poll for local elections held on or after 22 May

2014). 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 local Returning Officer.

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

- the nomination 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 **1.13**.
- 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 **1.16**.

1.4 You can obtain nomination papers from your local elections office. Contact details can be obtained from our About My Vote website [www.aboutmyvote.co.uk](http://www.aboutmyvote.co.uk). Alternatively, the Commission has produced a set of [nomination papers](#) that you could use.

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

1.6 The Returning Officer may also be able to offer informal checks of your completed nomination papers before you submit them.

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

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(or unlimited if convicted on indictment) and/or imprisonment of up to six months.

## 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.
- **Your full home address.** Your home address:
  - a) must be completed in full
  - b) must not contain abbreviations
  - c) must be your current home address
  - d) must not be a business address (unless you run a business from your home)

Unless you are relying on the qualification of being registered as an elector for the parish/community area, your home address does not need to be in the parish/community area in which you wish to stand. If you are relying on the qualification of having lived in the area (or within 3 miles of it) for the whole of the last 12 months, then your home address must be in the parish/community area (or within 3 miles of it).

- **Signatures of 2 registered electors** (known as proposer and seconder) from the parish/community area, or from the parish/community ward if the parish/community is warded. The proposer and seconder must be on the register that is in force on the 25<sup>th</sup> working day before the poll. For more information on proposers and seconders, see paragraph **1.54**.

Your name, address and any description should be written on the nomination form **before** you ask the proposer and seconder to sign the form.

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

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 1.47.
- **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 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.

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 Returning Officer by the nominations deadline, ie by 12 noon on the 19<sup>th</sup> working day before the poll (by 4pm on the 19<sup>th</sup> working day before the poll for elections held on or after 22 May 2014.). Further information on the certificate is provided in paragraph 1.13.

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/description on the Commission’s online register of political parties at <https://pefonline.electoralcommission.org.uk>. If it does not, the whole nomination paper will be rejected. Note

Registered party names and registered descriptions can be found on our online register:

<https://pefonline.electoralcommission.org.uk>

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

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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.

## Consent to nomination

1.10 You must also formally consent to your nomination in writing. The content of the [consent to nomination form](#) is fixed by law and the entire form must be returned in order for your nomination to be valid. 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.

1.11 You must meet at least one of the qualifications to stand for election, as explained in [Part 1: Can you stand for election?](#). On the consent to nomination form you should state as many of the qualifications as apply.

1.12 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

1.13 Political parties authorise candidates to stand for them by issuing a certificate of authorisation. This must state that the candidate may 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.

1.14 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 name/description on the nomination paper, the whole nomination will be invalid.

1.15 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

1.16 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.

1.17 You must make the request for an emblem in writing and deliver it to the Returning Officer. The request must be received by the Returning Officer before 12 noon on the 19<sup>th</sup> working day before the election (by 4pm on the 19<sup>th</sup> working day before the poll for elections held on or after 22 May 2014.). The 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.

1.18 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 at <https://pefonline.electoralcommission.org.uk>. Registered emblems cannot be varied in any way.

1.19 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 Returning Officer by the close of nominations, ie 12 noon on the 19<sup>th</sup> working day before the poll (4pm on the 19<sup>th</sup> working day before the poll for elections held on or after 22 May 2014.). The 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. 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 at <https://pefonline.electoralcommission.org.uk>.

Emblems can be viewed or downloaded from our online register of political parties:

<https://pefonline.electoralcommission.org.uk>

## Submitting your nomination papers

1.20 All nomination papers, including the consent to nomination, certificate of authorisation and emblem request form, must be delivered to the place specified on the notice of election by 12 noon on the 19<sup>th</sup> working day before the poll (by 4pm on the 19<sup>th</sup> working day before the poll for elections held on or after 22 May 2014.). It is your responsibility to ensure that your nomination papers are delivered in the correct manner and by the required deadlines. We recommend that you, your agent, or someone you trust hand-delivers them, so you can be sure they are delivered to the Returning Officer in time.

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

1.22 Where signatures are required, you must submit the **original signed version** of each completed paper. Documents without original signatures cannot be accepted.

1.23 You should submit your nomination papers as early as possible to give the 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.

1.24 The notice of election will be published no later than 25 working days before the poll and will state the earliest date on which you can submit nomination papers. In most cases, the notice of election will be published on the website of the local authority in which the parish/community is situated.

