



**GUIDANCE FOR CANDIDATES
AT**

LOCAL GOVERNMENT ELECTIONS

A GUIDE FOR CANDIDATES AT ELECTIONS TO COUNTY, DISTRICT AND TOWN OR PARISH COUNCILS¹

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¹ This information is provided as a guide only. It should not be regarded as legally definitive and Babergh District Council cannot accept any responsibility for any errors or omissions, or any act arising from them. Candidates and agents are strongly recommended to consult the appropriate legislation and seek their own legal advice where they have any doubts about the requirements upon them or others.

1. QUALIFICATIONS TO BE A CANDIDATE

1.1 A person is qualified to be a candidate at elections for a local authority if he or she is: -

- 18 years of age, and
- a British Citizen, a qualifying citizen of a Commonwealth country, or a Citizen of one of the other Member States of the European Union, and if he or she
- satisfies one or more of the following criteria -
 - (a) is a local government elector for the area of the authority, or
 - (b) has, during the whole of the 12 months preceding the day on which the person is nominated to stand as a candidate, occupied as owner or tenant any land or other premises within the area of the authority, or
 - (c) has, during the whole of the 12 months preceding the day on which the person is nominated to stand as a candidate, had his/her principal place of work within the area of the authority, or
 - (d) has, during the whole of the 12 months preceding the day on which the nomination is made, resided in the area of the authority, or
in the case of Town and Parish Council Elections only
 - (e) has during the whole of the 12 months preceding the day on which the nomination is made, resided in the parish or within 3 miles (4.8 km) thereof.

1.2 A candidate must also not be disqualified from election. Prospective candidates should, if in any doubt, refer to the provisions of the Local Government Act 1972 (Section 80), and of the Local Government and Housing Act 1989 (Part 1).

1.3 The main grounds for disqualification are: -

- (a) holding a paid office under the local authority to which election is sought (there are exceptions for teachers)
- (b) holding a politically restricted post, as defined in the Local Government and Housing Act 1989
- (c) having been sentenced to a term of imprisonment (including a suspended sentence) of 3 months or more, without the option of a fine, during the 5 years preceding the election
- (d) being the subject of a bankruptcy restrictions order or interim order
- (e) being disqualified under any enactment relating to corrupt or illegal election practices

2 ELECTORAL AREAS

2.1 For the purposes of elections, all local authorities are split into smaller "Electoral Areas". For District Councils, the electoral area is called a Ward. For Town and Parish Councils, the electoral area is sometimes the whole area of the Town or Parish, but sometimes the Town or Parish is itself split into Wards. At County Council elections, the electoral area is known as an Electoral Division.

- 2.2 The Returning Officer can advise prospective candidates as to the proper nomenclature and the precise boundaries of electoral areas, dependent upon the type of election being held.
- 2.3 Candidates must select the electoral area for which they aim to be elected, as a candidate is only permitted to stand for election in one electoral area of the authority. A person nominated for more than one area must withdraw from all but one or will be deemed to have withdrawn from them all.

3 THE RETURNING OFFICER

- 3.1 For elections to District and Town/Parish Councils, the Returning Officer is appointed by the District Council and, normally, is the District Council's Chief Executive. This is currently the case in Babergh although the Returning Officer may appoint Deputies to perform all or specific duties in connection with the conduct of the election on his/her behalf. At County Council elections it is the County Council that appoints the Returning Officer and, usually, the Returning Officers for the District Councils within the county are appointed as his or her Deputies with full powers. This is the case in Suffolk. In this Guide, where the duties and powers of the "Returning Officer" are discussed, it should be taken also to mean the powers and duties of the "Deputy Returning Officer" at County Council elections, except where the context otherwise requires.
- 3.2 The District Council also employs amongst its staff electoral specialists, whose task is the day-to-day conduct of elections. In Babergh, this task is undertaken by the Electoral Services Team who may be contacted at the District Council's address or by telephone on 01473 825713, or by e-mail on electoral@babergh.gov.uk
- 3.3 The Returning Officer is personally responsible for all aspects of the conduct and management of the election process, and is obliged by law to assist candidates with the preparation and completion of their nominations, if such assistance is desired.

