



**SPEAK** FOR THE **CITY**

# Guidance for candidates and agents

**Aldermanic Elections  
2023**

<b>1. Introduction</b>	<b>3</b>	<b>6. Donations</b>	<b>38</b>
Contact details		Defining donations	
Ward elections in the City of London		Regulated donations	
Election timetable		Exclusions	
Roles and responsibilities		Sponsorship	
<b>2. Running for election</b>	<b>9</b>	Managing donations	
Qualifications and disqualifications		Receiving donations	
Nomination		Accepting donations	
The nomination paper		Verifying the source of a donation	
Consent to nomination		Permissibility of donors	
Standing for a political party		Returning donations	
Submitting your nomination papers		Valuing donations	
Publication of nominations		<b>7. Day of Election</b>	<b>44</b>
Withdrawing as a candidate		Wardmote	
Uncontested elections		Declarations of secrecy	
<b>3. The Campaign</b>	<b>16</b>	Polling Day	
The Ward Lists		The opening of postal ballot papers and the count	
Election agents		Postal ballots	
Use of rooms for public meetings		Count procedure	
Canvassers		Adjourned Wardmote and declarations of results	
Campaign publicity material		Declarations of Office	
Imprint requirements		Election petitions	
Restrictions and offences		<b>24</b>	<b>49</b>
<b>4. Postal and Proxy voting</b>	<b>24</b>	<b><u>Appendices</u></b>	
Application forms		Appendix A – Breaches of the Representation of the People Act (RPA) 1983 and penalties	
Deadlines		Appendix B – Candidate’s checklist	
Completing the application forms		Appendix C – Secrecy requirements	
Issue of postal ballot papers		Appendix D – Tellers in and around polling stations	
Opening of postal ballots		Appendix E – Code of conduct for political parties, candidates and canvassers on the handling of postal vote application and postal ballot papers	
<b>5. Election spending</b>	<b>28</b>	Appendix F – Election offences, penalties and suggested action	
Spending limits		Appendix G – Statutory questions to voters	
The regulated period		Appendix H – Frequently asked questions	
Defining election spending		Appendix I – Glossary of terms	
Categories of spending			
Exemptions			
Planning and managing election spending			
Incurring election spending			
Paying for election spending			
Valuing notional expenditure and other spending			
Items paid for by a candidate’s political party and use of party facilities			
Canvassing and distribution			
Websites			
Items used at more than one election			
Allocating election spending			
Election materials promoting more than one candidate			

# 1. INTRODUCTION

1.1 These notes have been produced to give candidates and agents detailed guidance of the election process in City of London Ward Elections of Aldermen, from the nomination period through to the final declaration and return of expenses.

1.2 They are largely taken from the Electoral Commission's guidance for candidates and agents and adapted to incorporate the relevant legislation for City of London Ward elections.

1.3 If you have previously stood in an election in the City of London then you should still read this guidance carefully as some practices and legislation have changed over the past few years.

1.4 This guidance covers each of the main steps towards standing as a candidate in a City of London Ward election of an Alderman.

1.5 The advice is provided as a guide to the requirements for candidates and agents during the election. It should not be relied on as legally definitive and the City of London Corporation cannot accept responsibility for any errors or omissions, or any act arising from them. If candidates and agents have any doubts about a particular point, they are strongly recommended to consult the appropriate legislation and seek their own legal advice.

1.6 City of London Ward Elections of Aldermen are the responsibility of the Lord Mayor as Returning Officer. The Town Clerk, as Ward Clerk, is responsible for the administration of the election process.

**This Guidance is intended as a summary of the electoral process and is not intended to be a definitive statement of the law. Candidates are responsible for compliance with all relevant legal requirements and should obtain independent legal advice where appropriate**

## Contact details

1.7 Should you require any further clarification or explanation of any of the subjects covered please contact the Electoral Services Office.

Saira McKechnie      Head of Electoral Services      020 7332 3497  
[saira.mckechnie@cityoflondon.gov.uk](mailto:saira.mckechnie@cityoflondon.gov.uk)

Alice Loynes      Deputy Electoral Services Manager      020 7332 1411  
[alice.loynes@cityoflondon.gov.uk](mailto:alice.loynes@cityoflondon.gov.uk)

Greg Moore      Assistant Town Clerk      020 7332 1399  
[gregory.moore@cityoflondon.gov.uk](mailto:gregory.moore@cityoflondon.gov.uk)

Or email [electoralservices@cityoflondon.gov.uk](mailto:electoralservices@cityoflondon.gov.uk)

1.8 Information about City of London elections, including published Notices, can be found on our website [www.speakforthecity.com](http://www.speakforthecity.com) and <https://www.cityoflondon.gov.uk/about-us/voting-elections>

1.9 Please note that the Electoral Services Office is located on the 2<sup>nd</sup> Floor of the West Wing. Please use the main entrance to the Guildhall and ask at reception for directions.

## Ward Elections in the City of London

1.10 Ward elections in the City differ from other local government elections in that not all of the rules that apply nationally apply to Ward elections, which are also regulated by Acts of Common Council and local legislation.

1.11 The City is divided into 25 wards, each represented by 1 Alderman and between 2 and 10 Common Councilmen depending on the size of the electorate in the Ward. Aldermen are elected for a six-year term and must offer themselves for re-election within this period. Common Councilmen are elected for a four-year term with elections taking place in March every 4 years, although the elections in 2021 were delayed due to the pandemic.

1.12 A Glossary of Terms including the roles and responsibilities of those involved in the election process are included in **Appendix I**.

### Election Timetable

1.13 The Wardmote will take place the day before the poll, if the election is contested. The exact dates for the Wardmote and Poll will be displayed on the City of London website and Notice of Election. The time of the Wardmote in each Ward varies. Key dates and deadlines are included in the election timetable overleaf. If no time of day is specified as the deadline, then the deadline will be midnight on that day.

**The Ward Clerk has no discretion to extend any deadline.**

1.14 The timetable for the election scheduled is shown on the following page.

## Timetable

When an election is announced a copy of the timetable below will be uploaded to the Forthcoming Elections webpage on the City of London website:

<https://www.cityoflondon.gov.uk/about-us/voting-elections/forthcoming-elections>

25 days before Wardmote*	- 9.15am	Publication of Notice of Election Nomination period commences
19 days before Wardmote*	NOON	Close of nominations
17 days before Wardmote*	NOON	Publication of Statement of Persons Nominated
16 days before Wardmote*	NOON NOON	Close of withdrawals of candidature Deadline for the appointment of election agents
11 working days before Polling day†	5pm	Deadline for applications for new postal votes and for amendments to existing absent voting arrangements
As soon as practicable after the postal vote deadline	-	Planned dispatch of postal votes
6 working days before polling day†	5pm 5pm	Deadline for applications for new proxy votes. Medical emergency proxy period commences
6 days before wardmote*		Publication of Notice of Poll
4 working days before polling day†	NOON	Requests for replacements for lost postal votes commences (after that day's postal deliveries)
Wardmote day, the day before polling day	TBC	Wardmote (Time specific to each Ward)
Polling day, the day following the Wardmote (if contested)	8am-8pm	Polling
	TBC	Postal Vote Opening
	5pm	Medical emergency proxy application period ends
	5pm	Deadline for requests for lost and spoilt postal votes
	8.30pm	Counting of votes
Within 35 calendar days after the day the result of election is declared‡	-	Submission of Return of Expenses
At the same time as the return of election expenses or within 7 calendar days thereafter‡	-	Submission of Candidates Declarations of Expenses

\*Excludes Sundays, the Christmas Break, the Easter Break, bank holidays and days appointed for public thanksgiving or mourning

†Excludes Saturdays, Sundays, Christmas Eve, Christmas Day, Good Friday and bank holidays

‡ Calendar days are Monday to Sunday

## **Roles and responsibilities**

1.15 A number of different officers and individuals are responsible for, or are concerned with, various aspects of elections in the City. Their roles and duties are described below.

### **The Returning Officer**

1.16 The Returning Officer at an Aldermanic City of London Ward election is the Lord Mayor. The day-to-day work of the election is managed by Electoral Services staff, and it is these staff that candidates and agents are likely to have most dealings with during the course of the election.

1.17 It is important to note that Returning Officers and their staff must always act impartially in their dealings with all candidates and agents during the conduct of the election. While undertaking election duties, the Returning Officer is not accountable to the local authority but is independent and answerable only to the courts.

1.18 The same position applies to the staff appointed by Returning Officers to help them run the election. Any staff appointed during the election period, are under the direction and control of the Ward Clerk and Returning Officer, irrespective of their normal employment. The Returning Officer is required to appoint a Presiding Officer for each polling station in the Ward, and may appoint as many of the following staff as are needed to assist them in the conduct of the election:

- staff for the issue and receipt of postal votes
- polling station staff
- counting staff
- other staff to assist with other duties as part of the election process

1.19 It is important to note that Returning Officers and their staff are not responsible for monitoring the conduct of candidates, agents and campaigners. Where a candidate, agent or party worker has any concerns about the conduct of another person during the election campaign that could amount to electoral malpractice, if they are able to substantiate such a claim and are also willing to make a formal statement, the matter should be referred to the police. Allegations should not be made as a campaign tactic.

### **The Ward Clerk**

1.20 The Ward Clerk, who is the Town Clerk, is responsible for maintaining the Ward Lists and the general administration of the election, including the issue and receipt of postal votes. This is the person who will supply the Ward Lists and lists of absent voters (postal and proxy voters) to you.

### **Electoral Services staff**

1.21 The day-to-day administration of the election is carried out by the City of London's Electoral Services team, working directly for the Ward Clerk. This includes recruiting and training the staff needed to run the election, arranging polling stations, delivering poll cards, processing postal and proxy voting applications, preparing polling stationery and equipment and organising the counting of votes. These staff should be the first and main point of contact for candidates and agents during the election.

## Election agents

1.22 The election agent is the person responsible in law for the proper management of the candidate's election campaign. In particular, the candidate's election agent is responsible for the financial management of the campaign and for ensuring that the declarations and returns of their election expenses are properly completed and delivered to the appropriate officer (see Chapter 5, 'Election spending', for more details). The election agent is not required under law to open a separate bank account for election-related transactions but may find that it is helpful to do so.

**Note:** The agent is responsible for all financial aspects of a candidate's election. Only the agent can pay claims for election expenses.

1.23 Election Agents should be fully aware of the legislation governing Ward elections in the City of London. It is important for candidates to understand that their election could be brought into question if their election agent does not perform their duties promptly and correctly.

### Who can be an election agent?

1.24 There are no particular qualifications for an election agent. Candidates should, however, take care in the appointment of an election agent, as they may be liable for any unauthorised activities performed by the agent if they are within the scope of the candidate's authority.

1.25 A candidate can also act as an agent for other candidates in the same or other wards.

1.26 Certain people are not allowed to be election agents. These include anyone not entitled to vote at the election as a result of the report of an election court or a conviction for a corrupt or illegal practice under the RPA 1983.

### Appointing an election agent

1.27 Every candidate must have an election agent, although a candidate can act as their own agent. Candidates must declare the name and both the home and office addresses of their election agent in writing to the Returning Officer no later than **noon, 16 days before the Wardmote**. The written declaration should be signed by the candidate and by the agent to show their acceptance of the post. There is no prescribed form of declaration that must be used but the Ward Clerk will provide a form. If candidates have not appointed someone else as their agent by **noon, 16 days before the Wardmote**, they will be deemed to have assumed the duties and responsibilities of the election agent as well as of the candidate.

1.28 It is important to note that the election agent's office address must be either:

- within the City of London
- within the Parliamentary constituency of which the City of London is part – in this case the Cities of London and Westminster, or
- within a London borough which adjoins the City of London

1.29 The agent's office address could be their home address, but it might also be that of a local political party office or an office specially set up for the election. In these cases, the address must be located as outlined in paragraph 1.28 above. Where a candidate is acting as their own election agent, the office address is deemed to be the address given on the statement of persons nominated (see Chapter 2, 'Running for election'). If that address is outside the relevant area (as set out above), the election agent's office address is deemed to be the qualifying address of the person named in the statement as proposer.

1.30 In addition to the information detailed above, it will be helpful to provide a contact telephone number and email address for the election agent. This will ensure that information will reach the agent in the most appropriate and expedient manner.

1.31 A candidate can revoke the appointment of their election agent and a new appointment can be made by the same process. Similarly, if an election agent dies, a new agent can be appointed. If a candidate is acting as their own election agent, they can also revoke their own 'appointment' and appoint a new agent. Once an agent has signed their acceptance, they cannot resign and must fulfil the duties required of them, unless the candidate revokes the appointment.

## **Tellers**

1.32 Guidance for Tellers can be found in Appendix D. Candidates and their agents should ensure that any of their supporters acting as tellers abide by any decisions regarding their conduct made by the Returning Officer or by the Presiding Officer at the polling station.

## **Electoral observers**

1.33 Electoral proceedings may be observed by representatives of the Electoral Commission and by observers accredited by them. Representatives of the Electoral Commission are entitled to observe the working practices of the Electoral Registration Officer and the Returning Officer, as well as the proceedings at the issue and receipt of postal ballot papers, the poll and the counting of the votes. Other individuals or organisations may apply to the Electoral Commission to be accredited to observe the proceedings at the issue and receipt of postal ballot papers, the poll and the counting of the votes.

1.34 Electoral observation is a legitimate and valuable part of the electoral process, and care should be taken not to hinder or obstruct the conduct of the observation. Electoral Registration Officers and Returning Officers are only entitled to limit the number of observers who may be present at any proceedings, if their presence is hindering the conduct of the proceedings or jeopardising the secrecy of the ballot.

1.35 Accredited observers and Electoral Commission representatives may ask questions of any candidate or agent, electoral staff and electors. Accredited observers will have a silver photographic identity badge and Electoral Commission representatives a pink badge.

1.36 More information on observers, including the code of practice for observers, can be found on the Electoral Commission's website - [www.electoralcommission.org.uk](http://www.electoralcommission.org.uk)



## 2. RUNNING FOR ELECTION

### Qualifications and disqualifications

#### Qualifications

2.1 To qualify for the office of Alderman, a person must, at the date of nomination, **and** on the date of election, be:

- aged 18 years or over; and
- a British, Irish or citizen of a Commonwealth Country
- an able and sufficient citizen and Freeman of the City of London<sup>1</sup>
- not already an Alderman of another Ward
- not disqualified for any other reason, for example, by reason of bankruptcy or on conviction of fraud or any crime for which a prison sentence has been imposed

and either be

- a justice of the peace

or (in accordance with the Act of Common Council: Aldermanic Eligibility 2013)

- A person is qualified for office of Alderman provided that they are not or have never been:
  - i. convicted of an imprisonable offence (even if they were not actually Imprisoned or the conviction has been spent) and
  - ii. the subject of a debt relief restrictions order or interim debt relief restrictions order, a bankruptcy restrictions order or interim order, or a debt relief restrictions undertaking.

There is no requirement to reside within the ward for which a candidate seeks election and no requirement that a person is an owner or occupier of premises within the City.

#### Freedom of the City

2.2 The Freedom of the City can be arranged quickly for candidates that do not currently have it. Please contact the Chamberlains Court for more information 020 7332 3055.

2.3 The Freedom of the City must have been granted before a candidate submits their nomination form.

#### Disqualifications

2.4 Serving Aldermen and Common Councilmen become disqualified from holding office by reason of bankruptcy, neglecting duties of the office for more than six consecutive months without reasonable excuse, or on conviction of fraud or any crime for which a prison sentence (whether suspended or not) has been imposed. Disqualification due to bankruptcy will cease on discharge from bankruptcy.

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<sup>1</sup> For more information on becoming a Freeman of the City of London, please contact the Chamberlain's Court on 020 7332 3055 or visit [www.cityoflondon.gov.uk/about-the-city/history/Pages/freedom-of-the-city.aspx](http://www.cityoflondon.gov.uk/about-the-city/history/Pages/freedom-of-the-city.aspx). An expediated freedom exists for candidates which the Chamberlain's Court are able to provide more information on.

2.5 A person may also be disqualified from election if they have been convicted or reported guilty of a corrupt or illegal practice by an election court, or if they have been disqualified from standing for election to a local authority following a decision of the Adjudication Panel for England.

2.6 The Local Government and Housing Act 1989 also defines a number of politically restricted posts within a local authority (normally senior positions such as the Head of Paid Service or Statutory Chief Officer, or other senior managers or staff who regularly advise members, for example). If a person holds one of these posts they will be disqualified from becoming or remaining a member of any local authority in Great Britain.

