

# National Assembly for Wales 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 National Assembly for Wales only. It does not apply to the constituency election to the National Assembly for Wales. Our guidance and resources for the constituency election to the National Assembly for Wales and for other elections in the UK can be accessed from our website at:

[www.electoralcommission.org.uk/guidance/resources-for-those-we-regulate/candidates-and-agents/](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 National Assembly for Wales 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: 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 National Assembly for Wales at the May 2016 elections.

This guidance has been developed based on the legislation as it currently stands and makes some assumptions about what further legislation will provide for, and so it may be subject to change. We will update and re-publish the guidance as appropriate once the legislation is clear.

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 **1.80** onwards.

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.

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

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

## 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 appoint one or more persons to do this and carry out any of your functions on your behalf, but the appointment must be made in writing and submitted to the RRO.

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 Wales.

1.3 To contest a regional election at the May 2016 National Assembly for Wales election, you or someone appointed in writing to act on your behalf needs to submit a completed set of nomination papers to the place fixed by the relevant Regional Returning Officer (RRO) with a £500 deposit by 4pm on the 19<sup>th</sup> working day before the poll (i.e. by 4pm on 7 April 2016). This deadline is set out in law and cannot be changed for any reason.

1.4 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.

1.5 There are two nomination papers that you must submit to make the party list nomination valid:

- the party list nomination form (the form to be used is prescribed in law), which also authorises the party list to use the party name or a registered description and, if desired, an emblem
- a consent to nomination for each candidate on the list (see paragraphs **1.12** to **1.15**).

1.6 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.

The last day for publishing the notice of election is 25 working days before the poll (30 March 2016).

1.7 If you (or someone you have appointed in writing) are unable to complete the nomination form, the RRO may be able to provide assistance. You should check with the RRO at the earliest opportunity what assistance may be available.

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

1.9 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 appointed 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 an unlimited fine and/or imprisonment.

## The nomination form

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

- The full name of each candidate on the list in the order they are 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 list candidate's current home address
  - must not be a business address (unless the list candidate runs a business from their home).

- **A description.** The nomination form must include a description authorised by you (or by someone appointed in writing on your behalf). You can authorise the use of either the party's name registered with the Commission or one of the party's registered descriptions. The English version, the Welsh version, or both versions of either the party name or description may be used, as long as they are registered with us. The party name or chosen description will be printed next to the party list's details on the ballot paper.

Registered party names and registered descriptions can be found on our online register:

<http://search.electoralcommission.org.uk/>

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

You should take particular care when completing the descriptions field on the nomination form. The party name or chosen 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.

- **Authorisation to use the party name or a registered description.** The nomination form must include a certificate authorising the use of the party name or description as stated on the form. This must be signed by you (or by a person appointed in writing on your behalf).

If you have appointed someone else to exercise this function on your behalf, a copy of the appointment in writing must be delivered to the RRO.

- **The signature of one subscriber.** The signature of the subscriber can be the signature of a party list candidate, or the signature of someone else. If someone else has signed the form, that person will also need to supply their full name and address.

1.11 The following is optional:

- **A commonly used name** – if a list candidate commonly uses a name that is different from any forename(s) or surname that they have and they wish this to appear on

the ballot paper, this needs to be stated on the nomination form. More details are provided in paragraph 37.

- A request to use an emblem on the ballot paper. You or the person appointed to act on your behalf can also request that one of the party's official emblems is printed on the ballot paper.

If the party has more than one emblem, the request should state the description of the emblem to be used, as listed on the [Commission's online register of political parties](http://search.electoralcommission.org.uk/). Registered emblems cannot be varied in any way.

Emblems can be viewed or downloaded from our online register of political parties:

<http://search.electoralcommission.org.uk/>

## Consent to nomination

1.12 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 form candidates will be asked to state that they are qualified and not disqualified from standing. Candidates must also state:

- their date of birth
- an address within Wales, which could be their home address (and will be deemed to be their office address if they become the party's election agent if none is appointed. Further information on election agents is provided in paragraph 1.51)
- that they are not an individual or party list candidate at the same election in any other region

1.13 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 7 March 2016). The candidate's 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 a consent to nomination.

Information on the qualifications and disqualifications is provided in [Part 1: Can you stand for election?](#)

1.14 If the candidate is abroad and the RRO is satisfied that because of their absence from the UK it is not practicable 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 **1.16** onwards for guidance on how to submit nomination papers.