1.25 Usually, nomination papers can only be delivered during normal office hours. The Returning Officer will confirm the exact details of when and where they can be delivered on the official notice of election. You will be able to contact the Returning Officer via your local authority elections office. Contact details can be obtained from our About my vote website [www.aboutmyvote.co.uk](http://www.aboutmyvote.co.uk).

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

1.27 After you have submitted your nomination papers you will be sent a notice by the Returning Officer to let you know whether or not your nomination is valid.

1.28 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 12 noon on the 16<sup>th</sup> working day before the poll (by 4pm on the 19<sup>th</sup> working day before the poll for elections held on or after 22 May 2014). For more details on withdrawing, see paragraph **1.31**

## What happens after the close of nominations?

1.29 The Returning Officer will publish a statement of persons nominated for the parish/community, or for each ward of the parish/community if the parish/community is warded, no later than 12 noon on the 17<sup>th</sup> working day before the poll (4pm on the 18<sup>th</sup> working day before the poll for elections held on or after 22 May 2014). 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 address of each candidate
- each candidate's description (if any)

## Being validly nominated in more than one ward

1.30 If the parish/community is warded and you are validly nominated in more than one ward in that parish/community, you must withdraw from all wards but one before the deadline for withdrawals (i.e. by 12 noon on the 16<sup>th</sup> working day before the poll; by 4pm on the 19<sup>th</sup> working day before the poll for elections held on or after 22 May 2014.) If you do not withdraw from all but one ward, you will be deemed to have withdrawn from all of the wards.

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## Withdrawing as a candidate

1.31 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 local Returning Officer or downloaded from our website.

1.32 The withdrawal notice must be submitted by the deadline for withdrawals (i.e. by 12 noon on the 16<sup>th</sup> working day before the poll; by 4pm on the 19<sup>th</sup> working day before the poll for elections held on or after 22 May 2014.) 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.

## Inspecting other candidates' nomination papers

1.33 From the close of nominations until the day before the poll, nomination papers that have been delivered are open to inspection during normal office hours, and any member of the public can take a copy of them.

## Will the election be contested or uncontested?

1.34 After the close of nominations, the Returning Officer will establish whether or not there is a need to hold a poll in the parish/community or, if the parish/community is warded, in the parish/community wards. If there are more candidates than seats after the deadline for withdrawals, there will be a poll.

1.35 If, however, after the deadline for withdrawals the number of validly nominated candidates in the parish/community area, or a parish/community ward, is less than or equal to the number of seats to be filled, those candidates are declared to be elected.

1.36 In this case, the Returning Officer will declare those candidates to be elected to the parish/community council as soon as possible and will give public notice of the names of those declared elected.

If elected at an uncontested election, candidates must still make a declaration as to their election spending.

See [Part 3: Spending and donations](#) for further details.

## Appointing your postal voting, polling and counting agents

1.37 You can appoint agents to observe the following electoral processes, which you are also entitled to observe:

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

1.38 Anyone, except for the following, can be appointed as a postal vote, polling or counting agent:

- the Returning Officer or a member of their staff
- a partner or clerk of the 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

1.39 The same person may be appointed as a polling, postal voting or counting agent for more than one candidate.

1.40 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. The number of polling agents who may be appointed to any particular polling station is limited to four, or such greater number as the Returning Officer decides to allow. If more than that number are appointed, the Returning Officer will draw lots to determine those people who may attend. Your rights to attend will remain unaffected by this.

1.41 The 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.

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

1.43 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. However, appointment forms for postal voting agents only need to be submitted to the Returning Officer by the time fixed for the opening of postal votes they want to attend. The Returning Officer will give you at least 48 hours' notice before the scheduled start of each postal vote opening session.

1.44 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 Returning Officer. Any new appointment in these circumstances must be made without delay.

1.45 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

1.46 If a candidate dies during the election period, see paragraph **1.60** for further information on how this will affect the election.

# Supplementary information

## Commonly used name(s)

1.47 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

1.48 The 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 Returning Officer will write to you stating the reason for rejection. In those cases, your actual name will be used instead.

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

1.50 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' in the commonly used forename box on the nomination paper if you would rather that name appear on the ballot paper.

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

1.52 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.

1.53 It is an offence to give a false statement on your nomination papers. 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 proposer and seconder

1.54 Each nomination form needs to be signed (subscribed) by two electors registered in the parish/community or in the parish/community ward if the parish/community is warded.