2.7 A person who would be disqualified by reason of their employment (see above) must have resigned and served any notice period before the date of nomination to avoid having a contract of employment in a relevant job at the relevant time.

2.8 The full range of disqualifications of candidates at local elections is complex, and some exceptions may also apply. Candidates are strongly advised to consult the relevant legislation to ensure that none of the relevant disqualifications apply and, if in doubt, to seek their own legal advice.

## Nomination

2.9 The Notice of Election marks the beginning of the election process and once it has been published (25 days before the Wardmote) a person can become a candidate. To become nominated as a candidate you will need to submit a completed set of nomination papers to the Electoral Services Office by **12 noon, 19 days before the Wardmote**.

2.10 Nomination papers can only be delivered during normal office hours to the Electoral Services Office at Guildhall. Nomination papers must be submitted by hand. Candidates are advised to make an appointment to submit their nomination papers, and to submit nomination papers as early as possible so there is time to submit a fresh one if the first has mistakes or is invalid. Electoral Services staff will be happy to check nomination papers informally before a candidate submits their nomination papers.

2.11 Nomination papers can be inspected from the close of nomination until the day before the poll.

2.12 A candidate may submit a nomination paper for more than one Ward. However, they must withdraw all but one of the nomination papers before the close of withdrawals (**noon, 16 days before the Wardmote**) otherwise all will be deemed to be withdrawn.

## The nomination paper

2.13 A person who wishes to stand as a candidate needs to complete a nomination paper following the prescribed form.

2.14 The nomination paper must contain the proposed candidate's full name and full home address and be subscribed (signed) by 5 registered electors from the ward, (see paragraph 2.15 below). It is important to enter the candidate's name, address and, description on the nomination paper before getting the form signed by the subscribers (the electors who are to sign the nomination form). This aids transparency by ensuring that the people who subscribe the paper are fully aware of whom they are subscribing.

2.15 A nomination paper needs to include the following information:

- **Name** – This means your surname and other names in full. Do not use prefixes or suffixes (Mr/Mrs/Dr etc). The exception to this, at the discretion of the Ward Clerk, is the use of titles (Rt. Hon/Sir/Lady etc). A candidate can include a commonly known as name in addition to their full name, for example **Peter Samuel Smith (commonly known as Sam)**. The exact wording of a candidate's name as it appears on the nomination paper, including the commonly known as name, will appear on statutory election notices and on the ballot paper. Please note that if the commonly used name may be likely to mislead or confuse electors, or it is obscene or offensive, it will be rejected, and your actual name will be used.
- **Address** – this means your home address in full, without any abbreviations. It must be your current home address, not a business address. The address need not be in the ward in which the candidate wishes to stand, or even in the City of London, as long as the candidate meets one of the qualifications for standing mentioned in paragraph 2.1.
- **Description**  
The only options allowed for the description are:
  - (a) the word 'Independent'; **or**
  - (b) no description – by leaving this part of the form blank, no description will appear on the ballot paper; **or**
  - (c) a description associating the candidate with a registered party, if this description is authorised by a certificate issued by or on behalf of the registered party

**Please note candidate descriptions that refer to job titles e.g. 'City Banker and Liveryman' are NOT valid and your description must be as (a), (b) or (c) above.**

- **Date of admission to the Freedom of the City**  
If you are unsure of the date of your admission to the freedom of the City please check with the Chamberlains Court: 020 7332 3055

2.16 **Proposers, seconders and other subscribers** – the nomination paper must be signed (subscribed) by five registered electors of the ward in which you are standing as a candidate. The first will sign as the proposer, the second as the seconder and the remaining three signatures will be of the remaining subscribers. The electors should be of voting age by polling day. If a nomination paper contains more than five subscribers, only the first five will be accepted. Care should be taken to ensure that it is accurately subscribed, as any other names provided after the number required will not be considered. All the candidate's particulars must be completed before the nomination papers are subscribed – it cannot be altered after signatures have been added.

2.17 Each nomination paper is considered a separate nomination. The proposer, seconder and subscribers must sign the same nomination paper. Signatures must be original – scanned images or electronic signatures are not valid.

2.18 The names of the subscribers must appear on the current Ward Lists and they must be 18 years of age or over on the day of election. **Electors marked with a 'G' are European Union citizens (other than UK, Ireland, Cyprus or Malta) and are unable to vote or subscribe nomination papers at Aldermanic elections.**

2.19 The electoral number of each subscriber, including the distinctive letter(s) of the ward, must also be entered on the nomination paper (the number is found to the left-hand side of a person's name and the letter(s) on the front cover of the Ward List).

2.20 Candidates are entitled to receive a copy of the Ward List for the ward they are contesting. Candidates will be asked to sign a statement undertaking to use the Ward List in accordance with the law. The information contained within the Ward Lists must only be used for electoral purposes. Candidates may also request a copy of the Ward Lists as a data file. A form on which to request a data copy is available from Electoral Services and will be part of the candidate pack.

2.21 Subscribers may only subscribe ONE nomination paper. as there are vacancies in the ward. If they subscribe to more than one nomination the first valid nomination delivered will be accepted and any subsequent ones will be rejected.

2.22 It is always best to submit nomination papers well in advance of the deadline, to allow time for any unintended errors to be corrected or a fresh nomination paper to be submitted. No changes can be made, or fresh papers submitted after the close of nominations. This is a statutory deadline and cannot be altered for any reason. Wherever possible, it is advisable to hand in the nomination papers to the Electoral Services Office in person and ask them to check them informally before they are formally lodged, so that a new set can be completed in case of errors. Nomination forms cannot be submitted by email or fax.

2.23 Each nomination paper is considered a separate nomination – candidates cannot combine the information contained on two separate papers to make a single nomination.

## **Minor errors**

2.24 The Ward Clerk (Electoral Services) is permitted to correct minor errors made on a nomination paper, including errors to a person's electoral number and obvious errors of spelling in relation to the details of a candidate. For example, where an elector number has been entered incorrectly, the Ward Clerk may amend it if they are satisfied as to the cause of the error. However, where the elector number has been omitted altogether, the nomination paper will be rejected on the basis that no error has been made to the number – it has simply not been supplied. In any case, this provision should not be relied upon by would-be candidates. The idea of 'obvious' errors of spelling is difficult, as what is obvious to one person may not be so to another. The candidate should take care to ensure that all nomination papers are completed correctly.

2.25 Candidates who are considering making a significant change to their nomination paper before submitting their nomination, such as changing one of their subscribers, are strongly advised to contact Electoral Services for advice before they do so.

## **Consent to nomination**

2.26 To become a candidate you must also formally give your consent to nomination in writing in the prescribed form. On the form you will be asked to state that you are qualified and not disqualified from standing.

2.27 You must complete the consent to nomination on or within one calendar month before the last day for delivery of nomination papers. The candidate's home address and qualifying City address (if different) must be included on the form. The candidate's signature must be witnessed

and the witness must also sign the form and give their full name and address. There are no restrictions on who can witness it; however, staff in the Electoral Services Office will **not** be able to witness it. Once completed, it should be submitted to the Ward Clerk (Electoral Services Office) together with the nomination papers before **noon, 19 days before the Wardmote**.

2.28 It is a serious offence to include false information in nomination papers, e.g. a signature of an elector, a candidate's name and address or qualification for being elected at that election. This offence also applies if the prospective candidate signs a declaration that they are qualified if they know they are not.

2.29 If it is believed that an offence has been committed through a statement on a nomination paper, and the complainant is prepared to substantiate this allegation through a written statement, this should be brought to the attention of the police.

2.30 The Ward Clerk must take each application at face value. It is therefore important that candidates check all their details carefully.

2.31 Nomination papers can be inspected and copies taken at the Ward Clerk's normal place of business (i.e. the Electoral Services Office) during normal office hours, after the close of nominations until the day before polling day.

## **Standing for a political party**

2.32 The City of London Corporation does not operate on party political lines. However, candidates are free to apply to stand on behalf of a registered political party. In these circumstances candidates must also submit a certificate of authorisation from their party's nominating officer and complete a request for use of an emblem should they wish to do so (forms are included in the candidate pack).

## **Submitting your nomination papers**

2.33 Nomination papers can be delivered between 9.15am - 5.00pm, on the working days that fall between 25 and 18 days before the Wardmote, and 9.15am - 12 noon on the 19<sup>th</sup> day before the Wardmote.

2.34 The Electoral Services Office will **not** be open to accept nomination papers during the weekend.

2.35 It is recommended that candidates make an appointment for submitting your nomination papers. We would suggest that 15 minutes are given for each nomination to be checked and entered onto the system. Priority will be given to those candidates that have made an appointment.

2.36 Members of the Electoral Services Office will check nomination papers as soon as is practicable and candidates will be contacted to confirm the validity of their papers.

2.37 Upon receipt of a nomination paper the Electoral Services Office will record the date and time of receipt. They will then perform a thorough check which will include:

- Checking that the candidates' details have been completed in full and correctly.
- Checking that the details of the proposer, seconder and three subscribers have been completed in full and correctly.

- Entering details of the candidate, proposer, seconder and three subscribers on Electoral Management Software system, which will check that subscribers have not supported more candidates than there are vacancies to be filled.
- Checking that the candidates consent to nomination has been completed in full and correctly and has been signed by both the candidate and a witness.

2.37 It is the duty of the Ward Clerk to decide on the validity of the nomination paper and not on the validity of the nomination. He does not have the duty, or indeed the authority, to question the validity of the information provided, unless something on the face of the nomination paper raises a doubt as to the identity of the candidate.

2.39 The Ward Clerk must give a decision on any objection to a nomination paper and his decision is final. However nothing prevents the validity of a nomination being questioned on an election petition.

2.40 As soon as practicable the candidate will be notified as to the validity, or otherwise, of the nomination. The Ward Clerk will confirm acceptance of nomination papers in writing to each candidate.

## Publication of nominations

2.41 The Ward Clerk will prepare and publish a statement of persons nominated by no later than **noon, 17 days before the Wardmote**. This will list the name of each candidate in alphabetical order, their home address, their description, if any, and the names of their proposer, seconder and three subscribers.

2.42 The statement will be published on the Ward notice board(s), at the Guildhall and on the City of London website at <https://www.cityoflondon.gov.uk/about-us/voting-elections>

## Withdrawing as a candidate

2.43 You may withdraw as candidate by signing and submitting a withdrawal notice, which must be witnessed by one other person. The written notice must be delivered to the Ward Clerk before **noon, 16 days before the Wardmote**. Please note that after this time and date, it is not possible to withdraw a candidate's name from the election, and the candidate's name will appear on the ballot paper. If the election is uncontested, you will be declared elected. Forms for withdrawing are available from the Electoral Services Office or alternatively, candidates may give notice in writing.

2.44 The Statement of Persons Nominated will be amended and published to reflect any withdrawals received.

## Death of a candidate

2.45 The effect of the death of a person nominated as a candidate in a Ward election depends on the date and time of the candidate's death and also on whether the person is included in the statement of persons nominated as standing nominated.

2.46 If the death occurs before the latest time for the delivery of nomination papers, the candidate is deemed to be nominated until proof is given to the satisfaction of the Ward Clerk of the candidate's death.

2.47 If the death occurs either: -

- after the latest time for the delivery of nomination papers; or
- before the latest time for the delivery of nomination papers, but the person is shown in the statement of persons nominated

and proof of the death is given to the satisfaction of the Lord Mayor, the Lord Mayor must cancel the Ward election and issue a further Precept, unless the remaining number of candidates validly nominated exceeds the number of vacancies for the election to thus proceed.

2.48 Where a Ward election is cancelled and a fresh Precept issued, candidates validly nominated for the cancelled election are not required to submit fresh nomination papers. Serving Aldermen in the Ward where the election is cancelled continue to hold office until the date of the new Ward election.

## Uncontested elections

2.49 If, after the close of nominations and the time allowed for withdrawals, there are more candidates than there are seats in the ward, there will be a poll. If, however, after the deadline for withdrawals the total number of validly nominated candidates in a Ward is equal to or less than the number of seats to be filled at the election, the election is uncontested and those candidates will be declared elected at the Wardmote.

2.50 Please note that if the election is uncontested, the elected candidates must still make a declaration as to election expenses, even if none have been incurred. See section 5 for more details.

2.51 If the number of candidates exceeds the number of seats to be filled for that Ward, a poll must be held.

2.52 The Ward Clerk must publish a Notice of Poll by **no later than 6 days before the Wardmote**. This will detail the full names of the candidates, their home addresses, description and the names of the Proposers, Seconders and other Subscribers, as well as details of the time and place of poll. This notice will be published on the Ward notice board(s), at the Guildhall and on the City of London website at [www.speakforthecity.com](http://www.speakforthecity.com) and <https://www.cityoflondon.gov.uk/about-us/voting-elections>

## 3. THE CAMPAIGN

3.1 It is important to note the definition of a 'candidate' in relation to the provisions described below. At Ward elections, a person will become a candidate either:

- on the last day for publication of the Notice of Election, if they or others have declared them to be a candidate on or before that date, or
- otherwise, after the last day for publication of the Notice of Election, on the date on which they declare, or are declared by others, to be a candidate, or are nominated as a candidate at that election, whichever is the earlier – a candidate is not validly nominated until they consent to nomination.

### Data Protection

3.2 When campaigning candidates are likely to be processing (using) personal data, this includes any information contained in the Ward Lists, emails etc. Candidates are responsible for ensuring that they comply with data protection requirements when doing so.

3.3 The Information Commissioner's Office (ICO) has issued extensive guidance which "provides clarity and practical advice to help those processing personal data in political campaigning to comply with the UK General Data Protection Regulation (UK GDPR), the Data Protection Act 2018 (DPA) and the Privacy and Electronic Communications (EC Directive) Regulations (PECR)."

The ICO Guidance: <https://ico.org.uk/for-organisations/guide-to-data-protection/key-dp-themes/guidance-for-the-use-of-personal-data-in-political-campaigning-1/>

UK GDPR: <https://www.legislation.gov.uk/eur/2016/679/contents>

DPA 2018: <https://www.legislation.gov.uk/ukpga/1998/29>

PECR: <https://www.legislation.gov.uk/uksi/2003/2426/contents/made>

Corporation Officers are unable to provide candidates with advice on their data protection obligations.

### The Ward Lists

3.4 The Ward Lists contain the names of electors entitled to vote in ward elections. As well as registered residents, it shows registered sole traders, partners of firms and nominated voters of qualifying bodies under their respective business addresses. For elections of Aldermen, all British, Irish and Commonwealth citizens may vote. European Union electors (other than UK, Irish, Maltese or Cypriot) will be marked with a 'G' before their name and are not eligible to vote in Aldermanic elections. A date before an elector's name indicates their 18<sup>th</sup> birthday and if this date falls on or before the date of election, they will be eligible to vote and subscribe nomination papers.

3.5 Candidates are entitled to receive a copy of the Ward List for the ward they are contesting. Candidates may also request a copy of the Ward Lists as a data file. A form on which to request a data copy is available from Electoral Services and will be part of the candidate pack.



3.6 GDPR 2016 applies to the Ward Lists and in this way it can be used only for electoral purposes or by elected Members to carry out their official duties. It should be destroyed when no longer required. Candidates will be asked to sign a statement to confirm that they have read and understood the data protection statement relating to the use of the Ward List.

3.7 Ward Lists are in force from 16 February annually for a period of one year. Registration for the Ward Lists takes place between August and December of each year with a qualification date of 1 September. Once the Lists have been published they cannot be amended. No additions, removals or alterations to the current Ward lists can be made before an election.

3.8 You are also entitled to the lists of people voting by post or proxy ('the lists of absent voters'). These lists will be supplied to candidates by the Electoral Services Office upon request. A form to request a list of absent voters is available from Electoral Services Office and is included in the candidate pack. Once a person becomes a candidate the lists can be supplied to them, and if they appoint an election agent according to the election rules, the lists can be supplied to that agent.

3.9 As with the Ward Lists, the absent voters list must be used only for electoral purposes.

## **Freepost**

3.10 There is no provision in law for candidates at local government elections to receive free postage for an election address. Candidates must meet their own postage costs and include this in their election expenses.

## **Canvassers**

3.11 Candidates may wish to use canvassers to help with the election campaign. It is, however, illegal to employ paid canvassers for the purpose of promoting or procuring a particular result at an election before, during or after the election. In addition, members of police forces, whether paid or unpaid, are prohibited from acting as canvassers.

