

Police and Crime Commissioner elections in England and Wales

Guidance for candidates and agents

Part 4 of 6 – The campaign

This document applies to the May 2016 Police and Crime Commissioner elections. It does not apply to any other elections. Our guidance and resources for all elections in England and Wales can be accessed from our website at: <http://www.electoralcommission.org.uk/guidance/resources-for-those-we-regulate/candidates-and-agents>.

2

Contents

Essential information	4
Campaigning dos and don'ts.....	4
When can you start campaigning?.....	4
When does a person officially become a candidate?	5
During the campaign, you may.....	5
During the campaign, you should.....	6
During the campaign, you must not.....	7
Use of the electoral register and lists of absent voters	7
Restrictions on the use of the information contained in the electoral register and lists of absent voters.....	7
Applying for a copy of the electoral register and the lists of absent voters	8
Using schools and rooms for public meetings.....	9
Your election address	9
Campaign publicity dos and don'ts	10
Using imprints	10
Polling day dos and don'ts	12
Supplementary information	14
List of offences	14
Bribery	14
Treating	14
Undue influence.....	14
Personation.....	15
False statements	15
False registration information and false postal/proxy voting application.....	15
False application to vote by post or by proxy	16
Multiple voting and proxy voting offences	16
Breaches of the secrecy of the ballot.....	16

Campaign publicity material..... 16
Racial hatred..... 16
Police officers as canvassers..... 16
Reporting allegations of electoral fraud 17
What if you have made a mistake?..... 17

4

Essential information

This section of the document contains our guidance on campaigning at the May 2016 Police and Crime Commissioner election in England (excluding London) and Wales. 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.

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

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

Campaigning dos and don'ts

When can you start campaigning?

1.1 You can start campaigning at any time. You do not have to wait until you are validly nominated to declare that you will run for election, ask people to support you or publish campaign material.

1.2 However, you should be aware that election spending limits apply ahead of the election. For more information on election spending, please see [Part 3: Spending and donations](#).

The Equality and Human Rights Commission have published guidance for political parties and candidates about how equality and human rights law affects election campaigning. A copy of their guidance can be found here: www.equalityhumanrights.com/electoral-guidance

When does a person officially become a candidate?

1.3 The earliest you can officially become a candidate is on the last day for the publication of notice of election i.e. on the 25th working day before the poll (30 March 2016).

1.4 You will officially become a candidate on this day if on or before this date you have already declared yourself a candidate at the election (or another person has declared that you are a candidate).

1.5 If after this date you or others declare that you will be a candidate at the election, you will become a candidate on the date such a declaration is made, or on the date that you submit your nomination papers, whichever is the earlier.

1.6 Once you have officially become a candidate, you are entitled to a copy of the register of electors for the police area. You are also entitled to a copy of the lists of absent voters for the whole of the police area. In addition, you can use publicly funded rooms and schools for public meetings (see paragraph 1.22 below).

During the campaign, you may...

- Encourage people who are not on the electoral register to apply for registration. The deadline for registering to vote in time for the election is 12 working days before the poll (18 April 2016). Individuals can now register online at <https://www.gov.uk/register-to-vote>. You can find out more about who can register at www.aboutmyvote.co.uk.
- Help voters with information about postal and proxy voting – you can find information at www.aboutmyvote.co.uk. The deadline for applying for a postal vote for the elections is 5pm on the 11th working day before the poll (5pm on 19 April 2016). The deadline for applying for a proxy vote for the elections is 5pm on the sixth working day before the poll (5pm on 26 April 2016), although in certain circumstances electors may apply for an emergency proxy up to 5pm on polling

6

day (5pm on 5 May 2016). An elector can apply for an emergency proxy if, after 5pm on the sixth working day before the poll (5pm on 26 April 2016), they have had a medical emergency or have been called away on business.

During the campaign, you should...

- If you develop your own absent vote application forms, make sure they include all the required information, or the applications will be rejected. In particular, you must make sure that the signature and date of birth fields on postal and proxy application forms are in the correct format. You should use our absent voting application forms on www.aboutmyvote.co.uk as a guide. You should consider liaising with your Electoral Registration Officer(s) who may be able to provide you with forms you can use.
- Make sure your supporters follow the [Code of conduct for campaigners in Great Britain](#) – this will help them to avoid situations where their honesty or integrity could be questioned.
- Make sure your supporters are courteous when dealing with other candidates and their supporters.
- Be aware of the deadlines for appointing an election agent, and agents to attend postal vote opening sessions, polling stations and the count. Deadlines are set out in our guidance document [Part 2a: Standing as an independent candidate](#) and [Part 2b: Standing as a party candidate](#).
- Check our guidance on how postal vote openings, the voting process and the count will work so that you know what you can expect to happen and when (see [Part 5 – Your right to attend key electoral events](#)).
- Check that your systems for recording spending and donations are working. For more information on

donations and election spending see [Part 3 - Spending and donations](#)

During the campaign, you must not...

