LONDON ELECTS
YOUR LONDON. YOUR VOTE

The Electoral Commission

Greater London Authority (GLA) elections

Guidance for candidates and agents

Part 2b of 6 – Standing as a Constituency Member candidate

This document applies to the constituency contest only. It does not apply to the London Member or London Mayoral contest, nor does it apply to district, borough, county borough, unitary authority, parish/community council or other mayoral elections. Our full suite of guidance and resources, including guidance for those elections can be found on our website at: www.electoralcommission.org.uk/guidance/resources-for-those-we-regulate/candidates-and-agents/

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Essential information

This section of the document contains our guidance on standing as a Constituency Member candidate for election to the London Assembly. Supplementary information, which may only be of relevance to some candidates, is provided at the back of this document. You can access this supplementary guidance by clicking on the links within this document or by clicking on the chapter heading on the contents page.

We are here to help, so please contact London Elects or the Commission's London office if you have any questions. See our Overview document for contact details.

In this document we use 'must' to refer to a specific legal requirement and 'should' for recommended practice. For further information on the terminology used in this guidance, see our Overview document.

Deadlines mentioned in this document are generic. For deadlines relating to the 3 May 2012 scheduled GLA elections, please see our election timetable.

Completing your nomination papers

1.1 To become nominated as a Constituency Member candidate at a GLA election, you need to submit a completed set of nomination papers to the place fixed by the relevant Constituency Returning Officer by 12 noon on the 24th working day before the poll. Each constituency will have a Constituency Returning Officer and you can find their contact details in the Overview document.

1.2 The nominations deadline is set out in law and cannot be changed for any reason. 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 Constituency Returning Officer.

1.3 There are two nomination papers that you must submit for your nomination to be valid:

- the nomination form
- your consent to nomination

1.4 To stand on behalf of a registered political party, you will also need:

- A certificate authorising you to use the party name or a registered description on the ballot paper (known as the certificate of authorisation). For more details on the certificate of authorisation, see paragraph **1.14**.

- A written request to use one of the party's emblems (if you would like one to appear on the ballot paper). For more information on the emblem request form, see paragraph **1.17**.

1.5 You can obtain nomination papers from the Constituency Returning Officer where you wish to stand.

1.6 If you, your agent or someone you trust are unable to complete the nomination form, the Constituency Returning Officer can help by preparing the form for your signature.

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

1.8 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 £5,000 (or unlimited if convicted on indictment) and/or imprisonment of up to a year.

The nomination form

1.9 The nomination 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)

Unless you are relying on the qualification of having lived in the Greater London area for the whole of the last 12 months or being registered as an elector for the Greater London area, your home address does not need to be in the Greater London area.

1.10 The following is optional:

- A commonly used name – if you commonly use a name that is different from your actual name and you wish this to appear on the ballot paper, you need to state this on the nomination form. See paragraph **1.69** for further details.

- A description –

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

Party candidates: You can ask for either the party's name as registered with the Commission or one of the party's registered descriptions to appear on the ballot paper underneath your name.

If you want to use a party name or description, you must submit alongside your other nomination papers a certificate that shows that you are authorised to use the party's name or description (known as a certificate of authorisation). The certificate must be issued by the registered party's Nominating Officer (or someone authorised to act on their behalf) and be received by the Returning Officer by the nominations deadline, ie by 12 noon on the 24th working day before the poll. Further information on the certificate is provided in paragraph **1.14.**

If you are standing on behalf of two or more parties, you may use a joint description as registered with the Commission. In that case, you will need authorisation from the Nominating Officer for each of the registered parties (or people authorised to act on their behalf).

You should take particular care when completing the descriptions field on the nomination form. The party name/description used on the nomination paper must exactly match the party name/description on the Commission's online register of political parties at https://pefonline.electoralcommission.org.uk. If it does not, the whole nomination paper will be rejected.

Note that you do not have to use a description. You may choose not to have a description at all by leaving the description field of the form blank.

Consent to nomination

1.11 You must also formally consent to your nomination in writing. On the consent to nomination form you will be asked to state that you are qualified and not disqualified from standing. You must also state your date of birth.

1.12 You must meet at least one of the qualifications to stand for election, as explained in Part 1: Can you stand for election? On the consent to nomination form you should state as many of the qualifications as apply.

1.13 You are not allowed to sign the consent form earlier than one calendar month before the deadline for submitting your nomination papers. 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.

The certificate of authorisation

1.14 Political parties authorise candidates to stand for them by issuing a certificate of authorisation. This must state that the named candidate can stand on their behalf and allow them to use one of the following:

- the exact party name as registered with the Commission
- one of the party's registered descriptions
- your choice of either the registered party name or one of the registered descriptions.

1.15 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 certificate explicitly authorises a particular party name/description and this does not

match the party name/description on the nomination paper, the whole nomination will be invalid.

