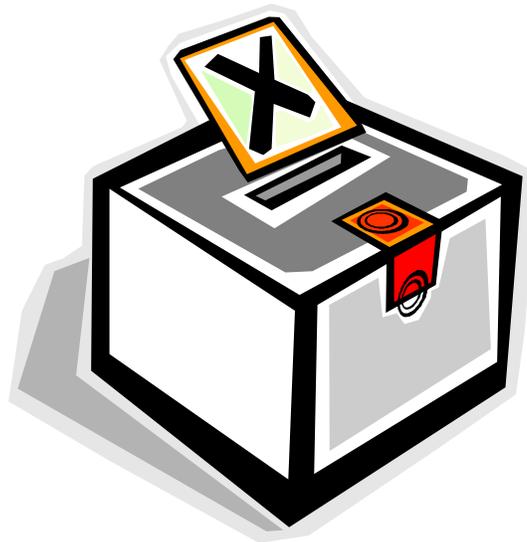




## Guidance for Parish Council Candidates



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# Introduction

This guidance sets out information for prospective parish council candidates. It supplements guidance published by the Electoral Commission which can be found at [www.electoralcommission.org.uk/i-am-a/candidate-or-agent/parish-council-elections-england](http://www.electoralcommission.org.uk/i-am-a/candidate-or-agent/parish-council-elections-england).

The purpose of this guidance is to assist candidates with the completion of nomination papers to stand for election. The guidance also provides additional information to candidates about the electoral process, including the election timetable, arrangements for issuing postal votes and the count.

Additional information can be obtained from Charlotte Griffiths, Electoral Services Manager, on 01252 774158 (direct line) or email [charlotte.griffiths@hart.gov.uk](mailto:charlotte.griffiths@hart.gov.uk).

## The Returning Officer

The Returning Officer (RO) is a Crown official who is legally responsible for running this election. The Returning Officer has authority to run the election in compliance with electoral law.

The Returning Officer for all parish council elections in the Hart District is Daryl Phillips, Joint Chief Executive at Hart District Council. The Returning Officer's team is led by the Electoral Services Manager and Deputy Returning Officer, Charlotte Griffiths, and the team can be contacted on:

Telephone: 01252 774077, 77157 or 774073

Website: [www.hart.gov.uk/elections](http://www.hart.gov.uk/elections)

E-mail: [elections@hart.gov.uk](mailto:elections@hart.gov.uk)

The elections office is situated at Hart District Council at:

Civic Offices  
Harlington Way  
Fleet  
Hampshire  
GU51 4AE

**Please note: The Electoral Services team will always try and help with any queries you may have. However, the team cannot provide you with legal advice.**

**Candidates are advised to seek their own legal advice if further guidance, particularly relating to a candidate's qualification to stand, is required.**

## Election Timetable

<b>Event</b>	<b>Date (deadline if not midnight)</b>
Publication of notice of election	Thursday, 24 June 2021
Deadline for delivery of nomination papers	4pm, Friday, 2 July 2021
Deadline for withdrawals of nomination	4pm, Friday, 2 July 2021
Publication of statement of persons nominated	4pm, Monday 5 July 2021
Deadline for receiving applications for registration	Tuesday, 13 July 2021
Deadline for receiving new postal vote and postal proxy applications, and for changes to existing postal or proxy votes	5pm, Wednesday, 14 July 2021
Deadline for receiving applications for new proxy votes.	5pm, Wednesday, 21 July 2021
Publication of notice of poll and situation of polling stations	Wednesday, 21 July 2021
Deadline for notification of appointment of poll and count agents	5pm, Thursday, 22 July 2021
First date to issue replacement lost postal ballot papers	Friday, 23 July 2021
<b>Day of Poll</b>	<b>7am to 10pm, Thursday 29 July 2021</b>
Last time to replace lost or spoilt postal votes	5pm, Thursday 29 July 2021
Deadline for receiving applications for emergency proxy votes	5pm, Thursday 29 July 2021
Last time to alter the register due to clerical error or court appeal	9pm, Thursday 29 July 2021
Delivery of Return as to election expenses	Thursday, 26 August 2021

# Delivery of Nomination Papers

The Notice of Election will be published on **Thursday, 24 June 2021**.

Completed nominations (nomination paper, consent to nomination and home address form) must be submitted to the Returning Officer or his Deputy at the Elections Office, Civic Offices, Harlington Way, Fleet, Hampshire GU51 4AE.