1.15 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 19<sup>th</sup> working day before the poll (i.e. by 4pm on 7 April 2016), the RRO will remove the person from the list.

## Submitting your nomination papers

1.16 The nomination form and the consents to nomination must be delivered to the place specified on the notice of election by 4pm on the 19<sup>th</sup> working day before the poll (i.e. by 4pm on 7 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?

1.17 The nomination form may only be delivered by you as Nominating Officer or by someone appointed in writing to act on your behalf.

1.18 There are no restrictions on who can deliver the consents to nomination 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?

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

1.20 The **original version** of each completed paper must be submitted. A consent to nomination 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.

1.21 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?

1.22 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.

1.23 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 no later than 25 working days before the poll (i.e. not later than 30 March 2016). In most cases, the notice of election will be published on the website of the local authority of the RRO, as well as on the websites of the local authorities within the region.

1.24 You can submit nomination papers between the hours of 10am and 4pm on any day after the publication of the notice of election until 4pm on the 19th working day before the poll (i.e. by 4pm on 7 April 2016).

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

1.26 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 19th working day before the poll (i.e. by 4pm on 7 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 **1.44**

## The deposit

1.27 For the nomination to be valid, the sum of £500, must be deposited with the RRO by the deadline for nominations, 4pm on the 19<sup>th</sup> working day before the poll (i.e. by 4pm on 7 April 2016). The deposit can be made using:

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

1.28 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.

1.29 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.

1.30 The deposit must be made by you as the Nominating Officer, by a person appointed in writing to act on your behalf, by one of the list candidates, or by a person on behalf of one of the list candidates.

1.31 Where the deposit is made by you, you must state that fact to the RRO. Anybody else who makes the deposit must at the time they make it give their name and address to the RRO (unless they are the party list's election agent and that name and address has been previously given to the RRO).

1.32 Parties that poll more than 5% of the total valid votes cast in the region will have their deposit returned. Those parties that have polled less than, or equal to, 5% of the total number of the valid votes cast will lose their deposit.

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

## Inspection of nomination papers

1.33 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 (or someone appointed in writing on your behalf)
- any other Nominating Officers (or someone appointed in writing on their behalf) 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
- 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

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

1.35 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.

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

## Objections to nominations

1.37 Objections to the validity of any nomination form can be made on the 19th working day before the poll (i.e. on 7 April 2016).

1.38 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 6 April 2016**

1.39 Objections to any nomination form delivered up to and including 4pm on 6 April 2016 must be **between 10am and 12 noon on 7 April 2016**.

#### **Nominations delivered after 4pm on 6 April 2016**

1.40 Objections to any nomination form delivered after 4pm on 6 April 2016 must be made between **10am and 5pm on 7 April 2016**. Any objection must be made at or immediately after the time of the delivery of the nomination.

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

1.41 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 those grounds to the nomination of the individual candidate or candidate on a party list (as appropriate). Any such objection may be made between **10am and 4pm on 8 April 2016**.

### Decisions on objections

1.42 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 grounds that a candidate is disqualified because they are serving a prison sentence of a year or more, objections can be made on the 19th working day before the poll (on 7 April 2015).

- In respect of an individual candidate not standing on behalf of a party:
  - that the particulars of the candidate are not as required by law
  - that the form is not subscribed as required
  - that the candidate is disqualified on the grounds that they are imprisoned and serving a sentence of a year or more
  - that the candidate is standing in more than one region
  
- In respect of a party list:
  - that the nomination form does not include a party name or description
  - that the nomination form does not include a party list or more than 12 candidates have been included on the list
  - that the nomination form does not include a certificate authorising the use of a party name or description
  - that the form is not subscribed as required
  - that each candidate on the party list has ceased to stand nominated
  
- 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 candidate is standing in more than one region

1.43 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

1.44 You (or someone appointed in writing by 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 (or the person appointed in writing by you) must sign and submit a [withdrawal notice](#). There are no restrictions on who may submit the notice, but it must be delivered by hand.

1.45 A candidate on the party list may also withdraw from the election. They can do this by submitting a [withdrawal notice](#), which must be witnessed by one other person. Their witness must also sign the notice.

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

1.47 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 19th working day before the poll (i.e. by 4pm on 7 April 2016). After the withdrawal deadline it is not possible to withdraw from the election.

