

Part C – Action before the poll

Contents

- 1 Timetable
- 2 Register of electors
 - Legal requirements
 - Register to be used for nominations
 - Amending the electoral register – clerical errors
 - Polling station registers
 - Access and supply
 - Publication of the register
- 3 Candidates and agents
- 4 Nomination process
 - Publication of the notice of election
 - The register of political parties
 - Delivery of nomination papers
 - Inspection of nomination papers
 - Form of nomination
 - Candidate's consent to nomination
 - Informal checks
 - Correction of minor errors
 - Decision as to the validity of nomination papers
 - Withdrawal of candidate
 - Nomination in more than one electoral area
 - Statement of persons nominated
 - Uncontested elections
- 5 Appointment of election, polling and counting agents
 - Appointment of election agent
 - Appointment of polling and counting agents
- 6 Death of a candidate
- 7 Production and distribution of poll cards
 - Production
 - Distribution

8 Production and allocation of ballot papers

Form of the ballot paper

Allocation of ballot papers

9 Notices and equipment

Notice of poll

Notice of situation of polling stations

Polling station equipment, notices and supplies

1 Timetable

1.1 The election timetable was last altered in 2006, when the following changes were made:

- the last day for registering to vote for an election is 11 working days before the poll
- the deadline for requests for a new postal vote or to change an existing postal vote is 5pm, 11 working days before the poll
- the last day for new applications to vote by proxy (not postal proxy) is 5pm, six working days before the poll
- applications to vote by proxy on the grounds of medical emergencies occurring after the deadline for ordinary proxy applications can be made up to 5pm on polling day
- the last time to apply for replacements for lost or spoilt postal ballots is 5pm on polling day
- the last time for making alterations to the register to correct a clerical error or to implement a court (registration appeal) decision is now 9pm on polling day
- polling hours are now 7am to 10pm

1.2 Most of the election timetable is calculated by excluding *dies non*, which are Saturdays, Sundays, Good Friday and any other bank holiday.¹ Throughout this guidance, references to 'working' days appear where the time period in question is calculated by excluding *dies non*. Any references to 'calendar' days appear where the time period is calculated by counting all days, without excluding any weekend or bank holiday.

Table 1: Election timetable

Proceeding	Day
Deadline for applications to be included on the register of electors to be used for nominations	Friday 8 February 2008
Notice of election to be published	Not later than Thursday 27 March 2008
Delivery of nomination papers	During office hours on any day either from the date of publication of the notice of election or the following day as determined by the Returning Officer and stated in the notice of election
Last day for delivery of nomination papers	Not later than 12 noon on Friday 4 April 2008

¹ Please note: Maundy Thursday is no longer a *dies non*.

Table 1 (cont.): Election timetable

Proceeding	Day
Publish statement as to persons nominated	Not later than 12 noon on Tuesday 8 April 2008
Last day for withdrawals of candidature	Not later than 12 noon on Wednesday 9 April 2008
Last day for notice of appointment of election agents	Not later than 12 noon on Wednesday 9 April 2008
Last day for applications to be included on the register of electors in order to vote in the election	Wednesday 16 April 2008
Last day for requests for a new postal vote or to change or cancel an existing postal vote or proxy appointment	Not later than 5pm on Wednesday 16 April 2008
Last day for new applications to vote by proxy (not postal proxy), except for medical emergencies	Not later than 5pm on Wednesday 23 April 2008
Publish notice of poll	Not later than Wednesday 23 April 2008
Last day for notice of appointment of polling and counting agents	Not later than Thursday 24 April 2008
First day to issue replacement postal ballot packs in response to requests to replace lost postal ballot papers	Friday 25 April 2008
Polling day	7am – 10pm, Thursday 1 May 2008
Last day to issue replacements for spoilt or lost postal ballot papers	Not later than 5pm on Thursday 1 May 2008
Last day for new applications to vote by proxy on grounds of a medical emergency	Not later than 5pm on Thursday 1 May 2008
Last day to make alterations to the register to correct a clerical error or to implement a court (registration appeal) decision	Not later than 9pm on Thursday 1 May 2008

Table 1 (cont.): Election timetable

Proceeding	Day
Last day for the receipt of return of election expenses if the declaration of result is before 12 midnight on polling day	Thursday 5 June 2008
Last day for the receipt of return of election expenses if the declaration of result is after 12 midnight on polling day but before the next day	Friday 6 June 2008

Please note: Unless stated, the deadline is 12 midnight.

1.3 The timetable for any parish or community council elections taking place on the same day as the principal area elections is the same as that outlined above, except for the entries regarding the return of election expenses, which do not apply to candidates at parish or community council elections.²

1.4 At parish or community council elections, the following timetable applies for the return of election expenses.³

Table 2: Return of expenses at parish or community council elections

Proceeding	Day
Last day for the receipt of return of election expenses if the declaration of result is before 12 midnight on polling day	Thursday 29 May 2008
Last day for the receipt of return of election expenses if the declaration of result is after 12 midnight on polling day but before the next day	Friday 30 May 2008

² Section 90, RPA 1983.

³ Schedule 4, RPA 1983.

2 Register of electors

Legal requirements

2.1 No specific 'election register' is published, although amendments introduced by the EAA have gone some way to producing such a document. In simple terms, the register of electors to be used on polling day is the version as it stands on the fifth working day before the poll, although amendments to correct a clerical error or to implement the decision of a court (registration appeal) may still be made to the register up to 9pm on polling day.

2.2 Individuals may submit applications to register up until the eleventh working day before the poll.⁴ In elections before May 2007, the register to be used at an election had been that as it stood at the first working day of the month in which the last day for nominations fell. It may be useful to remind candidates and agents of this change during pre-election briefings.

2.3 A person will be entitled to vote at an election if their registration **has taken effect** by the fifth working day before polling day. As the Electoral Registration Officer must firstly determine the application, the standard five-day period for public objections applies, preceded by a day for listing the application, which means that the final date for applying to be registered will be 11 working days prior to polling day.

2.4 Electoral Registration Officers should note that it is an offence for a person to supply any false information in relation to registration at any time.⁵



Anonymous registration applications may be added to the register in time for the election if determined by the Electoral Registration Officer before the publication of the notice of alteration to the register on the fifth working day before the poll, as there is no objection process for anonymous registrants. This may allow such applications to qualify even though they were received after the eleventh working day before the poll. However, all appropriate checks on the application should be carried out before determination.

Register to be used for nominations

2.5 The register is used to check whether those people who subscribe a nomination form are registered electors, as the election rules require that the nomination paper must give the elector number of each person subscribing it.⁶ The version of the register that is to be used to check the nominations is the one that is in force on the last day for publication of notice of election.⁷ A person who is shown on the register as being under 18 years of age at the

⁴ Section 13B, RPA 1983, as inserted by Section 15, EAA.

⁵ Section 13D, RPA 1983, as inserted by Section 15, EAA.

⁶ Rule 6(3), LEPAR 2006.

⁷ Rule 6(7)(a), LEPAR 2006.

time of nomination can only subscribe a nomination paper if they will attain the age of 18 years on or before polling day.⁸



For the elections on 1 May 2008:

- The register of electors to be used to check the validity of subscribers on nomination papers and that to be used for the calculation of candidates' election expenses is the version in force on **Monday 3 March** (application closing date of Friday 8 February).
- The register of electors to be used on polling day (subject to any clerical amendments) is the version that is in force on **Thursday 24 April** (application closing date of Wednesday 16 April).

Amending the electoral register – clerical errors

2.6 The election register may be amended:

- to rectify any clerical error, or
- to implement a court (registration appeal) decision

that is notified to the Electoral Registration Officer by 9pm on polling day.⁹

2.7 No other changes may be made to the election register for any reason.

2.8 Representations that a clerical error has occurred in the register may be made to the Electoral Registration Officer either orally or in writing up until 9pm on polling day. Where such a representation is made to a Presiding Officer at a polling station, they must communicate that representation to the Electoral Registration Officer as soon as practicable.¹⁰ This clearly requires that adequate communication systems are in place to make and receive such representations.