1.55 The two electors will sign and print their names as proposer and seconder. The elector numbers of the proposer and seconder as they appear 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 Returning Officer and Electoral Registration Officer will be able to advise you how the register is laid out.

1.56 You will be entitled to a free copy of the electoral register for the parish/community area or parish/community ward you are contesting, as appropriate. You should use it to ensure that your nomination form is properly subscribed.

1.57 Each elector may not subscribe more nomination forms than there are vacancies. For example, if there are two vacancies in a parish/community ward, an elector may subscribe up to two candidates' nomination forms in that ward. If three candidates submit nomination forms signed by the same person, the two that were submitted first will be accepted, but the third will be invalid. You should therefore always enquire, before asking a subscriber to sign your form, if they have already signed someone else's.

1.58 If a nomination form contains more than two subscribers' signatures, only the first two will be accepted. If either of the subscribers is invalid, the Returning Officer must hold the nomination form invalid, regardless of whether the form contains more than two.

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).

1.59 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 Returning Officer has formally accepted a nomination form, signatures cannot be withdrawn.

## Death of a candidate

1.60 If the Returning Officer is notified of a candidate's death during the election campaign or even on polling day itself (but before the declaration of the result), the poll will be countermanded or abandoned.

1.61 The Returning Officer will in that case order a new election to fill the vacancy. The new polling day will be within 35 working days of the day fixed for the first election. Candidates already validly nominated do not have to be nominated a second time.

1.62 Should a fellow candidate die during the campaign, the Returning Officer will provide you with further guidance.

1.63 If an already elected candidate dies after the declaration of the result, a by-election would be needed to fill the vacancy.

# Candidate spending return and declaration for parish and community elections in England and Wales

You should read the related guidance for [Local elections in England and Wales: Part 3 Spending and donations](#) for information on:

- the spending limit
- the regulated period
- what is candidate spending
- notional spending

We provide a quick guide here about what is different when you are contesting parish or community level elections.

## Who this form is for:

Candidates standing for election in parish and community level elections whether the elections are contested or not.

## The spending return

It is your responsibility to keep your spending within your spending limit during the regulated period.

You can appoint an agent to help you with your campaign, but you will still be responsible for managing your own election spending.

You must complete both the return and a candidate declaration and submit them to your returning officer within **28 calendar days** after the day of the election.

You will find guidance on our:

- [Guidance page for parish and community council elections](#)

## Recording Candidate spending

You must keep a record all of your candidate spending and you must keep invoices or receipts for all payments of £10 or more. You must submit these invoices and receipts with your return.

## After the election

### Invoices

You must get all invoices from suppliers within **14 calendar days** of the election result.

If you do not receive an invoice within the time limit, you will need to get a court order before you can pay it. You should make your suppliers aware of this.

### Paying invoices

You must pay all invoices within **21 calendar days** of the election result. If you do not pay an invoice within this time limit, you will need to get a court order before you can pay it.

### When you have appointed an agent

If the agent has spent money on your behalf they must provide you with a written return detailing what they spent. They must give you this within **23 calendar days** of the election result.

### Submitting the return

You must complete and submit this form and the declaration to the returning officer within **28 calendar days** of the election result.



## Explanatory notes

### Details of candidate and election

Please provide the details requested under this section and sign the form.

Calculate your spending limit and enter it on the form.

Your spending limit is £600, plus 5p per local government elector in the parish, community or town council area which you are standing for.

If you are a joint candidate you will need to reduce your spending limit by:

- a quarter (25%) – when there are two joint candidates, or
- a third (33%) – when there are three or more joint candidates

You can find out the electorate, which is the number of people registered to vote on the last day for publication of the notice of election, from your Returning Officer.

## Part 1: Summary of spending

Complete the summary table to show your spending during the election campaign.

All notional spending and unpaid claims should be entered in the specific boxes provided.

If you have not spent any money under a particular category please enter nil in the appropriate box.

## Part 2: Payments

### A Breakdown of expenditure

Use this table to provide a breakdown of all payments making up the amounts shown under categories A to I in the summary table (section 3).

For every item of spending, please give details of:

- the item or service used
- the name and address of the supplier
- the date the invoice was paid
- the date the invoice was received
- the amount paid
- the invoice or receipt number. Invoices or receipts are required for all items of £10 or more except notional spending

Please remember to indicate when you are entering a nil payment.



### B Unpaid claims

Use this table to tell us more about claims that remain unpaid on the day you submit the form.