Nomination papers may be submitted after the publication of the Notice of Election (on Thursday, 24 June 2021) and up to the close of nominations at **4pm, Friday, 2 July 2021**.

***\*\*Please note that there is no discretion to extend this, or any other, deadline\*\****.

Nominations must be submitted by hand (although they do not need to be delivered by the candidate) and not by email or by fax. Delivery by Royal Mail is also not permissible.

Nomination papers are legal documents subject to inspection and challenge by other candidates and any elector. They should not contain material errors or errors that you have tried to rectify with correcting fluid. You are advised to use permanent blue or black ink and to read the guidance notes on their completion very carefully.

Candidates are also advised to submit their nomination paper well in advance of the deadline, so that any errors/omissions may be amended.

## **Informal Checks**

Once candidates have completed their nomination papers, the Returning Officer can, on request, check through the papers, before the nomination papers are formally submitted. The purpose of the informal check is to ensure that candidates have completed the paperwork fully with no omissions. It checks those sections of the paper that you can alter or amend prior to formal submission.

All candidates are advised to have an informal check before the nomination deadline. Once a nomination paper has been formally submitted, it cannot be returned for amendment if the Returning Officer determines that the nomination is not valid.

The informal check will be carried out by the Returning Officer or one of his Deputies. If you are bringing the nomination paper in personally, the informal check must be pre-booked. **It will not be available on demand.** Please contact the Electoral Services team to book an appointment.

Alternatively, scanned copies can be emailed to [nominations@hart.gov.uk](mailto:nominations@hart.gov.uk) for an informal check. The nomination papers will be checked and you will be advised of the outcome by return of email. **Please note that nominations should not be emailed for checking after 5pm on the day before the close of nominations (i.e. not after 5pm, Thursday, 1 July).**

At the completion of the informal check, if there are omissions or errors in the areas checked, you will be advised of the areas for correction or completion. Where the original hard copies have been provided for checking, if there are no errors or omissions, the paper will be processed formally. If scanned copies have been emailed for checking, the candidate will be advised to deliver the hard copy by the submission deadline.

**You must note that the informal check is just that, it is informal and not recorded on our computer systems. It is not a guarantee that your papers will be accepted when submitted formally.**

## **Informal Check – Areas Considered**

The nomination form will be checked to ensure that:

- the electoral area, the Council name and the date of the election have been completed and are correct;
- you have entered a surname, other names, and that your description, if used, matches those permitted;
- there are two subscribers' signatures and printed names on the paper;
- the Polling District letters are correct for the electoral area; and
- there is a number in each of the electoral number boxes.

The consent to nomination will be checked to ensure that:

- the electoral area, the Council name and the date of the election are completed and are correct;
- the name matches the name given on the other two papers (nomination paper and home address form);
- there is at least one qualification that remains undeleted (and matches those provided on the home address form);
- there is a date of birth recorded;
- the form is signed;
- the form is dated;
- the form includes a witness signature;
- the form includes a witness name;
- the witness details are the same as those on the home address form; and
- the disqualification and offence clauses are attached.

The home address form will be checked to ensure that:

- the electoral area and the date of election are completed and are correct;
- the name matches the name given on the other two papers (nomination paper and home address form);
- a home address has been given;
- a qualifying address has been given and the qualification reason a), b), c), or d) is stated and matches that given on the consent to nomination;
- the name and address of the witness on the candidate's consent to nominations is present; and
- where part 2 has been completed and the home address is not to be made public, that the relevant electoral area, the candidate's signature, and the date signed is present.

### **Informal check – Areas Not Considered:**

The informal check will not:

- validate that any addresses given are correct postal addresses;
- correct any spelling mistakes;
- guarantee that any commonly used name is valid and will be accepted for use on the ballot paper;
- give you an assurance that the subscribers are valid beyond a basic assurance that the paper has two subscribers and that the Polling District letters are valid for that electoral contest;
- validate your grounds for qualification; or
- validate your date of birth

## **Formal Determination of a Nomination**

The formal determination involves a review of all the items from the informal check and additionally a check that the signature of each subscriber and their electoral number given on the paper corresponds to the name and the electoral number on the Electoral Register in force for nominations.

A check will also be undertaken to ensure that the subscribers have not subscribed to more candidates' nominations than there are vacancies.

A notice of the decision on the validity of the nomination will be sent to each candidate once the formal determination has been made.