2.9 Where a clerical amendment is made to the register, the Electoral Registration Officer must issue a notice specifying the appropriate alteration by making it available for inspection under supervision at their office and at other places, if any, in the registration area that have reasonable facilities for the purpose; by sending a copy to the person affected; and by forwarding copies to the usual recipients of the register (political parties, the Electoral Commission, etc.).¹¹

2.10 Where a clerical amendment is made on polling day, the Electoral Registration Officer must take reasonable steps to ensure that the notice comes to the attention of the appropriate Presiding Officer. The steps could include notifying the Presiding Officer by telephone, and where this is done, the Presiding Officer must make a written record of the notice.¹² This

⁸ Rule 6(7)(b), LEPAR 2006.

⁹ Section 13B, RPA 1983; Regulation 36, RPR 2001.

¹⁰ Regulation 32A, RPR 2001.

¹¹ Regulation 36(2), RPR 2001.

¹² Regulation 36A, RPR 2001.

requirement again supports the need for adequate communication systems to be put in place.



For further consideration of clerical errors, see Part E, 'The poll', Section 4, 'The register of electors'.

Polling station registers

2.11 Polling station registers can be printed once the deadline for amending the register has passed, i.e. five working days before the election. However, procedures will need to be put in place to cope with any necessary amendments to the polling station registers should either clerical errors be identified or court decisions (registration appeals) notified after the registers have been printed. Where such amendments are made before polling day, Electoral Registration Officers should make every effort to ensure that the relevant details are either collected by or delivered to Presiding Officers before the poll commences. Where an amendment is made on polling day, the procedure highlighted above and further detailed in Part E, 'The poll', Section 4, 'The register of electors', should be followed.

Access and supply

2.12 Registers are to be supplied free of charge and in data form, unless a request is received in advance of supply for the register to be provided as a printed copy.¹³

Supply of the register to candidates

2.13 A candidate at a principal area election can request a copy of the full register for the ward in which they are standing.¹⁴



The meaning of the term **candidate** is given in **Section 118A(3)(a) and (b), RPA 1983**. At a local government election, a person will become a candidate either:

- on the last day for publication of notice of election if, on or before that day, they or others have declared themselves to be a candidate at the election
- otherwise, on the day that they, or others, declare themselves to be a candidate or on the day on which they submit their nomination papers (whichever is the earlier)

2.14 Candidates should make a written request for the register. The Electoral Registration Officer should produce a form for the candidate to sign in order for them to obtain a copy of the register. This form could contain a warning regarding the correct use of the data and could allow the candidate the option of requesting either the printed or data version of the register. As soon as the

¹³ Regulation 102, RPR 2001.

¹⁴ Regulation 108, RPR 2001.

written request is received and that person has become a candidate as defined above, they should be supplied with a copy of the register without delay. The Returning Officer should not wait until after a candidate has submitted nomination papers before supplying them with the register, as one of the key reasons for supply of the register is to enable the candidate to correctly complete their nomination paper.

2.15 Please note that agents cannot apply for a copy of the register, although they may use it on the candidate's behalf.

Supply of the register to registered political parties

2.16 A registered political party can request a copy of the full register at any time.¹⁵ The local constituency organisation for any registered political party, through a person nominated by the registered party's Nominating Officer, may also obtain a register at any time.¹⁶

Supply of the register to elected representatives

2.17 A councillor is entitled to a copy of the register for the ward that they represent at any time on request.¹⁷ This should be supplied free of charge and in data form unless the councillor has requested in advance of supply that it be supplied in hard copy.

Inspection of the register

2.18 A copy of the full register must be made available for inspection, under supervision, at the office of the Electoral Registration Officer and at any other place, if any, that is suitable to allow inspection under supervision in the registration area.¹⁸ Any person who inspects the register may only make handwritten notes to record any part of it, and these notes must not be used for marketing purposes.¹⁹

Publication of the register

2.19 A revised register should not be published as standard practice in advance of an election. The need to renumber electors could cause confusion for candidates and could lead to difficulties in the nomination process.

2.20 Where a revised register is not published but the Electoral Registration Officer has allocated suffix numbers (e.g. AB 147/1) to those electors added under the monthly procedure, such entries should appear in the correct position in the copy of the register used at the polling station.

¹⁵ Regulation 106, RPR 2001.

¹⁶ Regulation 105, RPR 2001.

¹⁷ Regulation 103, RPR 2001.

¹⁸ Regulation 43, RPR 2001.

¹⁹ Regulation 96, RPR 2001.

3 Candidates and agents

3.1 It is advisable to prepare packs containing nomination papers, an election timetable and guidance notes for prospective candidates well before the election. These can be supplied to prospective candidates on request.



At parish or community council elections, nomination packs could be supplied to parish clerks, who may often be the first point of contact for parish or community council candidates.

3.2 The Commission has produced a guide for candidates and agents for the 1 May 2008 elections. This is available to download from the Commission's website at www.electoralcommission.org.uk. The Commission has also produced a flyer that can be ordered for inclusion in nomination packs detailing the guidance available from the Commission.

3.3 It is advisable to hold briefings for prospective candidates and agents to provide information about the election process, including nominations, the election timetable, the polling and counting arrangements and any specific local issues. A briefing session is especially helpful for highlighting any legislative changes. In particular, Returning Officers may wish to provide a briefing on the use of common names, the use of registered descriptions, and deadlines and arrangements for absent voting. The Returning Officer should also outline any arrangements that have been made for police liaison. Additionally, the Returning Officer may wish to remind those present of the reduced minimum age of candidacy: candidates must now be 18 years of age on the date of their nomination.²⁰

3.4 Such pre-election briefings tend to help foster good relations between candidates and electoral staff, and can help to ensure that there are fewer problems during the election period.

3.5 The Returning Officer should consider supplying the Commission's *Guidance for candidates and agents* to prospective candidates and agents. Any person contacting the electoral services office enquiring as to how to stand and those submitting nomination papers should also be directed to this guidance. The rules on standing as a candidate are complex and the handbook is a comprehensive guide to the nominations, financial and campaigning legislation that must be followed. Also included in the Commission's *Guidance for candidates and agents* is a copy of the *Code of conduct for political parties, candidates and canvassers on the handling of postal vote applications and postal ballot papers in England and Wales*.

²⁰ Section 17, EAA.

4 Nomination process

Publication of the notice of election

4.1 The publication of the notice of election triggers the start of the nomination process. For a local government election, the notice of election has to be published, at the latest, by the twenty-fifth working day before the election.²¹ It is possible to publish the notice earlier, giving a longer period for the receipt of nominations.

4.2 A separate notice can be produced for each ward, or a combined notice can be produced including all of the wards where elections are taking place. The notice should also show the number of councillors to be elected in each ward.

4.3 Publish means, as a minimum, posting in a conspicuous place within the local government area (e.g. council offices, libraries and other public buildings). The Commission strongly recommends that the Returning Officer also uses other means, including the council's website, to facilitate easier access to election notices for all residents, including disabled people. The Commission also recommends that during the election period a link is created on the front page of the council website leading to information on the election process for electors and candidates.

4.4 The decision as to when to accept nominations following the publication of the notice of election rests solely with the Returning Officer. Returning Officers are entitled to commence the receipt of nominations process on the same day that the notice of election is published, thus extending this period to its maximum. However, to maintain consistency with the timetable at UK Parliamentary general elections, the commencement period could be deferred until the day following the publication of the notice of election. Whichever time is chosen, it must be clearly stated in the notice itself.

4.5 The notice of election is a statutory notice and for local government elections must include the following information:²²

- the place and times at which nomination papers can be delivered, and that nomination papers may be obtained at that place and these times
- the date of the poll in the event of a contest
- the date by which applications for absent votes (including emergency proxies) must reach the Electoral Registration Officer in order to be effective for the election

4.6 The Commission recommends that, when giving an address for the delivery of nomination papers, an exact address, including any room number, is given. This will avoid any doubt when nominations are brought in close to the deadline.

²¹ Rule 1, LEPAR 2006.

²² Rule 3, LEPAR 2006.

