



**AMBER VALLEY
BOROUGH COUNCIL**

***CANDIDATE'S GUIDE
FOR
BOROUGH & PARISH
ELECTIONS***

PO Box 15
Town Hall
Market Place
Ripley
Derbyshire
DE5 3XE

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P M Carney, Returning Officer

1. ELIGIBILITY FOR NOMINATION

To be eligible for election to a Borough or Parish Council, a person must be at least 18 years old at the date of his/her nomination, be a British citizen, a qualifying citizen of a Commonwealth country, a citizen of the Irish Republic or a citizen of another member state of the European Union. and have ONE of the following qualifications on the day on which he/she is nominated, and on Polling Day (although it is advisable to complete as many of the alternative qualifications that apply):-

- (i) be a local government elector for the area of the borough or parish (as appropriate); **OR**
 - (ii) during the whole of the 12 months preceding the above day
 - (a) have occupied (as owner or tenant) any land or premises in the borough or parish (as appropriate); **OR**
 - (b) have had their principle or only place of work in the appropriate area; **OR**
 - (c) have lived in the appropriate area; **OR**
- (FOR PARISH COUNCILS ONLY)*
- (d) have lived within 4.8 kilometers (three miles) of the parish.

2. DISQUALIFICATIONS

Certain people are disqualified from being elected to a local authority. A person cannot be a candidate if:

- they are employed by the local authority or hold a paid office under the authority (including joint boards or committees), or
- they are the subject of a Bankruptcy Restrictions Order in England or Wales, have been adjudged bankrupt in Northern Ireland, or have had their estate sequestrated in Scotland, or

- they have been sentenced to a term of imprisonment of three months or more (including a suspended sentence) without the option of a fine, during the five years before election day, or
- they have been disqualified under Part III of RPA 1983 (this relates to donations and other offences as well) or under the Audit Commission Act of 1998)

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.

3. TIMETABLE

The timetable for the election is set out as Appendix 3 to this Guide.

4. NOMINATION OF CANDIDATE

Each Candidate must be nominated by a separate Nomination Paper in the prescribed form, which must be delivered to the Returning Officer, Town Hall, Ripley by the time shown in the timetable.

The Nomination Paper must be signed by two electors for the Borough (or Parish, as the case may be) as Proposer and Secunder. A Nomination Paper for a Borough election must also be signed by eight other such electors as Assentors. Parish Council nominations require only a proposer and secunder. All signatories must be electors for the Ward, Parish or Parish Ward for which the candidate is standing, and must be of an age to vote at the election.

A candidate need not give a description, but any description given must NOT be more than SIX words long. It may be of either a personal or political nature. Details submitted will be reproduced exactly in subsequent notices, and on the ballot paper, and may be the subject of challenge.

Persons signing a Nomination Paper should use their usual signature - they need not sign in the way their name appears in the Register of Electors. They must also give their number in the Register of Electors. This number includes the distinctive letters of the Polling District in which they live - these can be obtained from the front cover of the Register.

A person may not sign more than one Nomination Paper for each candidate, NOR more papers than there are vacancies to be filled in the appropriate area.

5. CONSENT TO NOMINATION

The candidate must give his/her consent in writing on, or one month before, the last day for delivery of Nomination Papers.

6. REGISTRATION OF POLITICAL PARTIES

If a candidate uses a description relating to a registered political party, the nomination paper must be accompanied by a certificate issued by or on behalf of the registered nominating officer of the party.

7. WITHDRAWAL FROM CANDIDATURE

A Candidate may withdraw his/her candidature by a written notice signed by the candidate in the presence of a witness who must also sign the notice. The notice must be delivered to the Returning Officer at the Town Hall, Ripley within the time appointed (see attached timetable)

8. ELECTION AGENT

Parish Elections - Agents are not required

Borough Elections - Every candidate must appoint an agent. If they do not, the candidate is deemed to be their own agent.

The Agent is responsible for all acts involved in carrying out the election on behalf of the candidate and has a duty to ensure that

the campaign is conducted according to the law. If the Agent fails in his/her responsibilities, the election could in some cases be declared void. The name and address of the Agent must be notified to the Returning Officer by the relevant date - see timetable.

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

- within the same local government area that the election is being held, or
- within the parliamentary constituency or constituencies which the local authority area contains.

