

European Parliamentary elections in Great Britain

Guidance for candidates and agents

Part 2a of 6 – Standing as an individual candidate

March 2019

This document applies only to the 23 May 2019 European Parliamentary election in Great Britain. Our guidance and resources for all other elections can be accessed from our website at: <http://www.electoralcommission.org.uk/i-am-a/candidate-or-agent>.

Contents

Essential information.....	2
Completing your nomination papers	3
Submitting your nomination papers.....	6
The deposit.....	7
Inspecting other candidates' nomination papers	8
Objections to nominations	8
Withdrawing.....	10
What happens after the close of nominations?	10
Appointing your election agent and other agents..	11
Death of a candidate.....	16
Supplementary information	17
Commonly used name(s).....	17
Candidates who are EU citizens	18

2

Essential information

This section of the document contains our guidance on standing as an individual candidate at the European Parliamentary election in England, Scotland or Wales on 23 May 2019. Supplementary information, which may only be relevant to some individual candidates, is provided at the back of this document. You can also view this supplementary guidance by clicking on the links within this document or by clicking on the chapter heading on the contents page.

In this document, we use 'you' to refer to the candidate. We use 'must' to refer to a specific legal requirement and 'should' for recommended practice.

We have included relevant deadlines throughout this document, but you can find a separate [election timetable](#) setting out all the key dates on our website.

As a result of bank holidays in Gibraltar on 29 April and 1 May 2019, some electoral deadlines in the South West region are different to the deadlines elsewhere in Great Britain. Where this is the case, we have included the South West deadline in brackets alongside the deadline for the rest of Great Britain.

We are here to help, so please contact your local Commission office if you have any questions. See our [Overview Document](#) for contact details.

Data protection legislation applies to the processing of all personal data.

Please contact the [Information Commissioner's Office](#) for further information about how the General Data Protection Regulation affects you.

Completing your nomination papers

1.1 To become nominated as a candidate at the European Parliamentary election on 23 May 2019 you need to pay a deposit of £5,000 and submit a completed set of nomination papers to the place fixed by the Regional Returning Officer by **4pm on 25 April 2019 (4pm on 24 April 2019 if standing in the South West region)**. This deadline is set out in law and cannot be changed for any reason.

1.2 There are two forms that must be submitted for your nomination to be valid, collectively known as the 'nomination papers':

- the nomination form (see paragraph 1.9)
- your consent to nomination (see paragraph 1.11)

1.3 In addition, a candidate who is an EU citizen (other than a British, Irish, Maltese or Cypriot citizen) must also submit a declaration of their eligibility to stand for election (see paragraph 1.7).

1.4 You can obtain nomination papers from the Regional Returning Officer Contact details can be obtained from our [website](#). Alternatively, the Commission has produced a set of [nomination papers](#) that you could use.

1.5 The Regional Returning Officer may also be able to offer informal checks of your completed nomination papers before you submit them.

1.6 Note that any information you provide on your nomination papers must be true to the best of your knowledge. It is an offence to provide a false statement on your nomination papers. Providing a false statement could invalidate your election, and is also punishable by a fine and/or imprisonment.

The RO can hold your nomination paper invalid if the particulars of your nomination are not as required by law.

The RO can also reject your nomination if they conclude that it is clearly a sham, for example, if an obviously fictitious name is provided.

4

In England and Wales, the fine is unlimited; in Scotland, it is up to £10,000 or an unlimited fine if convicted on indictment

Additional requirements for candidates who are EU citizens

1.7 If you are an EU citizen (other than a British, Irish, Maltese or Cypriot citizen), you must make a declaration as part of your nomination stating, amongst other things:

- that you are not standing as a candidate at the same European Parliamentary election in any other EU member state, and
- that you have not been disqualified from standing for election in the EU Member State of which you are a national due to a judicial or administrative decision

1.8 For further details, including the deadline for making the declaration, see paragraph **1.73**.

The nomination form

1.9 By law, a [nomination form](#) must be completed in English or, in Wales, in English or Welsh. Some of the information that appears on the ballot paper will be taken from your nomination form. The form must contain:

- **Your full name.** This means your surname (which must come first) and other names in full. Using initials only could lead to your nomination paper being rejected. Also, do not use prefixes such as Mr, Mrs, Dr or Cllr as part of your name. The same applies to suffixes. However, if you have a title, you can use this as your full name. For example, if your actual name is Joseph Smith but your hereditary title is Joseph Avon, you can use the name Joseph Avon as your full name.
- **Your full home address.** Your address will not appear on the ballot paper, but will appear on the statement of parties and persons nominated.