3.12 The legislation describes canvassing as:

*By word, message, writing or in any other manner, endeavour to persuade any person to give or dissuade any person from giving, his vote, whether as an elector or proxy.*

3.13 For these purposes, the delivery of election campaign leaflets is not considered to be canvassing, if the person delivering them does not engage in trying to persuade anyone to vote for or against a particular candidate, party or policy.

## **Campaign publicity material**

3.14 Campaign publicity material is subject to a number of restrictions under electoral law, and is also subject to the general civil and criminal law relating to published material.

3.15 All election material, publications, etc., may be, and sometimes is, open to scrutiny and challenge. It is important, therefore, that candidates ensure that any publication printed and circulated by them, or on their behalf, is factually correct and in the required format.

## **Newspaper articles and advertisements**

3.16 Some newspapers run stories during the election and feature some or all candidates. While the allocation of broadcasting time is prescribed in legislation, the way that newspapers communicate their views on political issues is not. Newspapers may take whatever view they like on the candidates at the election and may include as much or as little coverage as they decide. The inclusion of a candidate in a newspaper article does not count towards election expenses, although paying for an advertisement in a newspaper does.

## **Imprint requirements**

3.17 The intention of imprint requirements is to enable anyone to contact or trace the source of the material, for example, in case of any complaint or query about its content. It helps ensure that the campaign is transparent. There is no requirement for an imprint address to be a home address, as long as it is somewhere the person can be contacted.

3.18 All election material must carry an imprint with details of the full name and full postal address of the printer and promoter of the material. The promoter is the person who has caused the material to be published. If the promoter is acting on behalf of a group or organisation, the group or organisation's name and address must also be included.

3.19 You can use either home or office addresses.

3.20 If your material is single-sided, you should put the imprint on the face of the document i.e., a window poster where most of the information is on one side, you must put the imprint on that side of the document. If it is multi-sided, you should put it on the first or last page.

## **Materials that require imprints**

3.21 Materials that require an imprint include posters, placards and bills that refer to parties or candidates, although this is not an exhaustive list. Likewise, all printed election leaflets distributed for the purpose of promoting or procuring the election of a candidate must also carry an imprint.

3.22 Election publicity also includes materials that prejudice, criticise or disparage the electoral prospects at the election of other parties or candidates or (as the case may be) by prejudicing the standing with the electorate of other parties or candidates, even if that material does not expressly mention the name of any party or candidate.

3.23 As good practice, we recommend that you should put an imprint on electronic material such as websites and emails. The imprint should include the name and address of the promoter and the person or organisation on whose behalf it has been produced. Where it is impractical to place the full imprint on the election material you should consider how to provide some other means for the material to be associated with you.

3.24 If you tweet or post on social media sites you should display your full imprint on your profile. You can include a shortened link to your imprint in your tweet or post.

3.25 The potential consequences of a breach of these requirements are serious. If the promoter of the material or any other person by whom the material is so published, or the printer of the of the document commits this offence, they are liable to a fine of up to £5,000. If it is believed that an offence relating to imprints has been committed, and the complainant is prepared to

substantiate this allegation through a written statement, this should be brought to the attention of the police.

## Examples

3.26 To assist in understanding these rules, we provide the following example:

**Printed by** [insert name and address of the person or company whose equipment is being used to print the material. This could be the candidate or agent if they own the equipment being used or if they produce the material using equipment in a public place, such as a photocopier in a library]

**Promoted by** [insert the name and address of the person who causes the material to be published, generally the candidate, agent or party], **on behalf of** [insert the name and address of the person or people on whose behalf the material is being printed, typically the candidate, party or third party. 'On behalf of' is only needed if the candidate or candidates are not the promoter].

### Example box: Sample imprints

Assuming the following details, please see below for examples of imprints

Candidate name - Andrew Miller  
Agent name - Joe Bloggs  
Printer - The Duplication Company

#### Imprints for independent candidates

If the candidate is acting as their own agent and using a print company to produce some leaflets, the imprint should look like:

**Printed by** The Duplication Company, **of** [insert full postal address].

**Promoted by** Andrew Miller, **of** [insert full postal address of candidate].

If the agent is printing leaflets on their own equipment, the imprint should look like:

**Printed and promoted by** Joe Bloggs, **of** [insert full postal address],  
**on behalf of** Andrew Miller, **of** [insert full postal address of candidate].

If the agent is using a printing company to produce some leaflets, the imprint should look like:

**Printed by** The Duplication Company, **of** [insert full postal address].

**Promoted by** Joe Bloggs, **of** [insert full postal address], on behalf of Andrew Miller, **of** [insert full postal address of candidate].

If the candidate does not have an agent but is using a print company to produce some leaflets, the imprint should look like:

**Printed by** The Duplication Company, **of** [insert full postal address].

**Promoted by** Andrew Miller, **of** [insert full postal address of candidate].

If the candidate is doing everything, the imprint should look like:

**Printed and promoted by** Andrew Miller, **of** [insert full postal address].

## **The City of London Corporation logo and City of London Crest**

3.27 Neither the City of London Corporation logo, nor the City of London Crest of Arms should be used by candidates on their election material. The City of London Corporation's right to use the City Arms dates back to at least the 14th century and was confirmed and granted by letters patent from the College of Arms in 1957. The City Arms may not be reproduced without permission from the Town Clerk and the City of London Corporation reserve the right to take legal proceedings against anyone who does so.

## **Display of advertisements**

3.26 The display of all advertising is controlled by the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, although practice can vary between local authorities depending on where advertisements are to be displayed. Candidates and agents should ensure that all election advertisements, including any bills, placards and posters, comply with the relevant requirements for the area where they are displayed. In particular, remember that no advertisement 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 advertisements must be removed within 14 calendar days after the election.

3.27 Candidates and agents should also be aware that the City of London exercises tight regulations with regard to display of advertisements on Corporation property, e.g. lamp posts and other street furniture, and advertising should not be displayed on them.

3.28 You must not pay people to display your adverts, unless it is part of their normal business (as an advertising agent, for example) and a payment is made in the ordinary course of business. Asking people to display an advertisement on their own property is legal as long as they are not paid for doing so.

## **Restrictions and offences**

3.29 Neither the Returning Officer or the Ward Clerk have any discretion to investigate allegations of offences under electoral law. If it is believed that an offence has been committed, and the complainant is prepared to substantiate this allegation through a written statement, this should be brought to the attention of the police. The Electoral Services Office will be able to provide appropriate contact details for the police.

## **False statements**

3.30 It is an offence to make or publish a false statement of fact about the personal character or conduct of a candidate in order to affect the return of a candidate at an election. It is also an illegal practice to make a false statement of a candidate's withdrawal.

3.31 The potential consequences of breaching this provision are serious. If a candidate is elected and then an election court finds them or their election agent guilty under this provision, their election shall be void. Anyone found guilty of breaching this provision may, upon summary conviction, be fined up to £5,000. Further, people who have been found guilty of an illegal practice are subsequently banned from registering to vote at any Parliamentary elections in the UK or local elections in Great Britain for a period of three years. In addition to this, they are unable to hold office in the House of Commons or any other elected office. Neither the Returning Officer or the Ward Clerk regulate the content of campaign material. If it is believed that an

offence has been committed in relation to statements about candidates, and the complainant is prepared to substantiate this allegation through a written statement, this should be brought to the attention of the police.

3.32 Other false statements that are not about another candidate's personal character or conduct may not be illegal under electoral law; but could be considered as libel and slander.

## **Other offences**

3.33 Election campaign material will also be subject to general restrictions of the criminal law and the law on civil liability, and any material must not contain statements or comments that are defamatory. Defamatory comments in a written form constitute libel and are liable to serious legal actions. It is also an offence to publish or distribute threatening, abusive or insulting material which is intended to stir up racial hatred.

3.34 Candidates and their agents should be aware of a number of other electoral offences specified by the Representation of the People Act 1983. If a candidate or their agent is found guilty of a corrupt practice, the election may be invalidated. Bribery, treating and undue influence are three common areas of concern.

## **Bribery**

3.35 The offence of bribery includes where someone directly or indirectly gives any money, procures any office to or for any voter, or make such a gift in order to induce any voter to vote, refrain from voting, or return any person at an election.

## **Treating**

3.36 A person is guilty of treating if they directly or indirectly, either before, during or after an election, give or provide (or pay wholly or in part the expense of giving or providing) any food, drink, entertainment or provision in order to corruptly influence any voter to vote or refrain from voting. Neither the Returning Officer nor the Ward Clerk regulate the campaigning by candidates and agents. If it is believed that an offence has been committed in relation to treating, and the complainant is prepared to substantiate this allegation through a written statement, this should be brought to the attention of the police

## **Undue influence**

3.37 The importance of unimpeded access to the polling station cannot be over-emphasised. The existing legislation has been strengthened following the Electoral Administration Act 2006, so that the intention to unduly influence is also an offence.

3.38 A person is guilty of the corrupt practice of undue influence if they:

- directly or indirectly, make use of or threaten to make use of force, violence or restraint, or inflict or threaten to inflict injury, damage or harm in order to induce or compel any voter to vote or refrain from voting or
- impede or prevent any voter from freely exercising of their right to vote – even where the attempt is unsuccessful

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

3.39 Therefore, a group of people congregated outside a polling station, for example, could be seen as a form of undue influence through efforts to intimidate electors. If a candidate is considering the use of tellers or campaigners in or near to the polling station, they should ensure that all volunteers are aware of these restrictions and are given a copy of the guidance to tellers (Appendix D).

## **Absent voting offences**

3.40 Offences relating to absent voting were introduced by the Electoral Administration Act 2006. A person commits an offence if they:

- engage in an act specified below, and
- intend, by doing so, to deprive another of an opportunity to vote or to make for themselves or another a gain of a vote to which they or the other is not otherwise entitled or a gain of money or property.

3.41 These offences are:

- applying for a postal or proxy vote as some other person (whether that other person is living or dead or is a fictitious person)
- otherwise making a false statement in, or in connection with, an application for a postal or proxy vote
- inducing the registration officer or returning officer to send a postal ballot paper or any communication relating to a postal or proxy vote to an address that has not been agreed to by the person entitled to the vote
- causing a communication relating to a postal or proxy vote or containing a postal ballot paper not to be delivered to the intended recipient.

3.42 A person who commits an offence under the Electoral Administration Act 2006 or who aids, abets, counsels or procures the commission of such an offence is guilty of a corrupt practice.

## **Offences associated with absent voting**

3.43 The Electoral Commission has again agreed a voluntary code of conduct with the larger political parties on the handling of postal vote applications and postal ballot papers. This code represents an agreed standard of acceptable behaviour that all candidates and agents should follow. It can be found at Appendix E.

## **Campaigning on polling day**

3.44 While it is clear that campaigning cannot happen within a polling station or polling place, there is less clarity on how this extends to the surrounding area. Presiding Officers must ensure that electors can quietly and privately cast their vote free of any intimidation (whether real or perceived) and provide a space where the secrecy of the ballot will be respected. Electors should be able to enter the surrounding area in the same manner.

3.45 There should be no long-term parking of vehicles for campaign purposes, for example, displaying election materials or using loudspeakers immediately outside entrances or within a reasonable distance of the entrance. Cars being used in campaigns that are also used to

transport voters may need to wait for the voter while at the polling station, but this should not be unduly prolonged.

3.46 The Presiding Officer will not allow large groups of a candidate's supporters or detractors to gather in the vicinity of the polling station and will be particularly alert to actions that may lead to electors feeling intimidated or influenced. Influencing includes deterring an elector from voting at all, as well as influencing them to vote or not for a particular candidate.

3.47 It is for the Ward Clerk, Returning Officer, and Presiding Officer to decide whether particular campaign activities around a polling station should be permitted to continue, bearing in mind the need to balance the competing needs of campaigners and electors. Should you have any concerns regarding activity outside a polling station, please report this to the Presiding Officer or to Electoral Services. Local police may also act to ensure public order at or near polling stations.

## 4. POSTAL AND PROXY VOTING

4.1 Candidates are able to request a list of absent voters in the Ward in which they are standing. This request must be made in writing and state whether they require the 'current' list (list as of the date of request) or the 'final' list (list as at the deadline for applications 11 working days before poll). It should also specify whether the lists should be supplied as printed copies or data files.

4.2 Forms to request paper or electronic copies of the absent voters list are available from the Electoral Services Office and included in the candidate pack.

### Application forms

4.3 The law allows anyone included in a voting register (in this case the Ward Lists) to apply for a **postal vote** without the need to give any reason. Electors can apply to vote by post for all future elections, for a specific period of time or for one election only. Electors wishing to apply for a postal vote to be sent to an address other than their registered address must give a reason for this redirection.

4.4 However, any individual requesting a **proxy vote** must provide a reason why they cannot be reasonably expected to vote in person. An individual may vote by proxy for an indefinite or particular period for a number of reasons, including: physical incapacity, temporarily overseas, studying away from home, that to get to a polling station would involve a journey by sea or air, and certain occupations e.g. Armed Forces. The appointed proxy is also entitled to apply to vote by post, however, both proxy and postal proxy arrangements must be in place by the deadline for postal vote applications.

4.5 Forms for these purposes can be obtained from the Electoral Services Office and can be downloaded from the website [www.speakforthecity.com](http://www.speakforthecity.com).

### Deadlines

4.6 All applications to vote by post, or to change or cancel existing postal voting arrangements (including changing the ballot paper address, cancelling or changing the appointment of proxies and changing existing postal votes to proxy votes) must be received by the Electoral Services Office by no later than **5pm, 11 working days before polling day**.

4.7 New proxy vote applications must be received by the Electoral Services Office by no later than **5pm, 6 working days before polling day**.

4.8 Completed application forms can be posted back to Electoral Services, handed in at Guildhall, or scanned and emailed to [electoralservices@cityoflondon.gov.uk](mailto:electoralservices@cityoflondon.gov.uk).

4.9 **Re-direction of a postal vote** – if a new or existing postal voter requests their ballot paper to be sent to a different address than that at which they are registered, then they must provide a reason on their application form.

4.10 **'Emergency' proxy votes** – regulations allow electors who have suffered from a medical emergency that occurred after **5pm, 6 working days before polling day**, or have learnt after **5pm, 6 working days before polling day** that they are unable to attend the Polling Station because of work/service reasons, to appoint an 'emergency' proxy. Applications must be made and signed by the elector and by a qualified person (such as a medical practitioner, nurse,



Christian Science practitioner, the person in charge of an elector's residential care home in the case of medical reasons, or their employer or another authorised person at their place of work for work/service reasons) and must be received by the Electoral Services Office no later than 5pm on polling day. Forms for this purpose are available from the Electoral Services Office or [www.speakforthecity.com](http://www.speakforthecity.com).

## Completing the application forms

4.11 Every elector applying for an absent vote (postal and proxy) must include their signature and date of birth in order for the application to be valid. Postal voters (including proxies voting by post) will have to provide their signature and date of birth when they vote by post. These will be checked against those included on their application form.

4.12 If electors are unable to provide a consistent signature, they can apply for a signature waiver, meaning that they only have to provide their date of birth when they apply for a postal vote and cast their postal vote. Forms to apply for a waiver can be obtained from Electoral Services.

4.13 The computer system which stores the personal identifiers requires them to be in a specific place on the form and so a blank form can be obtained from the Electoral Services Office. It is advisable for candidates to let the Electoral Services Office know if any elector requires an application form, as we can send personalised forms to them which will simplify the process for the elector.

4.14 The Electoral Commission supports a personal approach by candidates in encouraging electors to apply to vote by post. The Electoral Commission is concerned, however, that in doing so electors may not be properly informed of all the options, implications, and the process of voting by post. To assist candidates, who may not always be certain of their own position in advising electors, the Electoral Commission has drafted a code of conduct which can be found at the end of these notes as Appendix E.

## Issue of postal ballot papers

4.15 Postal ballot papers will be issued to postal voters as soon as is practical after the deadline for the receipt of applications has passed (**5.00pm, 11 working days before polling day**). Postal voters can return their completed postal votes up until the close of poll and can deliver them by hand to the Electoral Services Office or to the designated polling station(s) in their Ward on Polling Day.