For each claim, please give details of:

- the item
- the date the invoice was received
- the amount
- the action taken or to be taken in relation to this claim

Include the details of the court to which you have applied, or will apply, to make a late payment.

### C Declaration of value on notional spending over £50

Use this table to tell us about all items of notional spending of more than £50.

You do not need to tell us about notional spending of £50 or less. This does not need to be included on the return and it does not count towards your spending limit.

For items of notional spending please tell us:

- the item or service provided
- the normal commercial cost of the item/service
- the actual cost you have paid as recorded in Part 2 table A
- the value of notional spending
- when you incurred this spending

You must sign this section of the form whether or not any notional spending was incurred.



## Completing and returning this form to the Returning Officer

You should complete and return the form to the Returning Officer for your electoral area. The form must be submitted within 28 calendar days after the declaration of the result.

The form must be accompanied by the declaration signed by you to verify the return.



### Where can I get further advice?

If you have any questions about candidates' election spending you can call us on:

- England: 020 7271 0616  
[pef@electoralcommission.org.uk](mailto:pef@electoralcommission.org.uk)
- Wales: 020 2034 6800  
[infowales@electoralcommission.org.uk](mailto:infowales@electoralcommission.org.uk)

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

# Return of Election Expenses

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

In the [.....ward of the]  
Parish/Community of .....

Date of Election.....

Name of Candidate.....

Expenditure limit £.....

1. I am the person named above as Candidate in this election.  
2. I hereby make the following return of my election expenses.

**Signature of Candidate** ..... **Date**.....

## Part one: Summary of expenses

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





Declaration by candidate as to election expenses

Local government: Parish and community elections  
Election of a Councillor

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

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

**Election for the** \_\_\_\_\_ **ward of the**

**Parish/community of** \_\_\_\_\_

**Date of publication of notice of the election** \_\_\_\_\_

**Full name of candidate** \_\_\_\_\_

I solemnly and sincerely declare as follows:

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

**Signature of declarant** \_\_\_\_\_

**Date** \_\_\_\_\_

# Parish and community council elections in England and Wales

# Guidance for candidates

## Part 4 of 6 – The campaign

This document applies to parish and community council elections only. It does not apply to district, borough, county, county borough and unitary authority elections, or mayoral elections. Our guidance and resources for all local elections in England and Wales 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 parish council elections in England and community council elections in Wales. 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' to refer to a specific legal requirement and 'should' for recommended practice.

Deadlines mentioned in this document are generic. For deadlines relating to the 22 May 2014 parish elections in England, please see our [election timetable](#).

## 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 from the date a person officially becomes a candidate. For more information on election spending, please see [Part 3: Spending and donations](#).

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## When does a person officially become a candidate?

1.3 The last date for publishing the notice of election is the 25<sup>th</sup> working day before the poll. This is the earliest you can officially become a candidate.

1.4 You will officially become a candidate on the 25<sup>th</sup> working day before the poll 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 and absent voters' lists for the parish/community area or, if your parish/community is warded, for the ward you are standing in. You can also 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 an election is 12 working days before the poll. You can find out more about who can register and application forms at [www.aboutmyvote.co.uk](http://www.aboutmyvote.co.uk).
- Help voters with information about postal and proxy voting – you can find application forms and 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. The deadline for applying for a proxy vote for the elections is 5pm on the sixth working day before the poll.

## During the campaign, you should...

- If you develop your own 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.
- Make sure your supporters follow [our code of conduct on applications to vote by post or proxy and postal votes](#) – this will help them to avoid situations where their honesty or integrity could be questioned.
- Be aware of the deadlines for appointing 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.
- 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](#).

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

- 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 **1.36**).

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1.8 If you 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 **1.59** for more information.

## Use of the electoral register

1.9 Once you officially become a candidate as explained in paragraph **1.3**, you are entitled to receive a free copy of the full electoral register and the lists of people voting by post or proxy ('the absent voters' lists') for the parish/community area or, if your parish/community is warded, for the ward that you are contesting.

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

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 and loans from individuals are permissible

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

1.13 You must not release any details that appear only in the full register and do not appear in the edited version of the register which is available for general sale. 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' lists request form](#) available for this purpose on our website.

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 keeps a list of all suitable meeting rooms in their area and their availability, and will make this available for candidates and agents to inspect from the day the notice of election is published until the day before polling day. Contact details can be found on [www.aboutmyvote.co.uk](http://www.aboutmyvote.co.uk).