The register of political parties

4.7 For up-to-date information about political parties and their Nominating Officers, registered descriptions and registered emblems, Returning Officers should check the register of political parties on the Commission's website at www.electoralcommission.org.uk.

Formatted: Bullets and Numbering

4.8 Even if the party or group is well known, it is vital to check the register for the exact party name, emblems and descriptions as registered with the Commission by that party.

Amendment or deletion of registered descriptions

4.9 The deletion or amendment of any registered description can take effect up to the day before the date of publication of the notice of election for any particular election. After that point, any changes or deletions do not apply for that election.²³

4.10 From the last possible date for the publication of the notice of election, the Commission will not be deleting or amending any existing descriptions for parties contesting elections in England and/or Wales. However, if the Returning Officer chooses to publish their notice of election early, the possibility exists that a candidate may submit a nomination paper with a description that is no longer registered with the Commission, i.e. with a description that was in place the day before that particular notice of election was published but was amended or deleted by the party since then but before the last possible date for the publication of the notice of election for a 1 May 2008 election.

4.11 In such a case, the Returning Officer should check the details shown on the Commission's website, which will give the date that a change or deletion became effective. If a nomination paper is submitted with a description that was registered by the time the notice of election was published, then the description is valid.

4.12 All changes to registered descriptions will be shown as indicated below:

Vote Party Candidate [note – replaced 'Election and Vote Party' on 19/03/08]

The Vote Party Candidate [note – replaced 'Election and Vote' on 19/03/08]

London Vote Party Candidate [note – replaced 'Election and Vote London' on 19/03/08]

²³ Section 30(6A), PPERA.

Addition of registered descriptions

4.13 Parties may register up to 12 descriptions with the Commission. Where a party has not registered their full quota, it may register new descriptions up until 12 noon on Friday 4 April 2008, which is also the close of nominations.

4.14 Also, the last date for new political parties to be added to the register is Wednesday 2 April 2008.

4.15 Returning Officers should check the register of political parties on the Commission's website when adjudicating each nomination.

4.16 The ability for new parties to be registered up to Wednesday 2 April 2008 and for parties to register new descriptions up to the close of nomination could have significant implications for Returning Officers in that a candidate might submit a nomination paper that provides a description that has not yet been registered with the Commission.

4.17 Although it is clearly for individual Returning Officers to decide, the Commission's view is that where a candidate attempts to submit a nomination paper bearing a description that has yet to be registered, the candidate should be advised not to formally submit the paper, but to take it back and to submit it once the description has been successfully registered.

4.18 If a situation arose whereby a candidate formally submitted their nomination paper with a description not yet registered, the Commission's view is that the Returning Officer should invalidate the nomination paper on the basis that, when the determination is made, the description provided does not match any registered with the Commission under Section 28A of PPERA. However, the decision as to when it is practicable to determine the validity of a nomination paper rests with Returning Officers.

Delivery of nomination papers

4.19 Nomination papers must be delivered to the location specified on the notice of election, usually directly to the Returning Officer or their electoral staff, at the times stated up to 12 noon on the nineteenth working day before the election, i.e. up to **12 noon on Friday 4 April 2008**. It should be clear to those delivering nomination papers how to reach the specified place for delivery, and that place should be fully accessible. There are no restrictions on who can deliver a nomination paper. There is, however, no provision allowing nominations to be submitted by fax and so any received in this way should not be accepted.

4.20 In addition to the nomination paper, other documents must also be provided before a nomination can be accepted as valid. There must be a correctly completed candidate's consent to nomination. Additionally, if a candidate wishes to use a description, the appropriate documentation must be provided. Further details on each of these are given below.

4.21 The deadline for delivery of nomination papers cannot be extended for any person for any reason.

Inspection of nomination papers

4.22 During ordinary office hours on any working day after the latest time for delivery of nomination papers but before polling day, any person may inspect and take copies of, or extracts from, nomination papers and consents to nomination. After this time, there is no provision for further inspection by anyone.²⁴

Form of nomination

4.23 Each candidate must be nominated on a separate nomination paper in the form prescribed in the election rules.²⁵ The nomination paper must include the details of the ward, the candidate's full name and home address, any commonly used name that the candidate wishes to appear instead of their full name on the statement of persons nominated, the notice of poll and the ballot paper, and, if required, a registered description. Further details on each of these requirements are given in the paragraphs that follow.

4.24 One point for Returning Officers to be aware of is that legislation requires them to prepare a nomination paper for signature if any person so requests it.²⁶ It is also worth bearing in mind that candidates do not have to use a nomination form or consent to nomination form that has been provided by the Returning Officer.²⁷ The Commission has produced a set of nomination papers that candidates could use.

Candidates' names

4.25 The candidates' full names must be listed alphabetically by surname. In addition, where a candidate commonly uses a different surname or forename, they may request that, instead of their full names, the commonly used name(s) appear on the statement of persons nominated, the notice of poll and the ballot paper.²⁸

Formatted: Bullets and Numbering

4.26 The interpretation of common name requests rests with the Returning Officer. It may be helpful for Returning Officers to advise candidates on the way that they intend to interpret the different combinations of common name boxes completed or left blank.

4.27 The Commission's views on various combinations, while not comprehensive, are set out in the table below.

²⁴ Rule 11, LEPAR 2006.

²⁵ Rule 4 and Appendix of forms, Schedule 2, LEPAR 2006.

²⁶ Rule 6(4)(b), LEPAR 2006.

²⁷ Rule 6(4), LEPAR 2006.

²⁸ Rules 4(3), 9(3), 16(2) and 21(1)(c), LEPAR 2006.

Candidate's actual forename	Candidate's actual surname	Commonly used forename	Commonly used surname	Name to go on statement of persons nominated and notice of poll	Name to go on ballot papers
Ann	Elector	Elsie	Voter	Voter, Elsie or: Elsie Voter	VOTER Elsie Voter
Ann	Elector	[Blank]	Voter	Voter, Ann or: Ann Voter	VOTER Ann Voter
Ann	Elector	Elsie	[Blank]	Elector, Elsie or: Elsie Elector	ELECTOR Elsie Elector
Ann	Elector	None to be used	Superstar	Superstar	SUPERSTAR

4.28 Should a candidate require a single name only (e.g. Superstar), then this should be clearly indicated on the form – perhaps with the unused commonly used surname/forename box marked as above or crossed through.

Formatted: Bullets and Numbering

4.29 Likewise, Returning Officers may wish to provide information to candidates of how they intend to interpret idiosyncratic names entered on the nomination paper. For example, 'Ann the Elector' may appear as 'THE ELECTOR, Ann', if it is entered as a commonly used surname and forename in the nomination paper. Alternatively, it could appear as 'ANN THE ELECTOR' if the whole name is entered in the commonly used surname box and the commonly used forename box is notated to indicate that none is to be used.

4.30 Where the Returning Officer thinks that the use of any commonly used name may be likely to mislead or confuse electors, or is obscene or offensive, they are not required to show that name on the statement of persons nominated. In such a case, the candidate's full names must be used on the statement of persons nominated, the notice of poll and the ballot paper, and the Returning Officer must write to the candidate setting out the reasons for refusing to allow the use of the commonly used name(s).

4.31 Any decision to refuse the use of the commonly used name(s) does not invalidate the nomination; the only effect is that the candidate's full name will appear on the statement of persons nominated, the notice of poll and the ballot paper.

4.32 Any suffixes to the candidate's name, such as honours, decorations or qualifications (e.g. CBE, DSO, BA, etc.), are not part of the candidate's name – even their commonly used name – and must be excluded from the ballot paper.

4.33 Occasionally, a potential candidate may submit a nomination paper with a frivolous or unlikely sounding name that they claim to be their full name. The Returning Officer should take any such nomination paper at face value, as, however unusual the name, it may well be the candidate's real name, perhaps changed by deed poll. Even if a Returning Officer has personal knowledge that the name on the nomination paper is not the candidate's real name, they have no power to reject it on this basis.