1.16 The certificate of authorisation must be signed by the registered Nominating Officer of the political party or by someone authorised by the Nominating Officer to act on their behalf.

Use of an emblem by party candidates

1.17 If you have been authorised by a political party to use the party name or a registered description on the ballot paper, you can also request that one of the party's official emblems is printed on the ballot paper next to your name.

1.18 You must make the request for an emblem in writing and deliver it to the Constituency Returning Officer. The request must be received by the Constituency Returning Officer by 12 noon on the 24th working day before the poll. The Constituency Returning Officer will supply you with a form you can use to make this request.

1.19 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 at https://pefonline.electoralcommission.org.uk. Registered emblems cannot be varied in any way.

1.20 Candidates standing on behalf of two or more registered parties and using a joint description can use an emblem that has been registered by one of the relevant parties. The request must be made in writing and delivered to the Constituency Returning Officer. The request should state the name of the political party that has registered the emblem that you wish to use and the description of the emblem to be used, as listed on the Commission's online register of political parties at https://pefonline.electoralcommission.org.uk.

The deposit

1.21 You must deposit £1,000 with the Constituency Returning Officer by the close of nominations for your nomination to be valid. The deposit can be made using:

- cash (British pounds only)
- a banker's draft or building society cheque

1.22 The Constituency Returning Officer may also accept a deposit made by a debit or credit card or an electronic transfer. However, they may refuse to do so. If you want to pay by card or electronic transfer, you should contact the Constituency Returning Officer at the earliest opportunity.

1.23 After the election, the deposit will be returned to you if you poll more than 5% of the valid votes cast in the constituency.

Submitting your nomination papers

1.24 All nomination papers, including the consent to nomination form, must be delivered to the Constituency Returning Officer at the place specified on the notice of election by 12 noon on the 24th working day before the poll. We recommend that you, your agent, or someone you trust hand-delivers them, so you can be sure they are delivered to the Constituency Returning Officer in time. If you or someone you trust are unable to deliver your nomination papers in person, you may submit these by post.

1.25 Nomination papers cannot be submitted by fax or other electronic means.

1.26 You should submit your nomination papers as early as possible to give the Constituency Returning Officer an opportunity to conduct an informal check and to give you

Both independent and party candidates must submit a nomination form and consent to nomination. If you are standing on behalf of a political party you must, in addition, submit a certificate of authorisation. If, as a party candidate, you would like an emblem to appear against your name, then you will also need to submit an emblem request form.

sufficient time to submit new nomination papers should your first set contain any errors.

1.27 The notice of election will be published no later than 30 working days before the poll and will state the earliest date on which you can submit nomination papers. In most cases, the notice of election will be published on the Constituency Returning Officer's local authority website.

1.28 Usually, nomination papers can only be delivered during normal office hours. The Constituency Returning Officer will confirm the exact details of when and where they can be delivered on the official notice of election.

1.29 You should contact the Constituency Returning Officer as soon as possible to find out what arrangements are in place for submitting nomination papers. Contact details for all Constituency Returning Officers can be found in our Overview document.

1.30 After you have submitted your nomination papers you will be sent a notice by the Constituency Returning Officer to let you know whether or not your nomination is valid.

1.31 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 12 noon on the 21st working day before the poll. For more details on withdrawing, see paragraph **1.34.**

What happens after the close of nominations?

1.32 The Constituency Returning Officer will publish a statement of persons nominated for the constituency no later than 12 noon on the 22nd working day before the poll. The statement will include:

- the full or commonly used names, as the case may be, of all candidates validly nominated
- the names of candidates who no longer stand nominated, if any (i.e. invalid and withdrawn candidates), with the reason why they are no longer standing
- the address of each candidate
- each candidate's description (if any)

Being validly nominated in more than one Assembly constituency

1.33 If you are validly nominated in more than one Assembly constituency, you must withdraw from all constituencies but one before the deadline for withdrawals. The deadline for withdrawals is 12 noon on the 21st working day before the poll. If you do not withdraw from all but one constituency, you will be deemed to have withdrawn from all of the constituencies.

Withdrawing as a candidate

1.34 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. A notice of withdrawal can be obtained from the Constituency Returning Officer.

1.35 The withdrawal notice must be submitted to the Constituency Returning Officer by the deadline for withdrawals, ie by 12 noon on the 21st working day before the poll. After the withdrawal deadline it is not possible to withdraw from the election, and your name will appear on the ballot paper.

1.36 If you are outside the United Kingdom, your election agent can sign the withdrawal notice, and it must be accompanied by a written declaration stating that you are absent from the United Kingdom.

1.37 However, if you are nominated by more than one nomination paper, the declaration must be accompanied by a written statement signed by yourself authorising your agent to give this notice while you are absent from the United Kingdom.

Inspecting other candidates' nomination papers

1.38 From 24 hours after the close of nominations until the day before the poll, nomination papers that have been delivered are open to inspection, and any member of the public can take a copy of them.

Will the election be contested or uncontested?