4 THE ELECTORAL CYCLE

- 4.1 Ordinary elections of Councillors to Suffolk County Council, Babergh District Council and to the Town and Parish Councils within the Babergh area are held every four years. County Council elections will take place on the first Thursday in May of 2013, 2017 and so on. The ordinary elections to the District and Town/Parish Councils are combined and take place on the first Thursday in May in 2011, 2015 etc.
- 4.2 At ordinary elections the whole Council retires and a new Council is elected.

- 4.3 By-elections may be held as and when the need arises in order to fill casual vacancies arising from time to time through resignation, death, disqualification etc.

5 THE ELECTION TIMETABLE

- 5.1 In calculating the timetable for an election, certain days are disregarded. These are: -
“Saturdays, Sundays, all bank holidays, Christmas Eve, Good Friday, and any day appointed for public thanksgiving or mourning”.
- 5.2 The Returning Officer will calculate the timetable and supply a copy, free of charge, to any person on request.

6 THE NOMINATION PROCESS

- 6.1 Candidates are advised to pay careful attention to all the legal requirements during the nomination process. The Returning Officer’s decision as to the validity of nomination papers is final and cannot be questioned or challenged other than by election petition after the election. Candidates are therefore also advised not to leave submitting their nomination paper until the last moment, since, if the nomination paper is incorrect, it will be disallowed and the candidate may not have time to submit a fresh one. No changes to nomination papers can be made, nor fresh papers submitted, after the published time for the close of nominations. **This is a statutory deadline and cannot be altered for any reason.**
- 6.2 The Returning Officer will supply a blank nomination paper for use by candidates. Candidates must state their Surname and Forename(s) **in full**, and also their **full** home address (without abbreviations), including the postcode. A candidate risks having his or her nomination paper rejected as invalid by the Returning Officer if they use initials instead of full names. “Commonly used” surnames and forenames are permitted so long as the Returning Officer is satisfied that they are not likely to mislead or confuse voters, and are not obscene or offensive. If the “commonly used” names are not permissible, the Returning Officer will inform the candidate that only the full names will be used.
- 6.3 Candidates may also use not more than 6 words of description subject to certain restrictions, as to which please see the next Section of this Guide. It is not compulsory to include a description but it may assist a voter to identify on the ballot paper the candidate that they wish to vote for.
- 6.4 At County and District Council elections each nomination paper must be signed by a proposer and a seconder and by eight other “assentors”. These persons must: -

- (a) be local government electors for the electoral area for which the nomination is being made
 - (b) be 18 years of age or over on the day of the election
 - (c) not have signed more nomination papers for the same electoral area than there are vacancies
 - (d) sign their names on the nomination paper and write alongside their electoral letters and numbers. (A person's "electoral number" is the number of that person in the electoral register preceded by the distinctive letters that are particular to the electoral register for the polling district in which the person's name appears)
- 6.5 At elections for Town and Parish Councillors, nomination papers need only be subscribed with the signatures of a proposer and a seconder. These persons are subject to the same requirements as set out in the paragraph above.
- 6.6 The Proposer, Secunder and Assentors should note that the law requires their "signatures". This means their everyday, normal signatures. On no account should the surname be written first (despite the fact that this is how the name is listed in the electoral register), unless this is the way that the person normally signs their name.
- 6.7 It is a serious offence to include false information relating to the name or address of a candidate in nomination papers, or to falsify the signature of an elector.

7 THE USE OF A DESCRIPTION

A. County and District Council Candidates

- 7.1 Candidates wishing to stand as candidates at any County or District Council election may use one of the following types of description on their nomination paper: -
- the word "Independent"
 - a description (of not more than six words) authorised by a certificate issued by, or on behalf of, the registered nominating officer of a qualifying registered party in relation to the electoral area. The description can be the name of the party (as registered) or one of a maximum of 12 descriptions registered by that party with the Electoral Commission
- 7.2 The word "Independent" must be used entirely on its own, and may not be associated with other words (such as "Independent Ratepayer") unless it is used by a candidate representing a registered political party of that description, in which case a valid certificate of authorisation must accompany the nomination paper.
- 7.3 A nomination paper that includes a description that is not supported by a certificate of authority will be rejected, as will a nomination paper that includes a description that exceeds six words in length.

