
Candidates at elections to the National Assembly for Wales

This factsheet answers some of the most frequently asked questions about standing as a candidate at National Assembly for Wales general elections, such as:

- who can stand for election
- how candidates are nominated
- what limits there are on election spending

Definition of candidate

A person will become a candidate at a National Assembly for Wales general election on the last day of the publication of the notice of election, if they have been declared by themselves or by others to be a candidate at that election. If no such declaration has taken place, a person will become a candidate when they are declared to be a candidate or are nominated as a candidate at that election. This definition is particularly important for the calculation of the candidate's election expenses.

Qualifications

To qualify as a candidate for election to the National Assembly for Wales a person must be least 18 years old on both polling day and the day of nomination and must be a British citizen, a citizen of the Irish Republic, the Commonwealth or another member state of the European Union.

There is a range of disqualifications which can prevent a person becoming a candidate at a National Assembly for Wales election. A

forthcoming National Assembly for Wales (Disqualification) Order 2003 will identify a number of Specified Office Holders who are disqualified from being a member of the National Assembly for Wales. Candidates are advised to check that none of the relevant disqualifications apply to them before signing the consent to nomination.

Constituency and regional candidates

Candidates may not stand for election in more than one Assembly constituency. Any registered political party may submit a list of up to twelve candidates for election in each of five Assembly regions. Individual candidates may also stand for regional election. Candidates may be on no more than one regional list nor may they stand for individual election in a region at the same time as being on a regional list. Candidates may not stand for election in an Assembly constituency and a regional election at the same time.

Nominations

To stand for election, each constituency candidate and individual regional candidate must be nominated by a separate nomination paper which must be signed by a subscriber. A registered party's list of candidates to be regional members for a particular region must be submitted by the party's Nominating Officer to the Regional Returning Officer.

A person standing as a candidate for a registered political party must also submit a certificate authorising their candidature, issued by or on behalf of the Nominating Officer of the party. Otherwise they may be described on the ballot paper as 'Independent' and/or 'Annibynol'; or will have no description at all. Any description used by a party candidate must not be more than six words long (i.e. six words in English and/or six words in Welsh). This description, together with the candidate's full name and home address will appear on the ballot paper, with a registered emblem of that party if requested in writing. The Returning Officer will confirm the exact arrangements for the time and place for delivery of nomination papers in the Notice of Election.

Consent

The candidate must agree to the nomination in writing on, or within one month before, the close of nominations for it to be valid. He or she must sign a consent to nomination in the presence of one witness, who must also sign and give their full name and address.

The form of consent must make a declaration that the candidate is not disqualified from standing. The consent must be delivered to the Returning Officer with the other nomination papers.

The Returning Officer will decide on the validity of nomination papers and will reject a nomination if it is not completed according to the law. However, the Returning Officer is not required to determine whether a candidate is disqualified.

It is a serious offence to include false information on the nomination or consent, and a person found guilty of such an offence may face imprisonment for up to a year or an unlimited fine.

Election agents

Each candidate must appoint an election agent to be responsible to the candidate and in law for the proper management of the candidate's campaign. Candidates who do not appoint another person must act as their own election agent.

Certain people cannot, by law, act as a candidate's election agent, e.g. any officer or clerk appointed by the Returning Officer. It is important to take care in the appointment of an election agent, as a candidate can be liable for malpractice committed by the agent. Candidates can also appoint polling and counting agents to assist them.

Deposit

For a nomination to be valid, a candidate for return as a constituency member, or an individual candidate for return as a regional member, must

deposit the sum of £500 with the appropriate Returning Officer at the place and during the time for delivery of nomination papers. A registered party's Nominating Officer is required to deposit the sum of £500 in relation to a regional list of that party for a particular region with the Regional Returning Officer at the place and during the time for delivery of regional lists.

The deposit is usually required to be in legal tender or a UK banker's draft.

Campaign publicity material

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.

All posters, placards and bills which refer to the election must carry an imprint on their face giving the name and address of the printer and publisher of the material. This also applies to all printed material distributed for the purpose of promoting or procuring the election of a candidate.

Spending limits

All candidates contesting an election are subject to limits on expenditure incurred in relation to an election. This limit is calculated by taking a fixed amount plus an amount for every person on the register of electors for that constituency. These amounts vary according to whether they are standing in an assembly seat which is coterminous with a parliamentary borough

constituency or a parliamentary county constituency. For an individual candidate at a regional election, this limit is calculated by adding together the maximum limits for each constituency within the region.

All candidates contesting an election are subject to limits on expenditure incurred in relation to an election. Limits for candidates at a National Assembly for Wales election can be calculated as follows:

- For an Assembly constituency which is coterminous with a parliamentary county constituency, £7,150 together with an additional 7p for every entry in the register of electors
- For an Assembly constituency which is coterminous with a parliamentary borough constituency, £7,150 together with an additional 5p for every entry in the register of electors
- For an individual candidate at a regional election, a sum calculated by adding together the maximum limits for each constituency within the region

Election expenses

Election expenses are any expenses incurred on goods, services, property or facilities used for the purpose of a candidate's election from the date on which that person becomes a candidate.

The election agent of every candidate must deliver to the

Returning Officer a return concerning the candidate's election expenses within 35 days after the day on which the result of the election is declared. Bills or receipts to support all recorded items of expenditure should accompany the return (except where the amount is less than £20). It is important to note that a return must be submitted even if no expenses have been incurred. Donations of more than £50 can only be accepted from permissible donors and all donations of more than £50 must be reported in the election expenses return.

All election expenses returns must be accompanied by declarations made by the candidate and by the election agent.

Publications

The Electoral Commission produces detailed guidance for candidates and agents at National Assembly for Wales elections. For the elections in 2007, guidance is currently being updated. Please contact the Electoral Commission Wales Office for further advice.

The Electoral Commission, *National Assembly for Wales elections 2003 (2003)*

The Electoral Commission, *National Assembly for Wales elections 2003: Campaign spending (2004)*

For relevant legislation see www.opsi.gov.uk

Contacts

If you are considering standing as a candidate at the National Assembly for Wales elections, contact the Returning Officer for at your local authority for more detailed information on the steps you will need to take.

You can find your contact details for your local authority by visiting www.aboutmyvote.co.uk

Feedback

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