4.34 The fact that the determination as to the suitability of commonly used names does not take place until after the close of nominations may raise a separate challenge for Returning Officers in that a notice as to the validity of a nomination must be sent to each candidate. Many Returning Officers send those notifications as soon as practicably possible after they have determined that a nomination is valid, but in the circumstances where a candidate has requested the use of a commonly used name, the Returning Officer will not at that stage be in a position to confirm whether it will be used in lieu of the full name.

4.35 The Commission's view is that Returning Officers may wish to add a rider to their validity of nomination notices along the lines of the following:

Please note that although your nomination has been accepted as valid, if you have requested the use of a commonly used name on the statement of persons nominated, the notice of poll and the ballot papers instead of your full name, the final determination as to whether it may be used will not be made until the statement of persons nominated is published. If I decide that the commonly used name is likely to mislead or confuse electors or is obscene or offensive, I will advise you of that decision in writing, and instead publish your full name on the statement of persons nominated, the notice of poll and the ballot papers.

4.36 Please note that the use of commonly used names applies only to the statement of persons nominated, the notice of poll and the ballot papers. The candidate's actual name must appear on any other requirements to show the candidate's name, such as the imprint and candidate's expense returns.

Formatted: Bullets and Numbering

Candidate's home address

4.37 The candidate's full home address must be included.²⁹ If, however, any detail is wrong or omitted, the nomination is not automatically invalid if the description of the place is such as to be commonly understood.³⁰ Also, the Returning Officer has a power to correct minor errors in nomination papers, the use of which is considered below under 'Correction of minor errors'.

Candidate's description

4.38 The legislation is very precise about candidates' descriptions. A candidate can choose not to have a description, or any candidate can be

Formatted: Bullets and Numbering

²⁹ Rule 4(2)(b), LEPAR 2006.

³⁰ Section 50, RPA 1983.

described as 'Independent' if they wish. In Wales, the candidate can use either 'Independent' or 'Annibynol', or both words. If, however, a candidate wishes to have any other description, the one included on the nomination paper must comply with the rules set out below.

4.39 If a candidate wishes to have a description, that description must be authorised by a registered political party.³¹ They must, when submitting their nomination paper, also submit a certificate of authorisation from that party's Nominating Officer (or a person appointed by them to act on their behalf).³² This means that only candidates representing a registered party can have a description other than 'Independent', and/or, at an election in Wales, 'Annibynol'.

4.40 Registered political parties may register up to 12 descriptions with the Commission to be used on nomination papers and ballot papers.³³ Where they do, any description provided on a nomination paper must either match exactly one of the descriptions registered with the Commission or be the exact name of the registered political party.



For parish and community council elections, any candidate can choose to use a description. Any description used must not exceed six words in length.³⁴ Descriptions used at parish and community council elections do not have to be registered with the Commission but they must still avoid any association with a registered political party unless the description has been duly authorised and registered by that party.³⁵

4.41 Where a registered political party has chosen not to register any additional descriptions, only the exact party name as registered with the Commission can be used.

Formatted: Bullets and Numbering

4.42 The Commission's website often displays the registered party name in a search-friendly manner, e.g. 'Electoral Commission Party [The]'. The actual party name that should be shown on the description in such cases is 'The Electoral Commission Party'.

4.43 In the event that a candidate or agent attempts to submit the nomination papers in person and the nomination paper bears the description in the form shown on the website, e.g. 'Electoral Commission Party [The]', then it is suggested that the candidate/agent be advised to amend the description of the party to the correct form, in this case 'The Electoral Commission Party', before they formally lodge the papers with the Returning Officer.

4.44 If the certificate accompanying the nomination paper is also in the format shown on the website, e.g. 'Electoral Commission Party [The]', the Returning

³¹ Rule 5, LEPAR 2006.

³² Rule 5(1), LEPAR 2006.

³³ Section 28A, PPERA.

³⁴ Rule 4(4), P&C Rules 2006.

³⁵ Rule 5(1), P&C Rules 2006.

Officer need not amend it, but should read it as 'The Electoral Commission Party'.

4.45 Alternatively, the Returning Officer may consider using the power to correct minor errors³⁶ to amend the nomination paper so that it matches the registered party description/name (in the example given, this would be 'The Electoral Commission Party'). Again, there would be no need to amend the accompanying certificate. As previously advised, Returning Officers should exercise great care in using this power.

4.46 Each person standing in the election who wishes to use a description must provide, before the last time for delivery of nomination papers, a certificate from the party's Nominating Officer (or someone authorised by them) which states that the candidate is authorised to use that description. Care will clearly be needed where a certificate refers to a candidate's full name but they then choose to use their commonly used name.

4.47 The Returning Officer should check who the Nominating Officer is by reference to the Commission's register of political parties. However, as long as the person who has signed the certificate claims that they have the authorisation of the registered Nominating Officer, the certificate should be taken on face value.

4.48 The certificate authorising the candidate must also describe the description that can be used by the candidate. The certificate can either state that the candidate may use a particular registered description or the registered party name, or it may state that the candidate may use any description registered by the party or the registered party name. If a particular description or the registered party name is given on the certificate of authorisation, that must match the description on the nomination paper or the whole nomination paper is invalid.

4.49 If the description on the certificate of authorisation matches the nomination paper or the certificate allows the candidate to choose the description, the Returning Officer should consult the Commission's register of political parties and any descriptions registered under Section 28A of PPERA, which can be found on the Commission's website. The description given on the nomination paper must exactly match that given on the register as either the name of the party or one of that party's registered descriptions. If it does not match, the whole nomination paper is invalid.

4.50 In Wales, a candidate may use the English version, the Welsh version or both of either the party name or a description, as long as they are registered with the Commission. Translations of the party name are listed on the website under 'other name' and translations of descriptions are listed to the right of the description under 'translation(s)'. If the party has not registered the translation, the translation of that description cannot be used.

³⁶ Rule 10, LEPAR 2006.

4.51 If a candidate stands as representing two parties, e.g. the Labour and Co-operative parties, an authorising certificate setting out the full description is required from the Nominating Officer of each party: in this example, both the Labour Party and the Co-operative Party must independently issue certificates that state a description of 'Labour and Co-operative Party Candidate', and that description must be registered with the Commission. Joint descriptions are listed on a separate part of the register and Returning Officers should refer to this when checking nominations.³⁷ It should be noted, however, that candidates standing on a 'joint ticket' are only permitted to have one registered emblem appear on the ballot paper alongside the joint description, which will be a registered emblem of one of the parties that has nominated them. There is no provision for joint emblems to be registered with the Commission.

4.52 The decisions the Returning Officer has to make with regard to a candidate using a description other than 'Independent' and/or 'AnnibynnoI' are:

- Is the candidate certified to stand for a registered political party by a certificate signed by the Nominating Officer or someone authorised by the Nominating Officer to sign the certificate?
- Is the proposed description on the nomination paper authorised by the certificate of authorisation or does the certificate allow the candidate to choose any description registered by the party with the Commission?
- Is the description on the nomination paper exactly the same as that registered with the Commission under Section 28A of PPERA or exactly the same as the party name registered with the Commission, as found on the Commission's website?

4.53 A Nominating Officer may stand as a candidate. If this happens, the candidate as Nominating Officer may authorise their own description.

Formatted: Bullets and Numbering

Request for a party emblem

4.54 If requested, the candidate of a registered party can choose to have a registered emblem of the party they are representing displayed on the ballot paper.³⁸ To qualify, a candidate must have used a description other than 'Independent' and/or 'AnnibynnoI'. The candidate, not the election agent or the Nominating Officer, must make the request in writing not later than the closing time for nominations. If the party has more than one registered emblem, the request must specify which one they want to use.

4.55 The candidate may provide a copy of the emblem for use in the printing of ballot papers, or may request that the Returning Officer downloads the emblem from the Commission's website. The Returning Officer should ensure that whatever copy is used is a precise copy of the registered emblem, and that the quality is sufficiently good for reproduction on the ballot papers.

³⁷ Section 28B, PPERA, inserted by Section 49, EAA.

³⁸ Rule 16(3) and (4), LEPAR 2006.

