

## Scottish Parliamentary election

# Guidance for candidates and agents

## Part 2b of 6 – Standing at the regional election

December 2015

This document applies to the May 2016 regional election to the Scottish Parliament only. It does not apply to the constituency election to the Scottish Parliament. Our guidance and resources for the constituency election to the Scottish Parliament and for other elections in the UK can be accessed from our website at: <http://www.electoralcommission.org.uk/guidance/resources-for-those-we-regulate/candidates-and-agents>.

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There are two types of regional candidates at Scottish Parliamentary elections: those who are nominated by a political party to stand on the party's list and those who stand as individual candidates.

The [first part of this document](#) contains guidance for the Nominating Officer of registered political parties on submitting a list of candidates for election. The [second part of this document](#) contains guidance for candidates not standing on behalf of a political party.

In the first section of the document we use 'you' to refer to the Nominating Officer. In the second section of the document, we use 'you' to refer to a candidate not standing on behalf of a political party.

For further information on the terminology used in this guidance, see our [Overview document](#).

# Essential information for party lists

This section of the document contains our guidance for Nominating Officers submitting a list of candidates for election as regional Members of the Scottish Parliament at the May 2016 election. Supplementary information, which may only be relevant to some Nominating Officers and list 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.

Essential information for individual candidates at a regional election who are not standing on behalf of a party can be found from paragraph **1.86** onwards.

We are here to help, so please contact us if you have any questions.

See our [Overview document](#) for contact details.

Throughout this document we use 'must' when we refer to a specific legal requirement. We use 'should' for items we consider to be minimum good practice, but which are not legal or regulatory requirements.

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

## Completing your nomination papers

1.1 As the Nominating Officer of a registered political party you may submit a list of up to 12 candidates to stand at a regional election. You may authorise someone else to issue and submit the list on your behalf. If so, you must authorise them to do so in writing.

1.2 The party must be registered on the Commission's register of political parties at <http://search.electoralcommission.org.uk> and be listed as allowed to field candidates in Scotland.

1.3 To contest a regional election at the May 2016 Scottish Parliamentary election, you or the person authorised in writing to act on your behalf, need to submit a completed set of nomination papers to the place fixed by the relevant Regional Returning Officer (RRO), together with the deposit of £500, by 4pm on the twenty-third working day before the poll (i.e. by 4pm on 1 April 2016). This deadline is set out in law and cannot be changed for any reason.

1.4 Nomination papers can be delivered from the day after the publication of the notice of election. The times and place for delivery of nomination papers will be set out in the official notice of election published by the RRO.

1.5 The nomination papers that you must deliver to make the party list nomination valid are:

- the party list nomination form (the form to be used is prescribed in law), including
  - the names and home addresses of each candidate on the list
  - the name of the registered party and, if desired, description under which the party will stand for election
  - a statement signed by the person who has completed the nomination form declaring that it has been issued by the party's Nominating Officer or someone authorised in writing to act on their behalf

The last day for publishing the notice of election is twenty-eight working days before the poll (i.e. 23 March 2016).

- a consent to nomination for each candidate on the list
- a certificate issued by you or on your behalf, authorising the use of the party name on the ballot paper and, if desired, a registered description (the form to be used is prescribed in law)

1.6 If you would like an emblem to appear on the ballot paper, you or someone authorised to act on your behalf, must submit a request form to use one of the party's emblems. For more information on the emblem request form, see paragraph **1.15**.

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

1.8 If you and/or the person authorised to act on your behalf are unable to complete the nomination form, the RRO can help by preparing the form for signature.

1.9 The RRO may also be able to offer informal checks of your completed nomination papers before you submit them.

1.10 Note that any information you provide on the nomination papers must be true to the best of your knowledge (or to the best of the knowledge of the person authorised in writing to act on your behalf). It is an offence to provide a false statement on nomination papers. Providing a false statement could invalidate the election of candidates on the party's list, and is also punishable by a maximum fine of £10,000 (or unlimited if convicted on indictment) and/or imprisonment.

## The party list nomination form

1.11 The [party list nomination form](#) must be completed in English. The form must contain:

- **The full name of each candidate.** Complete each name on the list in the order that the party would wish them to be elected, up to a maximum of 12 candidates. This means their surname and other names in full. Using initials only could lead to the candidate's nomination being rejected. Also, do not use prefixes such as Mr, Mrs,

Dr or Cllr as part of the name. The same applies to suffixes. However, if a candidate on the party list has a title, they can use this as their full name. For example, if their actual name is Joseph Smith but their hereditary title is Joseph Avon, they can use the name Joseph Avon as their full name.

- **The full home address of each candidate on the list.**

Each home address:

- must be completed in full
- must not contain abbreviations
- must be the candidate's current home address
- must not be a business address (unless the list candidate runs a business from their home)

- **A description.** A party submitting a party list must use the party's name as the description to appear on the statement of persons and parties nominated and on the ballot paper.

The party name can be preceded by the word 'Scottish' if it is not already part of the name. If the party name begins with 'The', then 'Scottish' can be inserted after that word.