- Knowingly make a false statement about the personal character of another candidate.
- Pay canvassers. Canvassing means trying to persuade an elector to vote for or against a particular candidate or party.

1.7 More information on election offences and how to report these can be found in the supplementary information section at the end of this document (from paragraph **1.40**).

1.8 If either you or your agent have made a mistake and have acted in contravention of the rules, you can apply for relief from the consequences of having made a mistake. See paragraph **1.63** for more information.

We do not regulate these offences. Any complaints should be made to the police.

Use of the electoral register and lists of absent voters

1.9 Once you officially become a candidate as explained in paragraph **1.3** to **1.5**, you are entitled to receive a free copy of the full electoral registers. You are also entitled to the lists of people voting by post or proxy ('the lists of absent voters') for the whole of the police area that you are contesting.

Registered political parties are entitled to receive a copy of the full electoral register at any time.

Restrictions on the use of the information contained in the electoral register and lists of absent voters

1.10 The full electoral register and lists of absent voters contain people's personal data and so their use is very carefully controlled.

1.11 You can use them to:

- complete your nomination form

8

- help you campaign
- check that donations are permissible

1.12 You must not release to any person any details that appear only in the full register and not on the open register which is available for general sale. You must not:

- use the full register and absent voters' lists for any other purpose not listed above, or
- pass copies on to anyone outside your campaign (except for certain data processing companies).

1.13 If you have supplied a copy of the register or absent voters' lists to campaign workers, they must also comply with the requirements above.

Applying for a copy of the electoral register and the lists of absent voters

1.14 Copies of the register and lists of absent voters can be obtained from the relevant Electoral Registration Officer. An Electoral Registration Officer will have been appointed for each local authority area within the police area to maintain the electoral registers. Contact details are available on www.aboutmyvote.co.uk.

1.15 The request must be made in writing and we have made a [register request form](#) and an [absent voters' lists request form](#) available for this purpose on our website.

1.16 While requests must be made to the Electoral Registration Officer, you should also liaise with the Police Area Returning Officer, who may have put arrangements in place to coordinate requests for all the registers and lists in the police area.

1.17 The register and lists will be supplied in electronic format unless a paper copy is specifically requested.

1.18 The version of the registers and lists supplied will be the ones current at the time of application, although the request may also include a request for the supply of updates to the

Any person found breaching the restrictions on use of the electoral register could face an unlimited fine and/or up to imprisonment.

registers and lists that are published in the lead-up to the poll, including the list of newly registered electors when it is published five working days before the poll.

Using schools and rooms for public meetings

1.19 You may want to engage with the public at public meetings, promoting your views and responding to questions from the audience.

1.20 The Electoral Registration Officer of each local authority in England and Wales, keeps a list of the location and availability of meeting rooms in their area. They will make this list available for inspection by candidates and election agents, from the day the notice of election is published, i.e. by 30 March 2016 (by the 25th working day before the poll). Contact details for Electoral Registration Officers can be found on www.aboutmyvote.co.uk.

1.21 You should contact the owner of the premises to make a booking, giving reasonable notice to reduce the risk of the request being refused.

1.22 There is no hire charge for using these rooms, but you must pay for any expenses incurred, such as heating, lighting and cleaning and for any damage to the premises.

Candidates' right to use rooms does not include hours during which a school is used for educational purposes. Equally, any prior letting of a meeting room must take precedence.

Your election address

1.23 Each candidate is entitled to make a campaign statement for publication on a website provided by the UK Government. An election address is a campaign statement that a candidate makes to the electorate to persuade electors to vote for them.

1.24 If you would like your address included on the website, you must submit it to the Police Area Returning Officer by 12 noon on 7 April 2016 at the latest. We have published a separate [factsheet for candidates and agents](#) with further information on candidates' addresses.

10

Campaign publicity dos and don'ts

1.25 You must:

- Use imprints on all your printed campaign material and any electronic campaign material that is designed to be printed off locally. See paragraph **1.29** below for more information.
- Comply with planning rules relating to advertising hoardings and large banners – you should ask the relevant local authority for advice.
- Make sure that outdoor posters are removed promptly after the election – you must do this within two weeks of the close of the poll.