4.16 Please note that candidates are not entitled to attend the issue of postal ballot papers.

## Opening of postal ballots

4.17 Postal vote covering envelopes (the envelopes in which electors return their postal ballots) are placed into one or more postal ballot boxes by the Ward Clerk as they are returned during the election period. Given the number of postal votes being issued and returned, and the need to verify personal identifiers, the ballot boxes containing postal votes returned early are opened at official 'opening sessions' on or before polling day.

4.18 There will be a number of postal vote opening sessions conducted at the Guildhall up to and on polling day. Candidates have the right to attend the opening(s) for their Ward. All candidates will be informed of the time and place of the opening(s), in writing with at least 48 hours' notice.

4.19 Other than the Ward Clerk and their staff, those entitled to attend the opening of postal voters' ballot boxes and watch proceedings are:

- a candidate
- a candidate's election agent, or anyone appointed by the candidate or their election agent to attend in place of their election agent
- any agent appointed by a candidate to attend the opening of postal voters ballot boxes
- representatives of the Electoral Commission

4.20 As with all other aspects of the election process, all those attending the opening of postal ballots and the count must be aware of the requirement to ensure the secrecy of the ballot. All those attending the opening of postal ballots and the count must make a declaration of secrecy.

4.21 Candidates and agents can observe but may not interfere with the opening process. All those attending the opening of postal ballots must maintain the secrecy of the ballot, and candidates and agents should not make any attempt to see how any individual ballot paper is marked, nor make any attempt to take notes on how ballot papers are marked. In any event, all ballot papers will be kept with the voting side face down and so it will not be possible to see how the postal voters have voted. Any concerns about the opening process should be raised with the Ward Clerk or a member of their staff immediately.

4.22 The following represents a brief summary of the process. It must be emphasised that responsibility rests with the Ward Clerk. The Ward Clerk will organise staff into teams, with a supervisor. If candidates or their agents have any questions about the process, they should direct these to the Ward Clerk, or his representative.

- Postal votes are brought to the opening session in ballot boxes. First, all the covering envelopes are taken out and counted and the total entered on a form.
- The covering envelopes will be checked that they are for the correct Ward
- The covering envelopes will be opened, and the envelope As (ballot paper envelopes) and Postal Voting Statements will be removed. These will be separated but kept in order
- The Postal Voting Statements will be scanned. The postal voting software will match the signature and date of birth against those supplied on the postal vote application form. Any mismatches or doubtful matches will be adjudicated by the (Deputy) Ward Clerk.
- If a postal vote is rejected, it is removed from the process and will not be counted.
- The number on the Postal Voting Statement will be checked against the number on the ballot paper envelope A. Any mismatches will be provisionally rejected and removed from the opening process for the time being.
- The checked Postal Voting Statements will be separated from the Envelope A and placed in the receptacle for the postal voting statement

4.23 Where the Ward Clerk determines that a postal voting statement is not valid:

- either because a signature<sup>2</sup> or date of birth is missing
- or, in the case of those set aside for personal identifier verification, because the signature or date of birth supplied on the postal voting statement does not match that on the personal identifiers record

the postal voting statement should be attached to the relevant ballot paper or ballot paper envelope, endorsed 'rejected', shown to any agents present and then placed in the receptacle for rejected votes. Any agent present may object to this decision, in which case the words 'rejection objected to' will be added but the ballot paper will remain rejected.

4.24 Once the postal voting statements have been dealt with and removed from the tables, count staff will open the ballot paper envelopes (envelope A) and remove the ballot papers. The number on the back of the ballot paper will be checked against the number on the ballot paper envelope. The valid ballot papers (not the votes) will be counted and the total number will be recorded.

4.25 Valid postal ballot papers (i.e. those not rejected by the Ward Clerk during the opening process) are placed back into a ballot box, stored securely.

4.26 Please note that the votes for each candidate will not be counted at this stage. In accordance with the legislation, ballot papers will be kept face down throughout the opening process.

4.27 Agents may observe the proceedings and if a postal vote has been rejected, they can register their objection to that decision. They may not interfere with the adjudication process. If an agent is seen to attempt to influence the decision as to whether a vote is included or rejected, for example, expressing their view out loud before adjudication, they will be asked to leave.

4.28 If the fire alarm sounds during postal vote opening, all candidates and agents must evacuate the building. The room will be secured and no-one will be permitted to enter the room unless accompanied by Election Services staff.

4.29 A marked copy of the postal voters list is available for candidates after the election.

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<sup>2</sup> Except in the limited circumstances where an elector has been granted a waiver and is not required to supply a signature

## 5. ELECTION SPENDING

5.1 Important: The purpose of completing and submitting 'election expenses returns' to Returning Officers is to provide transparency and accountability about the income and expenditure of the campaign. Please note that payments made cannot be 'claimed back' or reimbursed. Furthermore, even if no election spending is incurred, a 'nil' return still has to be submitted along with the declarations.

### Spending limits

5.2 Candidates standing at City of London Ward elections are subject to limits on what they spend during the regulated period in advance of an election. The limits are as follows:

**£266 plus 5.2p per eligible elector on the relevant Ward List**

5.3 Candidates and agents should confirm the relevant register figure with Electoral Services. It is the responsibility of the agent to keep spending within the correct limit. It is advisable to get written confirmation of the relevant figure from the Ward Clerk.

### Spending limits for joint candidates

5.4 At City of London elections, candidates can be considered joint candidates for the purpose of their election spending limits. Maximum spending limits are reduced in the case of joint candidates. Where there are two joint candidates, the limit for each candidate is reduced by a quarter. Where there are three or more joint candidates, the limit for each is reduced by a third. More information on allocating election spending in respect of more than one candidate is at paragraph 5.64.

5.5 Candidates are to be considered joint candidates if they do any of the following:

- have the same election agent
- hire or use the same committee/campaign rooms at an election
- publish joint material

Candidates will only be considered joint candidates if they meet any of the above conditions and are standing for election in the same ward.

### The regulated period

5.6 The spending limits apply to the 'regulated period'. This period is from the day after a person officially becomes a candidate until polling day.

### Defining election spending

5.7 A candidate's election spending is defined as:

- any expenses incurred, whether on goods, services, property or facilities, for the purposes of the candidate's election during the regulated period. This includes items bought before the regulated period but used during it.

5.8 It is important to note that money that was spent before a person becomes a candidate counts against the spending limit if the goods or services purchased are used after the person

becomes a candidate. In other words, money spent before the regulated period on goods or services that are used for the purpose of the candidate's election during the regulated period should be included within the candidate's election expenses return. This ensures that anything spent on items paid for some time in advance of the election is accounted for. The categories of spending that are referred to in the excerpt from the legislation above are described in paragraph 5.12 below.

#### **Example box: Money spent before the start of the regulated period**

A local election was held on 1 May 2012. In March 2012, an individual spent £1,000 on leaflets in relation to their election campaign. They distributed half of them in the first three weeks of March. They legally became a candidate on 27 March 2012. In April they distributed the other half of the leaflets.

The regulated period runs from the date a person becomes a candidate until the date of the poll. In this example, the election spending was therefore the proportion that related to the leaflets distributed in April, after the person had become a candidate (because it was spent on materials distributed during the regulated period). Therefore, half of the spending should be treated as election expenses and count against the candidate's spending limit, i.e. £500.

5.9 Election spending includes expenses incurred by or on behalf of the candidate promoting their own candidacy or disparaging their opponents. So, election spending includes spending on materials that:

- encourage people to vote for candidate A at a specified election
- criticise candidate B
- compare candidate B unfavourably with candidate A

5.10 Election spending includes 'notional expenditure' of more than £50. Notional expenditure is incurred when an organisation or individual bears the cost of goods or services for which the candidate or their election agent would otherwise have been liable. Further guidance is provided from paragraph 5.46 onwards.

5.11 Note that notional expenditure must also be treated as a donation to the candidate if it is more than £50.

## **Categories of spending**

5.12 The Electoral Administration Act 2006 set out categories that constitute election spending and count against a candidate's limit. The categories are:

- advertising
- unsolicited material addressed to electors
- transport
- public meetings
- services of an election agent or other staff
- accommodation and administrative costs.

## **Advertising**

5.13 This covers advertisements of any nature or using any medium (not just newspaper advertisements and posters). The costs of advertising include agency fees, design costs, printing costs and delivery costs. Costs include both the costs of producing the material and of displaying or otherwise circulating it.

## **Unsolicited material**

5.14 This category covers any material sent out, whether it is addressed to electors by name or simply delivered within a particular area. Costs in this category include design costs, printing costs and distribution costs.

## **Transport**

5.15 Transport costs cover transport of people by any means to any place.

5.16 Petrol or vehicle hire costs for journeys made by the candidate or election agent for the purposes of the election constitute election expenses. Such journeys may include driving canvassers to distribution points, or promotional tours around the electoral area.

5.17 Often people will use their own private car in support of a candidate's campaign. The use of someone's private means of transport does not count as election spending unless the person is paid for the use. However, the cost of petrol will still be an expense.

5.18 If volunteer supporters reclaim fuel costs from the election agent, these costs should be reported as election spending. If someone does not reclaim their fuel costs, but these costs are valued at more than £50 across the whole regulated period, they should be reported as notional expenditure and a donation to the candidate.

## **Public meetings**

5.19 This covers public meetings of any kind. Costs include the hire of a venue, the costs associated with the attendance of people at the meetings (e.g. speakers' fees) and the cost of any goods, services or facilities provided at the meeting.

5.20 Where a hustings organiser invites some, but not all, candidates standing in a constituency, the Electoral Commission considers that the provision of a public platform for those candidates who attend constitutes a non-cash donation to the candidates (or the party on whose behalf they are standing), and the equivalent cost should count as election spending. A separate guidance document for hustings can be found on the Electoral Commission's [website](#).

## **Services of an election agent and other staff**

5.21 The salary of a candidate's election agent is election spending. The value of the salary paid during the regulated period should therefore be included in the expenses return.

5.22 If somebody else, such as a political party or members association, pays for the salary of an election agent or any other staff for a candidate, the agent's salary must be included in the candidate's expenses return as notional expenditure if it is more than £50. This must also be reported as a non-cash donation.

5.23 If an election agent is not employed on a salary but charges a candidate for their services, then the full amount of those charges constitutes election spending.

5.24 The provision of services by any volunteer, including a person acting as the candidate's agent, who provides their services free of charge and in their own time is not an election expense. If a candidate or election agent is self-employed, takes time off work during the regulated period to work on the campaign, and employs someone to cover their work during this period, the Electoral Commission's view is that this does not constitute election spending.

5.25 Where someone employed by any organisation (including a political party) devotes a significant amount of time to working on a candidate's campaign, an estimate should be made of the amount of time they have spent working on the campaign during the regulated period. On this basis, the appropriate proportion of their salary should be reported as notional expenditure by the candidate, if the amount exceeds £50. Under those circumstances, it must also be reported as a non-cash donation from the employing organisation to the candidate.

## **Accommodation and administrative costs**

5.26 Accommodation costs include costs for office space. Where an election agent rents an office (or uses an existing constituency office) during the regulated period, the value of the rent for that office (or an appropriate proportion of the rent) is election spending.

5.27 Administrative costs include the cost of telephone calls made as part of the campaign as well as any other utility costs during the regulated period. Where bills for line rental or other utilities cover a period longer than the regulated period, the usage during the regulated period should be calculated and declared as election spending.

5.28 If an office is used solely for the purpose of a candidate's campaign throughout the regulated period, then all rent and utility bills paid during that period must be reported. If an office is only partly used for this purpose during the regulated period, then the proportion of rent that constitutes election spending should be calculated according to the amount of time or the proportion of space that was used for the purpose of the candidate's election.

### **Example box: Valuing an office used for a candidate's campaign (1)**

If an office, rented at the rate of £500 a month (i.e. £16.13 per day in a 31-day month), is used two days a week for three weeks during the regulated period (i.e. six days), the election spending will be £96.78 (£16.13 x 6).

5.29 Where the election agent does not pay rent and use of the office is provided free of charge by the local constituency party, an amount equivalent to the commercial rental value for that office must be reported as notional expenditure. Where rent is charged at a discount of more than 10% of the commercial rental value, the rent paid should be reported as actual spending, and the difference between the commercial rental value and the amount paid should be reported as notional expenditure.

### **Example box: Valuing an office used for a candidate's campaign (2)**

A constituency association provides use of its office to a candidate free of charge for two weeks of the regulated period. The candidate's election agent ascertains the cost of renting three similar properties in the area, and uses the average to estimate the value of notional expenditure incurred on use of the office.

Average commercial rent	£150 per week
Period over which office used	2 weeks
Amount to be reported as actual spending	£0
Amount to be reported as notional expenditure	£300
Donation to be reported in return	£300

5.30 Use of the sole or main residence of the candidate, or the sole or main residence of a person who does not charge the candidate for use of the residence, is not election spending (see paragraph 5.31).

## **Exemptions**

5.31 Certain items do not count as election spending. Even if money is spent on such items, it does not count against a candidate's limits and does not need to be reported in the candidate's return. These items are:

- anything (except adverts) appearing in a newspaper or on a licensed broadcast channel
- facilities you use because you are entitled to do so as a candidate, such as a public room for a meeting
- costs that are reasonably attributable to the candidate's disability
- volunteer time including time spent by your staff that you do not pay them for
- use of someone's main residence, provided free of charge
- use of someone's personal car or other means of transport, acquired principally for that person's personal use and provided free of charge
- use of someone's computing or printing equipment acquired principally for that person's personal use and provided free of charge

## **Planning and managing election spending**

5.32 This section outlines the legal requirements on candidates and election agents when incurring and making payments for election spending.

5.33 Any individual or organisation that incurs or pays for election spending in breach of the requirements of the RPA 1983 may be committing an offence under the legislation. Appendix A details the offences and penalties that can be committed under the RPA 1983.

## **Incurring election spending**

5.34 Election spending is incurred on the date on which a legal commitment to spend money is made, i.e. the date when an order is placed or a contract is signed.

5.35 Only certain people are authorised to incur election spending. They are:



- the candidate
- the election agent
- any individual or organisation authorised in writing by the election agent

5.36 Where a candidate's election agent authorises an individual or an organisation to incur election expenses (and they are not employed by the candidate or their election agent), that individual or organisation must complete a return detailing all the expenses they have incurred.

5.37 Written authorisation from the election agent to incur expenses does not mean that an individual or organisation is also authorised to make payments in respect of election spending.

## **Paying for election spending**

5.38 In most instances, only the election agent can legally make election spending payments.

5.39 However, the following payments may be made other than by the election agent:

- the candidate can pay for items before the agent is appointed
- the candidate can pay for personal expenses for travel and accommodation
- the agent can authorise in writing someone to pay for minor expenses such as stationary or postage. The authorisation must include the amount of the payment

## **Time limits for claims and payments**

5.40 When agreeing contracts, suppliers should be advised that all claims for payment must be made to the election agent within 21 calendar days of the date the election result is declared. Claims that are not received by the election agent within this period are called unpaid claims. Unpaid claims cannot legally be paid unless a court order is gained granting leave to pay the claim.

5.41 For example, if an election was held on 24 March 2022 and the result was declared before midnight, all claims for payment had to have been received by 14 April 2022. Any invoices received later than this date could not be paid without a court order.

5.42 All claims for payment that are received within the specified period (i.e. 21 calendar days after the election result) must be paid by the election agent within 28 calendar days of the date the election result is declared. Claims that have not been paid by this time are called disputed claims. Disputed claims cannot legally be paid without a court order first being gained granting leave to pay the claim.

5.43 For example, for an election held on 24 March 2022, where the result was declared before midnight, all claims received by 13 April 2022 had to be paid by 20 April 2022.

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

## **Valuing notional expenditure and other spending**

5.45 This section sets out the Electoral Commission's view on how election agents and candidates should value and report notional expenditure and other spending.

## Notional expenditure

5.46 Election spending returns must include any notional expenditure incurred on goods or services used during the regulated period.

5.47 Notional expenditure is incurred when any goods, services, property, or facilities are provided to a candidate or their election agent free of charge, or at a non-commercial discount of more than 10% for the purpose of the candidate's election.

5.48 Controls on notional expenditure apply only where it is valued at more than £50.

5.49 The value of notional expenditure is the difference between the normal commercial cost of goods/services provided and the amount the candidate or their election agent actually paid for them (if anything). Where goods or services have been discounted by more than 10% from normal commercial rates, the difference should be declared as notional expenditure if it is more than £50. Notional expenditure should also be treated as a donation to the candidate if it is more than £50.