1.20 You should contact the owner of the premises to make a booking, giving reasonable notice to 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.

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

## Campaign publicity dos and don'ts

1.22 You must:

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- Use imprints on all your campaign material, including websites. See paragraph **1.25** 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.

1.23 You should:

- 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.

1.24 You must not:

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

## Using imprints

What is an imprint?

1.25 An imprint must, by law, be added to campaign material to show who is responsible for its production. It helps to ensure that the campaign is transparent.

What do you need to include?

1.26 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)

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

1.28 You can use either home or office addresses.

1.29 If you are putting an advert in a newspaper, your advert does not need to include the printer's details.

### Example of an imprint

1.30 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].

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

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

### Where do you put the imprint?

1.32 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

1.33 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

1.34 You should:

- Make sure that any tellers working for you follow our [tellers dos and don'ts](#) and any guidance issued by the

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

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

- 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 vote openings](#), [the poll](#) and the [count](#) bi-lingually in English and Welsh.
- Comply with all requests by polling station staff or the Returning Officer about campaigning near polling stations.

1.35 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. You can find details in our documents that set out the secrecy requirements for:
  - the poll: [English version](#) – [English and Welsh version](#)
  - postal voting: [English version](#) – [English and Welsh version](#)
  - the count: [English version](#) – [English and Welsh version](#)

In particular, if you (or your agents) are attending postal vote opening sessions before the close of poll, 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 poll which gives the impression that it is based on information given by people after they have voted.

# Supplementary information

## List of offences

1.36 You should be aware of a number of electoral and non-electoral offences and should seek your own legal advice where necessary. The following is a list that provides a summary of the electoral offences.

### Bribery

1.37 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

1.38 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

1.39 A person is guilty of undue influence if they directly or indirectly make use of or threaten to make use of force, violence or restraint, or inflict or threaten to inflict injury, damage or harm in order to induce or compel that person to vote or refrain from voting.

1.40 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.

We do not regulate any of these offences.

For details of how to report any allegations of electoral malpractice see paragraph 1.54.

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1.41 Undue influence doesn't exclusively relate to physical access to the polling station. For example, a leaflet that threatens to make use of force in order to induce a voter to vote in a particular way could also be undue influence.

## Personation

1.42 Personation is where an individual votes 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.

1.43 Aiding, abetting, counselling or procuring the offence of personation is also an offence.

## False statements

### About a candidate's personal character or conduct

1.44 It is an illegal practice to make or publish a false statement of fact about the personal character or conduct of a candidate in order to affect the return of a candidate at an election.

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

1.46 It is also an illegal practice to make a false statement of a candidate's withdrawal.

### In nomination papers

1.47 It is an offence to knowingly provide a false statement on a nomination paper. 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

1.48 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

1.49 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

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

## Breaches of the secrecy of the ballot

1.51 Everyone involved in the election process or attending certain proceedings must maintain the secrecy of the ballot. The 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

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

1.53 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 malpractice

1.54 If you have reason to believe that an election-related crime has been committed, you should first raise the matter with the Electoral Registration Officer or the Returning Officer in your area.

1.55 If appropriate, the matter will be investigated by the police. The Electoral Registration Officer or Returning Officer may refer it to the police or provide you with the details of the police contact for your area so that you can report your allegation. Every police force has designated a Single Point of Contact (known as a SPOC) to lead on election matters.

1.56 If you want the police to formally investigate your concerns you should be prepared to give them a statement and substantiate your allegation.

1.57 You can contact the Electoral Registration Officer or Returning Officer for your area through the elections office at your local authority. Contact details are available from our About my vote website [www.aboutmyvote.co.uk](http://www.aboutmyvote.co.uk).

1.58 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?

1.59 If you have acted in contravention of the election rules, you can apply for relief from the penalties for any offence.

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

1.61 For more information:

- 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 E13

Royal Courts of Justice

Strand

London WC2A 2LL

Tel: 0207 073 4752 or 020 7947 7529

# Parish and community councils elections in England and Wales

# Guidance for candidates

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

This document applies to parish and community council elections only. It does not apply to district, borough, county, county borough or unitary authority elections, or mayoral elections. Our guidance and resources for all local elections in England and Wales 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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# 2

## Essential information

This section of the document contains our guidance on attending key electoral processes at a parish council election in England or community council election in Wales. 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' to refer to a specific legal requirement and 'should' for recommended practice.