1.26 You should:

- Include an imprint on all non-printed campaign material, including websites.
- Consider how to make your campaign accessible to people who are visually impaired, have learning difficulties or low literacy skills, or whose first language isn't English or, in Wales, Welsh. You may want to make contact with disability groups in your local area for advice.

1.27 You must not:

- Produce material that looks like the poll cards sent to voters.
- Pay people to display your adverts (unless they display adverts as part of their normal business).

Using imprints

What is an imprint?

1.28 An imprint should be added to all campaign material and, in the case of printed material, must be added by law, to

show who is responsible for its production. It helps to ensure that the campaign is transparent.

What do you need to include?

1.29 On printed material, such as leaflets and posters, you must include the name and address of:

- the printer
- the promoter
- any person on behalf of whom the material is being published (and who is not the promoter)

1.30 The promoter is the person who has authorised the material to be published. If the promoter is acting on behalf of a group or organisation, the group or organisation's name and address must also be included.

1.31 You can use either home or office addresses.

1.32 If you are putting an advert in a newspaper, your advert does not need to include the printer's details. However, the advert must contain the name and address of the promoter and any person on behalf of whom the advert is being published. If the promoter and the person on behalf of whom the advert is being published are the same, their name and address need only be included once.

Example imprints

1.33 A standard imprint should look like this:

Printed by [printer's name and address].

Promoted by [agent's name] of [agent's address], on behalf of [candidate's name] of [candidate's address].

1.34 If the candidate is also the promoter of the material, the 'on behalf of' part of the imprint is not required.

1.35 In all cases, you must make sure that the imprint lists all the promoters and organisations involved. You can find further

12

examples of imprints in our [factsheet for candidates on election materials and imprints](#).

Where do you put the imprint?

1.36 If your material is single-sided – such as a window poster – you must put the imprint on the face of the document. If it is multi-sided, you must put it on the first or last page.

Websites and other electronic material

1.37 You should also put an imprint on electronic material, such as websites and emails. The imprint should include the name and address of the promoter and the organisation on whose behalf it has been produced.

Polling day dos and don'ts

1.38 You should:

- Make sure that any tellers working for you follow our [tellers do's and don'ts](#) and any guidance issued by the Local Returning Officer and Police Area Returning Officer
- Make sure your campaigners follow the [Code of conduct for campaigners in Great Britain](#) which sets out what is, and is not, considered acceptable behaviour at polling stations and in the community.
- Make sure that any agents who are attending polling stations, postal vote opening sessions or the count understand the rules about the secrecy of the ballot. For more information, see our documents setting out the secrecy requirements for [the poll](#), [postal voting](#) and [the count](#). For candidates in Wales, we have produced the secrecy requirements for [the poll](#), [postal voting](#) and [the count](#) bi-lingually in English and Welsh.

Tellers are volunteers for candidates who stand outside polling stations and record the elector numbers of electors who have voted.

- Comply with requests by polling station staff and the Local or Police Area Returning Officer about campaigning near polling stations.

1.39 You must not:

- Campaign near polling places in a way that could be seen by voters as aggressive or intimidating (for example, large groups of supporters carrying banners, or vehicles with loudspeakers or heavily branded with campaign material). You should, however, be allowed to put your message to voters on polling day, including in public spaces outside polling places.
- Breach the requirements on secrecy of the ballot. This is an essential part of any modern democracy and breaches are taken seriously.

In particular, if you (or your agents) are attending postal vote opening sessions, you must not seek to identify and publicise how votes have been marked on individual ballot papers.

- Before the close of poll, publish exit polls or any other data based on information given by people about how they voted after they have cast their vote, including a postal vote.

Supplementary information

List of offences

1.40 You should be aware of a number of electoral and non-electoral offences, and should seek your own legal advice where necessary.

Bribery

1.41 The offence of bribery includes where someone directly or indirectly gives any money or procures any office to or for any voter, in order to induce any voter to vote or not vote.

Treating

1.42 A person is guilty of treating if either before, during or after an election they directly or indirectly give or provide any food, drink, entertainment or provision to corruptly influence any voter to vote or refrain from voting. Treating requires a corrupt intent - it does not apply to ordinary hospitality.

Undue influence

1.43 A person is guilty of undue influence if they directly or indirectly make use of or threaten to make use of force, violence or restraint, or inflict or threaten to inflict injury, damage, harm or loss upon or against any person in order to induce or compel that person to vote or refrain from voting.