For example:

|                                   |                     |
|-----------------------------------|---------------------|
| Party name                        | Vote Party          |
| Party name preceded by 'Scottish' | Scottish Vote Party |

|                                   |                           |
|-----------------------------------|---------------------------|
| Party name                        | The Purple Party          |
| Party name preceded by 'Scottish' | The Scottish Purple Party |

In addition, the party may choose to follow the party name with one of the descriptions the party has registered with the Commission. For example, if Vote Party had registered a description of 'Democracy for all', then its regional list could use the following descriptions:

Registered party names and registered descriptions can be found on our online register:  
<http://search.electoralcommission.org.uk>



|  |                                       |
|--|---------------------------------------|
| Party name   | Vote Party                            |
| Party name preceded by 'Scottish'                          | Scottish Vote Party                   |
| Party name followed by description                         | Vote Party Democracy for all          |
| Party name preceded by 'Scottish', followed by description | Scottish Vote Party Democracy for all |

Particular care should be taken when completing the descriptions field on the nomination form. Except for the variants set out above, the party name and, if desired, description used on the nomination form must exactly match the party name/description on the [Commission's online register of political parties](#). If it does not, the whole nomination will be rejected.

A regional list cannot be submitted jointly by two political parties.

- **A statement signed by the person who has completed the nomination form.** A statement declaring that it has been issued by the party's Nominating Officer or someone authorised in writing to act on their behalf.

1.12 The following is optional:

- **A commonly used name.** If a list candidate commonly uses a name that is different or partly different from their forename(s) or surname and they wish this to appear on the ballot paper, this needs to be stated on the nomination form. More details are provided in paragraphs **1.159** to **1.165**.

## The certificate of authorisation

1.13 To be able to use the party's name, or the name and a description, a party list must be accompanied by a certificate of authorisation signed by the party's Nominating Officer (or someone authorised to act on their behalf). The certificate must be delivered alongside the party list nomination form and

be received by the RRO by the nominations deadline, 4pm on the twenty-third working day before the poll (i.e. by 4pm on 1 April 2016).

1.14 Particular care should be taken by the Nominating Officer (or someone authorised to act on their behalf) when completing the certificate of authorisation. If the party name (or permitted variant) on the certificate does not match the description given on the nomination form, the whole nomination will be invalid.

### Request to use an emblem on the ballot paper

1.15 You (or someone authorised to act on your behalf) can also request that one of the party's official emblems is printed on the ballot paper.

1.16 The request for an emblem must be made in writing and must be received by the RRO by 4pm on the twenty-third working day before the election (i.e. by 4pm on 1 April 2016). The RRO will supply Nominating Officers with a form they can use to make this request.

1.17 The request should state both the name of the political party and the description of the emblem to be used, as listed on the [Commission's online register of political parties](#). Registered emblems cannot be varied in any way.

### Consent to nomination

1.18 Candidates on a party list must each formally consent to their nomination in writing. The content of the [consent to nomination form](#) is fixed by law. On the consent to nomination form candidates will be asked to state that they are qualified and not disqualified from standing. They must also state their date of birth.

1.19 Candidates must meet at least one of the qualifications to stand for election, as explained in [Part 1: Can you stand for election?](#)

1.20 Candidates are not allowed to sign the consent form earlier than one month before the deadline for submitting the nomination papers (i.e. not before 1 March 2016). Their

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.

1.21 If the candidate is abroad and the RRO is satisfied that because of their absence from the UK it is not practical for them to give their consent in writing and deliver it by hand to the RRO, they will be allowed to provide the consent by fax or email, and not require a witness to sign the form. See paragraph **1.23** for guidance on how to submit nomination papers.

1.22 While the absence of a consent to nomination for a candidate on the party list does not invalidate a party list's nomination, if a consent form for a particular candidate on the list is not submitted by 4pm on the twenty-third working day before the poll (i.e. by 4pm on 1 April 2016), the RRO will remove the person from the list.

## Submitting your nomination papers

1.23 All nomination papers, including the nomination form, consents to nomination, certificate of authorisation and, where relevant, emblem request form, must be delivered to the place specified on the notice of election by 4pm on the twenty-third working day before the poll (i.e. by 4pm on 1 April 2016). It is your responsibility to ensure that the nomination papers are delivered in the correct manner and by the required deadlines.

### Who can deliver nomination papers?

1.24 The nomination form may only be delivered by you as Nominating Officer (or by someone authorised in writing to act on your behalf).

1.25 The certificate of authorisation must be delivered alongside the nomination form so, in practice, it should be delivered by you as the Nominating Officer (or someone authorised in writing to act on your behalf). There are no restrictions on who can deliver any of the other nomination

papers but you should ensure that you, the relevant candidate or someone you/they trust does this, so you can be sure they are delivered to the RRO in time.

## How must nomination papers be submitted?

1.26 The party list nomination form, certificate of authorisation, and the consents to nomination must be delivered by hand and cannot be submitted by post, fax, email or other electronic means.

1.27 The emblem request form may be submitted by post, but may not be submitted by fax, email or other electronic means.

1.28 The **original version** of each completed paper must be submitted. A certificate of authorisation which has been sent as an attachment to an email to be printed out, for example, would make it a 'copy document' and not the original document.