Subscribers

4.56 Each candidate standing in a principal area election must be proposed and seconded by electors from the ward; in addition, eight other electors from the ward must assent to the nomination. The people who can subscribe to a nomination paper are those who are local government electors (e.g. not overseas electors), who are on the register in use on the last day for the publication of the notice of election and who will be of voting age (i.e. aged 18 years or over) on polling day.³⁹



At a parish or community council election, only a proposer and seconder are required to subscribe a nomination paper.⁴⁰

4.57 Each person must sign the nomination paper in the appropriate place and include their elector number,⁴¹ including the polling district identifying letters. A person must not subscribe more nomination papers than there are vacancies to be filled in the ward.⁴²

4.58 It sometimes happens that a candidate is nominated by more than one nomination paper. One advantage of this is that if something is wrong with the first nomination paper, the second acts as a back-up. Where a candidate has been nominated by more than one nomination paper, the Returning Officer should take the details from one of the nomination papers as selected by the candidate (or the Returning Officer in default of the candidate) for the purpose of the statement of persons nominated.⁴³

4.59 Occasionally a mistake is made with the subscribers on a nomination paper, and one or more of the names are crossed out on the form. If a line for a subscriber is clearly crossed out, then it should be ignored by the Returning Officer and treated as if it did not appear at all. Such crossings out should not be done by the Returning Officer. Any crossings out should be clear and, ideally, initialled. A new name, signature and elector number must be added to replace the entry that has been crossed out. If the person was a proposer or seconder, then the new proposer or seconder must be clearly indicated, or the form should state the number (one to eight) of the other assentors.

4.60 The Returning Officer should have a robust system of ensuring that no elector subscribes to more nomination papers than they are entitled to. Such methods include the marking of a register or using the electoral management software system. No candidate should be told that they are validly nominated until the Returning Officer is satisfied that the subscriptions are in order.

4.61 The register to be used for nominations is the register in force at the publication of the notice of election. That register is definitive for the

³⁹ Rule 6(7), LEPAR 2006.

⁴⁰ Rule 6(1), P&C Rules 2006.

⁴¹ Rule 6(3), LEPAR 2006.

⁴² Rule 6(5), LEPAR 2006.

⁴³ Rule 9(7), LEPAR 2006.

nomination process. If an elector is later removed from the register or dies before the election, their signature remains valid and the nomination is not affected. Signatures on nomination papers, once given, may not be withdrawn by subscribers.

Nominations in other languages

4.62 Nominations may only be submitted in English, although in Wales the nomination paper may be in Welsh and the nomination paper submitted in Welsh or English. Although other election documentation may be translated into other formats, including languages other than English (and, in Wales, Welsh), nomination papers (which include the consents to nomination and any authorising certificates) and ballot papers may only be produced in English and, in Wales, Welsh.⁴⁴

Candidate's consent to nomination

4.63 A candidate is not validly nominated unless their consent is also given by the time of the close of nominations. The consent must be given in writing in the prescribed form.⁴⁵ Again, the Commission has produced a form for candidates to use for this purpose.

4.64 The consent must be signed and dated, and the date must be within one month before the last day for delivery of nomination papers. The consent has to be witnessed, and the witness has to sign it and provide their name and address. The consent must be delivered at the place and within the time for the delivery of nomination papers.⁴⁶

4.65 A candidate is guilty of a corrupt practice if they make a false statement in their consent to nomination as to their date of birth or their qualification for being elected.⁴⁷

Informal checks

4.66 Some Returning Officers allow candidates and agents to bring in nomination papers for an informal check prior to formal submission. This may help to uncover any errors in completing the nomination form, including errors in subscription. Any such checks could be done on an appointment basis. There is no requirement to allow a candidate such an informal check, particularly if the candidate leaves their nomination until the last day, but all candidates should be given an equal opportunity to have an informal check made if such checks are being offered by the Returning Officer. Only when nomination papers are formally submitted should the time of submission be marked on the nomination paper and only at that point should the subscribers be marked as having been 'used'.

Formatted: Bullets and Numbering

⁴⁴ Section 199B(3), RPA 1983.

⁴⁵ Rule 7 and Appendix of forms, Schedule 2, LEPAR 2006; Rule 7 and Appendix of forms, Schedule 2, P&C Rules 2006.

⁴⁶ Rule 7, LEPAR 2006.

⁴⁷ Section 65A, RPA 1983.

Correction of minor errors

4.67 The Returning Officer is permitted to correct minor errors made on a nomination paper, including errors in relation to a person's elector number and obvious errors of spelling of a candidate's details, at any time before publication of the statement of persons nominated. For example, where an elector number has been entered incorrectly, the Returning Officer may amend it if they are satisfied that an error has been made. However, where the elector number has been omitted altogether, this does not amount to an error, and the nomination paper should be rejected on the basis that the number has simply not been supplied and the particulars are not as required by law. Dealing with 'obvious' errors of spelling may be more difficult, as what is obvious to one person may not be so to another. Care should be taken in exercising this power.

Decision as to the validity of nomination papers

4.68 When making a decision as to the validity of a nomination paper, the Returning Officer should disregard any personal knowledge they may have of any candidate and should not undertake any investigation or research into any candidate. The Returning Officer should adjudicate the nomination on the basis of the information provided on the nomination paper. There is case law that states that the Returning Officer's duty does not go beyond seeing that the form is 'correct on its face'.⁴⁸ The Returning Officer cannot be expected to embark on an enquiry as to where every candidate lives⁴⁹ or to be in a position to know whether the name given by a candidate is their real name or their commonly used name.

Formatted: Bullets and Numbering

4.69 The only grounds the Returning Officer has for adjudicating a nomination paper to be invalid are:⁵⁰

- that the particulars of the candidate or the persons subscribing the paper are not as required by law, or
- that the paper is not subscribed as so required, or
- in principal area elections, that the description used does not meet the requirements of Rule 5(1) or (3) of LEPAR 2006

4.70 The Returning Officer must make a decision on nominations that are received as soon as practicable. Unnecessary delay may mean a candidate cannot submit a new set of nomination papers and the electorate will be denied the chance to vote for that candidate. A notice confirming that a nomination paper is valid or invalid must be sent to the candidate as soon as practicable after the decision has been reached. It may be useful to take a print-out of the Commission webpage showing the descriptions and party name at the time of the determination of the nomination.

⁴⁸ *Pritchard v. Mayor of Bangor*, 13 App Cases at pp 252, 257.

⁴⁹ *R v. Election court, ex parte Sheppard* [1975] 2 All ER 723.

⁵⁰ Rule 8, LEPAR 2006.

4.71 The Returning Officer should carefully check the details of all subscribers, both to identify minor errors that they can amend in accordance with their new power, and to discover if any subscriber has already subscribed a nomination paper (whether adjudicated valid or invalid). An elector can subscribe as many nomination papers as there are vacancies in that particular ward. For example, in a ward with one vacancy, an elector can only subscribe one nomination paper, but in a ward with two vacancies, an elector could subscribe two nomination papers. Once an elector has subscribed the permitted number of nomination papers (whether valid or invalid), any more received bearing their signature should be rejected as invalid. However, the subscriber may subscribe another paper if the candidate nominated by the first paper with their signature has died or if the paper has been officially withdrawn by the candidate.

4.72 Where a nomination paper has been subscribed by more than the required number of subscribers, the signatures up to the required number (proposer, seconder and, in a principal area election, eight assentors) should be the ones taken into account, i.e. the proposer, the seconder and, in a principal area election, the first eight assentors. Any additional signatures should be disregarded, even if a subscriber appearing within the required number is found not to be eligible.⁵¹ In such cases, the nomination paper must be rejected and the candidate would have to submit a new nomination paper with new subscribers within the deadline.

4.73 Where a candidate wishes to use a commonly used name, the Returning Officer is not required to publish that name on the statement of persons nominated, the notice of poll and the ballot paper if they consider that its use may be likely to mislead or confuse electors, or it is considered obscene or offensive.⁵² In such instances, only the use of the commonly used name is invalidated, not the nomination paper. The candidate would therefore appear on the statement of persons nominated, notice of poll and ballot paper under their full name. However, where the Returning Officer determines that a commonly used name is invalid, they must give notice in writing to the candidate of their reasons for refusing to allow the use of the commonly used name.