5.50 To determine the normal commercial cost of goods/services, the Electoral Commission advises that election agents and candidates use the average cost of two or three commercial quotes for the same or similar goods/services.

### Example box: Valuing notional expenditure

Discounted supply of printed material

A firm supplies a candidate with 1,000 election leaflets at a discounted rate.

Normal cost of printing 1,000 leaflets	£100
Cost charged to candidate	£40
Actual spending to be included in return	£40
Notional expenditure to be included in return	£60
Non-cash donation to be reported in return	£60

5.51 Notional expenditure is only incurred when a discount is provided for the purpose of a candidate's election. Notional expenditure is not incurred when a candidate is provided with a discount on a commercial basis, e.g. when items are bought in a sale or where a discount is offered because of a large order.

5.52 Where notional expenditure is valued at more than £50, a donation is made, and the candidate's election agent will need to confirm before accepting the donation that the person or organisation making the donation is a 'permissible donor'. All accepted donations of more than £50 must be reported within the candidate's election spending return.

5.53 If printed materials are prepared by people who have volunteered their time directly to the candidate, the election spending consists of the cost of the materials used to prepare the materials plus a notional charge based on the market rate for hiring similar printing equipment (unless printed on a personal computer, see paragraph 5.31). If the volunteers have volunteered their time to the candidate, there is no need to cost their labour as election spending. See paragraph 5.50 for more about determining commercial rates.

## Canvassing and distribution

5.54 The payment or promise of payment of canvassers is prohibited. Any such payment, or arrangements for payment, may constitute an illegal practice.

5.55 There is no prohibition on the payment of an individual or organisation employed for the sole purpose of delivering or distributing election materials. Election agents should, however, carefully consider the possible implications of making payments to an individual/organisation whose other activities include canvassing.

5.56 The Electoral Commission's view is that canvassers may incur costs for incidentals, such as travel costs, without authorisation. If a canvasser reclaims these costs from the election agent, they should be reported as election spending. If such costs are not reclaimed but are valued at more than £50, they should be reported as notional expenditure and a donation to the candidate.

## Websites

5.57 If a website is developed solely for a candidate's campaign, all costs incurred in setting up the site and any costs incurred in running the site during the regulated period constitute election spending.

5.58 If a website developed for another purpose is adapted to promote a candidate's campaign, any costs incurred in adapting the site or in running the site during the regulated period constitute election spending.

5.59 If a candidate or their election agent is provided with any commercial services for developing and running their website free of charge or at a discount, this would constitute notional expenditure. Examples of such services could be the provision of a domain name or graphic design services.

5.60 If a candidate sets up a blog on a site where no cost would normally be payable, there are no election spending implications. If a site is used where a charge is usually made, if the candidate or agent pays the charge, the charge for the regulated period constitutes election spending. If someone pays the charge on behalf of the candidate or a site that normally charges waives the fee for the candidate, notional expenditure rules apply (see paragraph 5.45 onwards).

5.61 Similar rules apply for podcasts or other uses of the internet in a campaign. Where actual costs are involved (e.g. for use of recording or editing equipment), these should be accounted for in the candidate's return. Where someone pays the costs on behalf of a candidate or waives fees normally charged, notional expenditure rules apply (see paragraph 5.45 onwards).

### **Example box: Case study – valuing election spending incurred on the use of websites**

A candidate sets up their own website, devoted entirely to promoting their candidacy and outlining their policies.

Set-up costs (registering a global domain name):	£25.00
Running costs (annual hire of web space):	£18.50
Running costs during regulated period (six weeks):	£2.13
Actual spending to be reported:	£27.13

A candidate has a website registered which they have previously used for business purposes. A website designer offers to redesign the site free of charge to make it a promotional site for the candidate's election campaign.

Normal cost of hiring web designer	£90
Time spent redesigning website	2 days
Actual spending to be reported	£0
Notional expenditure to be reported	£180
Donation to be reported in return	£180

## Items used at more than one election

5.62 Where you have paid for an item, you must report the full cost at the time of first use, even if you intend to use it again at a future election. If you do use it again at a subsequent election, you do not have to report the original payment.

5.63 It is advisable that candidates or agents retain any relevant receipts or invoices, along with a copy of the election spending return on which the spending has been declared, in case proof of declaration is needed in the future.

## Allocating election spending

5.64 Costs may be incurred on goods/services used for the benefit of more than one candidate. In such instances, an appropriate proportion of the total spending incurred should be allocated to each relevant candidate.

## Election materials promoting more than one candidate

5.65 As a general principle, costs incurred on materials promoting more than one candidate should be split between all relevant candidates.

5.66 Where these candidates are standing within the same Ward, the costs should be equally divided between the candidates.

5.67 Where the candidates are standing in different Wards, the costs per candidate should be calculated according to how many leaflets/posters/etc. were distributed within the electoral area in which each candidate was standing. This can be roughly based on the number of electors per electoral area if the actual number distributed in each electoral area is unknown (e.g. if leaflets are distributed in a shopping centre).

5.68 Similar considerations should be made in respect of other goods/services used for the benefit of more than one candidate.

### Example box: Allocating election spending between candidates

During the regulated period in advance of an election, three candidates use an office as their campaign headquarters. During this time, the office is not used for any other business. Candidates Smith and Jones use the office two days a week each, while

Candidate Brown uses the office one day a week. Use of the office is provided free of charge by a donor.

Average commercial rent:	£20 per day
Length of the regulated period:	5 weeks (25 working days)
Total notional expenditure incurred by the three candidates:	£500 (20 x 25)

Candidate Smith	
Actual spending to be reported:	£0
Notional expenditure to be reported:	£200 (20 x 10)
Donation to be reported:	£200

Candidate Jones	
Actual spending to be reported:	£0
Notional expenditure to be reported:	£200 (20 x 10)
Donation to be reported:	£200

Candidate Brown	
Actual spending to be reported:	£0
Notional expenditure to be reported:	£100 (20 x 5)
Donation to be reported:	£100

## Queries regarding election expenses

**5.69** It is not the responsibility of the Ward Clerk, Returning Officer or their staff to provide guidance to candidates and agents on election expenses. The Electoral Commission is available to provide guidance on election expenses. They can be contacted on 0333 103 192 or [pef@electoralcommission.org.uk](mailto:pef@electoralcommission.org.uk).

## **6. DONATIONS**

### **Defining donations**

6.1 This chapter sets out the controls on donations to candidates.

### **Regulated donations**

6.2 Cash and non-cash donations made to candidates or their election agents for the purpose of meeting election spending incurred by or on behalf of a candidate are regulated.

6.3 This includes donations to meet costs that would have been incurred had the donation not been made (i.e. in-kind donations).

6.4 The controls apply only to donations with a value of more than £50.

### **Definition**

6.5 The Representation of the People Act 1983 defines a donation as any of the following:

- any gift (including a bequest) to the candidate or their election agent of money or other property
- any sponsorship provided in relation to the candidate (see paragraph 6.9)
- any money spent (other than by the candidate or their election agent or any sub-agent) in paying for any election spending
- any money lent to the candidate or their agent other than on commercial terms
- the provision for the use or benefit of the candidate of any property, services or facilities (including the services of any other person) other than on commercial terms.

6.6 Common examples of donations may include:

- a cash donation to meet a candidate's spending from the candidate's constituency association
- a cheque given by a supporter
- stationery supplies worth over £50
- payment of costs of a newspaper advertising campaign
- a 50% discount offered on printing of election materials
- free use of an office valued at over £50
- free use of a hire car valued at over £50.

### **Exclusions**

6.7 Under the Representation of the People Act 1983, the following are not donations:

- any donation with a value of £50 or less
- the provision of facilities in connection with rights conferred on the candidate
- the provision by an individual of their own services, voluntarily, in their own time and free of charge
- any interest accruing to a candidate or their election agent in respect of a donation from an unidentifiable or otherwise impermissible source, which is dealt with by the

candidate or their election agent in accordance with the relevant legislation (see paragraph 6.33)

- the loan of a person's principal house, personal car, personal computer or personal printing equipment

6.8 In the Electoral Commission's view, if a candidate is granted special leave by their employer during the regulated period in order to fight their campaign, this is not a donation.

## **Sponsorship**

6.9 Sponsorship is defined as any money or property transferred to the candidate or any other person for the purpose of helping the candidate meet costs incurred in connection with:

- any conference, meeting or event organised by or on behalf of the candidate (including digital conferences)
- the preparation, production and distribution of a publication (print or digital) by or on behalf of the candidate
- any study or research organised by or on behalf of the candidate

6.10 This definition of sponsorship does not include:

- any admission charge to a conference, meeting or event
- the purchase price of (or any other charge for access to) any publication
- payments made to place advertisements in publications which are made at the true commercial rate
- some payments for conference stands.

## **Managing donations**

6.11 As candidates must report the sources of all the campaign donations they receive over £50 in value, it is important that proper records be kept of all funding sources. This includes monetary (referred to below as 'cash') and in-kind contributions (referred to below as 'non-cash' or 'notional') funding for a candidate to pay for aspects of their campaign.

## **Receiving donations**

6.12 All cash and non-cash donations must be given directly to the candidate or their election agent.

6.13 Where a candidate receives a donation they should pass it to their election agent to handle, as the election agent is legally responsible for the financial conduct of the candidate's campaign.

6.14 If a candidate receives a donation before they have appointed an election agent, they may take the necessary steps to deal with the donation themselves. The candidate must pass the donation, and any relevant information received with it, to the election agent as soon as one is appointed.

6.15 A candidate is deemed to have received a donation on the date that they (or their election agent) take possession of the donation, whichever is the earlier. If the donation is transferred electronically, the donation is deemed to have been received on the date the candidate or election agent is notified of the payment (e.g. the date they receive their next bank statement for the relevant account or check an online bank record).

6.16 Candidates and their election agents have 30 calendar days from the date a donation is received in which to make any enquiries and take any action regarding the donation, i.e. to decide whether or not to accept the donation (see paragraph 6.33). If they decide not to accept the donation, they must take the necessary steps to deal with it within the 30-day period. If the donation has not been returned within that time, they will be deemed to have accepted the donation.

6.17 If a donation is given to an election agent acting on behalf of more than one candidate, the agent will need to ascertain whether the donor intended the donation to be divided equally between all the candidates. Alternatively, it may have been intended specifically for one or more of the candidates on whose behalf the election agent is acting. The donation should be apportioned between the candidates on the basis of the information supplied by the donor.

6.18 If an individual makes a donation to a candidate or their election agent on behalf of more than one person, each individual contribution of more than £50 should be reported as if it were a separate donation from each individual contributing that sum. Details of each individual donor will need to be provided to the election agent for reporting purposes.

6.19 Where a donation is made from a joint bank account, the donation should be treated as being made equally by all the account holders, and split accordingly. Each account holder must be a permissible donor (see paragraph 6.23), and the details of each account holder will need to be provided to the election agent for reporting purposes.

6.20 The full name and address (and any other relevant details) of any donor must be given to the candidate or their election agent. If a person provides a donation on behalf of someone else, the person transferring the donation must ensure that the candidate or their election agent is given the full name and address (and any other relevant details) of the individual or organisation making the donation. Failure to do so may be an offence (see Appendix A).

6.21 Where a donation is made to a local party fighting fund, this constitutes a donation to the party rather than to the candidate (unless the person giving the donation specifies that it is for the benefit of a particular candidate). If money donated to the fighting fund is then passed on to the candidate or used to fund their campaign, this will constitute a further donation, from the party to the candidate, and should be reported as such.

## **Accepting donations**

6.22 Candidates and their election agents may only accept donations of more than £50 from certain individuals and organisations, known as 'permissible donors'.

6.23 The following are classified as permissible donors:

- an individual registered on a UK electoral register
- a Great Britain-registered political party
- a UK-registered company
- a UK-registered trade union
- a UK-registered building society
- a UK-registered friendly society
- a UK-registered limited liability partnership
- a UK-based unincorporated association

6.24 Paragraph 6.31 and the paragraphs that follow provide details of how to check whether an organisation or individual is a permissible donor.



6.25 The Electoral Commission's view is that donations from registered political parties include donations made by local party branches or constituency associations.

6.26 For the avoidance of any doubt, local councils are not permissible donors. Candidates may not accept donations, including the use of council facilities at a reduced rate, from any local council. This does not apply to statutory entitlements under the RPA 1983.

6.27 In addition to the above, a donation can also be accepted if it is:

- from an exempt trust (see Appendix I for a definition)
- transmitted by a trustee on behalf of a person who is a permissible donor
- from the bequest of an individual who was registered to vote at any time in the five years before their death

6.28 As donations of £50 or less are not regulated under the RPA 1983, a candidate or their election agent can accept a donation of £50 or less without checking whether it is from a permissible source.

6.29 Candidates and election agents should, however, be aware of any unusual donations with a value of £50 or less, such as numerous electronic transfers of exactly £50, and ensure that these are not intended to evade the controls on donations.

6.30 All accepted donations of more than £50 must be reported within a candidate's election expenses return.

## Verifying the source of a donation

6.31 In order to identify whether or not a donor is permissible, a candidate or their election agent must confirm that the individual or organisation meets one of the requirements listed in the table below. In order to check this, the candidate or election agent will need the name and registered address of the donor and any additional information to confirm that the relevant requirements have been met.

## Permissibility of donors

Type of permissible donor	Register/list/legislation/Order on or under which the donor must be registered to be a permissible donor
Individual	Either a register of Parliamentary or local government electors maintained under the RPA 1983; a register of relevant citizens of the EU under the European Parliamentary Elections Regulations 2004; or a register of peers maintained under Section 3 of the Representation of the People Act 1985
Company	The Companies Act 1985 or the Companies (Northern Ireland) Order 1986; incorporated within the EU; and carry on business in the UK
Registered Party	The Great Britain register of political parties maintained by the Electoral Commission under Part II of PPERA
Trade union	The Trade Union and Labour Relations (Consolidation) Act 1992 or the Industrial Relations (Northern Ireland) Order 1992
Building Society	A building society within the meaning of the Building Societies Act 1986

Limited liability partnership	The Limited Liability Partnerships Act 2000 (or equivalent Northern Ireland legislation) and carry on business in the UK
Friendly society	The Friendly Societies Act 1974, the Industrial and Provident Societies Act 1965 or the Provident Societies Act (Northern Ireland) 1969
Unincorporated association	An association, not covered by any of the above categories, of two or more people, which carries on the majority of its business or other activities in the UK and whose main office is in the UK

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6.32 Further information about the meaning of ‘*carrying on business*’ in the case of companies, limited liability partnerships and unincorporated associations can be found in the Electoral Commission’s *Donations and loans: guidance to political parties in Great Britain*. Candidates who have questions about the permissibility of donations from companies should contact the Electoral Commission and/or seek independent legal advice before accepting the donation in question.

## Returning donations

6.33 If a candidate or their election agent is unable to ascertain the identity of a donor or determines that the donation was impermissible, the donation must be returned within 30 days of its receipt, to one of the following:

- If the donation was transmitted by an identifiable person, it should be returned to that person.
- If the donation came via an identifiable financial institution (e.g. a bank), it should be returned to that institution.
- Otherwise, it should be sent to the Electoral Commission for payment into the Government’s Consolidated Fund.

### **Example box: Case study – donations from unidentifiable and other impermissible sources**

Examples of donations that should not be accepted may include:

- £100 cash received in a blank envelope from an anonymous source
- a gift of a computer from an individual who is not registered on a UK electoral register
- an offer to sponsor an event made by a company that is not carrying on business in the UK

6.34 All donations of more than £50 from unidentifiable or otherwise impermissible sources must be reported within a candidate’s election spending return even though they were returned.

6.35 We recognise that the legislation in this area is complicated. Candidates or agents who require any further advice or guidance regarding the rules for accepting or reporting donations should not hesitate to contact the [Electoral Commission](#).

## Valuing donations

6.36 This section sets out the Electoral Commission's guidance on how election agents and candidates should value donations and reflects the Electoral Commission's interpretation of the provisions of the legislation.

### Non-cash donations

6.37 Where candidates receive non-cash donations, the value of the donation must be calculated and reported.

6.38 Non-cash donations of goods/services provided to candidates free or at a discount (such as free use of an office or the provision of stationery supplies at a 50% discount) also constitute notional expenditure and should be reported as such. See paragraph 5.50 for more information about valuing the notional expenditure incurred in such transactions.