- 7.4 The certificate of authorisation must be delivered to the Returning Officer within the time allowed for the delivery of nomination papers. Any nomination paper that contains the name of a registered political party as a description but which is not supported by a certificate of authorisation will be rejected.
- 7.5 In order to be a “registered political party” the party’s registration with the Electoral Commission must be effective two days before the close of nominations for the election.
- 7.6 Candidates are not obliged to use any description at all, but, if they do, it must adhere to the requirements set out above.

B. Candidates At Town and Parish Council Elections

- 7.7 Candidates at a Town or Parish Council election may use one of the following descriptions: -
- a description (of not more than six words in length) which, in the Returning Officer’s opinion is not likely to lead voters to associate the candidate with a registered political party.
 - a description (of not more than six words in length) authorised by a certificate issued by, or on behalf of, the registered nominating officer of a registered party. The description can be the name of the party (as registered) or one of a maximum of 12 descriptions registered by that party with the Electoral Commission.
- 7.8 Candidates are not obliged to use any description at all, but, if doing so, must adhere to the requirements of paragraph 7.7 above.
- 7.9 A nomination paper that includes a description that does not comply with the requirements of paragraph 7.7 will be rejected.
- 7.10 Any certificate of authorisation required in order to validate the use of a description must be delivered to the Returning Officer within the time allowed for the delivery of nomination papers or the nomination paper in question will be declared invalid.

8 THE USE OF AN EMBLEM

- 8.1 Candidates at County, District and Parish/Town Council elections who are authorised to use a description associating them with a registered political party can also request that the party’s registered emblem be printed next to their name on the ballot paper. Each registered party can register up to three different emblems and it is therefore necessary clearly to describe which emblem it is that the candidate wishes should be used.

9 CONSENT TO NOMINATION

- 9.1 All candidates must formally consent to their nomination in writing, otherwise the nomination will be considered to be invalid. Consent must be given within one calendar month before the last day for the delivery of nomination papers at the election. The consent must also set out the candidate's qualifications to stand and include a declaration that the candidate is not disqualified. Candidates are advised to complete as many of the qualifications as actually apply to them in order to prevent problems from arising in the future if a qualification ceases.
- 9.2 The Returning Officer will, on request, supply a form for this purpose.
- 9.3 Candidates should note particularly the requirement for the consent to be witnessed, and for the witness to PRINT their name and address under their signature.

10 DELIVERY OF NOMINATION PAPERS

- 10.1 Candidates must ensure that completed nomination papers, consents to nomination and any necessary certificates of authorisation and requests for the use of an emblem are delivered to the Returning Officer (or the Deputy Returning Officer in the case of a County Council election) at Babergh District Council, Corks Lane, Hadleigh, IPSWICH, IP7 6SJ by noon on the day specified in the election timetable and on the Notice of Election. Nomination papers may be delivered on normal working days between the hours of 9 a.m. and 5 p.m. Mondays to Thursdays inclusive and between 9 a.m. and 4.30 p.m. on Fridays.
- 10.2 Candidates must note that the time constraint is absolute. Papers delivered even one minute after NOON on the appointed day will be rejected.
- 10.3 Where practicable, the Electoral Services Staff will carry out an informal check of a nomination paper, if a candidate wishes, before the formal delivery. This is an opportunity to identify and deal with any potential problems in the nomination.
- 10.4 There is no requirement for a monetary deposit at local government elections.
- 10.5 At elections of County and District Councillors, the nomination paper may also be accompanied by a form appointing an election agent whose role it is to be responsible for running the election campaign according to law and within the specified financial limits and for ensuring that the necessary declarations and returns as to the candidate's election expenses are made within the prescribed time. There are no election agents at Town/Parish Council elections.

10.6 It will be possible to correct errors and omissions more easily if nomination papers and other documents are delivered in person to enable an informal check to be made. If there is no option but to post the nomination paper, candidates (or agents) should make sure that it is accompanied by a daytime telephone number where they can be reached in case of any queries.

11 THE ELECTION AGENT

11.1 At elections of County and District Councillors, it is normal for the candidate to appoint an election agent. The Returning Officer will, upon request, supply candidates with a form of appointment although it is permissible for the candidate to act as their own agent and, if they fail formally to notify the Returning Officer by the specified date of the name and address of an agent, they will be deemed to be acting as their own agent. Where an agent is to be appointed, there is also a requirement for the person appointed formally to accept the appointment.

