

## Local elections in Wales

# Guidance for candidates and agents

## Part 2a of 6 – Standing as an independent candidate

January 2019

This document applies to county borough and unitary council elections. It does not apply to community council elections. Our guidance and resources 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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## Essential information

This section of the document contains our guidance on standing as an independent candidate at a county borough or unitary authority election in 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.

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

Deadlines mentioned in this document are generic. We have published a [generic election timetable on our website](#). For any by-elections, you will be able to obtain a copy of the specific timetable for that election from the Returning Officer.

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

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

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

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

This document does not cover local government elections in England.

You can access guidance for those elections through our website.

## Completing your nomination papers

1.1 To become nominated as a candidate at a local government election in Wales, you need to submit a completed set of nomination papers to the place fixed by the Returning Officer by 4pm on the 19<sup>th</sup> working day before the poll. This 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 local Returning Officer.

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

- the nomination form
- your consent to nomination

1.3 You can obtain nomination papers from the local elections office. Contact details can be obtained from our Your Vote Matters website [www.yourvotematters.co.uk](http://www.yourvotematters.co.uk). Alternatively, the Commission has produced a set of [nomination papers](#) that you could use.

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

1.5 The Returning Officer may also be able to offer informal checks of your completed nomination papers before you submit them. You should find out from the Returning Officer whether they plan to offer informal checks.

1.6 Note that any information you provide on your nomination papers must be true to the best of your knowledge. It is an offence to provide a false statement on your nomination papers. Providing a false statement could invalidate your

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

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

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election, and is also punishable by an unlimited fine and/or imprisonment.

## The nomination form

1.7 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)

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

- **Signatures of 10 registered electors** (known as subscribers) from the ward. Your subscribers must be on the local government electoral register that is in force on the 25<sup>th</sup> working day before the poll. For more information on subscribers, see paragraph **1.61**.

1.8 The following is optional:

- **A commonly used name** – if you commonly use a name that is different from any forename or surname that you have and you wish this to appear on the ballot paper, you need to state this on the nomination form. More details are provided in paragraph **1.53**.

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

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

- **A description** – if you want the word ‘Independent’, and/or ‘Annibynol’, to appear on the ballot paper underneath your name, you need to state this on the nomination form. No other descriptions are allowed for candidates who are not standing on behalf of a registered political party. Alternatively, you may choose not to have a description at all by leaving this part of the form blank.

## Consent to nomination

1.9 You must also formally consent to your nomination in writing. The content of the [consent to nomination form](#) is fixed by law and the entire form must be returned in order for your nomination to be valid. 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.

1.10 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.

1.11 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.

## Submitting your nomination papers

1.12 All nomination papers, including the consent 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. It is your responsibility to ensure that your nomination

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papers are delivered in the correct manner and by the required deadlines. We recommend that you, your agent, or someone you trust delivers them, so you can be sure they are delivered to the Returning Officer in time.

## How must nomination papers be submitted?

1.13 The nomination form and consent to nomination must be delivered by hand and cannot be submitted by post, fax, e-mail or other electronic means.

1.14 The **original version** of each completed paper must be submitted. A [consent to nomination](#) form 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.

## When must nomination papers be submitted?

1.15 You should submit your nomination papers as early as possible to give the Returning Officer 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.

1.16 The notice of election will be published no later than 25 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 local authority's website.

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

1.18 You should contact the Returning Officer as soon as possible to find out what arrangements are in place for submitting nomination papers. You will be able to contact the Returning Officer via your local elections office. Contact details can be obtained from our Your Vote Matters website [www.yourvotematters.co.uk](http://www.yourvotematters.co.uk).

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

1.20 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 19<sup>th</sup> working day before the poll. For more details on withdrawing, see below.

## Withdrawing

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

1.22 If you are outside the UK and want to withdraw, your proposer can sign the withdrawal notice on your behalf and the withdrawal must be accompanied by a written declaration signed by your proposer confirming your absence. If you are outside the UK and stand nominated by more than one nomination form, you should speak to the Returning Officer if you wish to withdraw as special rules apply in this instance.

1.23 The withdrawal notice must be submitted by the deadline for withdrawals, (i.e. by 4pm on the 19<sup>th</sup> 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. If the election is uncontested, you will be declared elected.



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## What happens after the close of nominations?

1.24 The Returning Officer will publish a statement of persons nominated for each ward by 4pm on the 18<sup>th</sup> 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 ward

1.25 If you are validly nominated in more than one ward within the same local authority, you must withdraw from all wards but one before the deadline for withdrawals (i.e. by 4pm on the 19<sup>th</sup> working day before the poll). If you do not withdraw from all but one ward, you will be deemed to have withdrawn from all of the wards.

### Inspecting other candidates' nomination papers

1.26 From the close of nominations until the day before the poll, nomination papers that have been delivered are open to inspection during normal office hours, and anyone can take a copy of them.