1.29 Only if a candidate is abroad and the RRO considers that it isn't practicable for their consent to be delivered in writing and by hand, can their consent to nomination be submitted by fax, email or other electronic means.

## When must nomination papers be submitted?

1.30 Nomination papers should be submitted as early as possible to give the RRO an opportunity to conduct an informal check and to give you sufficient time to submit new nomination papers should the first set contain any errors.

1.31 The RRO will confirm the exact details of when and where nomination papers can be delivered on the official notice of election. The notice of election will be published not later than twenty-eight working days before the poll and not earlier than thirty-five working days before the poll (i.e. between 14 March 2016 and 23 March 2016). In most cases, the notice of election will be published on the website of the council of the RRO, as well as on the websites of the other councils within the region.

1.32 Nomination papers can only be delivered from the day after the publication of the notice of election until 4pm on the

twenty-third working day before the poll (by 4pm on 1 April 2016), usually only during normal office hours.

1.33 You (or the person authorised in writing to act on your behalf) should contact the RRO as soon as possible to find out what arrangements are in place for submitting nomination papers.

1.34 If, after you have submitted the nomination papers you no longer wish the party list to contest the election, you can withdraw the full party list, provided you do so by 4pm on the twenty-third working day before the poll (i.e. by 4pm on 1 April 2016). You may also withdraw one or more candidates included on the party list. Individual candidates included on the list may also withdraw, provided they do so by the same deadline. For more details on withdrawing, see paragraph **1.52**.

## The deposit

1.35 For the nomination to be valid, the sum of £500, must be deposited with the RRO by the deadline for nominations, 4pm on the twenty-third working day before the poll (i.e. by 4pm on 1 April 2016). The deposit can be made using:

- cash (pounds (£) only)
- a UK banker's draft

1.36 The RRO 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 are considering paying the deposit in one of these ways, you should discuss with the RRO at the earliest opportunity whether the payment method is acceptable.

1.37 If the RRO allows the deposit to be paid by credit or debit card, there may be a fee charged by the bank or credit card company for the transaction, in which case you will be required to pay any additional fees as well as the £500 deposit.

1.38 The deposit must be made by you or someone on your behalf. Where the deposit is made by someone on your behalf, they must at the time they make it give their name and address

The deposit is £500 regardless of how many names are on the nomination form.

to the RRO (unless they are the party list's election agent or a list candidate and their name and address has been previously given to the RRO).

1.39 Parties that poll more than 5% of the total number of valid votes cast in the region will have their deposit returned. The deposit will also be returned if a regional list or individual regional candidate is allocated a seat, even if they have not obtained more than 5% of the valid votes cast. Otherwise the deposit is forfeited.

## Inspection of nomination papers

1.40 Only certain people are entitled to attend the delivery of nomination papers and to inspect and make any objections to the validity of a regional nomination form. Once they have submitted nomination papers and the party list or individual candidate stands validly nominated, the following can inspect and make objections to a regional nomination form:

- you
- any other Nominating Officers who have submitted a list
- a party list candidate
- the election agent of a party list
- if the election agent is also a candidate on the party list, someone nominated by them to attend on their behalf
- a person standing as an individual candidate
- the election agent of a person standing as an individual candidate
- if an individual candidate is their own election agent, someone nominated by them to attend on their behalf

1.41 Nomination papers cannot be inspected by anybody else at any time.

1.42 Electoral Commission representatives and one other person chosen by each validly nominated party list or individual candidate may also be present at the delivery of nomination papers, but may not inspect them nor make any objections.

1.43 No other person, except the RRO and their staff, may attend the delivery of nomination papers.

## Objections to nominations

1.44 Objections to the validity of any nomination form can be made on the twenty-third working day before the poll (i.e. on 1 April 2016).

1.45 The time within which an objection can be made depends on when the nomination papers are delivered.

### Timetable for objections

#### **Nominations delivered up to and including 4pm on 31 March 2016**

1.46 Objections to any nomination form delivered up to and including 4pm on 31 March 2016 must be **made in the morning of 1 April 2016 until 12 noon**.

#### **Nominations delivered after 4pm on 31 March 2016**

1.47 Objections to any nomination form delivered after 4pm on 31 March 2016 must be made **by 5pm on 1 April 2016**. Any objection must be made at or immediately after the time of the delivery of the nomination.

#### **Objections on the ground that a candidate is imprisoned for a year or more**

1.48 In the rare case that the RRO considers that a candidate may be disqualified because they are imprisoned and serving a sentence of a year or more, they will publish a notice inviting objections on this ground. Any such objection may be made between **10am and 4pm on 4 April 2016**.

### Decisions on objections

1.49 The RRO will consider any objections made, but is entitled to hold a nomination invalid only on the following grounds:

In one exceptional circumstance, where the objection is on the ground that a candidate is disqualified because they are serving a prison sentence of a year or more, objections can be made on the twenty-third working day before the poll (on 1 April 2015).