11.2 The Election Agent is responsible to the candidate for the conduct of the campaign, for placing orders for all election materials (such as posters, leaflets, etc.), and for the receipt and payment of all monies.

11.3 Candidates should exercise care in their selection of a person to be their election agent. Ideally, someone of experience and with a knowledge of election law and practice should be chosen.

11.4 The election agent must have an "office address" within the relevant local government area (i.e. within the County in respect of County Council elections, or within the District in respect of District Council elections), or in the constituency (or one of the constituencies in which the area is comprised) or in an adjoining district. The office address is the one to which all correspondence and claims in respect of the election may be sent. It may be the same as the agent's home address or it could be that of the local political party or an office specially set up just for the election. The Returning Officer has to give public notice of the address.

11.5 One of the principal responsibilities of the election agent is to prepare and submit the Return and Declaration of the Candidate's Election Expenses, and to do so in accordance with the legal requirements and the timetable.

11.6 All election expenses must be paid by or through the election agent. The election agent may authorise other persons to incur petty expenses (stationery, postage, etc.) but must do so in writing.

11.7 A candidate can revoke the appointment of his or her election agent and make a new appointment.

12 ADJUDICATION OF NOMINATIONS

- 12.1 The Returning Officer is required to give a decision on each nomination paper received. After due consideration, each paper will be declared to be either “valid” or “invalid”.
- 12.2 A candidate whose nomination is declared “invalid” may submit a fresh nomination, provided they can do so before the statutory deadline.
- 12.3 As soon as possible after the close of nominations, details of all nominations received will be published by the Returning Officer in the form of a “Statement of Persons Nominated”, a copy of which will be sent to every candidate.
- 12.4 Only candidates who have been validly nominated will proceed to the next stage of the election process.

13 WITHDRAWAL OF CANDIDATURE

- 13.1 A candidate may withdraw his/her candidature, if he/she so wishes. Notice in writing must be given to the Returning Officer by the date and time specified in the timetable. The Notice must be witnessed, to prevent the submission of false withdrawals. A faxed Notice of Withdrawal is not acceptable.

14 THE CONDUCT OF THE ELECTION CAMPAIGN

- 14.1 A person becomes a candidate either: -
- On the last day for publishing the Notice of Election or, if he/she or others have declared that person to be a candidate, on or before that date, or
 - Otherwise, after the last day for publishing the Notice of Election, on the date on which they declared, or are declared by others, to be a candidate or are nominated as a candidate at the election, whichever is the earlier.
- 14.2 The conduct of the election campaign is entirely a matter for the candidate and his/her election agent. The campaign must be conducted in accordance with election law, and the limits on the permitted amount of election expenses must be observed.
- 14.3 Where a candidate is supported by one of the major political parties, there will often be elements of “central organisation” in such matters as the production of posters or leaflets, and the election agent will work closely with the “party” organisation to arrange for the printing and distribution of election material.

- 14.4 Independent candidates are advised to ensure that, when ordering materials such as printed election addresses, they obtain quotations and place written orders for goods and services, in order to avoid later disputes. Such a procedure also makes later accounting for all expenses a much simpler matter.
- 14.5 Each validly nominated candidate is entitled to a free copy of the Register of Electors for the relevant electoral area. All requests for a copy of the register must be made in writing to the Returning Officer.
- 14.6 It is important to note that a number of legal restrictions apply to the use of information in the full electoral register. Candidates who have been supplied with a copy for a Division, Ward or Town/Parish must not pass on a copy of the register to any other person, must not disclose any information from the register (that is not also included in the edited version of the electoral register) or make use of any such information other than for electoral purposes. Any person found guilty of breaching these restrictions could face a fine of up to £5,000.
- 14.7 Each validly nominated candidate is entitled to use, free of charge, at reasonable times between the publication of the notice of election and the day before polling day, a room within a school in the electoral area for the purposes of holding public meetings to further his/her candidature. A similar provision applies in respect of meetings in public rooms which are maintained wholly or mainly out of a rate, or public funds. Expenses of heating, lighting and cleaning such rooms must be paid, even though the letting is free. The right to use such rooms, however, does not authorize any interference with the hours during which a school is used for educational purposes, or with the prior letting of a meeting room.
- 14.8 It is clearly each candidate's objective to seek to persuade the electors to cast their vote in his/her favour, rather than in favour of another candidate. Whilst the candidate is free to choose the methods of persuasion to be utilised, certain practices are prohibited.
- 14.9 Bribery and treating (the offer of an inducement), are prohibited, as is the use of force, violence or restraint, or the threat to use force, etc. Candidates found by the courts to be guilty of such practices may be sent to prison, but will almost certainly be severely fined and debarred from standing again for election for considerable periods of time.
- 14.10 Candidates may not publish or make false statements about the personal character or conduct of another of the candidates. Candidates may not pay for the transportation of voters to and from the polling station(s).