4.74 Once the Returning Officer has made a decision that a nomination paper is valid, it cannot be challenged in any way except by way of an election petition.⁵³

4.75 Where the Returning Officer decides that a nomination paper is invalid, they should endorse and sign on the nomination paper that fact and the reasons for the decision.⁵⁴

4.76 If a prospective candidate has submitted an invalid nomination paper, they can subsequently submit a fresh one if there is sufficient time to do so.

⁵¹ Rule 6(2), LEPAR 2006.

⁵² Rule 9(4), LEPAR 2006.

⁵³ Rules 8(7) and (8), LEPAR 2006.

⁵⁴ Rule 8(5), LEPAR 2006.

| 4.77 Although the Returning Officer is limited in their authority to invalidate a nomination paper because of false information, it is an offence for any person to knowingly include false name or address details for the candidate or false subscribers' signatures.⁵⁵

| 4.78 Once a nomination paper has been accepted, no changes can be subsequently made to it by the candidate. If a candidate later decides that they want to make changes, for example to the description, the only way that this can be done is by withdrawing their candidature and then submitting a new nomination paper within the statutory timeframe. Similarly, there is no provision to allow a subscriber to withdraw their signature from a nomination paper once it has been accepted.

4.79 The Returning Officer must send notice of their decision that a nomination paper is valid or invalid to a candidate at their home address as given on the nomination paper.⁵⁶

Withdrawal of candidate

| 4.80 It is possible for a validly nominated candidate to withdraw their candidature once accepted. For this to be effective, the candidate must give a signed notice, attested by one witness, and it must be delivered to the Returning Officer by 12 noon on the sixteenth working day before polling day, i.e. by 12 noon on Wednesday 9 April 2008.⁵⁷ If the candidate is not in the UK, a withdrawal will be effective if a notice of withdrawal signed by the proposer and accompanied by a written declaration that the candidate is abroad is delivered to the Returning Officer by the deadline for withdrawals. If the candidate was nominated by more than one nomination paper, each proposer must give the notice, or the notice must be accompanied by a written statement that the proposer giving the notice is authorised to do so on the other proposer's or proposers' behalf during the candidate's absence from the UK.

← - - - - Formatted: Bullets and Numbering

| 4.81 If a candidate has not withdrawn by the deadline for delivery of notices of withdrawals, their name must go forward onto the ballot paper even if they have a subsequent change of mind.

Nomination in more than one electoral area

| 4.82 If a candidate is validly nominated for more than one ward of the same electoral area, then they must withdraw from all of those wards except one. If the candidate does not do this, then they are deemed to have withdrawn from all the wards and are no longer a candidate for election to that particular council.⁵⁸

← - - - - Formatted: Bullets and Numbering

⁵⁵ Section 65A, RPA 1983.

⁵⁶ Rule 8(6), LEPAR 2006.

⁵⁷ Rule 13, LEPAR 2006.

⁵⁸ Rule 12, LEPAR 2006.

Statement of persons nominated

4.83 The Returning Officer must publish a statement of persons nominated by no later than 12 noon on the seventeenth working day before the election, i.e. by 12 noon on Tuesday 8 April 2008, for each ward. This must include the names of those candidates validly nominated and those who no longer stand nominated (that is, invalid and withdrawn candidates, if any) with the reason why they no longer stand nominated.

Formatted: Bullets and Numbering

4.84 This statement will show the names, addresses and descriptions (if any) of each candidate. The names of the candidates on the statement must be listed in alphabetical order (by surname and then, if the same, by first names) and this is how they will also appear on the notice of poll and the ballot paper.⁵⁹ It is important to note that where a candidate wishes to use their commonly used name rather than their full name, the commonly used name should appear on the statement of persons nominated, not their full name. This clearly means that where a candidate uses a commonly used surname, their alphabetical position on the statement of persons nominated, the notice of poll and the ballot paper must be made by reference to that surname.

Uncontested elections

4.85 If the election in any electoral area is uncontested, the Returning Officer shall, as soon as practicable after the latest time for the delivery of notices of withdrawals of candidature, declare the remaining validly nominated candidate(s) elected. The Returning Officer shall then give the names of these people to the Proper Officer of the council for which the election is held, and give public notice of the name of each such person.⁶⁰ No poll is necessary.

Formatted: Bullets and Numbering



At a parish or community council election, the Returning Officer is also required to give the names of elected candidates to the Proper Officer of the council of the district in which the parish is situated or, in Wales, the county or county borough in which the community is situated.⁶¹

⁵⁹ Rule 9, LEPAR 2006.

⁶⁰ Rules 14(2) and 50(2), LEPAR 2006.

⁶¹ Rules 14(2) and 50(2), P&C Rules 2006.

5 Appointment of election, polling and counting agents

Appointment of election agent

5.1 Each candidate must have an election agent, and notice of the appointment must be delivered to the Returning Officer by the latest time for delivery of notices of withdrawals (i.e. by **12 noon on Wednesday 9 April 2008**).⁶² It is possible for a candidate to appoint themselves as agent⁶³ and, if no agent is formally appointed by the above time, the candidate is deemed to be their own election agent.⁶⁴ This is also the case if a candidate revokes their agent's appointment, or the agent dies, and a replacement is not appointed. If a candidate is acting as their own election agent, they can also revoke their own appointment and appoint a new agent. The Returning Officer must be notified in writing of any such changes.⁶⁵



Election agents are not required at parish or community council elections.⁶⁶

5.2 The role of the election agent is important because only they can authorise expenditure on behalf of the candidate. Additionally, they have, along with the candidate, a duty to ensure that the candidate's election campaign is undertaken in accordance with the law; if they suspect that supporters of the candidate, over whom they have some measure of control, are committing unlawful or illegal practices, they must take active steps to stop them from happening.

5.3 The election agent must have an office, and the notice of appointment must set out the office address to which all claims, notices, writs, summonses and other documents may be sent.⁶⁷ This office has to be either within the local government area, or in the constituency or one of the constituencies in which the area is comprised, or in a county borough, or in a London borough or district that adjoins it.⁶⁸

5.4 If the candidate is their own election agent and their address meets the requirements set out above, then that address will be the agent's address. If, however, the candidate's address does not meet the requirements, then the agent's address will be deemed to be the address of the candidate's

⁶² Section 67(1), RPA 1983.

⁶³ Section 67(2), RPA 1983.

⁶⁴ Section 70, RPA 1983.

⁶⁵ Section 67(3) and (4), RPA 1983.

⁶⁶ Section 71, RPA 1983.

⁶⁷ Section 69(1), RPA 1983.

⁶⁸ Section 69(2), RPA 1983.

proposer.⁶⁹ The Returning Officer has to publish a notice setting out the details of all the election agents 'forthwith'.⁷⁰

Appointment of polling and counting agents

5.5 Candidates may appoint polling agents to attend at polling stations, for the purpose of detecting personation, and counting agents to attend the counting of votes.⁷¹

5.6 Candidates can appoint up to four polling agents, or such greater number as are prescribed by the Returning Officer, to attend at a particular polling station,⁷² although only one polling agent can be present in the polling station at any given time.⁷³

5.7 The Returning Officer may limit the number of counting agents, but the number must be the same for each candidate, and must not, except in exceptional circumstances, be fewer than the number obtained by dividing the number of count assistants by the number of candidates.⁷⁴

5.8 Polling and counting agents are subject to the requirements of secrecy and have to be given, in writing, a copy of the relevant legislative provisions.⁷⁵

5.9 Notice of the appointments with names and addresses must be given in writing to the Returning Officer not later than the fifth working day before the poll (i.e. not later than **Thursday 24 April 2008**).⁷⁶

5.10 If an agent dies or becomes incapable of acting, the person who appointed them may appoint another agent in their place. Notice in writing of the appointment must be given to the Returning Officer.⁷⁷

⁶⁹ Section 70(4), RPA 1983.

⁷⁰ Section 67(6), RPA 1983.