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Please contact the [Information Commissioner's Office](#) for further information about how the General Data Protection Regulation affects you.

1.10 The following is optional:

- **A commonly used name** – if you commonly use a name that is different from any forename or surname that you have and you wish this to appear on the ballot paper, you need to state this on the nomination form. More details are provided in paragraph **1.65**.
- **A description** – if you want the word ‘Independent’, and/or ‘Annibynnol’ in Wales, to appear on the ballot paper underneath your name, you need to state this on the nomination form. No other descriptions are allowed for candidates who are not standing on behalf of a registered political party. Alternatively, you may choose not to have a description at all by leaving this part of the form blank.

Consent to nomination

1.11 You must also formally consent to your nomination in writing. The content of the consent to nomination is fixed by law. On the form you will be asked to state:

- your date of birth
- that you are aware of the provisions of Section 10 of the European Parliamentary Elections Act 2002 (i.e. the disqualifications)
- that to the best of your knowledge and belief you are not disqualified from the office of MEP

1.12 You must also meet all of the qualifications to stand for election, as explained in [Part 1 - Can you stand for election?](#)

1.13 You are not allowed to sign the consent form earlier than one month before the deadline for submitting your nomination papers. This means that the earliest you can sign the consent will be **25 March 2019 (24 March 2019 if standing in the South West region)**. Your signature must be witnessed, and the witness must sign the form and give their full name and address. There are no restrictions on who can be a witness to the consent to nomination.

6

Submitting your nomination papers

1.14 You should contact the Regional Returning Officer as soon as possible to find out what arrangements are in place for submitting nomination papers.

1.15 The deadline for the Regional Returning Officer to receive all nomination papers and the deposit is **4pm on 25 April 2019 (4pm on 24 April 2019 in the South West electoral region)**. The start date from which you will be able to submit nomination papers, as well as the times and place for delivery, will be set out in the official notice of election published by the Regional Returning Officer.

1.16 Nomination papers, including the declaration of a candidate who is an EU citizen (other than a British, Irish, and Maltese or Cypriot citizen) can only be delivered on a working day between the hours of 10am and 4pm and must be delivered to the place specified on the notice of election.

1.17 The nomination form can only be delivered by you or by someone you have authorised in writing to do so on your behalf, and it must be delivered in person. There are no restrictions on who may deliver the consent to nomination form and, where required, the declaration of a candidate who is an EU citizen (other than a British, Irish, Maltese or Cypriot citizen). However, they must be delivered in person and this should be done by you or by someone you trust so you can be sure that they have been delivered by the deadline.

1.18 Your nomination papers cannot be submitted by post, fax, e-mail or other electronic means. The only exception is where the Regional Returning Officer is satisfied that, owing to the absence of the candidate from the UK or Gibraltar, it has not been reasonably practicable for them to give their consent in writing. In this case the consent to nomination may be submitted by fax or by e-mail. No witness to the consent is required in this case.

1.19 If you expect to be outside of the UK (or Gibraltar), you should contact the Regional Returning Officer to explain the situation. The Regional Returning Officer has to be satisfied that you will actually be outside the UK (or Gibraltar) and will not be able to consent in the normal manner before accepting this method of submitting the consent.

1.20 You should discuss with the Regional Returning Officer the option of having an early informal check of your nomination papers. This will allow you sufficient time to submit new nomination papers should your first set contain any errors. [Regional Returning Officers contact details](#) can be obtained from our website.

1.21 After nomination papers have been submitted, the Regional Returning Officer will confirm whether or not your nomination is valid.

1.22 If, after you have submitted your nomination papers you no longer want to stand for election, you can withdraw, provided you do so by **4pm on 25 April 2019 (4pm on 24 April 2019 in the South West electoral region)**. For more details on withdrawing, see paragraph 1.36.