- In respect of an individual candidate not standing on behalf of a party:
  - that the particulars of the candidate or the witness signing the nomination form are not as required by law
  - that the form is not witnessed as required
  - that the candidate is disqualified on the grounds that they are imprisoned and serving a sentence of a year or more
  
- In respect of a party list:
  - that the nomination form does not include the registered party name (or an authorised variant as set out in paragraph 1.14 above)
  - that the name of the registered party and, if used, description is not authorised
  - that the party list includes more than 12 candidates
  - that the list does not contain the statement that it is issued by or on behalf of the Nominating Officer
  
- In respect of a candidate included on a party list:
  - that the particulars of the candidate are not as required by law
  - that the candidate is disqualified on the grounds that they are imprisoned and serving a sentence of a year or more
  - that the consent to nomination has not been delivered

1.50 The RRO's decision that a nomination is valid is final and cannot be challenged during the election. The decision can only be challenged after an election through an election petition (see [Part 6 – After the declaration of result](#) for further information on election petitions).



## What happens after the close of nominations?

1.51 The RRO will publish a statement of persons and parties nominated, including notice of poll for the region, by no later than 5pm on the twenty-third working day before the poll (i.e. by not later than 5pm on 1 April 2016). The statement will include:

- the name, or name and description, of each registered party which is validly nominated
- the home addresses and the full or commonly used names, as the case may be, of all list candidates
- the names, addresses and the description 'Independent' (if applicable) of the candidates not standing on behalf of a political party
- the names of candidates and/or parties who no longer stand nominated, if any (i.e. invalid and withdrawn candidates or parties), with the reason why they are no longer standing

## Withdrawing

1.52 You may withdraw your whole party list, or one or more of the candidates on the party list. If you wish to withdraw the party list in full or in part, you must sign and submit a withdrawal notice, which must be witnessed by one other person who must also sign the notice. There are no restrictions on who may submit the notice, but it must be delivered by hand or by post. However, we recommend that you, the party's agent or someone you trust hand delivers it, so you can be sure the notice is delivered to the RRO in time.

1.53 A candidate on the party list may also withdraw from the election. They can do this by submitting a withdrawal notice to the RRO. The notice must be witnessed by one other person who must also sign the notice.

1.54 A [notice of withdrawal](#) can be obtained from the RRO or downloaded from our website.

If elected at an uncontested election, candidates must still make a declaration as to their election spending.

See [Part 3: Spending and donations](#) for more details.

1.55 Any withdrawal notice must be submitted to the RRO at the place for the delivery of nomination papers by the deadline for withdrawals, 4pm on the twenty-third working day before the poll (i.e. by 4pm on 1 April 2016). After the withdrawal deadline it is not possible to withdraw from the election.

1.56 If you withdraw the full party list, your deposit will be returned.

## Appointing an election agent and other agents

1.57 The election agent is the person responsible for the proper management of the regional campaign and in particular the financial management. A party that has submitted a list of candidates for election to the Scottish Parliament must have an election agent to act for all of the candidates on the party list.

1.58 Once appointed, payments for election expenses can only be made by or through the election agent.

1.59 Election agents are also entitled to appoint other agents to observe the following electoral processes, which both the list candidates and the election agent are also entitled to observe:

- the opening of postal votes
- the poll
- the verification and count (including the results collation)

### Who can be an election agent?

1.60 There are no particular qualifications needed to be an election agent and you can be the party list's agent if you wish. Equally, a list candidate could be the agent for all candidates on the list.

1.61 However, the following people are not allowed to be election agents:

- the RRO, a Constituency Returning Officer (CRO) or a member of their staff (including any clerks appointed specifically for the election)

For more information about party spending, see our [guidance for political parties on campaign spending](#).

For more information about candidate spending, see: [Part 3: Spending and donations](#)

- a depute or clerk of the RRO, CRO or a member of their staff
- a business partner or clerk of any of the above

1.62 Your party may also have specific rules about who you can appoint as an election agent.

## Appointing an election agent

1.63 Because of the responsibilities attached to the role of an election agent, parties should consider carefully who to appoint and make sure that they understand their obligations.

1.64 The party, or a person on its behalf, must declare in writing the name, address and office address of your election agent to the RRO by 4pm on the twenty-third working day before the poll (i.e. by 4pm on 1 April 2016). The declaration should be signed by the person declaring the appointment (which could be you) and by the agent to show their acceptance of the appointment.

1.65 The RRO may provide a declaration form, or you could use the [election agent declaration form produced by the Commission](#). If a person is not appointed as the party list's agent by the deadline, the first-named candidate on the party list will become the agent of all candidates named on the list.

1.66 The agent must have an office address to which any legal notices can be delivered and therefore must be a physical address; PO boxes or similar mailboxes cannot be used.

1.67 There are no restrictions on where the office should be located. The agent's office address will often be their home address, but it could be the local party office or an office set up for the election.

1.68 If the party does not appoint an agent and the first-named candidate on the list has become the election agent, their office address will be deemed to be the address provided on the nomination form.

It is helpful to also provide a contact telephone number and email address for your election agent so that the RRO and CROs can easily contact them.

## Revoking an election agent's appointment

1.69 An election agent's appointment can be revoked at any time, including after polling day, and a new appointment can be made in the same manner as outlined above. If an election agent's appointment is revoked and no-one else is appointed, the first-named person on the party list will be deemed to be the election agent.

1.70 Once an agent has accepted their appointment, they cannot resign and must fulfil the duties required of them unless you revoke their appointment.