### Sponsorship

6.39 Sponsorship received by a candidate or their election agent should be valued at the commercial value of the cash, goods, services or facilities provided by the sponsor. Any benefit received by the sponsor should be discounted when valuing sponsorship.

#### **Example box: Valuing sponsorship**

If a sponsor provided a candidate with promotional banners free of charge on the basis that the sponsor's name would be displayed as well, the value of the sponsorship would be the price that the supplier would normally charge to produce a banner that did not include the supplier's name.

### Transactions

6.40 If a candidate or their election agent receives payment for providing goods/services, but the payment exceeds the commercial value of the goods/services provided, a donation is made if the difference between the value and the payment is more than £50. The value of the donation is the difference between the commercial value of the services provided and the amount actually received by the candidate or their election agent.

#### **Example box: Valuing a donation where payment for services provided by the candidate exceeds commercial value**

If a candidate holds a fundraising dinner for which there is a charge of £100 per 'plate', but the actual cost of hosting the dinner is £40 per attendee, the value of the donation would be £60 per plate.

In this example, each person who purchased a plate would have to be a permissible donor.

## 7. DAY OF ELECTION

### Wardmote

7.1 Irrespective of whether or not the election is contested, a meeting known as a 'Wardmote' is held. The Wardmote will be held at the date and time detailed on the Notice of Election. At this meeting, the voters in the ward have the opportunity to meet and question the candidates and raise issues with them.

7.2 An agenda for the Wardmote is produced by the Honorary Ward Clerk. The Lord Mayor (or his Locum Tenens/Aldermanic Representatives) presides over the Wardmote and if uncontested the candidate is declared to be duly elected as Aldermen for the Ward. If contested, the Returning Officer will announce that a poll is to take place the following day and adjourns the Wardmote until after the close of poll and count.

### Declarations of secrecy

7.3 Declarations of secrecy are to be made by every officer, clerk, agent or person authorised to attend at the polling station or at the counting of the votes. These declarations are normally made and signed at the Wardmote for a contested election. In the event that any person required to make such a declaration is not present then the declaration must be made prior to the commencement of the poll before the Returning Officer, or a Justice of the Peace. **A candidate must take due note of the requirement for secrecy.**

### Polling day

7.4 If the election is contested a poll will take place on a date detailed on the Notice of Election. Polling stations are open from 8am to 8pm and there is no provision for these hours to be changed. The Notice of Poll for each Ward details the opening/closing times and locations of the polling stations.

7.5 All electors are sent a poll card in advance of the poll to inform them where to go, and when. All postal voters will be sent their postal ballot papers at least one week before the date of the poll.

### Entitlement to attend at the polling station

7.6 A candidate and his election agent are entitled to visit the polling station(s) in the Ward they are standing in on polling day.

7.7 All those who enter the polling station must be aware of the requirement to ensure the secrecy of the ballot. Any person who is found guilty of breaching section 4 of the Ballot Act 1872 may face a fine or imprisonment.

### Polling station staff

7.8 Polling station staff will be employed by the City of London Corporation and will consist of a Presiding Officer and two/three Poll Clerks. The Presiding Officer will be appointed as a deputy for the Returning Officer on the day of the poll.

7.9 Should you have any questions/queries on the day of the poll please refer them to the Presiding Officer in the first instance who will then contact the Electoral Services Office if necessary.

## **Personation**

7.10 A candidate or election agent may require the prescribed questions to be put to a voter suspected of personation. Please see **Appendix G** for the list of prescribed questions.

## **Keeping order**

7.11 It is the Presiding Officer's duty to keep order at the polling station, and they may order the removal of any person from the polling station who misconducts himself or fails to obey the lawful orders of the Presiding Officer. However, in exercising this duty, the Presiding Officer must not prevent an elector who is entitled to vote from casting their vote.

## **Collection of postal ballots from the polling station**

7.12 During polling hours, the Ward Clerk may arrange for the collection of any postal votes that have been handed in at a polling station. In this case, the Presiding Officer must seal the postal ballots into a packet before collection.

## **The count and opening of postal ballot papers**

7.13 The counting of ballot papers for Ward elections takes place as soon as possible after the close of poll at 8pm at a location within the Ward. Candidates will be advised of the arrangements after the last date for candidate withdrawals.

## **Postal ballots**

7.14 The ballot papers in the postal votes that have been opened and verified at the opening sessions at Guildhall will be taken to the count venue and included in the Count.

7.15 Following the final opening session at Guildhall on polling day, they are taken to the count venue. Once the contents of the polling station ballot boxes have been verified at the count, the postal ballot papers can be mixed with the ballot papers from those boxes before being counted in the normal manner, as detailed below.

## **Count procedure**

7.16 As soon as practicable after the close of poll the polling station staff will commence the counting of votes (including postal ballot papers). The Count Supervisor will supervise the count and will liaise with the Returning Officer throughout its duration.

7.17 Other than the Returning Officer, Ward Clerk and their staff, the following people are entitled to attend the count:

- candidates
- the candidates' election agents
- any accredited election observers
- representatives of the Electoral Commission

7.18 The Returning Officer may also permit other people to attend the count at their discretion, but is not obliged to do so. The decision of the Returning Officer as to who may attend the count is final.

7.19 The candidate and his/her election agent may be present in order:

- to maintain and aid in maintaining the secrecy requirements
- to oversee the counting process and see that it is undertaken in an orderly, accurate and correct manner
- to draw to the attention of the count staff any bad or doubtful ballot papers
- to defend ballot papers marked for themselves or their candidate to which objection is taken
- to require the Returning Officer to mark on a rejected ballot paper the words 'rejection objected to' if they object to the decision of the Returning Officer
- to add their seals to those of the Returning Officer if, for any reason, the count is suspended

### **N.B. candidates and agents are not permitted to handle ballot papers at any time**

7.20 The Returning Officer must give candidates and agents reasonable facilities for overseeing the proceedings at the count and for fulfilling the various duties described above. In particular, the candidates and agents should be able to verify that the ballot papers are correctly sorted between the candidates. It is important to note that proceedings at the count or the opening of postal voters' ballot boxes are not invalidated if any person entitled to attend is not present.

7.21 The count will consist of three stages:

- The first stage is the opening of postal votes. Any postal votes handed in at the polling station and not already opened at the Guildhall will be opened and verified at the Count. The procedure will be similar to that outlined above but the matching of signatures and dates of birth will be conducted by checking against a printed list of the voters' signatures and dates of birth.
- The second stage is the verification of the number of ballot papers. The ballot boxes from the polling station(s) and the postal vote openings conducted at the Guildhall will be opened and the number of ballot papers (not the votes) inside will be counted. This is compared with the number of ballot papers expected to be contained in the ballot box, as given on the ballot paper account (i.e. the form completed by the Presiding Officer at a polling station or by the postal vote opening staff if the ballot box comes from a postal vote opening). The figures for the number of ballot papers counted against the number expected will be shown to the candidates and agents.
- The third stage is the counting of votes. The votes for each candidate will be counted.

## **Recount**

7.23 If the result is close, both the candidate and their election agent are entitled to ask the Returning Officer to conduct a recount of the votes. The Returning Officer can refuse to conduct a recount if they believe that the request is unreasonable but in normal circumstances this would take place. There is no legal limit to the number of recounts that

may be conducted, but the result is usually declared as valid as soon as two consecutive counts arrive at the same result.

7.24 The Returning Officer can also instigate a recount, and they should inform candidates and their agents before beginning any recount. No action should be taken by the Returning Officer following the count or any recount until all candidates or election agents have been given the opportunity to exercise their right to request a recount.

## **Equality of votes**

7.25 If, after the votes have been counted, there is an equality of votes between two candidates only one of whom can be elected, there should be a recount. When the votes have been recounted and there is still an equality of votes, the Returning Officer has the right to cast the final vote. Exercising a casting vote is discretionary and the Returning Officer may decline to declare a winner and instead, call for a fresh election.

7.26 However, recognised best practice is for the Returning Officer to cast his deciding vote by lot. A 'lot' is defined as an object, e.g. a slip of paper or a straw, drawn or thrown out from among a number in order to reach a decision by chance. This will be done slips of paper with the candidates' names on, placed in an empty ballot box, shuffled and then drawn by the Returning Officer. It is good practice for a statement to be added to the results sheet to the effect that: 'Following an equality of votes, lots were drawn, and as a consequence an extra vote was allotted to candidate X'.

## **Adjourned wardmote and declaration of results**

7.27 Upon completion of the count, the Count Supervisor and Returning Officer will relay the results to the candidates in the first instance. Once satisfied the adjourned Wardmote will then take place and the Returning Officer will declare the candidate duly elected as Aldermen for the Ward at the adjourned Wardmote.

## **Declarations of Office**

7.28 A person elected to the office of Alderman makes a declaration in accordance with the provisions of the Promissory Oaths Act 1868. The declaration should be made at the next Court of Alderman.

## **Election petitions**

7.29 The outcome of a local government election can be challenged by the issue of an election petition. The procedure for presenting an election petition relating to a local election is described below. An election petition can be presented by:

- someone claiming to have been a candidate at the election, or
- at least four electors who were entitled to vote at the election

7.33 The allowable grounds for a petition are that:

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

7.31 The candidate whose election or return is complained about must be a respondent to the petition and, if the petition complains about the conduct of the Returning Officer or their staff during the election, the Returning Officer is deemed to be a respondent.

7.32 Normally, the petition must be issued within 21 days after the date of the election. However, if the petition complains of corrupt or illegal practices involving the payment of money or other reward which have taken place since the election, or an illegal practice relating to election expenses, further time may be allowed.

## **Form of petition**

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

7.34 An election petition can be presented by:

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

7.35 The allowable grounds for a petition are that:

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

7.36 Normally, a petition must be presented within 21 calendar days after the date of the election. However, if the petition complains of corrupt or illegal practices involving the payment of money or other reward, or an illegal practice relating to election spending, further time may be allowed.

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

The Election Petitions Office  
Room E113  
Royal Courts of Justice  
Strand  
London  
WC2A 2LL  
Email: [Election\\_Petitions@hmcts.gsi.gov.uk](mailto:Election_Petitions@hmcts.gsi.gov.uk)  
Phone: 0207 947 6877  
Fax: 0870 324 0024 1.15

7.38 There are costs attached to an election petition. If you are considering lodging an election petition, you are strongly advised to take independent legal advice



# APPENDIX A

## **Breaches of the Representation of the People Act 1983 (RPA 1983) and the Ballot Act 1872 and penalties**

Note: This is an overview only and is not exhaustive – for precise details of electoral offences please refer to the legislation.

The legislation specifies the relevant penalties that can be imposed on an individual in respect of a breach. The following table sets out the list of offences (including statutory references and the individual[s] who can be found to have committed them) and relevant penalties.

Offence	Legislation	Who can commit	Penalty (maximum)
Personation – when an individual votes as someone else (whether that person is living or dead or is a fictitious person).	Section 60, RPA 1983.	Any person.	On indictment, up to two years' imprisonment, or a fine, or both. On summary conviction, up to six months' imprisonment, or a fine not exceeding the statutory maximum (currently £5,000), or both.
Other voting offences – voting or acting as a proxy while disqualified or acting as a proxy for a person who is disqualified, voting as a proxy for more than two people who are not close relatives, voting twice at the same election, knowingly appointing two proxies for the same election.	Article 61, RPA 1983.	Any person.	On summary conviction, a fine not exceeding level 5 on the standard scale (currently £5,000).
Tampering with election documents, e.g. nomination papers, ballot papers, etc. - defacing or destroying them, fraudulently opening packets of election material or ballot boxes, or taking ballot papers out of the polling station or putting material, other than the ballot paper in the ballot box.	Section 3, Ballot Act 1872.	Any person.	The Returning Officer or their staff: a fine, or up to two years' imprisonment  For any other person: a fine, or up to six months' imprisonment.

Offence	Legislation	Who can commit	Penalty (maximum)
Contravention of the secrecy requirements.	Section 4, Ballot Act 1872.	Any person attending a polling station, the issue and opening of postal ballots and the count.	Fine, or up to six months' imprisonment.
Provision of money or other property provided for the purpose of meeting a candidate's election expenses to any person other than the candidate or his/her agent.	Section 71A(3), RPA 1983	Any person.	Fine not exceeding level 5 on the standard scale (currently £5,000).
Making payments in respect of election expenses other than as specified in Section 73(5)	Section 73(6), RPA 1983	A candidate or any other person.	Fine not exceeding level 5 on the standard scale (currently £5,000).
Incurring expenses without the written authority of the election agent (except as specified under Section 75).	Section 75(5), RPA 1983	Any person who incurs, aids, abets, Counsels or procures any other person to incur expenses without written authority.	On summary conviction, statutory maximum fine or six months' imprisonment. On indictment, fine or one year's imprisonment.

Offence	Legislation	Who can commit	Penalty (maximum)
Making a false declaration as to expenses incurred with the written authority of the election agent	Section 75(5), RPA 1983	Any person required to submit a Section 75 return and declaration.	On summary conviction, statutory maximum fine or six months' imprisonment. On indictment, fine or one year's imprisonment.
Failing to submit a return and declaration as to expenses incurred with the written authority of the election agent.	Section 75(5), RPA 1983	Any person required to submit a Section 75 return and declaration.	Fine not exceeding level 5 on the standard scale (currently £5,000).
Incurring expenses in excess of the legal maximum.	Section 76(1B), RPA 1983	Candidate and/or election agent.	Fine not exceeding level 5 on the standard scale (currently £5,000).
Paying a claim in respect of election expenses where the claim was received more than 21 calendar days after the date on which the election result was declared.	Section 78(3), RPA 1983	Election agent.	Fine not exceeding level 5 on the standard scale (currently £5,000).
Paying a claim in respect of election expenses where the payment was made more than 28 calendar days after the date on which the election result was declared.	Section 78(3), RPA 1983	Election agent.	Fine not exceeding level 5 on the standard scale (currently £5,000).
Making a false declaration as to election expenses.	Section 82(6), RPA 1983	Candidate and/or agent.	On summary conviction, statutory maximum fine or six months' imprisonment. On indictment, fine or one year's imprisonment.
Failure to submit a return or declaration, or to comply with the requirements of Section 81 as to the contents of a return.	Section 84, RPA 1983	Candidate and/or agent.	Fine not exceeding level 5 on the standard scale (currently £5,000).

Offence	Legislation	Who can commit	Penalty (maximum)
Payment of canvassers	Section 111, RPA 1983	The person employing the canvasser and the person employed as a canvasser.	Fine not exceeding level 5 on the standard scale (currently £5,000).
Bribery	Section 113, RPA 1983	Any person – directly or indirectly, by themselves or by another person.	On indictment, one year’s imprisonment, or a fine, or both. On summary conviction, six months’ imprisonment, or a fine not exceeding the statutory maximum (currently £5,000), or both.
Treating	Section 114, RPA 1983	Any person – directly or indirectly, by themselves or by another person.	On summary conviction, six months’ imprisonment, or a fine not exceeding the statutory maximum (currently £5,000), or both. On indictment, one year’s imprisonment, or a fine, or both.
Undue influence or intention to unduly Influence.	Section 115, RPA 1983	Any person.	On summary conviction, six months’ imprisonment, or a fine not exceeding the statutory maximum (currently £5,000), or both. On indictment, one year’s imprisonment, or a fine, or both.
Failure to provide all required information at the time a donation is received by the candidate or election agent where the donation is being made on behalf of others.	Paragraph 6(7) of Schedule 2A, RPA 1983	Principal donors or any person providing a donation on behalf of another person.	On summary conviction, statutory maximum fine or six months’ imprisonment. On indictment, fine or one year’s imprisonment.

Offence	Legislation	Who can commit	Penalty (maximum)
Failure to return a donation from an impermissible or unidentifiable source.	Section 56(3) or (4), PPERA as enacted by Schedule 2A, RPA 1983	Candidate and/or agent.	On summary conviction, statutory maximum fine or six months' imprisonment. On indictment, fine or one year's imprisonment.
Knowingly giving the responsible person false information about donations.	Section 61(2)(a), PPERA as enacted by Schedule 2A, RPA 1983	Any person.	On summary conviction, statutory maximum fine or six months' imprisonment. On indictment, fine or one year's imprisonment.
Withholding information about donations from the responsible person, with intent to deceive.	Section 61(2)(b), PPERA as enacted by Schedule 2A, RPA 1983	Any person.	On summary conviction, statutory maximum fine or six months' imprisonment. On indictment, fine or one year's imprisonment.
Absent voting offences: <ul style="list-style-type: none"> <li>• Applying for a postal or proxy vote as some other person (whether living, dead or fictitious)</li> <li>• Otherwise making a false statement in connection with an application for a postal or proxy vote</li> <li>• Inducing an Electoral Registration Officer or a Returning Officer to send a communication relating to a postal or proxy vote to an address that has not been agreed by the voter</li> <li>• Causing such a communication not to be delivered to the intended recipient.</li> </ul>	Section 62A, RPA 1983 (as amended by Section 40, EAA)	Any person.	On indictment, one year's imprisonment, or a fine, or both. On summary conviction, up to six months' imprisonment, or a fine not exceeding the statutory maximum, or both.