The deposit

1.23 For your nomination to be valid, the sum of £5,000 must be deposited with the Regional Returning Officer by the deadline for nominations, i.e. by **4pm on 25 April 2019 (4pm on 24 April 2019 in the South West electoral region)**. The deposit can be made using:

- cash (British pounds only)
- a UK or Gibraltar banker's draft

1.24 The Regional Returning Officer may also accept a deposit made by a building society cheque, a debit or credit card or an electronic funds transfer. However, they may refuse to do so. If you want to pay in one of these ways, you should discuss with the Regional Returning Officer at the earliest opportunity whether your payment method is acceptable.

8

1.25 Where the deposit is delivered on your behalf, the person delivering the deposit must supply their name and address to the Regional Returning Officer (unless they have been appointed as your agent and have already provided their address).

1.26 After the election, the deposit will be returned if you poll more than 2.5% of the total number of valid votes cast in the electoral region.

Inspecting other candidates' nomination papers

1.27 Only certain people are entitled to inspect nomination papers and lists of party candidates and make objections to them during the time for delivery of nomination papers (but not afterwards). These are:

- validly nominated candidates (either a person included on a registered party's list or a person standing nominated as an individual candidate)
- the election agent of a registered political party after their nomination form has been delivered
- the election agent of an individual candidate after their nomination form has been delivered
- a person authorised in writing to deliver a nomination paper

1.28 Electoral Commission representatives and one other person chosen by a validly nominated candidate may also attend the delivery of nomination papers but are not allowed to inspect or make any objections to nomination forms and lists of party candidates.

Objections to nominations

1.29 Objections to the validity of any nomination form or list of party candidates can be made **on 25 April 2019 (24 April**

2019 in the South West electoral region). The time within which an objection can be made depends on when the nomination form and/or list is delivered.

Timetable for objections in all electoral regions, except the South West

Nominations delivered up to 4pm on 24 April 2019

1.30 Objections to any nomination form or list of candidates delivered up to and including 4pm on 24 April 2019 must be made **between 10 am and 12 noon** on **25 April 2019**

Nominations delivered after 4pm on 24 April 2019

1.31 Objections to any nomination form delivered after 4pm on 24 April 2019 must be made **between 12 noon and 5pm** on **25 April 2019**. Any objection must be made at or immediately after the time of the delivery of the nomination.

Objections on the grounds that an individual candidate is imprisoned for a year or more

1.32 In the rare cases where the Regional Returning Officer has published a notice inviting objections on the grounds that an individual candidate is disqualified because they are imprisoned and serving a sentence of a year or more, an objection may be made between 10am and 4pm on **26 April 2019**.

Timetable for objections in the South West electoral region only

Nominations delivered up to 4pm on 23 April 2019

1.33 Objections to any nomination form or list of candidates delivered up to and including 4pm on 23 April 2019⁴ must be made **between 10 am and 12 noon** on **24 April 2019**.

Nominations delivered after 4pm on 23 April 2019

1.34 Objections to any nomination form delivered after 4pm on 23 April 2019 must be made **between 12 noon and 5pm** on **24 April 2019**. Any objection must be made at or immediately after the time of the delivery of the nomination.

10

Objections on the grounds that an individual candidate is imprisoned for a year or more

1.35 In the rare cases where the Regional Returning Officer has published a notice inviting objections on the grounds that an individual candidate is disqualified because they are imprisoned and serving a sentence of a year or more, an objection may be **made between 10am and 4pm on 25 April 2019**.

Withdrawing

1.36 You may withdraw as a candidate by signing and submitting a withdrawal notice. There are no restrictions on who may submit the notice, but it must be delivered in person. The signing of the withdrawal must be witnessed by one other person, who must also sign the notice. A [notice of withdrawal](#) can be obtained from the Regional Returning Officer or downloaded from our website.

1.37 The deadline for withdrawals is 4pm on 25 April 2019 (4pm on 24 April 2019 in the South West electoral region).

What happens after the close of nominations?