## Sub-agents

1.71 The election agent may appoint sub-agents to act on their behalf in any part of the region, as long as those parts do not overlap. The agent can determine the parts into which they wish to sub-divide the region.

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

1.73 The election agent should ensure that any sub-agent is aware of the election and spending rules, as anything done by a sub-agent will be treated as if it had been done by the election agent. For further information, see our [guidance for political parties on campaign spending](#) and [Part 3: Spending and donations](#).

1.74 Each sub-agent must have an office to which any legal notices can be delivered and therefore must be a physical address; PO boxes or similar mailboxes cannot be used.

1.75 The election agent must notify the RRO in writing of the name and address of each sub-agent and the area in which they may act not later than the second working day before the day of the poll (i.e. by 3 May 2016). The RRO will provide a form you can use. Alternatively, you can use the form included for this purpose in the Commission's [nomination pack](#).

1.76 The election agent can revoke the appointment of a sub-agent at any time and appoint someone else as a sub-agent by providing the details of the new sub-agent to the RRO.

## Appointing postal voting, polling and counting agents

1.77 The election agent of a party list may also appoint agents to attend postal vote openings, polling stations and the count.

1.78 Anyone, apart from those listed in paragraph **1.60**, can be appointed as a postal vote, polling or counting agent. All of the list candidates and the election agent (as well as any sub-agent attending instead of the election agent) can also automatically act as one of those agents without the need of an official appointment.

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

1.80 The RRO, or each CRO in the region, will tell the election agent the maximum number of postal voting, polling and counting agents they can appoint in respect of each constituency. Party lists and individual candidates will be allowed to appoint exactly the same number.

1.81 The request to appoint these agents must be made in writing to the relevant CRO. It must contain the names and addresses of the people being appointed. The RRO or the relevant CRO will provide forms you can use for this, or you can find [postal voting](#), [polling](#) and [counting agent](#) appointment forms on the Commission's website.

1.82 The deadline for appointing these agents will depend on the process they are to attend. Polling and counting agents must be appointed by not later than the fifth working day before the poll (i.e. by 27 April 2016). However, appointment forms for postal voting agents only need to be submitted to the relevant CRO by the time fixed for the opening of postal votes they want to attend. The CRO will give you at least 48 hours' notice before the scheduled start of each postal vote opening session.

1.83 If an agent dies or becomes incapable of acting, you may appoint another agent in their place by submitting the

relevant appointment form to the CRO. Any new appointment in these circumstances must be made without delay.

1.84 More information on what agents can and cannot do and what they can expect to see at postal vote opening sessions, polling stations and the count, can be found in [Part 5: Your right to attend key electoral events.](#)

## Death of a candidate

1.85 If a candidate dies during the election period, see paragraph **1.166** for further information on how this will affect the election.

# Essential information: candidates not standing on behalf of a political party

This section of the document contains our guidance for individual candidates not standing on behalf of a political party who are standing for election as a regional Member of the Scottish Parliament at the May 2016 election. Supplementary information, which may only be relevant to some 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.

Essential information for Nominating Officers submitting a party list can be found from paragraph **1.3** onwards.

We are here to help, so please contact us if you have any questions.

See our [Overview document](#) for contact details.

Throughout this document we use 'must' when we refer to a specific legal requirement. We use 'should' for items we consider to be minimum good practice, but which are not legal or regulatory requirements.

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

## Completing your nomination papers

1.86 To become nominated as an individual regional candidate at the May 2016 Scottish Parliamentary election, you need to submit a completed set of nomination papers to the place fixed by the Regional Returning Officer (RRO) with a £500 deposit by 4pm on the twenty-third working day before the poll (i.e. by 4pm on 1 April 2016). This deadline is set out in law and cannot be changed for any reason.

1.87 Nomination papers can be delivered from the day after the publication of the notice of election. 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 RRO.

1.88 There are two nomination papers that you must submit to make your nomination valid:

- the nomination form
- your consent to nomination

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

1.90 If you, your agent or someone you trust are unable to complete the nomination form, the RRO can help by preparing the form for your signature.

1.91 The RRO may also be able to offer informal checks of your completed nomination papers before you submit them.

1.92 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 maximum fine of £10,000 (or unlimited if convicted on indictment) and/or imprisonment.

The last day for publishing the notice of election is twenty-eight working days before the poll (i.e. 23 March 2016).



## The nomination form

1.93 The [nomination form](#) must be completed in English. The form must contain:

- **Your full name.** This means your surname 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 home address:
  - must be completed in full
  - must not contain abbreviations
  - must be your current home address
  - must not be a business address (unless you run a business from your home)Your home address does not need to be in the region in which you wish to stand.
- **Your signature.**
- **Name, address and signature of a witness.** This means the full name, home address and signature of a person who sees you sign the nomination form.

1.94 The following are optional:

- **A commonly used name.** If you commonly use a name that is different, or partly different, from your actual name and you wish this to appear on the ballot paper, you need to state this on the nomination form. More details are provided in paragraphs **1.159** to **1.165**.
- **A description.** If you want the word 'Independent' 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.

For information on how to register a political party, see [the Commission's website](#)

Alternatively, you may choose not to have a description at all by leaving this part of the form blank.