1.44 A person may also be guilty of undue influence if they impede or prevent any voter from freely exercising their right to vote – even where the attempt is unsuccessful.

1.45 Undue influence doesn't exclusively relate to physical access to the polling station. For example, a leaflet that

We do not regulate any of these offences.

For details of how to report any allegations of electoral malpractice see paragraph 1.58.

threatens to make use of force in order to induce a voter to vote in a particular way could also be undue influence.

Personation

1.46 Personation is where an individual votes as someone else either by post or in person at a polling station, as an elector or as a proxy. This offence applies if the person that is being personated is living, dead or fictitious. Aiding, abetting, counselling or procuring the offence of personation is also an offence.

False statements

About a candidate's personal character or conduct

1.47 It is an offence to make or publish a false statement of fact about the personal character or conduct of a candidate in order to affect the return of a candidate at an election.

1.48 False statements that are not about another candidate's personal character or conduct are not illegal under electoral law, but could be considered as libel or slander.

1.49 It is also an illegal practice to make a false statement of a candidate's withdrawal in order to promote or procure the election of another candidate.

In nomination papers

1.50 It is an offence to knowingly provide a false statement on a nomination paper. For example, if you know you are disqualified from election you must not sign the consent to nomination.

False registration information and false postal/proxy voting application

1.51 It is an offence to supply false information on a registration, postal vote or proxy vote application form. False information includes a false signature.

16

False application to vote by post or by proxy

1.52 A person is guilty of an offence if they apply to vote by post or proxy to gain a vote to which they are not entitled or to deprive someone else of their vote.

Multiple voting and proxy voting offences

1.53 There are various offences regarding multiple voting and proxy voting, including voting by post as an elector or proxy when subject to a legal incapacity to vote and inducing or procuring another to commit the offence.

Breaches of the secrecy of the ballot

1.54 Everyone involved in the election process or attending certain proceedings must maintain the secrecy of the ballot. The Returning Officer will give a copy of the official secrecy requirements to everyone who attends the opening of postal votes or the counting of ballot papers, and to polling agents.

Campaign publicity material

1.55 Certain offences relate specifically to election campaign publicity material. Printed election campaign publicity material must contain an imprint, not resemble a poll card and not contain a false statement as to the personal character or conduct of another candidate.

We do not regulate the content of campaign material and are not able to comment on the legality of any particular electoral material beyond what is covered in this guidance .

Racial hatred

1.56 Under the Public Order Act 1986, it is an offence to publish or distribute threatening, abusive or insulting material that is intended to stir up racial hatred or which is likely to stir up racial hatred.

Police officers as canvassers

1.57 Members of a police force are not allowed to canvass and would be committing an offence if they did. Members of a police force may not persuade any person to vote or dissuade them from voting.

Reporting allegations of electoral fraud

1.58 If you are concerned that electoral fraud may have been committed, you should first speak to the Electoral Registration Officer or the relevant Returning Officer.

1.59 They may be able to explain whether or not electoral fraud has been committed, and can refer your concerns to the police if necessary. They can also provide you with the details of the police contact for the relevant police force so that you can report the allegation yourself.

1.60 If you have evidence that an electoral offence has been committed you should contact the police **immediately**, using the 101 non-emergency number unless there is a crime in progress. Every police force has a dedicated Single Point of Contact Officer who will be able to provide advice to ensure that your allegations are properly investigated. You should be prepared to give them a statement and substantiate your allegation.

1.61 You can find contact details of Electoral Registration Officers and Local Returning Officers on www.aboutmyvote.co.uk. Our [list of police areas](#) contains information on who will be the Police Area Returning Officer for each police area, and how to contact them.

1.62 Please note that if your allegation relates to party, election or registered campaigner finance matters, such as spending or donations, then you should follow the advice given at the following link: www.electoralcommission.org.uk/party-finance/enforcement/making-allegations.

What if you have made a mistake?

1.63 If either you or your agent has mistakenly acted in contravention of the election rules, you can apply for relief from the penalties for any offence.

1.64 You should always seek legal advice if considering applying for relief.

18

1.65 For more information, you should:

- visit www.hmcourts.service.gov.uk/HMCSCourtFinder/FormFinder.do, and enter the form number LOC002

or

- contact the Election Petitions Office at the Royal Courts of Justice at:

Supreme Court Cost Office
The Election Petitions Office
Room E113

Royal Courts of Justice
Strand

London WC2A 2LL

Email: Election_Petitions@hmcts.gsi.gov.uk

Phone: 0207 947 7529

Fax: 0870 324 0024