The agent's office address will often be their home address, but it might also be that of the local political party office specially set up just for the election. 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. If that address is outside the relevant area the election agent's office address is deemed to be the qualifying address of the person named in the statement as proposer.

9. DELIVERY OF FORMS

Nomination papers, Consents to Nomination, Appointment of Election Agent (Borough only), Registration of Political Parties certificate and Withdrawals of Candidature MUST be delivered to the Returning Officer, Town Hall, Ripley by the relevant dates - see timetable

10. VOTING BY POST OR PROXY

An elector may vote by post or proxy, if he/she so wishes

The last date for applications to vote in this manner is in the timetable attached to this Guide.

Each applicant must complete a separate application form, which can be in respect of a specific election, elections held between specific dates or for all future elections until further notice.

The address for the delivery of a postal vote does not have to be to the applicant's home address. For example, if they are working away or are on holiday they can apply to have the postal vote delivered to that address.

If they chose to have their postal vote sent to an address overseas, they must be aware that there is a limited time (approximately one week) for postal votes to be delivered and returned, in time for counting on Election Day.

11. POLLING AGENTS

Polling Agents are people appointed by the candidate to attend the polling station to watch out for things like personation (someone trying to vote in another's name).

Candidates may appoint Polling agents to attend at specific polling stations. Only one per candidate at any one time in a particular station. Not more than four polling agents in total can be appointed to attend any polling station.

Names and addresses must be submitted to the Returning Officer by the date shown in the timetable.

12. COUNTING ARRANGEMENTS

Candidates will be told after nominations close where the votes for their Ward or Parish will be counted.

Candidates are entitled to attend the count together with their spouses and Election Agent (if any). Each candidate will also be entitled to appoint a number of Counting Agents to attend the count. The actual number that may be appointed will be notified after nominations close. A counting agents job is to ensure that the correct votes are allotted to his/her candidate and that the count is correctly conducted.

Admission to the Count will only be allowed on production of the appropriate Identity Badge which will be distributed in due course.

13. SECURITY

A notice will be sent (after nominations close) to candidates and others giving details of the Secrecy provisions contained in Section 66 of the Representation of the People Act 1983.(see Appendix 1)

14. ELECTION EXPENSES

Election expenses are expenses incurred by the Candidate before, during or after an election, on account of or in respect of the conduct or management of an election. Any money provided by any person other than the Candidate for election expenses, whether by gift, loan, advance or deposit, must be paid to the Candidate and not otherwise. These must not exceed £600.00 plus 5p for every entry in the register for the Borough/Parish Ward.

If a poll is countermanded or abandoned because a Candidate dies, the maximum for any other Candidate who remains validly nominated is double the amount calculated above.

15. ELECTION EXPENSES - PERSONAL AND PETTY EXPENSES

All election expenses must be paid through the Election Agent, with the following exceptions:

- (i) the Candidate's personal expenses such as meals, fares, etc.
- (ii) small expenses incurred by some person and not repaid to him/her e.g. canvasser's bus fare;
- (iii) petty expenses paid for stationery, postage, etc. by a person authorised by the Election Agent

Details of expenditure under i) and iii) must be given to the Election Agent within 21 days of the result of the election being declared.

16. ELECTION EXPENSES - LITERATURE, ADVERTISEMENTS, MEETINGS, ETC.

Only the Candidate, the Election Agent, or a person authorised in writing by the Agent may incur any expense in connection with:-

- (a) holding a public meeting or organising a display;
- (b) issuing advertisements, circulars or publications;
- (c) otherwise presenting the Candidate's views (except in newspapers or periodicals, or a broadcast by the BBC or IBA).

Incurring any such expense without the authority of the Election Agent constitutes a corrupt practice.

17. ELECTION EXPENSES - PAYMENT

Every claim against a Candidate or Election Agent must be sent to the Election Agent within 21 days of the election result being declared. Any later claim may only be paid with permission of a court.

All expenses must be paid within 28 days of the election result being declared.

18. ELECTION EXPENSES - RETURN

(i) Borough Candidates

Within 35 days after the declaration of result, the Election Agent must make a Return showing all payments made by him/her. Payments of more than £20 must be vouched for by a receipted bill. See timetable for the last day for making this return.

The Return must be accompanied by a Declaration made by the Agent. The purpose of the Return is to provide proof that the candidate's expenses did not exceed the maximum allowed.