## Consent to nomination

1.95 You must also formally consent to your nomination in writing. The content of the consent to nomination form is fixed by law. On the [consent to nomination form](#) you will be asked to state that you meet all the qualifications for standing and are not disqualified from standing. You must also state your date of birth.

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

1.97 You are not allowed to sign the consent form earlier than one month before the deadline for submitting your nomination papers (i.e. not before 1 March 2016). 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.

1.98 If you are abroad and the RRO is satisfied that because of your absence from the UK it is not practical for you to give your consent in writing and deliver it by hand to the RRO, you will be allowed to provide the consent by fax or email, and not require a witness to sign the form.

## Submitting your nomination papers

1.99 The nomination form and the consent must be delivered to the place specified on the notice of election by 4pm on the twenty-third working day before the poll (i.e. by 4pm on 1 April 2016). It is your responsibility to ensure that your nomination papers are delivered in the correct manner and by the required deadlines.

## Who can deliver the nomination papers?

1.100 There are no restrictions on who may deliver your nomination papers. However, we recommend that you, your agent or someone you trust does this, so you can be sure they are delivered to the RRO in time.

## How must nomination papers be submitted?

1.101 The nomination form and the consent to nomination must be submitted by hand and cannot be submitted by post, fax, email or other electronic means.

1.102 The **original version** of each completed paper must be submitted. A consent which has been sent as an attachment to an email to be printed out, for example, would make it a 'copy document' and not the original document.

1.103 Only if you are abroad and if the RRO considers that it isn't practicable for your consent to be delivered in writing and by hand, can you submit your consent to nomination by fax, email or other electronic means.

## When must nomination papers be submitted?

1.104 You should submit your nomination papers as early as possible to give the RRO an opportunity to conduct an informal check and to give you sufficient time to submit new nomination papers should your first set contain any errors.

1.105 The RRO will confirm the exact details of when and where nomination papers can be delivered on the official notice of election. The notice of election will be published not later than twenty-eight working days before the poll and not earlier than thirty-five working days before the poll (i.e. between 14 March 2016 and 23 March 2016). In most cases, the notice of election will be published on the website of the council of the RRO, as well as on the websites of the councils within the region.

1.106 Nomination papers can only be delivered from the day after the publication of the notice of election until 4pm on the twenty-third working day before the poll (by 4pm on 1 April 2016), usually only during normal office hours.

1.107 You should contact the RRO as soon as possible to find out what arrangements are in place for submitting nomination papers.

1.108 If, after you have submitted your nomination papers you change your mind and no longer want to stand for election, you can withdraw, provided you do so by 4pm on the twenty-third working day before the poll (i.e. by 4pm on 1 April 2016). For more details on withdrawing, see paragraph **1.125**.

## The deposit

1.109 For your nomination to be valid, the sum of £500 must be deposited with the RRO by the deadline for nominations by 4pm on the twenty-third working day before the poll (i.e. by 4pm on 1 April 2016). The deposit can be made using:

- cash (pounds (£) only)
- a UK banker's draft

1.110 The RRO may also accept a deposit made by a building society cheque, a debit or credit card or an electronic transfer. However, they may refuse to do so. If you are considering paying the deposit in one of these ways, you should discuss with the RRO at the earliest opportunity whether the payment method is acceptable.

1.111 If the RRO allows the deposit to be paid by credit or debit card, there may be a fee charged by the bank or credit card company for the transaction, in which case you will be required to pay any additional fees as well as the £500 deposit.

1.112 Unless you make the deposit yourself, or the person making the deposit is your agent and you have notified the RRO of their appointment, the person making the deposit must at the time they make it give their name and address to the RRO.

1.113 The deposit will be returned to you if you poll more than 5% of the valid votes cast in the region. Those candidates who have polled less than, or equal to, 5% of the total number of the valid votes cast will lose their deposit.

## Inspection of nomination papers

1.114 Only certain people are entitled to attend the delivery of nomination papers and to inspect and make any objections to the validity of a regional nomination form. Once they have submitted nomination papers and the party list or individual candidate stands validly nominated, the following can inspect and make objections to a regional nomination form:

- you
- your election agent
- any other individual candidate and their election agent
- if an individual candidate is acting as their own election agent, someone nominated by them to attend on their behalf
- any other Nominating Officer who has submitted a party list
- a party list candidate
- the election agent of a party list
- if the election agent is also a candidate on the party list, someone nominated by them to attend on their behalf

1.115 Nomination papers cannot be inspected by anybody else at any time.

1.116 Electoral Commission representatives and one other person chosen by each party list or individual candidate may also be present at the delivery of nomination papers, but may not inspect them nor make any objections.

1.117 No other person, except the RRO and their staff, may attend the delivery of nomination papers.

## Objections to nominations

1.118 Objections to the validity of any nomination form can be made on the twenty-third working day before the poll (i.e. on 1 April 2016).

1.119 The time within which an objection can be made depends on when the nomination papers are delivered.

### Timetable for objections

#### **Nominations delivered up to and including 4pm on 31 March 2016**

1.120 Objections to any nomination form delivered up to and including 4pm on 31 March 2016 must be **made in the morning of 1 April 2016 until 12 noon**.