14.11 Candidates must ensure that all their election materials (leaflets, posters, placards and all other printed materials), clearly bear on either the first or the last page, details of: -

- (a) the name and address of the printer of the document;
- (b) the name and address of the promoter of the material;
- (c) the name and address of the person on behalf of whom the material is being published (and who is not the promoter).

Such materials must not resemble official notices or documents, such as a poll card. The "imprint" provisions also apply to websites and any posters or other material that may be downloaded from them.

14.12 Failure to observe these requirements may lead to summary conviction and a fine, even if the candidate was unsuccessful. An elected candidate who is found guilty can have his/her election voided.

14.13 Candidates must also be careful about how they present their views. A candidate who is elected must not have reached a final conclusion on an issue before coming to take a decision on it because of the common law doctrine of bias and *predetermination*. There will obviously be issues upon which candidates have strong views but they should know that it is possible for them to compromise their ability lawfully to participate in decision-making on a particular matter by making up their mind, or clearly appearing to have made up their mind by the way that their views have been declared, in advance. The Standards Board for England has suggested that such predetermination of an issue could easily arise where a candidate runs a single-issue campaign or where a particular issue is the centrepiece of a campaign and the candidate is not genuinely open to persuasion on its merits.

14.14 It is an offence to –

- Apply for a postal or proxy vote as some other person (whether dead, alive or fictitious)
- Make a false statement in, or in connection with, an application for a postal or proxy vote
- Induce the Electoral Registration Officer or the Returning Officer to send a postal ballot paper or any communication relating to a postal or proxy vote to an address that has not been agreed to by the person entitled to vote
- Cause a communication relating to a postal or proxy vote or containing a postal ballot paper not to be delivered to the intended recipient.

14.15 There is a code of conduct for political parties, candidates and canvassers on the handling of postal vote applications. The Returning Officer will supply a full copy of the Code to election agents and/or candidates but, basically, adherence to the Code obliges candidates and supporters to assist in the efficient and secure administration of elections and to uphold the secrecy of the ballot. Moreover, no candidate or supporter should place themselves in a situation where their honesty or integrity can be questioned. Therefore, no influence

may be exerted on an elector to cast a vote in a particular way and a voter's signature or mark must always be their own. Because of the risk of suspicion that an application could be altered and the risk of such a form being delayed or lost in transit, the Electoral Registration Officer's address should be given as the preferred address for returning the form.

- 14.16 The display of all advertising is controlled by the Town and Country Planning (Control of Advertisements) Regulations 1992 and it is important to ensure that all election adverts, including any bills, placards and posters comply with the relevant requirements. In particular, no advert should be displayed without the permission of the owner of the site or anyone else with an interest in the site. Posters and adverts on trunk roads should not interfere with or impede traffic or other road users. All adverts must be removed within 14 days after the election. Advertisements placed on Babergh District Council property will not be tolerated. It is an offence to pay an elector for displaying election advertisements (unless it is part of the elector's normal business).
- 14.17 A person is guilty of the corrupt practice of undue influence if they harm or threaten voters to compel them to vote in a particular way, or to refrain from voting, or if they impede or prevent the free exercise of the franchise of an elector. A group of people congregated outside a polling station could be seen as a form of undue influence and the Presiding Officer at the polling station may require any large gatherings of candidates' workers/supporters to disperse. No long-term parking of vehicles used for campaign purposes will be permitted in the curtilage of the polling station.
- 14.18 It should be noted that the Returning Officer has no duty or discretion to investigate allegations of offences under electoral law. If another candidate or agent believes that an offence has been committed, he or she should bring it to the attention of the police.