1.38 The Regional Returning Officer will publish a statement of parties and persons nominated for the electoral region at the end of the period for objecting to nomination papers (**5pm on 25 April 2019 (5pm on 24 April 2019 in the South West electoral region)**), provided there are no objections. They will then provide a copy to each Local Returning Officer in the electoral region, who will publish the statement locally.

1.39 The statement will include:

- the name of each registered party that is standing, and a list of the candidates standing on behalf of the party
- the names of those standing nominated as individual candidates

- the names of any parties or persons who no longer stand nominated, if any (i.e. invalid and withdrawn nominations), with the reason why they are no longer standing
- the home address of each candidate, including those on a party list
- the descriptions (if any) of parties
- where requested, the description 'Independent' (and/or Annibynnol in Wales) next to the details of individual candidates

1.40 If a nomination form or list of candidates gives a commonly used surname or forename of a candidate in addition to their actual name, the statement will, unless the name is disallowed by the Regional Returning Officer, show the person's commonly used surname or forename (as the case may be) instead of their actual name.

Appointing your election agent and other agents

1.41 The election agent is the person responsible for the proper management of your election campaign and, in particular, for its financial management. You must have an election agent. If you do not appoint an agent, you will become your own agent by default.

1.42 There are no particular qualifications needed to be an election agent and you can be your own agent if you wish. However, the following people are not allowed by law to be election agents:

- any Regional Returning Officer or Local Returning Officer at the European Parliamentary election
- any officer or clerk appointed under the European Parliamentary election rules (this includes, for example, Presiding Officers)

For more information about candidate spending see: [Part 3 - Spending and donations for individual candidates](#)

12

- any partner or clerk of any of the above persons

Once appointed, only the election agent can make payments for election spending.

Appointing an election agent

1.43 Because of the responsibilities attached to the role of an election agent you should consider carefully who you are going to appoint and make sure that they understand their obligations. However, you can always revoke the appointment of an election agent and appoint someone else (see paragraph **1.45**). You can only appoint one election agent at any given time, and that election agent acts for you across the whole of the electoral region.

1.44 The name, address and office address of your election agent must be declared in writing to the Regional Returning Officer **by 4pm on 24 April 2019 (4pm on 23 April 2019 in the South West electoral region)**. The declaration must be made by you or someone on your behalf. Unless the election agent being declared is yourself, the declaration must either be made or signed by the agent being appointed or must be accompanied by a written declaration of acceptance signed by the agent being appointed.

1.45 The Regional Returning Officer may provide a declaration form, or you could use the [election agent declaration form produced by the Commission](#). If you do not appoint someone as your agent and declare their appointment to the Regional Returning Officer by the deadline, you will automatically become your own agent.

1.46 Your agent's office address must be within the UK or, if you are standing for election in the South West electoral region, in the UK or Gibraltar. The agent's office address will often be their home address, but it could be an office set up for the election. If you automatically become your own election agent because you have not appointed an agent, the office address is deemed to be the home address you provided on your nomination form. Election agents' names, addresses and office addresses are made public.

It is helpful to also provide a contact telephone number and email address for your election agent so that the Regional Returning Officer or a Local Returning Officer can easily contact them.

Revoking an election agent's appointment

1.47 You can revoke the appointment of your election agent at any time, including after polling day, and a new appointment must be made in the same manner as outlined above. If you revoke your election agent's appointment and do not appoint anyone else, you will be deemed to be your own election agent.

1.48 If you are acting as your own agent you can revoke your own appointment and appoint someone else as your agent.

1.49 An election agent cannot resign and must fulfil the duties required of them unless and until you revoke their appointment.

Sub-agents

1.50 Your election agent may appoint a sub-agent to act in any part of the electoral region in which you are standing. While election agents may appoint more than one sub-agent, the parts for which they are appointed must not overlap. The office of the sub-agent must be within the UK or, if you are standing in the South West electoral region, in the UK or Gibraltar.

1.51 A sub-agent can do anything that the election agent is entitled to do within the area to which they are appointed.

1.52 The election agent should ensure that any sub-agent is aware of the election and spending rules, as anything done by the sub-agent in the part of the region to which they have been appointed will be treated as done by the election agent. For further information on election spending, see [Part 3 - Spending and donations for individual candidates](#).