#### **Nominations delivered after 4pm on 31 March 2016**

1.121 Objections to any nomination form delivered after 4pm on 31 March 2016 must be **made by 5pm on 1 April 2016**. Any objection must be made at or immediately after the time of the delivery of the nomination.

#### **Objections on the ground that a candidate is imprisoned for a year or more**

1.122 In the rare case that the RRO considers that a candidate may be disqualified because they are imprisoned and serving a sentence of a year or more, they will publish a notice inviting objections on this ground. Any such objection may be made between **10am and 4pm on 4 April 2016**.

### Decisions on objections

1.123 The RRO will consider any objections made, but is entitled to hold a nomination invalid only on the following grounds:

- In respect of an individual candidate not standing on behalf of a party:

In one exceptional circumstance, where the objection is on the ground that a candidate is disqualified because they are serving a prison sentence of a year or more, objections can be made on the twenty-third working day before the poll (i.e. on 1 April 2015).

- that the particulars of the candidate or the witness signing the nomination form are not as required by law
  - that the form is not witnessed as required
  - that the candidate is disqualified on the grounds that they are imprisoned and serving a sentence of a year or more
- In respect of a party list:
    - that the nomination form does not include the registered party name (or an authorised variant as set out in paragraph 1.11 above)
    - that the name of the registered party and, if used, description is not authorised
    - that the party list includes more than 12 candidates
    - that the list does not contain the statement that it is issued by or on behalf of the Nominating Officer
  - In respect of a candidate included on a party list:
    - that the particulars of the candidate are not as required by law
    - that the candidate is disqualified on the grounds that they are imprisoned and serving a sentence of a year or more
    - that the consent to nomination has not been delivered

1.124 The RRO's decision that a nomination is valid is final and cannot be challenged during the election. The decision can only be challenged after an election through an election petition (see [Part 6 – After the declaration of result](#) for further information on election petitions).

## Withdrawing

1.125 You may withdraw as a candidate by signing and submitting a withdrawal notice, which must be witnessed by one other person. Your witness must also sign the notice. There are no restrictions on who may submit the notice, but it must be delivered by hand or by post. However, we recommend that you, your agent or someone you trust hand delivers it, so you can be sure the notice is delivered to the RRO in time.

If elected at an uncontested election, candidates must still make a declaration as to their election spending.

See [Part 3: Spending and donations](#) for more details.

1.126 A [notice of withdrawal](#) can be obtained from the RRO or downloaded from our website.

1.127 The withdrawal notice must be submitted to the RRO at the place for the delivery of nomination papers and by the deadline for withdrawals, 4pm on the twenty-third working day before the poll (i.e. by 4pm on 1 April 2016). After the withdrawal deadline it is not possible to withdraw from the election, and your name will appear on the ballot paper. If the election is uncontested, you will be declared elected.

1.128 If you withdraw as a candidate, your deposit will be returned.

## What happens after the close of nominations?

1.129 Provided no objections have been made, the RRO will publish a statement of persons (and parties) nominated, including notice of poll for the region by no later than 5pm on the twenty-third working day before the poll (not later than 5pm on 1 April 2016). The statement will include:

- the name, or name and description, of each registered party which is validly nominated
- the home addresses and the full or commonly used names, as the case may be, of all list candidates
- the names, addresses and the description 'Independent' (if applicable) of the candidates not standing on behalf of a political party
- the names of candidates and/or parties who no longer stand nominated, if any (i.e. invalid and withdrawn candidates or parties), with the reason why they are no longer standing

## Appointing your election agent and other agents

1.130 The election agent is the person responsible for the proper management of your election campaign and, in

For more information about party spending, see our [guidance for political parties on campaign spending](#).

For more information about candidate spending, see: [Part 3: Spending and donations](#)



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.

1.131 Once appointed, payments for election expenses can only be made by or through the election agent.

1.132 You can also appoint other agents to observe the following electoral processes, which both you and your election agent are also entitled to observe:

- the opening of postal votes
- the poll
- the verification and count (including the results collation)

### Who can be an election agent?

1.133 There are no particular qualifications needed to be an election agent and you can be your own agent if you wish.

1.134 However, the following people are not allowed by law to be election agents:

- the RRO, a Constituency Returning Officer (CRO) or a member of their staff (including any clerks appointed specifically for the election)
- a depute or clerk of the RRO, CRO or a member of their staff
- a business partner or clerk of any of the above

### Appointing an election agent

1.135 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. You can be your own agent if you wish.

1.136 You, or someone on your behalf, must declare in writing the name, address and office address of your election agent to the RRO by 4pm on the twenty-third working day before the poll (i.e. by 4pm on 1 April 2016). The declaration should be signed by you (or the person making the declaration on your behalf) and by the agent to show their acceptance of the appointment.

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

1.137 The RRO 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 by the deadline, you will automatically become your own agent.

1.138 Your agent must have an office address to which any legal notices can be delivered and therefore must be a physical address; PO boxes or similar mailboxes cannot be used.

1.139 There are no restrictions on where the office should be located. The agent's office address will often be their home address, but it could be an office set up for the election.

1.140 If you act as your own election agent, the office address is deemed to be the address you provided on your nomination form.