1.39 After the close of nominations, the Constituency Returning Officer will establish whether or not there is a need to hold a poll in the constituency. If there is more than one candidate, there will be a poll.

1.40 If, however, after the deadline for withdrawals, there is only one validly nominated candidate, that candidate is declared to be elected.

1.41 In this case, the Constituency Returning Officer will declare that candidate to be elected to the Authority as soon as possible and will give public notice of the name of that person declared elected.

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.

Appointing your election agent and other agents

1.42 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.

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

1.44 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 count

Who can be an election agent?

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

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

- the Greater London Returning Officer, a Constituency Returning Officer or a member of their staff
- a partner or clerk of the Greater London Returning Officer, a Constituency Returning Officer or a member of their staff
- anyone not entitled to vote at the election as a result of the report of an election court or a conviction for a corrupt or illegal practice under the Representation of the People Act 1983

1.47 If you are standing on behalf of a party, they may also have specific rules about who you can appoint as an election agent.

Appointing an election agent

1.48 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.

1.49 You must declare in writing the name, address and office address of your election agent to the Constituency Returning Officer by 12 noon on the 21st working day before the poll. The declaration should be signed by yourself 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 they can be easily contacted by the Constituency Returning Officer.

1.50 The Constituency Returning Officer will provide a declaration form you can use. If you do not appoint someone else as your agent by the deadline, you will automatically become your own agent.

1.51 Your agent's office address must be:

- within Greater London
- within the UK Parliamentary constituency or constituencies which Greater London contains, or
- within a district which adjoins Greater London, or

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

1.53 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.

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

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

Sub-agents

1.56 A candidate's election agent may appoint one sub-agent to act in any part of the constituency. While the election agent may appoint more than one sub-agent, the parts for which they are appointed may not overlap.

1.57 A sub-agent may do anything that the election agent is entitled to do within the area to which they are appointed. The election agent should ensure that any sub-agent is aware of the election and spending rules, as any act, illegal practice or other offence committed 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.

1.58 The election agent must notify the Constituency Returning Officer in writing of the name and address of each sub-agent and the area in which they may act by 12 midnight at the end of the second working day before the poll. The Constituency Returning Officer will provide you with a form you can use.

1.59 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 Constituency Returning Officer.

Appointing other agents

1.60 You may also appoint other agents to attend postal vote openings, polling stations and the count.

1.61 Anyone, apart from those listed in paragraph **1.46,** can be appointed as a postal vote, polling or counting agent. Both you and your election agent can also automatically act as one of those agents without the need of an official appointment.

1.62 You can appoint any number of polling agents to attend each polling station, but only one polling agent for each candidate can be present in a polling station at any time. A

polling agent can be appointed to attend multiple polling stations. The number of polling agents who may be appointed to any particular polling station is limited to four, or such greater number as the Constituency Returning Officer decides to allow. If more than that number is appointed, the Constituency Returning Officer will draw lots to determine those people who may attend. Your right, your election agent's and your sub-agent's right to attend will remain unaffected by this.

1.63 The Constituency Returning Officer will tell you the maximum number of postal voting and counting agents you can appoint. All candidates will be allowed to appoint exactly the same number.

1.64 The request to appoint these agents must be made in writing to the Constituency Returning Officer. It must contain the names and addresses of the people being appointed. The Constituency Returning Officer will provide the relevant forms for this.

1.65 The deadline for appointing these agents will depend on the process they are to attend. Polling and counting agents must be appointed by the fifth working day before the poll. However, appointment forms for postal voting agents only need to be submitted to the Constituency Returning Officer before 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 opening session.

1.66 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.

1.67 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.

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Death of a candidate

1.68 If a candidate dies during the election period, see paragraph **1.76** for further information on how this will affect the election.

Supplementary information

Commonly used name(s)

1.69 If you commonly use a different name from your actual name, you can ask for your commonly used name(s) to be used instead of your actual name. The commonly used name(s) would then appear on:

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

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

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

1.72 For example, you may be known by your abbreviated name 'Andy', rather than your full first name 'Andrew'. In that case, you can write 'Andy' into the commonly used forename box on the nomination paper if you would rather that name appear on the ballot paper.

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

1.74 If either the commonly used forename or surname box on the nomination paper is left blank, then your actual forename or

surname, depending on which commonly used name box has been left blank, will be used.

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

Death of a candidate

1.76 If the Constituency Returning Officer is notified of a candidate's death during the election campaign or even on polling day itself (but before the declaration of the result), the poll will be cancelled.

1.77 The Constituency Returning Officer will in that case order a new election to fill the vacancy. The new polling day will be within 35 working days of the day fixed for the first election. Candidates already validly nominated do not have to be nominated a second time.

1.78 Should a fellow candidate die during the campaign, the Constituency Returning Officer will provide you with further guidance.

1.79 If an already elected candidate dies after the declaration of the result, a by-election will be held to fill the vacancy.