1.53 The election agent must declare in writing to the Regional Returning Officer the name, address and office address of each sub-agent and the area in which they are appointed to act by **16 May 2019**. The Regional Returning Officer will provide a form you can use. Alternatively, you can use the form included for this purpose in the Commission's [nomination pack](#)

1.54 The election agent can revoke the appointment of a sub-agent at any time and appoint someone else. If another sub-agent is appointed in their place the name, address, office address and area of appointment of the new sub-agent must be declared in writing to the Regional Returning Officer.

Appointing postal voting, polling and counting agents

1.55 Agents may be appointed to attend the opening of postal votes, the poll and the verification and count. Additionally, one of the counting agents for each registered party or individual candidate may be designated to request any recounts. Such designations must be made at the time that the counting agent appointment is made.

Who can be a postal voting, polling and counting agent?

1.56 Anyone, apart from those listed in paragraph **1.42**, can be appointed as a postal vote, polling or counting agent. You and your election agent, as well as any sub-agents, can do, or assist in doing, anything which a polling or counting agent is entitled to do. However, there are certain proceedings that a sub-agent is only entitled to attend in the absence of the election agent. Information on attendance at election proceedings, what agents can and cannot do and what they can expect to see at postal vote opening sessions, polling stations and the count, can all be found in [Part 5 - Your right to attend key electoral events](#).

Who can make the appointments?

1.57 Your election agent, sub-agents or anyone authorised in writing by you may also appoint other people as agents to attend polling stations and the count. Election agents and sub-agents may also appoint postal voting agents.

How many agents can be appointed?

1.58 Any number of polling agents can be appointed to attend each polling station, but only one polling agent for each candidate or party contesting the election can be present in a polling station at any time. A polling agent can be appointed to attend multiple polling stations.

1.59 Each Local Returning Officer will tell you the maximum number of postal voting and counting agents that can be appointed, which will be the same for each individual candidate and party contesting the election.

Giving notice of appointment

1.60 Notice of the appointment of postal voting, polling or counting agents must be given in writing to the relevant Local Returning Officer. All notices must contain the names and addresses of the people appointed. The Local Returning Officer will provide the relevant forms for this, or you can find forms to give notice of the appointment of [Postal voting agent](#), [Polling agent](#) and [Counting agent](#) on our website.

1.61 The deadline for giving notice of the appointment of these agents will depend on the process they are to attend. Notice in writing of the appointment of polling and counting agents must be given by not later than **16 May 2019**.

1.62 However, notice of the appointment of postal voting agents only needs to be submitted to the relevant Local Returning Officer by the time fixed for the opening session of postal votes they want to attend. The Local Returning Officer will give the election agent and, where sub-agents have been appointed, the sub-agent at least 48 hours' notice in writing before the scheduled start of each postal vote opening session.

What happens if an agent dies or becomes incapable of acting?

1.63 If a polling or counting agent dies or becomes incapable of acting, the person who made the appointment may appoint another agent in their place and, if so, must give notice in writing of the name and address of the agent appointed to the relevant Local Returning Officer. Notice must be given of any new appointment in these circumstances without delay. If a postal voting agent dies or becomes incapable of acting, you may appoint another agent in their place and, if so, must without delay give notice in writing to the Local Returning Officer of the name and address of the agent appointed.

16

Death of a candidate

1.64 A European Parliamentary election is not cancelled if a candidate dies, irrespective of whether they are a candidate on a registered party list or an individual candidate. In such case, the Presiding Officer at each polling station will place a notice in the polling booths informing electors of the candidate's death.

Supplementary information

Commonly used name(s)

1.65 If you commonly use a different name from your actual name, you can ask for your commonly used name(s) to be used instead of your actual name. For example, you may be known by your abbreviated name 'Andy', rather than your full first name 'Andrew'. In that case, you can write 'Andy' into the commonly used forename box on the nomination paper if you would rather that name appear on the ballot paper.

1.66 However, you cannot use your first name as a commonly used name so that only your first name and surname appear on a ballot paper, thus excluding your middle name. The legislation makes it clear that a commonly used name is one which is different from any other forename or surname. This means that a forename in its original format cannot be used as a commonly used name. If you wish to use a commonly used forename and/or surname then these must be different from your full name as it appears on the nomination form. For example, in the case of Andrew John Smith, he could not use Andrew Smith as his commonly used name, although he would be able to use Andy Smith (if Andy was the name by which he is commonly known).