⁷¹ Rule 27, LEPAR 2006.

⁷² Rule 27(3), LEPAR 2006.

⁷³ Rule 30(3), LEPAR 2006.

⁷⁴ Rule 27(4), LEPAR 2006.

⁷⁵ Section 66, RPA 1983.

⁷⁶ Rule 27(5), LEPAR 2006.

⁷⁷ Rule 27(6), LEPAR 2006.

6 Death of a candidate

6.1 The possibility exists of a candidate dying during the course of an election campaign. Unlike at a UK Parliamentary election, where the status of a candidate determines whether the poll should be countermanded or not,⁷⁸ the procedure to be followed depends on the time when the death of the candidate is notified to the Returning Officer.⁷⁹

6.2 It is the time when proof of the death is notified to the Returning Officer that is important, not the actual time of death.

6.3 It is important to note that, as there is no right of objection to a nomination at a local government election, as soon as the Returning Officer has accepted a candidate's nomination as valid, their details will automatically be included on the statement of persons nominated, the notice of poll and the ballot paper. Should the Returning Officer receive satisfactory proof that a candidate has died after accepting their nomination as valid but before the deadline for the withdrawal of nominations, the Returning Officer should wait until that deadline has passed. Then, if the number of validly nominated candidates, including the deceased, is more than the number of people to be elected, the poll must be countermanded. If the number of validly remaining candidates, including the deceased, is the same as or fewer than the number to be elected, then all are deemed elected and the Returning Officer will have to arrange a by-election for the deceased candidate's seat and any other remaining vacancies.

6.4 If proof of the death of a validly nominated candidate at a contested election is received before the opening of the poll, the notice of poll is countermanded and the poll does not take place.

6.5 If proof of the death of a validly nominated candidate at a contested election is received after the opening of the poll but before the declaration of result, the poll is abandoned. However, in this case, because the poll will have started, the documentation (i.e. issued and un-issued ballot papers etc.) has to be returned to the Returning Officer and sealed up in the normal way. Any postal votes received must also be sealed in packets and any envelopes not opened at the time of the notification of the death must be packed unopened.⁸⁰

6.6 The death of a candidate will require the Returning Officer to order an election to fill the vacancy on a day appointed by them. The day shall be within 35 working days of the day fixed for the first election. In this case, candidates already validly nominated do not have to be nominated a second time.⁸¹

⁷⁸ Part VI, Schedule 1, RPA 1983.

⁷⁹ Rule 55, LEPAR 2006.

⁸⁰ Rule 55, LEPAR 2006.

⁸¹ Section 39, RPA 1983.

7 Production and distribution of poll cards

Production

7.1 The Returning Officer is required to send an official poll card to all electors, including postal voters and their proxies, as soon as practicable after the publication of the notice of election.⁸²



This does not apply to parish or community council elections where the poll is not taken together with the poll for some other election. In such circumstances the parish or community council would need to request by not later than 12 noon on the nineteenth working day before the election that the Returning Officer issue poll cards for that election.⁸³

7.2 Poll cards are required to be in the format prescribed in the forms contained in the legislation or in a form to the like effect and must contain the following information:⁸⁴

- the name of the council and the ward to which councillors are being elected
- the elector's name, qualifying address and number on the register
- the date and hours of the poll
- in the case of an elector who does not have a postal vote, the location of the polling station
- in the case of a postal or postal proxy voter, confirmation that they will receive their ballot paper by post, with an indication as to when they are likely to be sent out, and information on how the elector may arrange to cancel the postal vote
- in the case of a proxy or postal proxy voter, the proxy's name and address in addition to the details of the elector for whom the proxy is voting
- such other information as the Returning Officer thinks appropriate – different information may be provided to different electors or different descriptions of electors

7.3 In the case of an elector with an anonymous entry, the poll card must be sent in a covering envelope. It should be made clear on the poll card that the anonymous elector or their proxy must have their poll card to vote at the polling station. The name and address of the anonymous elector must not be shown on the poll card.

7.4 Suggestions for good practice when producing poll cards include the following:

- Poll cards should be produced in clear, large print.
- Include both a helpline number and an email address that people can use if they have any enquiries.

⁸² Rule 25(1), LEPAR 2006.

⁸³ Rule 25(1), P&C Rules 2006.

⁸⁴ Appendix of forms, Schedule 2, LEPAR 2006.

- Consider including details of how to apply for a postal or proxy vote, and give the closing date for applications and cancellations. Obviously, this is only useful if poll cards are sent out well before the deadlines.
- Maps showing the location of the polling station can be helpful, particularly if the location has changed since the last election. If the location has changed, it is important to draw this to the attention of voters. Any map included should not be so small that electors have difficulty reading it.
- Consider including any access details on poll cards, taking into account the size of the poll card to be used. For example, let people know whether the polling station is accessible, whether a temporary ramp is available, that there are low-level booths or that large-print sample ballot papers and tactile voting templates are available.

Distribution

7.5 Poll cards can be distributed by hand or by post, the method being determined by the Returning Officer as what is most appropriate for the particular area concerned. If poll cards are to be delivered by Royal Mail, a written statement should be given to the Royal Mail Area Operations Manager with each batch of poll cards handed in for posting, showing the number of cards and the polling districts to which they relate. An extra copy of this statement should be taken, after endorsement by the Royal Mail Area Operations Manager, as proof of posting.

Formatted: Bullets and Numbering

8 Production and allocation of ballot papers

8.1 Once the nomination process is completed, withdrawals dealt with and the statement of persons nominated published, it is necessary to make arrangements to have the ballot papers printed.

8.2 It is important that contact is made with printers and a programme of production agreed well before the close of nominations. It is advisable to draw up a precise specification including such things as quality and timescales. An agreement specifying the format for ballot paper data – such as candidates' details, unique identifying marks, etc. – should be made with the printer and tested in advance of the live data transfer process. Most electoral software systems will produce a draft ballot paper and/or data download, although this should be checked closely against the nomination papers to ensure that all information has been input correctly. This draft and/or data download can then be passed to the printers for production.



Further practical guidance on outsourcing and managing contractors and suppliers can be found in Part B, 'Preparing for a local government election'.

8.3 The production of ballot papers has to be undertaken to a very tight timescale. There are very few working days between the close of withdrawals and the day of the election, by which time all ballot papers have to be printed, collated and allocated for use at polling stations. The timescale is even more acute for the ballot papers required for the issue of postal votes, which have to be despatched in sufficient time for electors to complete and return them before the close of poll.

8.4 It is recommended that early contact be made with print suppliers to ensure that they are able to produce ballot papers in the required format, particularly in respect of the need to print both a ballot paper number and another unique identifying mark on the reverse.

Form of the ballot paper

8.5 The form of the ballot paper is prescribed in the legislation and these instructions⁸⁵ have to be followed precisely. In particular, in addition to the ward election information, both of the following must be printed on the **back** of the ballot paper:


- a ballot paper number, and
- other unique identifying mark

8.6 Ballot papers for postal voters and for polling station use must be exactly the same in form.

⁸⁵ Rule 16 and Appendix of forms, Schedule 2, LEPAR 2006.

8.7 In addition to being numbered, all ballot papers, including those to be issued at polling stations, **must** bear a further unique identifying mark, which must be unique to each individual ballot paper. This mark can be letters and numbers and could, for example, be the ballot paper number with the addition of a prefix or suffix. An example may be 'L ATC 1', to indicate a local government election (in case of combination with another type of election) in the A(ny) T(own) or C(ity) ward, with the ballot paper number 1 being printed as a suffix. It should be noted that the use of the number 1 is in addition to the printing of the number 1 on the ballot paper number section of the ballot paper. Also, a unique identifying mark can be, but does not have to be, a barcode. This is **not** the same as an official mark.

8.8 All ballot papers must also contain an appropriate security marking – the '**official mark**'. This mark must be distinctive and does not have to be a perforation added at the time of issue of the ballot paper: it could be a printed emblem or mark or a special printing device such as a watermark. If, however, the Returning Officer does not choose to use a printed mark such as a watermark or an underprint, the ballot papers may be stamped with a perforating official mark. Different official marks can be used for different purposes at the same election.