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

1.49 If a candidate on the list wishes to withdraw and they are outside the United Kingdom, a person can sign the withdrawal notice on their behalf, but it must be accompanied by a written declaration stating that they are absent from the United Kingdom and a written statement signed by them confirming that they have authorised the person giving the notice to withdraw their nomination.

If elected at an uncontested election, candidates (whether on a party list or individual candidates) must still make a declaration as to their election spending.

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

## What happens after the close of nominations?

1.50 The RRO will publish a statement of persons and parties nominated, including notice of poll for the region, by no later than 4pm on the eighteenth working day before the poll (i.e. not later than 4pm on 8 April 2016). The statement will include:

- the name/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' and/or 'Annibynnol' (if applicable) of any 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 an election agent and other agents

1.51 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 National Assembly for Wales must have an election agent to act for all of the candidates on the party list.

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

1.53 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?

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

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](#)

1.55 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)
- a deputy or clerk of the RRO, CRO or a member of their staff
- an officer of a local authority whose services have been placed at the disposal of the RRO or CRO
- a partner or clerk of any of the above

1.56 Your party may also have specific rules about who can be appointed as an election agent.

## Appointing an election agent

1.57 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.

1.58 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 19th working day before the poll (i.e. by 4pm on 7 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.

1.59 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.

1.60 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.

1.61 The agent's office address must be in Wales. It will often be their home address, but it could be the local party office or an office set up for the election.

1.62 If the party does not appoint an agent and the first-named candidate on the list has become the election agent, their office

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

address will be deemed to be the address provided on their consent to nomination.

## Revoking an election agent's appointment

1.63 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.

1.64 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

1.65 An 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.

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

1.67 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](#).

1.68 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. The office of the sub-agent must be in the area within which they are appointed to act.

1.69 The election agent must notify the RRO in writing of the name and address of each sub-agent and the area within which they have been appointed to act by the fifth working day before the poll (i.e. by 27 April 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](#).

1.70 The election agent can revoke the appointment of a sub-agent at any time and appoint someone else in their place. If another sub-agent is appointed, the election agent must declare in writing the name, address, office address and area of appointment to the RRO.

## Appointing postal voting, polling and counting agents

1.71 The election agent of a party list may appoint agents to attend the opening of postal votes, the poll and the count.

1.72 Anyone, apart from those listed in paragraph **1.55**, can be appointed as a postal vote, polling or counting agent. All of the list candidates and the election agent can also automatically act as one of those agents without the need of an official appointment. Sub-agents may also attend the poll and the count, but only instead of the election agent.

1.73 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.

1.74 The RRO (or the relevant Constituency Returning Officer) will tell the election agent the maximum number of postal voting and counting agents they can appoint for the region. Party lists and individual candidates will be allowed to appoint exactly the same number. At the count, unless there are special circumstances, the number of counting agents Party lists and individual candidates will be allowed will not be less than the number obtained by dividing the number of counting assistants (i.e. those staff employed on the counting) by the number of Party lists and individual candidates.

1.75 The request to appoint these agents must be made in writing to the relevant Constituency Returning Officer. It must contain the names and addresses of the people being appointed. The RRO or the relevant Constituency Returning Officer 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.

1.76 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.

1.77 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 Constituency Returning Officer. Any new appointment in these circumstances must be made without delay.

1.78 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

1.79 If a candidate dies during the election period, see paragraph **1.162** 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 National Assembly for Wales at the May 2016 elections.

This guidance has been developed based on the legislation as it currently stands and makes some assumptions about what further legislation will provide for, and so it may be subject to change. We will update and re-publish the guidance as appropriate once the legislation is clear.

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 1.1 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

1.80 To become nominated as an individual regional candidate at the May 2016 National Assembly for Wales 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 19th working day before the poll (i.e. by 4pm on 7 April 2016). This deadline is set out in law and cannot be changed for any reason.

1.81 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.

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

- the nomination form
- your consent to nomination

1.83 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.

1.84 If you, your agent or someone you trust are unable to complete the nomination form, the RRO may be able to

The last day for publishing the notice of election is 25 working days before the poll (30 March 2016).

provide assistance. You should check with the RRO at the earliest opportunity what assistance may be available.

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

1.86 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 an unlimited fine and/or imprisonment of up to a year.

## The nomination form

1.87 The [nomination form](#) must be completed in English or Welsh. 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.