Deadlines mentioned in this document are generic. For deadlines relating to the 22 May 2014 parish elections in England, please see our [election timetable](#).

## The opening of postal votes

1.1 You and a person appointed by you to attend in your 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 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 on the electoral register can apply to vote by post in local elections by submitting an application to the Electoral Registration Officer. The application must be received by the Electoral Registration Officer by 5pm on the 11<sup>th</sup> working day before the poll. 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 11<sup>th</sup> working day before the poll. The Electoral Registration Officer has no discretion to extend the deadline for whatever reason.

1.3 Postal ballot packs containing a ballot paper and postal voting statement will be sent to electors one to two weeks before polling day.

1.4 Electors will then mark their ballot paper, complete the postal voting statement by providing their signature and date of birth, and return them to the Returning Officer before the close of poll (i.e., 10pm on polling day).

## 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 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

If the election is combined with another poll, the 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 Returning Officer. At each opening session the 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

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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 a Returning Officer to reject a postal vote. It will not affect the Returning Officer's decision, but the 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, both you and the person you may have appointed to attend on your behalf are also entitled to object to a rejection.

1.8 The 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 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.

## 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 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 delivered to polling stations.

By law, the Returning Officer only needs to check the signatures and dates of birth on 20% of returned postal

For more information see:

- [Secrecy requirements - postal voting for candidates and agents in England](#) and
- [for candidates and agents in Wales](#)

This session may be held at the count venue or in another location. The 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 Returning Officer must set aside at least 20% of postal votes to verify the dates of birth and signatures provided on the statements
- 10 The Returning Officer must be satisfied that the dates of birth and signatures on the statements set aside match those given on the electors' original applications
- 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

**Valid** ballot papers are those ballot papers whose related postal voting statement has passed the signature and date of birth checks. They also include those ballot papers whose related postal voting statement was not subject to those 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 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 provided on the original application.

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

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

## Polling stations

1.17 You 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 in a parish or community council election at the polling station, 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 registered as an overseas elector

1.19 Electors will receive a poll card before the election telling them where and when to 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 local authority area (the elections office will be able to provide details) or by hand to the 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.

## Finding the location of polling stations

1.22 The Returning Officer will give public notice of the location of polling stations by the sixth working day before the poll. They will give a copy of this notice to election agents soon after this.

## 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
- report to you any improper activities and keep notes, if required, for giving evidence in court

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.

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

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- 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 can also do anything that a polling agent is entitled to do.

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

## 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 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 must 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.

For more information see:

- [Secrecy requirements – the poll for candidates in England](#) and
- [candidates in Wales](#)

## 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 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.

## Collection of postal ballots from the polling station

1.31 The 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.

## 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 do's and don'ts](#), as well as more [comprehensive guidance on the activities of](#)

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.

The 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 behaviour or leave the polling place.

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[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 Returning Officer may also provide their own version of guidance to tellers.

## What happens after polls close?

1.35 The ballot box is sealed by the Presiding Officer and polling 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 are entitled to observe the count. Additionally, you can invite one other person to attend the count and you 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 Returning Officer to reject a ballot paper, the counting agent can ask the 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 Returning Officer seals the ballot boxes and envelopes.

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

## When and where will the count take place?

1.39 The Returning Officer will notify you of the exact time and location.

## How the votes will be counted

### Check-in

- 1 The Returning Officer's staff deliver the ballot boxes from the polling station to the count venue
- 2 The 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 check that the number of ballot papers matches the number of papers issued, as recorded on the Presiding Officers' ballot paper accounts
- 6 The numbers of verified ballot papers are shown to election and counting agents
- 7 The Returning Officer determines the reasons for any discrepancies and produces a final verified total

Where the election has been combined with another electoral event, all ballot boxes will be verified before any results are declared.

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.

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- 8 The Returning Officer produces a statement of the verification. Agents can view or copy this statement if they wish

## Counting of votes

- 9 Staff sort ballot papers by candidate. Where more than one candidate is to be elected, the Returning Officer may use different methods to establish the votes cast for each candidate, e.g. counting sheets or 'grass skirts'

- 10 Staff count the number of votes cast for each candidate

- 11 The Returning Officer will share the provisional result with you and the agents. Your or your election agent can ask the Returning Officer to recount the votes

- 12 The Returning Officer can refuse to recount if they think the request is unreasonable

If the count 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?