	<p>Unique identifying mark</p> <ul style="list-style-type: none">• unique for each ballot paper at the election• can be re-used at the next election <p>Official mark</p> <ul style="list-style-type: none">• can be the same for all ballot papers at an election or different marks may be used for different purposes at the same election• cannot be re-used for five years for elections to the same principal area
-----------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

8.9 Decisions on what to use as the official mark and unique identifying marks should be made at an early stage in the preparation process.

8.10 As there is now a need to produce a corresponding number list in connection with the issue and receipt of postal ballot papers and the issue of ballot papers at polling stations, ballot papers no longer need to have a printed counterfoil attached. Returning Officers will therefore need to consider with their print suppliers how best to produce the ballot papers for use at polling stations. Options might include producing counterfoil-less books that are securely glued at the seam, or having the books produced with narrow blank counterfoils that are discarded after use.

8.11 In addition, Returning Officers will need to consider how the corresponding number lists will be produced, since, for each ballot paper printed, the ballot paper number and unique identifying mark must be recorded. The corresponding number lists are prescribed documents (Forms L1 and L2).⁸⁶ There are two corresponding number lists. L1 will contain every

⁸⁶ Rule 17 and Appendix of forms, Schedule 2, LEPAR 2006. Where the election is combined, forms M1 and M2 should be used.

ballot paper produced for the election and the corresponding unique identifying mark for that ballot paper. It is also used for the issue of postal votes and so has a column for the addition of the elector number for those ballot papers issued at the postal vote issue. L2 is for use in polling stations and only contains the ballot paper number and a column to add the elector numbers of voters to whom the ballot papers are issued. This L2 list will be produced to match the ballot papers that are issued to each polling station. Although these forms can be 'adapted so far as circumstances require', with particular reference to the corresponding number list to be used in the polling station, the Returning Officer should note that this does not allow the corresponding number list to be produced in elector number order. It must be produced in **ballot paper order**.

8.12 Candidates should be listed in alphabetical order by surname (or the candidate's commonly used surname, if supplied). The surname of each candidate should be printed by itself in large capitals with the other details printed in ordinary type, in normal sentence structure (such as CRANLEY, Alana Cranley, 4 Kennil Road, etc.). If, however, two or more candidates share the same surname, the candidate's other names should be printed in small capitals.

8.13 If a candidate has requested it, the emblem of the party they represent must be included next to their name. Where a registered emblem is to be printed against a candidate's name, it must not exceed two centimetres square. If the candidate supplies a copy of the emblem, the Returning Officer should ensure that the copy provided is a precise copy of the registered emblem and that the quality is sufficiently good for reproduction on the ballot papers.

8.14 The whole space between the top and bottom of the ballot paper, i.e. the area in which the candidates' details are printed, should be divided equally horizontally. It is recommended that the maximum possible sizes of font be used. To ensure consistency, the same font size must be used for each candidate for each equivalent line. The directions as to printing are very precise and should be followed carefully to ensure full compliance with the legal requirements.⁸⁷

8.15 The colour of the ballot papers is not prescribed and is for the Returning Officer to determine. Ballot papers are traditionally black printing on white paper, but it should be noted that if a local government election were combined with a UK Parliamentary election, ballot papers for the latter election would have to use white paper. Tendered ballot papers must be a different colour from the ordinary ballot papers.⁸⁸



Where the principal area election is combined with a parish or community council election, different coloured ballot papers must be used for each election.

⁸⁷ Appendix of forms, Schedule 2, LEPAR 2006.

⁸⁸ Rule 39, LEPAR 2006.

Allocation of ballot papers

8.16 The Returning Officer must provide each Presiding Officer with sufficient ballot papers for the conduct of the poll. It is for the Returning Officer to decide how many ballot papers to issue to each Presiding Officer. The safest course of action is to supply each Presiding Officer with enough ballot papers for a 100% turnout, having due regard to the number already used for postal votes. Although this is unlikely to happen, it prevents any possibility of the Presiding Officer running out of ballot papers in the event that turnout is higher than anticipated. However, the health and safety implications of transporting such a heavy load should also be carefully considered.

8.17 When allocating ballot papers, it is important that the numbers given to each Presiding Officer run consecutively in order to avoid any problems with completing the corresponding number list or ballot paper accounts.

8.18 On receipt of the books of ballot papers from the printers, Returning Officers are strongly advised to check the ballot papers for errors, including candidates' names, party descriptions, emblems and numbering. It is not uncommon for a printer to accidentally misprint the ballot papers. The careful checking of papers against the nomination papers, with electoral staff and others spelling out each name and other details, can identify errors in time for new ballot papers to be printed. Presiding Officers should also be advised to check the numbering of the ballot papers allocated to them in order to ensure that there are no printing, numbering or distribution errors.

8.19 Presiding Officers must also be supplied with tendered ballot papers in a different colour to the normal ballot papers. It can be helpful to put a covering sheet on the front of the book of tendered ballot papers to state that they may only be issued in prescribed circumstances, along with brief details of those circumstances.⁸⁹ An alternative approach is to seal the tendered papers in an envelope with the outside of the envelope containing the same wording. This can help to avoid tendered ballot papers being issued in error. This message should be reinforced at any briefing or training sessions for polling station staff.

8.20 Note that an elector whose details are shown on both the register of electors and the postal voters list as having been issued with a postal ballot paper but who claims never to have applied for a postal vote, and who is able to satisfactorily answer the prescribed questions, should be issued with a tendered ballot paper.⁹⁰

8.21 A similar situation also applies to a proxy who is shown on the proxy postal voters list and on the register of electors as having been issued with a postal ballot paper and who claims never to have made an application to vote as proxy by post.⁹¹

⁸⁹ Rule 38, LEPAR 2006.

⁹⁰ Rule 38, LEPAR 2006.

⁹¹ Rule 38, LEPAR 2006.

8.22 As this provision could lead to more tendered ballot papers being issued than in previous years, Returning Officers may wish to review the number of tendered ballot papers they provide to polling stations.

9 Notices and equipment

Notice of poll

9.1 If there are more candidates than vacancies and there is to be a contest, the Returning Officer must publish a notice of poll for each ward not later than the sixth working day before polling day (i.e. not later than **Wednesday 23 April 2008**), stating the day and hours fixed for the poll, the name of the ward, the number of councillors to be elected, the particulars of each candidate remaining validly nominated (using candidates' commonly used names where applicable) and the names of all persons subscribing a candidate's nomination paper.⁹²

Notice of situation of polling stations

9.2 The Returning Officer is required to give public notice of the situation of each polling station and the description of voters entitled to vote there.⁹³ This means indicating the elector numbers of all electors entitled to vote at each polling station. The notice must also state if the poll is combined with any other poll, for example for a parish or community council. This notice is usually combined with the notice of poll.

9.3 When determining the polling stations that will be used at the election, the Returning Officer should consult the list of polling places held by the local authority. The polling station should be within the polling place for that area. There should also be consideration of any comments made during the last review of any accessibility issues and how they can be addressed for this election.

9.4 All election agents should be given copies of the notice of poll and the notice of situation of polling stations as soon as practicable.

9.5 Public notice is defined as posting the notice in some conspicuous place or places in the local government area. Notice may also be given in any other manner that the Returning Officer thinks appropriate, bearing in mind the Commission's view that all election notices should also be published online where possible.

Polling station equipment, notices and supplies

9.6 The Returning Officer is required to supply each polling station with materials to enable voters to mark the ballot papers.⁹⁴ The legislation does not specify any particular means, but pencils probably remain the most convenient. It is sensible to ensure both that the quality of the ballot papers is conducive to pencil, and that the pencils are suitable for making a clear, bold mark.

⁹² Rule 21, LEPAR 2006.

⁹³ Rule 21(3), LEPAR 2006.

⁹⁴ Rule 26, LEPAR 2006.

9.7 A checklist of items that the Returning Officer must provide to each polling station is contained in Part E, 'The poll', Section 7, 'Resources'.