- **The signature of one subscriber.** You can act as your own subscriber or ask someone else to subscribe your nomination. If someone else has signed the form, that

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

person will also need to supply their full name and address.

1.88 The following is optional:

- **A commonly used name** – if you commonly use a name that is different from any forename(s) 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 **1.155**.
- **A description** – If you want the word ‘Independent’ and/or ‘Annibynnol’ 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.

Registered party names and registered descriptions can be found on our online register:

<http://search.electoralcommission.org.uk/>

## Consent to nomination

1.89 You must also formally consent to your nomination in writing. The content of the [consent to nomination form](#) is fixed by law. On the form you will be asked to state that you are qualified and not disqualified from standing. You must also state:

- your date of birth
- an address within Wales, which could be their home address (and will be deemed to be your office address should you become your own election agent by failing to appoint anybody else. Further information on election agents is provided in paragraph **1.124**).
- that you are not an individual or party list candidate at the same election in any other region

Information on the qualifications and disqualifications is provided in [Part 1: Can you stand for election?](#)

1.90 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 7 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.

1.91 If you are abroad and the RRO is satisfied that because of your absence from the UK it is not practicable 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

1.92 The nomination form and the consent to nomination must be delivered to the place specified on the notice of election by 4pm on the 19th working day before the poll (i.e. by 4pm on 7 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?

1.93 Only a limited number of persons may deliver your nomination form. These are:

- yourself
- your election agent (provided you have given notice of appointment to the RRO or the notice is submitted when the forms are delivered)

1.94 There are no restrictions on who can deliver your consent to nomination but you should ensure 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?

1.95 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.

1.96 The **original version** of each completed paper must be submitted. A consent to nomination 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.

1.97 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?

1.98 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.

1.99 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 25 working days before the poll (i.e. not later than 30 March 2016). In most cases, the notice of election will be published on the website of the local authority of the RRO, as well as on the websites of the local authorities within the region.

1.100 You can submit nomination papers between the hours of 10am and 4pm on any day after the publication of the notice of election until 4pm on the 19th working day before the poll (i.e. by 4pm on 7 April 2016).

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

1.102 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 19th working day before the poll (i.e. by 4pm on 7 April 2016). For more details on withdrawing, see paragraph **1.119**.

## The deposit

1.103 For the nomination to be valid, the sum of £500 must be deposited with the RRO by the deadline for nominations, i.e.

4pm on the 19th working day before the poll (i.e. by 4pm on 7 April 2016). The deposit can be made using:

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

1.104 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.

1.105 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.

1.106 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.

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

## Inspection of nomination papers

1.108 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
- the Nominating Officer for a party list (or someone appointed in writing to act on their behalf)
- 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

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

1.110 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.

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

## Objections to nominations

1.112 Objections to the validity of any nomination form can be made on the 19th working day before the poll (i.e. on 7 April 2016).

1.113 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 6 April 2016**

1.114 Objections to any nomination form delivered up to and including 4pm on 6 April 2016 must be **between 10am and 12 noon on 7 April 2016**.

In one exceptional circumstance, where the objection is on the grounds that a candidate is disqualified because they are serving a prison sentence of a year or more, objections can be made on the 19<sup>th</sup> working day before the poll (on 7 April 2015).

### **Nominations delivered after 4pm on 6 April 2016**

1.115 Objections to any nomination form delivered after 4pm on 6 April 2016 must be made between **10am and 5pm on 7 April 2016**. Any objection must be made at or immediately after the time of the delivery of the nomination.

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

1.116 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 those grounds to the nomination of the individual candidate or candidate on a party list (as appropriate). Any such objection may be made between **10am and 4pm on 8 April 2016**.

## **Decisions on objections**

1.117 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:
  - that the particulars of the candidate are not as required by law
  - that the form is not subscribed as required
  - that the candidate is disqualified on the grounds that they are imprisoned and serving a sentence of a year or more
  - that the candidate is standing in more than one region
- In respect of a party list:
  - that the nomination form does not include a party name or description
  - that the nomination form does not include a party list or more than 12 candidates have been included on the list

- that the nomination form does not include a certificate authorising the use of a party name or description
  - that the form is not subscribed as required
  - that each candidate on the party list has ceased to stand nominated
- 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 candidate is standing in more than one region

1.118 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

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

1.120 The withdrawal notice must be submitted to the RRO by the deadline for withdrawals, 4pm on the 19th working day before the poll (i.e. by 4pm on 7 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.