15 THE RETURN AND DECLARATION OF ELECTION EXPENSES

- 15.1 The preparation and submission of the Declaration and Return of Election Expenses is the most important responsibility of the election agent or candidate. The Returning Officer will supply the necessary forms, and the completed Declaration and Return must be submitted to the Returning Officer by the day specified in the election timetable. Candidates who did not incur any expenditure and candidates at uncontested elections must still complete a Declaration and Return.
- 15.2 Failure to submit a complete return (together with the bills or receipts for all items of £20 or more) will render the candidate/election agent liable for conviction and a fine, with the additional penalty of being disallowed from standing for election for a considerable period.

- 15.3 The submission of a false return is also an election offence. If a candidate who has been elected is found by an election court to be personally guilty, or guilty by any of his or her agents, of a corrupt or illegal practice the election will be voided.
- 15.4 It is extremely important therefore that the Election Agent ensure that careful records are kept, with receipts, for all items of expenditure, including sundry small amounts of stationery, postage, telephone calls, etc.
- 15.5 Candidates who are in any doubt about the legality of an item of proposed expenditure, are advised to seek appropriate, independent legal advice.
- 15.6 The purpose of submission of the Return and Declaration is twofold: First, to ensure that the election expense limits have not been exceeded (the limits in force at the time will be notified to all candidates by the Returning Officer at the commencement of the election process) and, second, to ensure that expenditure has only been incurred on permitted items.
- 15.7 The current limits on expenditure at local government elections are, for each candidate, **£600 plus 5p per elector** included on the register of electors to be used at the election. In the case of a joint candidate (where, for example, two candidates from the same political party are contesting a two-Member ward) the maximum spending limit is reduced. Where there are two joint candidates, the limit for each candidate is reduced by a quarter and, where there are more, it is reduced by a third.
- 15.8 It is the responsibility of the candidate and/or election agent to meet all election expenditure incurred. If donations are received towards the expenses, they must be recorded on the "income" side of the Return. The Return of Expenses is not a claim form and Candidates are not entitled to any refund of expenses from the Council or from the Returning Officer.
- 15.9 In relation to Election Expenses, the Returning Officer's function is limited to receipt and storage of the Returns and Declarations. He/she will not scrutinize the Returns and Declarations but will be obliged to report to the Police any instances of failure to make a return.
- 15.10 The Returning Officer must also make the Returns and Declaration available for public inspection throughout a specified period.
- 15.11 Further advice and guidance regarding the whole area of a candidate's election expenses may be obtained from the Electoral Commission and candidates are strongly urged to consult the Commission accordingly if there is anything about the requirements of which they are unsure.

16 CANDIDATE'S OTHER RIGHTS

- 16.1 A candidate is entitled to attend, or appoint persons to attend on his or her behalf, the opening of the postal ballot papers. The Returning Officer must be notified **in writing** of the names and addresses of any agents appointed before the time for opening the postal voters' ballot box. The candidate will receive, upon request, the lists of people entitled to vote by post or by proxy free of charge from the Returning Officer as soon as possible after the deadline has passed for electors to apply to receive an absent vote at the election.
- 16.2 The Candidate is entitled to attend the counting of the votes, and appoint a specified number of persons to act as Counting Agents at the count. The Returning Officer will notify candidates or their election agents of the number of counting agents who may be appointed.
- 16.3 The Candidate may appoint Polling Agents to attend polling stations for the purpose of detecting the offence of "personation" and preventing people from voting twice. There are certain rules, which must be observed by such an agent, and these will be explained in detail to any candidate contemplating such an appointment. There is a statutory limit of four polling agents permitted to be in a polling station at any one time and only one of each candidate's polling agents is allowed into a particular polling station at one time.
- 16.4 Tellers (party workers who sit outside polling stations to record voters' electoral numbers) have no status in electoral law. It is widely agreed that they should not hand out election material, try to influence the way someone should vote or ask an elector how they voted or intend to vote for. Neither are they permitted to give the impression that the information they request is required for official purposes. However, in view of the lack of legal guidelines and in order to avoid potentially serious allegations of interfering with voters on their way to vote (see above), candidates and agents may wish to ensure that any tellers are given a copy of the guidance notes issued by the Electoral Commission, which the Returning Officer will supply to all election agents. It is the candidate's responsibility to ensure that his/her tellers abide by the Code.