1.67 You can request to use a commonly used forename, surname or both.

1.68 You may also use initials as part of your commonly used name if you are commonly known by them.

1.69 Any commonly used name(s) would then appear on:

- the statement of parties and persons nominated, and
- the ballot paper

18

1.70 The Regional Returning Officer will disallow commonly used names that are likely to mislead or confuse electors, or are obscene or offensive. If the name(s) are not permissible, the Regional Returning Officer will write to you stating the reason for rejection. In those cases, your actual name will be used instead.

1.71 If either the commonly used forename or surname box on the nomination paper is left blank, then your actual forename or surname, depending on which commonly used name box has been left blank, will be used.

1.72 It is an offence to give a false statement on your nomination form. Therefore if you choose to provide a commonly used name, you must ensure that it is a forename or surname which you commonly use.

Candidates who are EU citizens

1.73 If you are an EU citizen (other than a British, Irish, Maltese or Cypriot citizen), you must make a declaration as part of your nomination about your eligibility to stand for election.

Your declaration must contain the following personal details:

- your name
- your nationality
- your date and place of birth
- your last address in the EU Member State of which you are a national
- your home address in the UK or Gibraltar
- if you are or have at any time been a registered elector in a locality or constituency in the EU Member State of which you are a national, the name of the locality or

constituency where you were, as far as you know, last registered

1.74 Your declaration must also state

- that you are not standing as a candidate in the same European Parliamentary election in any other EU Member State, and
- that you have not been deprived of the right to stand as a candidate through a judicial or administrative decision in the EU Member State of which you are a national

Obtaining supporting information from the EU Member State of which you are a national

1.75 Your declaration that you are not disqualified must be confirmed by information provided by the EU Member State of which you are a national. The UK Government can obtain this information on your behalf and provide it to the Regional Returning Officer. In order for the UK Government to do this in time for the election, your declaration must be submitted to the Regional Returning Officer **by 4 pm on 16 April 2019 (4pm on 15 April 2019 in the South West electoral region)**. The declaration must be made by you but can be delivered to the Regional Returning Officer by someone else, as long as it is delivered in person. The declaration does not need to be delivered at the same time as the nomination papers, the deadline for submission of which remains **4pm on 25 April 2019 (4pm on 24 April 2019 in the South West electoral region)**.

1.76 The Regional Returning Officer will pass the declaration to the Secretary of State, who will then contact the EU Member State of which you are a national and provide the information they receive in return to the Regional Returning Officer.

1.77 If the EU Member State of which you are a national provides information that you are disqualified before the Regional Returning Officer publishes the statement of parties

Your declaration should be submitted as early as possible. You do not have to wait until notice of election has been published (by 15 April 2019 (12 April 2019 in the South West electoral region)) before contacting the RRO and making your declaration.

and persons nominated, your name will not be included on the ballot paper.

1.78 If the relevant EU Member State fails to respond by the time the statement of parties and persons nominated is published, your candidacy is not affected and – as long as you are otherwise validly nominated – you will be included on the ballot paper.

1.79 However, if information is received from the relevant EU Member State after the statement of parties and persons nominated has been published which shows that you are disqualified from standing for election and so your name has been included on the ballot paper, the Regional Returning Officer must omit you from the calculation of the result.

1.80 You can, if you prefer, or if you miss the deadline (4pm on 16 April 2019, 4pm on 15 April 2019 in the South West electoral region), obtain confirmation yourself that you are not disqualified from the EU Member State of which you are a national. In this case, for your nomination to be valid you (or someone you trust) must deliver, in person:

- your declaration
- the information provided to you by the designated contact point in the EU Member State of which you are a national stating that you have not been disqualified from standing for election due to a judicial or administrative decision, or that no such disqualification is known by the nomination deadline of **4pm on 25 April 2019 (4pm on 24 April 2019 in the South West electoral region)**. These documents can be submitted separately.

1.81 The Regional Returning Officer can provide contact details for EU Member States.