## APPENDIX B

### Candidate's checklist

<b>Nomination paper (all candidates)</b>	<b>Tick</b>
Add name of Ward standing in	
Add candidates full name – surname in the first box and all other names in the second	
Add the candidates full home address	
Description – Party candidates can use a party name or description registered with the Electoral Commission and supported by a certificate of authorisation from that party; others can use 'Independent' or leave blank	
Date of Freedom of the City granted	
Subscribers – All five names subscribing the nomination form must sign the form and have their name printed. Add in the elector number from the Ward List including the letter code for the Ward	
Nomination form must be dated	

<b>Candidate's consent to nomination (all candidates)</b>	<b>Tick</b>
Add candidates full name (as shown on nomination paper)	
Add the candidates full home address (as shown on nomination paper)	
Add name of Ward standing in	
Complete in full the details of all the qualifications that the candidate meets. The candidate must meet one of the listed qualifications (a or b)	
Candidate must sign the form	
A witness must sign the form	
Add the home address of the witness	
Consent to nomination must be dated no earlier than one month before the deadline for nominations to be submitted	

<b>Certificate of authorisation (party candidates only)</b>	<b>Tick</b>
Add name of Ward standing in	
Add date of election	
Add candidates full name	
Add name of political party authorised to stand for (as registered with the Electoral Commission)	
Confirm the registered description / party name that the candidate is authorised to use (this must also appear on the nomination paper)	
Party's Nominating Officer (or person authorised by the Nominating Officer) must sign the form	
Print name of person signing the form	
Certificate of authorisation must be dated	

<b>Candidate's request to use an emblem (party candidates only)</b>	<b>Tick</b>
Add name of Ward standing in	
Add date of election	
Add candidates full name	
Add name or description of the emblem to be used (as on the Electoral Commission Website)	
Candidate must sign the form	
Candidate's request to use an emblem must be dated	

<b>Appointment of an election agent</b>	<b>Tick</b>
Add name of Ward standing in	
Add date of election	
Add candidates full name	
Add home address of the Election Agent	
Add office address of the Election Agent (this must be within the City of London, or the Cities of London and Westminster Parliamentary Constituency, or a London Borough which adjoins the City of London)	
Candidate must sign the form to appoint the agent	
Candidate must date the appointment	
Agent must sign the form to accept the appointment	
Agent must date the acceptance of appointment	

<b>Request for Ward List (optional)</b>	<b>Tick</b>
Add name of Ward standing in	
Add date of election	
Add candidate's name	
Add address/email for data file to be sent to	
Candidate must sign the form	
Candidate must date the form	

<b>Request for Absent Voters List (optional)</b>	<b>Tick</b>
Add name of Ward standing in	
Add candidate's name	
Confirm format of postal vote list (printed or pdf or data)	
Add address list to be sent to if printed	
Add email address to be sent to if pdf or data	
Confirm if candidate wants a second list sent after the close of applications for postal votes	
Candidate must sign the form	
Candidate must date the form	

<b>Candidates consent for contact details to be supplied on request and appear on website (optional)</b>	<b>Tick</b>
Add name of Ward standing in	
Add date of election	
Add candidate's name	
Add email address if you want it to be made public	
Add telephone number if you want it to be made public	
Candidate must sign the form	
Candidate must date the form	



# APPENDIX C

## Secrecy requirements

The requirements in Section 4 of the Ballot Act 1872 help to maintain the secrecy of the ballot. They apply to all candidates and election agents, and to every person attending at the polling stations, the issue and receipt of postal ballot papers and the count. Section 4 is reproduced below in full, for use by candidates and election agents.

Every officer, clerk and agent in attendance at a polling station shall maintain and aid in maintaining the secrecy of the voting in such station, and shall not communicate, except for some purpose authorised by law, before the poll is closed to any person any information as to the name or number on the register of voters of any elector or proxy for a voter who has or has not applied for a ballot paper or voted at that station, or as to the official mark, and no such officer, clerk or agent, and no person whosoever, shall interfere with or attempt to interfere with a voter when marking his vote, or otherwise attempt to obtain in the polling station information as to the candidate for whom any voter in such station is about to vote or has voted, or communicate at any time to any person any information obtained in a polling station as to the candidate for whom any voter in such station is about to vote or has voted, or as to the number on the back of the ballot paper given to any voter at such station. Every officer, clerk, and agent in attendance at the counting of the votes shall maintain and aid in maintaining the secrecy of the voting, and shall not attempt to ascertain at such counting the number on the back of any ballot paper, or communicate any information obtained at such counting as to the candidate for whom any vote is given in any particular ballot paper. No person shall directly or indirectly induce any voter to display his ballot paper after he shall have marked the same, so as to make known to any person the name of the candidate for or against whom he has so marked his vote.

No person having undertaken to assist a blind voter to vote, shall communicate to any other person any information as to the candidate for whom that voter intends his vote to be given or for whom his vote has been given, or as to the number on the back of the ballot paper issued at a polling station for the use of that voter.

Every person who acts in contravention of the provisions of this Section shall be liable, on summary conviction before two justices of the peace, to imprisonment for any term not exceeding six months.

## TELLERS IN AND AROUND POLLING PLACES

### 1. Introduction

1.1 Section 18 of the Representation of the People Act 1983 defines a polling place as a geographical area within a polling district. If a polling district has no designated polling place, the polling district is taken to be the polling place.

1.2 For the purposes of this guidance:

'Polling place' means the building in which polling stations are located. More than one polling station may be located within a polling place.

'Polling station' is defined as the room or area within a polling place where electors cast their votes, which contains the polling booths, ballot box and Presiding Officer's table. It is usually a room within a building (i.e. polling place) or a single room in temporary accommodation, such as a mobile caravan, a tent or even a garage. The polling station is a self-contained area that only those allowed by law may enter.

1.3 This guidance replaces Circular RPA 359 issued by the Home Office in 1991 and guidance issued by the Electoral Commission in 2006.

1.4 Although not mandatory, this revised guidance provides advice for those involved in administering and contesting elections, and aims to ensure that tellers, party activists, agents, candidates and polling station staff know precisely what is and is not accepted when campaigning in and around polling places. These guidelines intend to promote appropriate standards of conduct to be maintained throughout the UK. Candidates and agents who also act as tellers are also subject to the provisions in this guidance.

1.5 It can be difficult to achieve consensus on the matter of whether elector numbers should be collected from voters as they are on their way in or out of the polling station. This guidance is issued in support of the Returning Officer; as they are ultimately responsible for the conduct of elections, their decision is final.

### 2. Tellers

2.1 Tellers are usually volunteers who stand outside polling places and record the elector numbers of electors who have voted. They can then identify likely supporters who have not voted and urge them to vote before the close of poll. Tellers play an important role at elections, and may increase turnout.

2.2 Tellers must not impede or interfere with the efficient and secure administration of the election and must comply with any instructions issued by the Returning Officer or Presiding Officer.

2.3 Tellers have no official legal status. They should not be confused with polling agents, whose appointment and duties are prescribed in legislation. Tellers, unlike polling agents, may not be admitted to the polling station in their capacity as tellers (see paragraphs 3.8 and 3.9 below).

### 3. Tellers' activities

3.1 Tellers should concern themselves only with checking who is about to vote or has voted. This will involve politely asking voters for their poll card, elector number or name and address.

Returning Officers may advise tellers that they may approach voters for information as they either enter or leave the polling station.

3.2 If asked, tellers should explain that they are political activists seeking to determine who has actually voted. No impression should be given that any information provided will be used for official purposes or that they are employed by the Returning Officer.

3.3 Tellers should not display or distribute election material (e.g. billboards, posters, placards or pamphlets) on walls or around the polling place. Any display of such material should be brought to the attention of the Presiding Officer immediately.

3.4 Presiding Officers have responsibility for ensuring that electors are given an opportunity to cast their vote in a free and fair manner. Any decision regarding the location or behaviour of tellers is a matter for the Presiding Officer and Returning Officer; tellers must comply with their instructions.

3.5 Tellers must not attempt to induce, influence or persuade an elector how or whether to vote. Tellers cannot promote particular candidates or political parties. Their conduct must not give rise to allegations of undue influence, e.g. discussing voting intentions, party affiliations, a candidate's history or party campaigns, or undertaking any other activity particularly associated with one particular party or candidate. Any queries that relate to the electoral process must be directed to the Presiding Officer.

3.6 Voters must never be asked to re-enter the polling station to ascertain their elector number or retrieve a poll card. Voters are not obliged to comply with any request for information. Tellers must not press voters if their initial request for information is declined.

### **Numbers of tellers**

3.7 There should be no more than one teller at a polling station for each candidate or political party at any time. Where a polling place contains more than one polling station with separate entrances, it may be appropriate for there to be tellers at each entrance, but no more than one per candidate or party. Their behaviour and numbers should never be capable of being seen as intimidating in any way.

### **Location**

3.8 Tellers must remain outside the polling place itself; they may only enter polling stations for the lawful purpose of casting their own vote, voting as a proxy, assisting a disabled voter, or fulfilling duties of their appointment as a polling agent, election agent or candidate.

3.9 The Presiding Officer may allow tellers to enter the polling place (e.g. stand under porticos and entrances) provided that they are outside the polling station and do not impede or obstruct the access of voters. Tellers must not be able to see or hear what is going on inside the polling station. Where a polling place consists of one room only, tellers must not under any circumstances seek or be allowed to enter that room. Tellers cannot enter the polling station under any circumstances in their capacity as tellers.

### **Poll cards**

3.10 The activities of tellers are limited to the collection of elector numbers or poll cards. Poll cards left with tellers should be given to the Presiding Officer or Poll Clerk by the close of poll. Tellers must not ask polling station staff to hand over poll cards that may have been left with them or in bins.

3.11 Tellers may use a receptacle for voters to discard their poll cards, to help them establish who has voted during their absence. Such receptacles must not obstruct voters who are entering or leaving the polling station. The contents must be returned to polling station staff after the close of poll.

## **Appearance**

3.12 Tellers should wear coloured rosettes of a reasonable size, as this assists electors by making it clear that they are party workers and not electoral officials. The rosette may display the name of a candidate and/or a registered party name, emblem or description.

3.13 Tellers must not wear, carry or display any headwear, footwear or other apparel that carries any writing, picture or sign relating to any candidate or party apart from a rosette.

## **4. Application of the guidance**

4.1 With regard to the collection of elector numbers from voters on the way in or out of the polling station, this guidance is intended to be amended to coincide with any guidelines or instructions provided by the Returning Officer. The Returning Officer is ultimately responsible for the conduct of an election; as such, their decision is final. Each individual Returning Officer is independent of the local authority when they are conducting the election, and everything is done under their personal responsibility.

4.2 The value of local agreements cannot be over-emphasised. It is recommended that the Returning Officer arranges a meeting with all candidates, agents, tellers and campaigners at the earliest opportunity following the close of nominations to communicate the same message to all concerned. This will ensure that everyone is aware of the local circumstances and conducts their campaign within the same guidelines. It may pre-empt problems by discussing campaigning in and around polling places and the conduct of tellers, and reaching consensus among those present as to what is acceptable, especially with regard to whether to gather elector numbers as voters either enter or leave the polling station. Guidance should be distributed at pre-election meetings or with nomination packs.

4.3 On polling day, Returning Officers may find it helpful to provide Presiding Officers with posters to display, that outline the main responsibilities of tellers. The poster could be displayed outside the polling station close to where tellers stand, serving both to self-regulate the activity of tellers and to alert voters that tellers are not official polling station staff. A sample copy is attached to this guidance, and is intended to be used by the Returning Officer in conjunction with agreed local arrangements on the collection of elector numbers before being distributed.

4.4 If in doubt about the actions of a teller, the Presiding Officer or Returning Officer should consider the question: 'What would a reasonable observer think?' This guideline was prepared based on the test advocated by the Third Report of the Committee on Standards in Public Life.

## **5. Complaints**

5.1 If a complaint is received about the conduct of tellers or campaigners, the electoral administrator should contact the relevant Presiding Officer and request that the matter be dealt with and monitored by the polling station staff there. Presiding Officers have the power to keep order in the station and may require any teller or campaigner who refuses to carry out their instructions to be removed.

5.2 If it is not possible to contact the Presiding Officer, or there are continuing difficulties with the activities of campaigners or tellers, a member of the Ward Clerk's staff should visit the polling place. The electoral officer should speak to the Presiding Officer before approaching the

campaigners or tellers. Tellers may be reminded of this guidance, provided with a copy if necessary, and advised that it is an offence under the RPA 1983 for anyone to impede or interfere with any electors prior to their voting.

5.3 Tellers or campaigners should be advised that if the interference persists the police will be called. The Presiding Officer should be advised of the action taken and asked to monitor the situation and report any further problems to the elections office. The agent of the party or independent candidate they are representing should also be informed. This enables the party or candidate concerned to take action against such tellers and ensure that they are properly briefed before being allowed to act as tellers or campaigners at future elections.

## **Tellers in and around polling places**

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

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

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

### **Tellers must:**

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

### **Tellers must not:**

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

### **Tellers may:**

- approach voters for information as they enter/leave the polling station/place
- display a coloured rosette displaying the name of the candidate and/or a registered political party – while the rosette must not be oversized, it may carry a registered party description/emblem

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

# APPENDIX E

## CODE OF CONDUCT FOR POLITICAL PARTIES, CANDIDATES AND CANVASSERS ON THE HANDLING OF POSTAL VOTE APPLICATIONS AND POSTAL BALLOT PAPERS

### Introduction

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

### Key Principles

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

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

### What the law says

3. An individual may only vote once in each election and not for more than the number of seats available in that election.
4. A voter's signature or mark must always be their own.
5. An individual may not vote for, or as, someone else unless they are formally appointed to act as their proxy. If an individual steals someone else's vote they may be prosecuted for making a false statement, forgery, using a false instrument or pretending to be someone else (personation).
6. An individual may not exert, or attempt to exert, undue influence to persuade or force someone to vote, not to vote, or to vote a certain way. Someone who prevents or deters the voter from freely exercising their right to vote, or attempts to do so, may be found guilty of undue influence.
7. It is an offence to offer money, food, drink, entertainment or other gifts to persuade someone to vote, or not to vote.
8. It is an offence to falsely apply for a postal or proxy vote (absent vote) as some other person. It is also an offence to otherwise make a false statement or otherwise induce the Returning Officer to either send a postal ballot paper or other election mail to an address which has not been agreed by the person entitled to vote, or to cause a postal ballot paper not to be delivered to the intended recipient.
9. It is an offence to supply false information to the Electoral Registration Officer (Town Clerk) for any purpose connected with the Ward List.

**See section on “Election offences and penalties” (Appendix F) for further information on specific electoral and general offences of which you should be particularly aware.**

## **Applications for postal voting**

10. If you develop a bespoke application form, it should conform fully with the requirements of electoral law, including all the necessary questions and the options open to electors.
11. Electors should be encouraged to ask for the postal vote to be delivered to their registered home address, unless there are compelling reasons why this would be impractical. Such reasons must be stated on the application form.
12. Because of the risk of suspicions that the application may be altered and the risk of the application form being delayed or lost in transit, the local Electoral Registration Officer’s (Town Clerk’s) address should be the preferred address given for the return of application forms.
13. If an intermediary address is used, forms should be dispatched unaltered to the relevant Electoral Registration Officer’s (Town Clerk’s) address within two working days of receipt.
14. If you are given a completed application form, you should forward it directly and without delay to the local Electoral Registration Officer (Town Clerk).
15. The Electoral Registration Officer (Town Clerk) may check the signature on an absent voting application against any other copies of the elector’s signature or date of birth which they hold or is held by any authority which they are authorised to inspect.
16. The Electoral Registration Officer (Town Clerk) must confirm in writing to all successful applicants that they will receive a postal ballot.