17 COUNTING OF VOTES AND DECLARATION OF RESULT OF POLL

- 17.1 If the election is uncontested (if there are less than or exactly the same number of candidates as there are seats to be filled), then after the last date for the withdrawal of candidates has passed, the validly nominated candidate(s) will be declared elected unopposed. The Returning Officer will send notice to such candidates and will also give public notice to that effect.
- 17.2 If the election is contested, a poll will be held.

17.3 The counting of the ballot papers will take place as soon as practicable after the close of the poll. In many cases of an individual by-election, this will begin when the first ballot boxes are delivered to the Count Centre after the polls close at 10 p.m. However, because of the requirements for comparing personal identifiers on postal vote statements against the same identifiers provided on the original postal vote applications, and because postal votes can be handed in at polling stations, larger elections (with a significant number of postal votes) will require a count venue with access to the necessary computerized systems to permit the comparison work to take place. Alternatively, the postal votes handed in at the polling stations will be opened and checked on the night of the election at the Council's offices and the counting of the votes will have to take place at a separate venue on the following day. The Returning Officer will write to all election agents and counting agents with details of the exact time and location of the count.

17.4 Other than the Returning Officer and his/her staff, the following persons are entitled to be present at the count:

- The candidates and their partners, husbands or wives
- The candidates' election agents
- Appointed counting agents (sometimes also called "scrutineers")
- Properly accredited observers
- Representatives of the Electoral Commission

The Returning Officer may also permit other people to attend the count at his/her discretion, but is not obliged to do so. The decision of the Returning Officer as to who may attend is final. There is a statutory deadline for appointing counting agents. As it is a matter for statute, the Returning Officer has no discretion to extend it, so if a candidate is intending to appoint such agents, it is imperative that they do so within the allotted time. No "appointments" received after the statutory deadline will be accepted and the persons concerned will not be permitted entry to the counting of votes.

17.5 The duties of counting agents can be summarised as follows: -

- Maintain the secrecy requirements
- Be present at each stage of the count
- Oversee the count to ensure that it is carried out in an orderly, accurate and correct manner
- Draw to the attention of the counting assistants any bad or doubtful papers
- Require the Returning Officer to mark the words "Rejection Objected To" if they object to the Returning Officer's decision to reject a ballot paper

Counting agents are not permitted to enter inside the perimeter formed by the counting assistants' tables without the express permission of the Returning Officer. At no time should a counting agent handle any ballot paper.

- 17.6 Candidates or their agents may request the Returning Officer to conduct a re-count of the votes. The Returning Officer can refuse to re-count if he/she believes that the request is unreasonable but he/she will give the opportunity to all candidates/agents to make the request.
- 17.7 If, following the count and re-count, the result is tied between two or more candidates who have the same number of votes, the Returning Officer will decide between the candidates concerned by lot. Whichever candidate wins the lot receives an additional vote to the total of votes cast for him/her.
- 17.8 After the counting of the votes, the Returning Officer will declare to be elected the candidate(s) who polled the highest number of votes.
- 17.9 Within a specified time after the declaration of the result (whether contested or uncontested), the successful candidate(s) must make a Declaration of Acceptance of Office. A county councillor or district councillor must make the Declaration within two calendar months from the day of election and deliver it to the Proper Officer of the Council. A Town or Parish Councillor must make the Declaration before or at the first meeting of the Town or Parish Council after his/her election or, if the Council at that meeting so permit, before or at a later meeting. Failure to make the Declaration within the specified times will void the election of that candidate.
- 17.10 A successful candidate must not act as a Councillor until the Declaration has been made. Assuming the Declaration has been made, the Councillor will take up his/her office on the morning of the fourth day after the day of the election.

18 FURTHER ASSISTANCE AND ADVICE

- 18.1 The Electoral Services Staff will be happy to give advice on any matter concerning the organisation and/or conduct of the election.
- 18.2 In certain circumstances, candidates will be advised to seek their own legal advice, particularly where the matter touches upon the candidate's personal circumstances, or where the inquiry calls into question an act or omission, whether real or alleged, of the Returning Officer or of the Electoral Services Staff.
- 18.3 The Electoral Commission also produces guidance for candidates, copies of which can be downloaded from its website - http://www.electoralcommission.org.uk/_data/assets/pdf_file/0018/83331/057-Candidates-Agents-Local-Elections-2010-final-web.pdf



BABERGH DISTRICT COUNCIL

Electoral Services

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