The candidate must also make and submit a Declaration.

19. ELECTION EXPENSES RETURN (Contd.)

(ii) Parish Candidates

Within 28 days after the declaration of result, the candidate must make a Return, and Declaration showing all payments made by him/her.

(iii) CANDIDATES NOT INCURRING ANY EXPENSES MUST MAKE A 'NIL' RETURN.

(iv) It is not the duty of the Returning Officer to check Returns.

20. CORRUPT PRACTICES

These are:-

- (i) Bribery, such as making a gift or procuring an office;
- (ii) Treating, by providing food, drink or entertainment;
- (iii) Undue influence, by using or threatening to use any kind of force, violence or duress.

A person convicted of a corrupt practice is liable to a fine or imprisonment for up to a year, or both. In addition they are disqualified from holding any public office for five years. If an elected Candidate is reported guilty of a corrupt practice by an election court, his/her election will be void.

21. ILLEGAL PRACTICES

A person convicted of an illegal practice is liable for a fine of up to £5000, and is disqualified for five years from registering as an elector or voting at any election in the area for which the election is held.

22. ELECTION POSTERS

Planning permission is not required for any advertisement relating to a specific election, but the notice must be removed within 14 days of the election.

Notices must not be displayed on street lighting columns.

23. TELLERS

There is frequently confusion between Tellers and Polling Agents.

Tellers have no official standing and must not enter a polling station under any circumstances except to vote. They must comply with the instructions of the Presiding Officer. (See Appendix 2)

24. ELECTION LITERATURE

A person must not -

- (a) Print or publish, or cause to be printed or published, any bill, placard or poster having reference to an election or any printed document distributed for the purpose of promoting or procuring the election of a candidate, or
- (b) post or cause to be posted any such bill, placard or poster as mentioned above, or
- (c) distribute or cause to be distributed any printed document for that purpose,

unless the bill, placard, poster or document bears upon its face the name and address of the printer and publisher.

A candidate or election agent contravening this provision is guilty of an illegal practice and is liable to a fine of up to £5000 and is disqualified for five years from registering as an elector or voting at an election in the area for which the election is held.

25. LOUDSPEAKERS

Under Section 62 of the Control of Pollution Act 1974 a loudspeaker in a street shall only be operated between the hours of 8 am to 9 pm.

26. ACCEPTANCE OF OFFICE

A successful Candidate must not act as a Councillor unless he/she has made a Declaration of Acceptance of office in a prescribed form (within two months of the election for a Borough Councillor, and for a Parish Councillor before or at the first meeting of the Parish Council.) If they fail to do so in that time, their office will become vacant. Elected candidates will be given full details of these procedures.

NOTE: THIS GUIDE IS INTENDED TO PROVIDE HELPFUL INFORMATION TO CANDIDATES AND ELECTION AGENTS, BUT IT IS NOT THE DUTY OF THE RETURNING OFFICER TO ADVISE THEM ABOUT THEIR DUTIES AND RESPONSIBILITIES, AND NO RESPONSIBILITY IS ACCEPTED FOR ANY ERRORS OR OMISSIONS. IF IN DOUBT SEEK ADVICE FROM YOUR PARTY ORGANISATION.

Requirement of secrecy

66.-(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 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 on the back of the ballot paper sent to any person; or
 - (c) except for some purpose authorised by law, attempt to ascertain at the proceedings in connection with the receipt of ballot papers the number on the back of any ballot paper; or
 - (d) 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 obtained 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 on the back of the ballot paper given for the use of that voter.
- (6) If a 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 to imprisonment for a term not exceeding 6 months.

Tellers

Have no legal status!

THEY MUST -

- 1) read and understand the instructions printed on this card;**
- 2) remain OUTSIDE THE BUILDING in which the Polling Station is situated;**
- 3) comply with any instructions from the Presiding officer.**

THEY MUST NOT –

- 4) approach electors until they have left the Polling Station - if an elector, on being approached, does not know their electoral number, they may be asked for their name and address - they must not be asked to go back into the Polling Station to obtain their number;**
- 5) hand out election material;**
- 6) ask voters how they have voted;**
- 7) enter the Polling Station except to vote.**

THEY MAY -

- 8) wear rosettes to show their political allegiance.**