1.121 If you are outside the United Kingdom, a person can sign the withdrawal notice on your behalf, but it must be

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.

accompanied by a written declaration stating that you are absent from the United Kingdom and a written statement signed by you confirming that you have authorised the person giving the notice to withdraw your nomination.

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

## What happens after the close of nominations?

1.123 The RRO will publish a statement of persons (and parties) nominated, including notice of poll for the region by no later than 4pm on the 18<sup>th</sup> working day before the poll (i.e. not later than 4pm on 8 April 2016). The statement will include:

- the name/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' and/or 'Annibynnol' (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

1.124 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.

For more information about candidate spending, see:

[Part 3: Spending and donations](#)

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

1.126 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?

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

1.128 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 deputy or clerk of the RRO, CRO or a member of their staff
- an officer of a local authority whose services have been placed at the disposal of the RRO or CRO
- a partner or clerk of any of the above

### Appointing an election agent

1.129 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.

1.130 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 19th working day before the poll (i.e. by 4pm on 7 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.

1.131 The RRO may provide a declaration form, or you could use the [election agent declaration form produced by the](#)

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

**Commission.** If you do not appoint someone as your agent by the deadline, you will automatically become your own agent.

1.132 Your agent's office address must be in Wales.

1.133 The agent's office address will often be their home address, but it could be an office set up for the election.

1.134 The office address declared to the RRO must be an address to which any legal notices can be delivered and therefore must be a physical address – PO boxes or similar mailboxes cannot be used.

1.135 If you automatically become your own election agent because you have not appointed an agent, the office address is deemed to be the address you provided on the consent to nomination.

## Revoking an election agent's appointment

1.136 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.

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

1.138 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

1.139 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.

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

1.141 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 [Part 3: Spending and donations](#).

1.142 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. The office of the sub-agent must be in the area within they are appointed to act.

1.143 The election agent must notify the RRO in writing of the name and address of each sub-agent and the area within which they have been appointed to act by the fifth working day before the poll (i.e. by 27 April 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](#).

1.144 The election agent can revoke the appointment of a sub-agent at any time and appoint someone else in their place. If another sub-agent is appointed, the election agent must declare in writing the name, address, office address and area of appointment to the RRO.

1.145 Once a sub-agent has accepted their appointment, they cannot resign and must fulfil the duties required of them unless the election agent revokes their appointment.

## Appointing postal voting, polling and counting agents

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

1.147 Anyone, apart from those listed in paragraph **1.129**, can be appointed as a postal vote, polling or counting agent. You and your election agent can also automatically act as one of those agents without the need of an official appointment. Sub-agents may also attend the poll and the count, but only instead of the election agent.

1.148 You can appoint any number of polling agents to attend each polling station, but only one polling agent for each

individual candidate or party list can be present in a polling station at any time. A polling agent can be appointed to attend multiple polling stations.

1.149 The RRO (or the relevant Constituency Returning Officer) 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. At the count, unless there are special circumstances, the number of counting agents Party lists and individual candidates will be allowed will not be less than the number obtained by dividing the number of counting assistants (i.e. those staff employed on the counting) by the number of Party lists and individual candidates.

1.150 The request to appoint these agents must be made in writing to the relevant Constituency Returning Officer. It must contain the names and addresses of the people being appointed. The RRO or the relevant Constituency Returning Officer 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.

1.151 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.

1.152 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 Constituency Returning Officer. Any new appointment in these circumstances must be made without delay.

1.153 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

1.154 If a candidate dies during the election period, see paragraph **1.162** for further information on how this will affect the election.

# Supplementary information

## Commonly used name(s)

1.155 If a candidate - whether an individual candidate or a candidate on a party list - commonly uses a different name from 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 (and parties) nominated and the notice of poll, and
- for individual regional candidates, on the ballot papers

1.156 Candidates can request to use a commonly used forename, surname or both. For example, a candidate 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.

1.157 However, they cannot use their first name as a commonly used name so that only their first name and surname appear on a ballot paper, thus excluding their 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 a candidate wishes to use a commonly used forename and/or surname then these must be different from their 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).

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

1.159 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) are 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.

1.160 If either the commonly used forename or surname box on the nomination form 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.

1.161 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

1.162 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

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

1.163 If the death does not cause the election to be uncontested, the election continues as normal and 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.

1.164 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.

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