### **Invalid Nominations**

The Returning Officer can only determine that the papers are invalid on two grounds:

1. that the particulars of the candidate or the persons subscribing the papers are not as required by law; or
2. that the paper is not subscribed as required.

If the nomination is determined to be invalid, the papers will be retained and you will need to submit a new nomination paper with a new set of subscribers. You cannot provide additional, "top up" or "stand by" subscribers to be added to the paper in the event of one of the subscribers being invalid.

The decision of the Returning officer on the validity of the nomination paper is final and cannot be challenged other than by High Court ruling following the election.

## Withdrawal of Nominations

The deadline for withdrawal of nominations for the elections is 4pm Friday, 2 July 2021 (the same as the close of nominations).

## Inspection of Nomination Papers

Nomination papers are available for public inspection during office hours on any working day following the close of nominations, up to and including the day before polling day during normal **working hours**. **Should you wish to inspect the nomination papers, please make an appointment** to attend the Civic Offices.

Inspection of the Home Address Forms is limited to validly nominated candidates in the same electoral area, their agent, or their proposer or seconder.

There is no right of objection to a local government election nomination.

## After the close of nominations

If the number of nominations received equals the number of vacancies, the nominated candidates will be elected uncontested to the Parish Council.

Where the number of nominations received is greater than the number of vacancies, the election will be contested, and polling day will be **Thursday, 29 July 2021**. At this point, poll cards will be issued to all eligible electors.

## Postal Votes

If contested, postal votes will be issued around 12 July to existing postal voters. All electors applying by the postal vote deadline will be issued with a postal vote prior to the election. Details of the postal vote opening sessions will be circulated if the election is contested.

## Polling Stations

If contested, there will be two polling stations used for this by-election. The polling stations will be located at the Victoria and Jubilee Hall Complex, West Green Road, Hartley Wintney, RG27 8RQ. Candidates are entitled to visit each polling station to observe proceedings. Candidates should notify the Presiding Officer at the station on their arrival.

## Verification and Count

If contested, the verification and count of all ballot papers will be held directly following the close of polls at the polling station, Victoria and Jubilee Hall Complex, West Green Road, Hartley Wintney, RG27 8RQ.

All candidates will be invited to attend the count. Candidates will be contacted if the election is contested, to confirm the number of counting agents they are entitled to appoint. Please note that the statutory deadline for notifying the Returning Officer with the details of your counting agents will be **Thursday, 22 July**.

Due to social distancing requirements at the venue, **we will not be able to accommodate guests of candidates**. If you have a guest that you would like to attend, please appoint the relevant person as a counting agent.

## Election Expenses

At parish council elections, every candidate must complete and return a statement of all expenses.

### Expenses Limits

The spending limit for the election period is **£806**, plus **7p** per local government elector in the electoral area the candidate is standing.

The electorate used to calculate the amounts will be circulated to candidates and agents once it is finalised.

### Submitting Expenses Returns

The documents must be handed into the Returning Officer, together with the bills and receipts within 28 calendar days after the election. The deadline for the completed expenses return is Thursday, 26 August 2021.

The form of return and the candidate declaration will be supplied to all candidates.

Please note:

- an expenses return must be submitted for every candidate, even if they are not elected
- an expenses return must still be made, even if no expenditure has been incurred (a 'nil' return).

More information is available at [www.electoralcommission.org.uk](http://www.electoralcommission.org.uk)

# Electoral Offences

There are a number of specific electoral offences and some general offences which candidates, agents and supporters should be particularly aware of during their campaign. More information is available at the [www.electoralcommission.org.uk](http://www.electoralcommission.org.uk)

## **Bribery**

Giving directly or indirectly, any money or gift or procure any office to or for any voter, in order to induce any voter to vote or refrain from voting, or for a particular candidate.

## **Treating**

Giving or providing (or paying wholly or in part the expense of giving or providing) either before, during or after an election, directly or indirectly, any food, drink, entertainment or provision in order to influence any voter to vote or refrain from voting.

## **Undue Influence**

Making use or threatening to make use directly or indirectly, 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 act with the intention of impeding or preventing the voter from freely exercising their right to vote.

## **Personation**

It is an offence for any individual to vote 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 to be 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 their appointment as a proxy is no longer in force.

## **False registration information and false postal/proxy voting application**

It is an offence to supply false information on a registration, postal vote or proxy vote application form. False information includes a false signature.

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

A person is guilty of an offence if they apply to vote by post or proxy to gain a vote to which they are not entitled or to deprive someone else of their vote.

## **Multiple Voting**

It is an offence to vote twice at the same election.