## **Postal voting ballot papers**

17. You should not touch or handle anyone else’s ballot paper. If you are asked for assistance in actually completing a ballot paper, you should always refer the voter to the Returning Officer’s staff at the elections office who can arrange a home visit if necessary. Assistance will also be available for electors at polling stations.
18. It is absolutely clear that anyone acting on behalf of a party should not solicit the collection of any ballot paper. Wherever practical, the voter should be encouraged to post or deliver the completed ballot paper themselves.
19. It is recognised that candidates or people campaigning on their behalf may be approached by a voter who is unable to post their ballot paper or make arrangements for it to be returned in time. If you are asked to take the completed ballot paper, you should ensure that the voter has sealed it first and then post it or take it to a polling station or office of the Ward Clerk (Town Clerk) immediately, without interfering in any way with the package.
20. If you are with a voter when they complete their ballot paper, remember they should complete it in secret. Equally, you should ensure that the voter seals the envelopes personally and immediately. If you are asked to give advice, it is acceptable and often helpful to explain the voting process but do not offer to help anyone to complete their ballot paper.

21. If you are in any doubt about the probity or propriety of your actions, you should ask yourself the question, **'What would a reasonable observer think?'**. This code has been prepared based on this test as advocated by the Third Report of the Committee on Standards in Public Life<sup>1</sup>.

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<sup>1</sup> Committee on Standards in Public Life, *Standards in Public Life: Standards of Conduct in Local Government in England, Scotland and Wales*, Third Report. Chairman Lord Nolan (The Stationery Office: London, 1997)



# APPENDIX F

## ELECTION OFFENCES, PENALITIES AND SUGGESTED ACTION

There are a number of specific electoral offences and some general offences of which candidates, agents, and supporters should be particularly aware during their campaign. This is not intended to be a comprehensive list and independent legal advice should be sought if necessary.

Details are given in brackets about which court the offence may be tried in and the maximum applicable penalty. Prosecutions under the Representation of the People Act (RPA) 1983 must be brought within 12 months of the commission of the offence. However, if there are exceptional circumstances and there has been no undue delay in the investigation, the time limit may be extended to not more than 24 months after the offence was committed. Any application to extend the deadline must be brought within one year of commission of the offence.

### **Bribery**

A person is guilty of bribery if they directly or indirectly give any money or procure any office to or for any voter, in order to induce any voter to vote, or not vote, for a particular candidate; or to vote or refrain from voting. (Offence may be tried in Magistrates' Court or Crown Court/one year on indictment and/or an unlimited fine).

### **Treating**

A person is found guilty of treating if either before, during or after an election they directly or indirectly give or provide (or pay wholly or in part the expense of giving or providing) any food, drink, entertainment or provision in order to influence any voter or refrain from voting. (Offence may be tried in Magistrates' Court or Crown Court/one year on indictment and/or an unlimited fine).

### **Undue influence**

A person is guilty of undue influence if they directly or indirectly make use of or threaten to make use of force, violence or restraint, or inflict or threaten to inflict injury, damage or harm in order to induce or compel any voter to vote or refrain from voting. A person may also be guilty of undue influence if they impede or prevent the voter from freely exercising their right to vote. This latter offence can also be committed where a person intends to impede or prevent the free exercise of a vote even where the attempt is unsuccessful. (Offence may be tried in Magistrates' Court or Crown Court/one year on indictment and/or an unlimited fine).

### **Secrecy**

Everyone involved in the electoral process should be aware of the secrecy of the ballot and should not breach it. All those persons authorised to attend the polling station or count make a declaration under section 4 of the Ballot Act 1872. (Offence punishable by fine or up to six months' imprisonment.)

### **Personation**

It is an offence to commit, aid, abet, counsel or procure the offence of personation. This is where any individual votes as someone else (whether that person is living or dead or is a fictitious person), either by post or in person at a polling station as an elector or as a proxy. Further, the

individual voting can be deemed as a person guilty of personation if they vote as a person they have reasonable grounds for supposing is dead or fictitious, or where they have reasonable grounds for supposing the proxy appointment is no longer in force. (Offence may be tried in a Magistrates' or Crown Court/two years on indictment and/or unlimited fine).

### **False registration information**

It is an offence to supply false information in relation to the Ward List to the Electoral Registration Officer. (Offence punishable by a fine).

### **False postal/proxy voting application**

It is an offence to provide false information in connection with an application for a postal or proxy vote. False information includes a false signature. (Offence will be tried in Magistrates' Court/six months' imprisonment and/or £5,000 fine.)

### **False application to vote by post or by proxy**

It is an offence to falsely apply to vote by post or proxy with the intention of depriving another person of a vote or gaining a vote to which a person is not entitled. (Offence may be tried in Magistrates' or Crown Court/two years' imprisonment and/or £5,000 fine).

### **Multiple voting and proxy voting offences**

There are various offences regarding multiple voting and proxy voting, including voting by post as an elector or proxy when subject to a legal incapacity to vote; voting more than once in the same or in more than one local election area; applying for a proxy without cancelling a previous proxy appointment; and inducing or procuring another to commit one of the above offences. (Offence will be tried in Magistrates' Court/£5,000 fine).

## STATUTORY QUESTIONS TO VOTERS

The presiding officer may, and if required by a candidate or his election agent must, put to any person applying for a ballot paper the prescribed questions. Circumstances might include:

- The person is suspected of personation.
- The person is suspected of being incapacitated due to alcohol or drugs or for some other reason.
- An elector is registered as eligible to vote but is clearly under age.
- An elector states that their name is not as shown in the register of electors. An ordinary ballot paper can be issued if, in response to the prescribed questions, the elector can confirm that the register entry refers to them.
- An elector (who has not appointed a proxy) applies for a ballot paper but the register of electors shows that they have already voted. Even if the questions are answered satisfactorily, the elector is only entitled to a tendered ballot paper.

The prescribed questions to be asked of a person applying to vote as an elector are:

- “Are you the person registered in the ward list for this election as follows?”

(the Presiding Officer then reads out the whole of the entry for that name on the ward list)

If the answer is “No” the ballot paper should not be issued.

If the answer is “Yes” the following question should then be put:

- “Have you already voted in this or any other electoral area at this election otherwise than as a proxy for some other person?”

If the answer is “Yes” the ballot paper should not be issued.

If the answer is “No” the voter must be issued with a ballot paper.

If the person refuses to answer the questions a ballot paper must not be issued.

Alternative questions apply to a person applying to vote as a proxy, and in other circumstances.

## FREQUENTLY ASKED QUESTIONS

- **Can I vote for my wife, she is ill? I have her polling card.**  
You may only vote for another person if you have been appointed as proxy before election day.
- **My husband has died recently; can you take him off the list?**  
Regrettably his name will have to remain on the list until the new one is published next February; however, we can make a note of this to pass onto the Electoral Services Office to avoid future electoral correspondence being sent to him.
- **I recently moved into the City, can I vote here?**  
You can only vote at this election if your name is on the ward list. You will be asked to complete a registration form in the autumn for inclusion in the next published list in February.
- **Can I vote as I have forgotten my poll card?**  
Yes, the polling staff will just need to confirm your name and address on the ward list.
- **I live nearby but my polling station is some distance away, can I vote here instead?**  
Sorry, but you can only vote at your allocated polling station as shown on your poll card.
- **Writing my number on the counterfoil means you can tell which ballot paper is mine**  
The counterfoils can only be examined if there is a legal challenge to the election results and a court orders the whole process to be checked to establish the integrity of the result.
- **Why isn't my name on the list?**  
The ward list is compiled annually, registration being carried out during autumn each year when all eligible persons/organisations are invited to complete the ward list registration form. Each December a draft list is published for public inspection to enable anybody who has not been included to make a claim.
- **I did not receive my postal vote. Can I vote in person at the polling station?**  
No you cannot be issued with a second ballot paper. You can obtain another ballot paper if you apply to the Electoral Services Office before 5pm on polling day if yours has been lost in the post.
- **I have brought my postal vote with me; shall I put it in the ballot box?**  
No, but if this is your usual polling station the presiding officer can accept it and deliver it to the count. If this is not your usual station you can take it to where you normally vote or, alternatively deliver direct to the Electoral Services Office at Guildhall up to the time of the close of poll.
- **I want to seek further advice, who should I contact?**  
In the first instance you can write to or call the Electoral Services Office on any matter relating to electoral registration or the conduct of the election. Details are as follows: Electoral Services Office, Town Clerk's Department, City of London, PO Box 270, Guildhall, London, EC2P 2EJ; Tel: 020 7332 1430/3397; email: [electoralservices@cityoflondon.gov.uk](mailto:electoralservices@cityoflondon.gov.uk)

## GLOSSARY OF TERMS

### Freeman

A Freeman of the City is a person who has gained the Freedom of the City. You must be a Freeman to qualify to stand for the office of Common Councilman or Alderman. For more information on how to apply to become a Freeman, please contact the Chamberlains' Court on 020 7332 3055, email [chamberlains.court@cityoflondon.gov.uk](mailto:chamberlains.court@cityoflondon.gov.uk) or visit: [http://www.cityoflondon.gov.uk/Corporation/leisure\\_heritage/freedom\\_of\\_city/](http://www.cityoflondon.gov.uk/Corporation/leisure_heritage/freedom_of_city/)

### Ward Clerk

The Town Clerk acts as the Ward Clerk for all elections and he is responsible for the administration of the elections. The **Honorary Ward Clerk** is appointed by the Alderman for each ward and provides assistance to the Alderman in running the wardmote.

### Electoral Services Office

Carry out the day-to-day administration of the election, and together with the Ward Clerk, their duties include the issue and receipt of nomination papers, advice to candidates and the electorate, the preparation of statutory notices, the arrangement of polling stations and their staff, postal and postal voting procedures and organising the count. These staff are likely to be your first and main point of contact for candidates and agents during the election.

Contact details for the staff can be found on page 3.

### Wardmote

A meeting of the ward principally concerned with the election of Common Councilmen and Aldermen. It takes place on the first working day before the poll at a suitable venue within the ward.

For Aldermanic elections, the Lord Mayor or his Locum Tenens, or Lord Mayor's Aldermanic Representative presides over the wardmote. For Common Councilmen elections it is presided over by the Alderman of the ward or in his absence, the Lord Mayor, his Locum Tenens, Lord Mayor's Aldermanic Representative or the Deputy of the Ward. The person presiding over the Wardmote is also the **Returning Officer** in the event of a poll.

Candidates and electors of the ward are invited to attend and there is usually an opportunity for candidates to give an address and take questions from the electors. In the event of an uncontested election the wardmote is still held and the successful candidate(s) are declared elected.

### Absent voting

Absent voting is where an elector chooses to use their vote remotely, that is, without physically visiting the polling station to cast their vote. The elector must submit an application to the Electoral Registration Officer before the statutory deadline in order to do this. The different methods of doing this are as follows:

### Postal voting

Postal voting is where an elector has the ballot paper sent to them by post. This arrangement can be made on either a permanent or temporary basis, and the application must be submitted before 5pm on the eleventh working day before the poll. Please see Appendix E for the Code of conduct in dealing with postal votes and postal vote applications.

## **Proxy voting**

Proxy voting is where the elector appoints a friend, relative or party worker to vote on their behalf. This is generally done on a one-off basis, but can be permanent if the voter has medical grounds for requesting it. The deadline for applying for this is six working days before the poll. The proxy can then choose to either visit the polling station that the elector would normally vote at or apply for a postal vote (known as a postal proxy).

## **Emergency proxy**

An emergency proxy is where an elector has a medical emergency after the deadline for a proxy vote has passed. An emergency proxy application must be attested by a medical practitioner. Voters may also apply for an emergency proxy if they learn after the deadline for a proxy vote that they will be unable to attend the polling station for work reasons. This can be applied for up to 5pm on polling day.

## **Candidates' election expenses return**

The return required to be submitted by the election agent of every candidate that has contested an election. Candidates' election expenses returns must be accompanied by declarations verifying the returns.

## **Candidates' election spending**

Any spending, including notional expenditure of more than £50, incurred on goods or services used for the purpose of a candidate's election after the date a person became a candidate.

## **Commercial cost/rates**

The commercial cost of goods or services is the amount they would have cost had they been purchased from a supplier in a commercial market. The commercial rate is the rate at which goods or services would have been charged if they were purchased from a supplier in a competitive market.

## **Date donation received**

The date a candidate or their election agent takes possession of a donation. If the donation is transferred electronically, the donation is deemed to have been received on the date the candidate is notified of the payment.

## **Disputed claim**

Any claim for payment that is received by a candidate or agent within 21 calendar days of the date the election result is declared but which is not paid within 28 calendar days of the date the election result is declared.

## **Election agent**

The election agent is the person responsible to the candidate and in law for the proper management of the candidate's campaign. In particular, the election agent is responsible for the financial management of the election campaign and for ensuring that a candidate's election expenses returns and the accompanying declarations are properly completed and delivered within the specified time. A candidate must appoint an election agent, but they may act as their own agent. If an agent is not appointed by the statutory deadline, the candidate is deemed to be their own election agent.

## **Election literature**

For the purposes of this guidance, any election campaign publicity material (see paragraph 3.12 onwards for further details).

## **Exempt trust donation**

A donation from the trustee of any trust that:

- (i) was created before 27 July 1999 and
- (ii) to which no property has been transferred on or after that date and
- (iii) whose terms have not been varied on or after that date

or:

- (i) was created by a person who was a permissible donor at the time when the trust was created, or created by the will of a person who was a permissible donor at the time of their death and
- (ii) to which no property has been transferred except by a person who was a permissible donor at the time of the transfer provided that (in the case of either type of exempt trust) the donation has not been made by the exercise of any discretion that is vested by the trust in the trustee or any other person.

## **Joint candidates**

Candidates at local elections are considered to be joint candidates when they employ the same election agent, or use the services of the same clerks or messengers, hire or use the same committee rooms at an election, or publish joint addresses, circulars or notices at elections. Joint candidacy only applies when the candidates are standing in the same electoral area. Maximum spending limits are reduced in the case of joint candidates.

## **Observers**

### **Electoral Commission representative**

Representatives of the Electoral Commission are entitled to observe the working practices of the Electoral Registration Officer and the Returning Officer, as well as the proceedings at the issue and receipt of postal ballot papers, the poll and the counting of the votes.

### **Accredited observer**

Other individuals or organisations may apply to the Electoral Commission to be accredited to observe the proceedings at the issue and receipt of postal ballot papers, the poll and the counting of the votes.

## **Per elector**

The number of entries on a Ward List. The relevant Ward List is the one which **came into force on 16 February 2023**. To avoid the possible miscalculation of spending limits, candidates and agents are advised to obtain written confirmation of the figure from the relevant officer.

## **Petty expenses**

These include costs incurred for telephone calls and internet access, postage and stationery.

## **Political Parties, Elections and Referendums Act 2000 (PPERA)**

Regulates the income and spending of political parties and other individuals and organisations at relevant elections and referendums throughout the UK.

## **Registered party**

A party registered under Part II of PERA, i.e. any party on the Great Britain and/or Northern Ireland register of political parties.

## **Regulated period**

The period from the date a person becomes a candidate until the date of the poll (note that this is not a statutory term).

## **Representation of the People Act (RPA) 1983**

Regulates various aspects of elections, particularly the restrictions on candidates' spending.

### **UK-based unincorporated association**

Any unincorporated association of two or more persons which does not fall within any other category of permissible donor but which carries on business or other activities wholly or mainly in the UK and whose main office is in the UK.

### **UK-registered building society**

A building society within the meaning of the Building Societies Act 1986.

### **UK-registered company**

A company registered under the Companies Act 1985 or Companies (Northern Ireland) Order 1986 which is incorporated within the UK or another European Union member state and which carries on business in the UK.

### **UK-registered friendly society**

A friendly society registered under the Friendly Societies Act 1974 or a society registered (or deemed to be registered) under the Industrial and Provident Societies Act 1965 or the Industrial and Provident Societies Act (Northern Ireland) 1969.

### **UK-registered limited liability partnership**

A limited liability partnership registered under the Limited Liability Partnerships Act 2000, or any corresponding enactment in force in Northern Ireland, which carries on business in the UK.

### **UK-registered trade union**

A trade union entered on the list kept under the Trade Union and Labour Relations (Consolidation) Act 1992 or the Industrial Relations (Northern Ireland) Order 1992.