## Revoking an election agent's appointment

1.141 You can revoke the appointment of your election agent at any time, including after polling day, and a new appointment can 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.

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

1.143 Once an agent has accepted their appointment, they cannot resign and must fulfil the duties required of them unless you revoke their appointment.

## Sub-agents

1.144 Your election agent may appoint sub-agents to act on their behalf in any part of the region in which you are standing, as long as those parts do not overlap. The agent can determine the parts into which they wish to sub-divide the region.

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

1.146 The election agent should ensure that any sub-agent is aware of the election and spending rules, as anything done by a sub-agent will be treated as if it had been done by the election agent. For further information on election spending, see [Part 3: Spending and donations](#).

1.147 Each sub-agent must have an office to which any legal notices can be delivered and therefore must be a physical address; PO boxes or similar mailboxes cannot be used.

1.148 The election agent must notify the RRO in writing of the name and address of each sub-agent and the area in which they may act not later than the second working day before the day of the poll (i.e. by 3 May 2016). The RRO will provide a form you can use. Alternatively, you can use the form included for this purpose in the Commission's [nomination pack](#).

1.149 The election agent can revoke an appointment at any time and appoint someone else as a sub-agent by providing the details of the new sub-agent to the RRO.

## Appointing postal voting, polling and counting agents

1.150 You may also appoint agents to attend the opening of postal votes, the poll and count.

1.151 Anyone, apart from those listed in paragraph **1.133**, can be appointed as a postal vote, polling or counting agent.

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

1.153 The RRO, or the relevant CRO, will tell you the maximum number of postal voting and counting agents you can appoint for the region. Party lists and individual candidates will be allowed to appoint exactly the same number.

1.154 The request to appoint these agents must be made in writing to the relevant CRO. It must contain the names and addresses of the people being appointed. The RRO, or the

relevant CRO, will provide forms you can use for this, or you can find [postal voting](#), [polling](#) and [counting agent](#) appointment forms on the Commission's website.

1.155 The deadline for appointing these agents will depend on the process they are to attend. Polling and counting agents must be appointed by not later than the fifth working day before the poll (i.e. by 27 April 2016). However, appointment forms for postal voting agents only need to be submitted to the relevant Constituency Returning Officer by the time fixed for the opening of postal votes they want to attend. The Constituency Returning Officer will give you at least 48 hours' notice before the scheduled start of each postal vote opening session.

1.156 If an agent dies or becomes incapable of acting, you may appoint another agent in their place by submitting the relevant appointment form to the CRO. Any new appointment in these circumstances must be made without delay.

1.157 More information on what agents can and cannot do and what they can expect to see at postal vote opening sessions, polling stations and the count, can be found in [Part 5: Your right to attend key electoral events](#).

## Death of a candidate

1.158 If a candidate dies during the election period, see paragraph **1.166** for further information on how this will affect the election.

# Supplementary information

## Commonly used name(s)

1.159 If a candidate – whether an individual candidate or a candidate on a party list – commonly uses a name that is different or partly different to their actual name, they can ask for their commonly used name(s) to be used instead of their actual name. The commonly used name(s) would then appear on:

- the statement of persons nominated and the notice of poll
- the ballot papers

1.160 Candidates can request to use a commonly used forename, surname or both. For example, they may be known by their abbreviated name ‘Andy’, rather than their full first name ‘Andrew’. In that case, ‘Andy’ can be written into the commonly used forename box on the nomination paper if they would rather that name appear on the ballot paper.

1.161 In another example, if their actual name is ‘Andrew John Smith’, but they are commonly known as ‘John Smith’, they can request that the name ‘John Smith’ appear on the ballot paper.

1.162 Candidates may also use initials as part of their commonly used name if they are commonly known by them.

1.163 The RRO must carry forward the commonly used name provided on the nomination form to the statement of persons nominated unless the RRO thinks the commonly used name is likely to mislead or confuse electors, or are obscene or offensive. If the name(s) is not permissible, the RRO will write to the candidate stating the reason for rejection. In those cases, the candidate’s actual name will be used instead.

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

1.165 It is an offence to give a false statement on the nomination form. Therefore if the candidate chooses to provide a commonly used name, they must ensure that it is a forename or surname which they commonly use.

## Death of a candidate

1.166 If the RRO receives proof before the declaration of results that a candidate (whether on a registered party's regional list or an individual candidate) has died, the impact of the death on the election will depend on whether it causes the election to become uncontested.

### Election becomes uncontested

1.167 Where the death causes the election to be uncontested, the election is stopped immediately. If the poll is underway or the count is being undertaken, that process stops. There will be a new election.

### Election remains contested

1.168 If the death does not cause the election to be uncontested, the death will have no effect on the validity of the result and the return of any regional member. The RRO must take reasonable steps to publicise the name of the deceased candidate and whether they were an individual or party list candidate (in which case the name of the party must also be given). They must also consider whether to publicise the name of the deceased candidate by placing notices outside polling stations.

1.169 Any person entitled to attend polling stations or the count as an election agent, polling agent, counting agent or as a guest of the deceased candidate, will lose their right to attend those processes once the RRO receives proof that the candidate has died.

1.170 The deposit of a deceased individual regional candidate will be returned.