1.40 A ballot paper will not be counted if it:

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

1.41 The Returning Officer must draw up a statement showing the number of ballot papers rejected for these reasons.

1.42 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:

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

1.43 The 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 Returning Officer's decision. For more details on the adjudication of doubtful ballot papers, see paragraph 1.45.

## 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 Returning Officer must decide between them by drawing lots

The Returning Officer will decide the method of drawing lots.

## Declaration of result

14

The Returning Officer will declare elected the candidate (or candidates in the case of a multi-seat vacancy) with the most votes

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

15

The Returning Officer will give public notice of the result.

16

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

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

1.44 The Returning Officer must seal all election documentation, add a description of the contents of each packet and forward them on to the Electoral Registration 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

1.45 To assist 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](#). We have produced doubtful ballot paper placemats for [one-member](#), [two-member](#) and [three-member](#) wards that Returning Officers may refer to at the count.

1.46 The examples given in these documents are based on the election rules. Please note that while these documents provide guidance for Returning Officers, each individual Returning Officer has the ultimate responsibility for making a decision on individual ballot papers. Their decision to reject a particular ballot paper during a 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](#).

Parish and community  
council elections in England  
and Wales

# Guidance for candidates

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

This document applies to parish and community council elections only. It does not apply to district, borough, county, county borough and unitary authority elections, or mayoral elections. Our guidance and resources for all local elections in England and Wales 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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# 2

## Essential information

This section of the document contains our guidance on what happens after the results at a parish council election in England and community council election in Wales 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' to refer to a specific legal requirement and 'should' for recommended practice.

Deadlines mentioned in this document are generic. For deadlines relating to the 22 May 2014 parish elections in England, please see our [election timetable](#).

## Declaration of acceptance of office

1.1 If elected, your appointment as councillor will become effective on the fourth day after the election. You must sign the declaration of acceptance of office. By signing the declaration, you agree to follow the parish/community council's Code of conduct.

1.2 The declaration must be made in the presence of a member of the parish/community council or of the proper officer of the parish/community council. The declaration must be made and delivered to the council before or at the first

meeting of the parish or community council after your election (unless the council at that meeting permits you to do so before or at a later meeting fixed by the council). If you fail to submit your declaration by this deadline, the seat will be declared vacant and a by-election will be held.

## Election petitions

1.3 The outcome of a parish/community council election can be challenged through an election petition. For further details on challenging an election, see paragraph **1.6**.

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

1.4 All election documents are retained by the Electoral Registration Officer and most 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 **1.12** for further information.

## Submitting your election spending returns

1.5 You are responsible for managing your election spending. You must complete a spending return and declaration and submit them to the Returning Officer within 28 calendar days after the day of the election. For further guidance see [Part 3 – Spending forms and notices](#).

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## Supplementary information

### Lodging an election petition

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

1.7 An election petition can be presented by:

- someone claiming to have been a candidate at the election, or
- at least four electors who had a right to vote at the election (note that they need not have voted)

1.8 The allowable grounds for a petition are that:

- the successful candidate was disqualified at the time of the election
- the successful candidate was not duly elected
- the election was invalidated by corrupt or illegal practices
- the election was invalidated because of general corruption or the employment of a corrupt canvasser/agent

1.9 Normally, a petition must be presented within 21 calendar days after the date of the election. 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.

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

The Election Petitions Office

Room E13/E15  
Royal Courts of Justice  
Strand  
London WC2A 2LL

Phone: 0207 073 4752 or 020 7947 7529  
Email: [stuart.pycock@hmcts.x.gsi.gov.uk](mailto:stuart.pycock@hmcts.x.gsi.gov.uk)

1.11 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

1.12 Election 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 Returning Officer. Contact details for Electoral Registration Officers and Returning Officers can be found on the Commission's About My Vote website [www.aboutmyvote.co.uk](http://www.aboutmyvote.co.uk).

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

1.13 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.

1.14 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 to the Electoral Registration Officer. Note that you can only use the information obtained from these documents for research or electoral purposes.

1.15 The request for inspection must specify:

- which documents are requested

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- 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

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

1.17 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

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

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

## Inspection of other election documents

1.20 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

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

### Election spending returns

1.22 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.

1.23 Spending returns are kept for one year and you can request to have them returned to you at the end of this period. If you do not want them back, they will be destroyed.

Nomination papers cannot be inspected after the election. They can only be inspected until the day before the poll.