## Secrecy Requirements

Every person attending a polling station, postal vote opening session or the counting of the votes must be aware of the secrecy requirements, as set out in Section 66 of the Representation of the People Act 1983.

These provisions concern the maintaining of secrecy of the voting and should be read carefully before anyone attends at any polling station, postal vote opening session or at the counting of the votes.

### **REPRESENTATION OF THE PEOPLE ACT 1983**

#### Section 66, sub-sections (1 - 6)

- (1) The following persons:-
  - a. every Returning Officer and every Presiding Officer or clerk attending at a polling station;
  - b. every candidate or election agent or polling agent so attending;  
shall maintain and aid in maintaining the secrecy of voting and shall not, except for some purpose authorised by law, communicate to any person before the poll is closed any information as to –
    - i. the name of any elector or proxy for an elector who has or has not applied for a ballot paper or voted at a polling station;
    - ii. the number on the register of electors of any elector who, or whose proxy, has or has not applied for a ballot paper or voted at a polling station; or
    - iii. the official mark.
- (2) Every person attending at the counting of the votes shall maintain and aid in maintaining the secrecy of voting and shall not -
  - a. ascertain or attempt to ascertain at the counting of the votes the number on the back of any ballot paper;
  - b. communicate any information obtained at the counting of the votes as to the candidate for whom any vote is given on any particular ballot paper.
- (3) No person shall -
  - a. interfere with or attempt to interfere with a voter when recording his vote;
  - b. otherwise obtain or attempt to obtain in a polling station information as to the candidate for whom a voter in that station is about to vote or has voted;
  - c. communicate at any time to any person any information obtained in a polling station as to the candidate for whom a voter in that station is about to vote or has voted, or as to the number on the back of the ballot paper given to a voter at that station;
  - d. directly or indirectly induce a voter to display his ballot paper after he has marked it so as to make known to any person the name of the candidate for whom he has or has not voted.
- (4) Every person attending the proceedings in connection with the issue or the receipt of ballot papers for persons voting by post shall maintain and aid in maintaining the secrecy of the voting and shall not –

- a. except for some purpose authorised by law, communicate, before the poll is closed, to any person any information obtained at those proceedings as to the official mark; or
  - b. except for some purpose authorised by law, communicate to any person at any time any information obtained at those proceedings as to the number or other unique identifying mark on the back of the ballot paper sent to any person; or
  - a. except for some purpose authorised by law, attempt to ascertain at the proceedings in connection with the receipt of ballot papers the number or other unique identifying mark on the back of any ballot paper; or
  - b. attempt to ascertain at the proceedings in connection with the receipt of the ballot papers the candidate for whom any vote is given in any particular ballot paper or communicate any information with respect thereto obtain at those proceedings.
- (5) No person having undertaken to assist a blind voter to vote shall communicate at any time to any person any information as to the candidate for whom that voter intends to vote or has voted, or as to the number or other unique identifying mark on the back of the ballot paper given for the use of that voter.
- (6) If any person acts in contravention of this section, he shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale or imprisonment for a term not exceeding six months

## Request for the Register of Electors

Candidates are entitled to request one free copy of the Register of Electors for the appropriate electoral area. This form must be completed by the candidate and submitted to the Electoral Registration Officer at Hart District Council.

<b>Name of Candidate</b>	
<b>Ward</b>	
<b>Data Copy (Excel) or Paper Copy</b>	

I declare that I am a candidate at the above-named election. I will use my copy of the electoral register for electoral purposes and checking the validity of donations only. I will only allow others who are assisting me in my campaign to use my copy of the electoral register for the same purposes only. I understand that any use other than electoral or donation checking purposes is illegal with a maximum fine of £5,000. My request is for the register as at the last date for Notice of Election and any revisions or notices of amendment while I am a candidate.

<b>Signed:</b>	
<b>Date:</b>	

<b>Please send the Register to the following address/email address:</b>	
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<b>Contact Details (in case of query)</b>	
<b>Telephone:</b>	
<b>Email:</b>	

### **Disposal of Register of Electors**

Under current data protection legislation, personal data processed for any purpose shall not be kept for longer than is necessary for that purpose. If you request, and are supplied with, the Register of Electors as a candidate, you will need ensure the secure destruction of the data following the election.

Hard copies of the Register of Electors, if requested, can be returned to the Electoral Registration Officer at Hart District Council for disposal. Data copies should be deleted from any device where it has been stored.