### Will the election be contested or uncontested?

1.27 After the close of nominations, the Returning Officer will establish whether or not there is a need to hold a poll in the ward. If there are more candidates than there are seats in the ward after the deadline for withdrawals, there will be a poll.

1.28 If, however, after the deadline for withdrawals the number of validly nominated candidates in a ward is less than or equal

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

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

Further information on taking up office is included in [Part 6: After the declaration of result](#).

to the number of seats to be filled, those candidates are declared to be elected.

1.29 In this case, the Returning Officer will declare those candidates to be elected to the council as soon as possible and will give public notice of the names of those declared elected.

## Appointing your election agent and other agents

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

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

1.32 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?

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

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

- the Returning Officer or a member of their staff
- a partner or clerk of the Returning Officer or a member of their staff

For more information about candidate spending see:

[Part 3: Spending and donations](#)

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

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- 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

## Appointing an election agent

1.35 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.

1.36 You, or someone on your behalf, must declare in writing the name, address and office address of your election agent to the Returning Officer by 4pm on the 19<sup>th</sup> working day before the poll. 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.

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

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

1.39 Your agent's office address must be:

- within the same local government area where the election is being held, or
- within the UK Parliamentary constituency or constituencies that are partially or wholly included in the local government area, or
- within a district which adjoins the local government area, or
- within a Welsh county or county borough which adjoins the local government area, or
- within a London borough which adjoins the local government area

The local government area for a unitary authority is the unitary area. For a county borough, it is the area of that county borough.

1.40 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. If that address is outside the permitted area, the office address is deemed to be the address of your proposer (i.e. the first subscriber on your nomination form).

## Revoking an election agent's appointment

1.41 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.

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

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

## Appointing postal voting, polling and counting agents

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

1.45 Anyone, apart from those listed in paragraph **1.34**, can be appointed as a postal vote, polling or counting agent. The same person may be appointed as a polling, postal voting or counting agent for more than one candidate. Both you and your election agent can also automatically act as one of these agents without the need of an official appointment.

1.46 The number of agents who may be appointed to any particular polling station is limited to four, or such greater number as the Returning Officer decides to allow. If more than that number are appointed, the Returning Officer will draw lots

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to determine those people who may attend. Only one polling agent for each candidate can be present in a polling station at any time, but a polling agent can be appointed to attend multiple polling stations. Your right and your election agent's right to attend will remain unaffected by this.

1.47 The 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. At the count, unless there are special circumstances, the number of counting agents allowed for each candidate 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 candidates.

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

1.49 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. However, appointment forms for postal voting agents only need to be submitted to the Returning Officer by the time fixed for the opening of postal votes they want to attend. The Returning Officer will give you at least 48 hours' notice before the scheduled start of each postal vote opening session.

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

1.51 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

1.52 If a candidate dies during the election period, see paragraph **1.69** for further information on how this will affect the election.

# Supplementary information

## Commonly used name(s)

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

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

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

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

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

- the statement of persons nominated and the notice of poll, and
- the ballot paper

1.58 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.

1.59 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.

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

## Signatures of subscribers

1.61 Each nomination form needs to be signed (subscribed) by 10 electors on the local government electoral register in the ward. The electors must be of voting age by polling day and be on the register that is in force on the last day for publication of notice of election.

1.62 The first two electors will sign and print their names as proposer and seconder, and the remaining eight as assenters.

1.63 The elector number of each subscriber as it appears on the electoral register, including the distinctive numbers or letters of the polling district, must be entered on the nomination form. The distinctive numbers/letters of the polling district can usually be found at the front of the register. Both the Returning Officer and Electoral Registration Officer will be able to advise you how the register is laid out.

1.64 You will be entitled to a free copy of the electoral register for the ward you are contesting. You should use it to ensure that your nomination form is properly subscribed. You must ensure that you keep the electoral register secure and, once you have finished with it, ensure that it is securely destroyed.

To find out how to obtain the electoral register, see:

[Part 4: The Campaign](#)

There may be some electors on the register who have registered anonymously because of risks to their safety.

Anonymously registered electors may not subscribe nomination forms.

Anonymous electors are shown on the register with just their poll number and the letter 'N' (rather than with their name and address).



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1.65 Each elector may not subscribe more nomination forms than there are vacancies. For example, if there are two vacancies in the ward, an elector may subscribe up to two candidates' nomination forms in that ward; if three candidates submit nomination forms subscribed by the same person, the two that were submitted first will be accepted, but the third will be invalid. You should therefore always enquire, before asking a subscriber to sign your form, if they have already signed someone else's.

1.66 If a nomination form contains more than 10 subscribers' signatures, only the first 10 will be accepted. If any of the first 10 subscribers is invalid, the Returning Officer must hold the nomination form invalid, regardless of whether the form contains more than 10.

1.67 Nomination forms should not be altered once they are subscribed. All of your details should be completed before you invite anyone to subscribe your nomination. Once the Returning Officer has formally accepted a nomination form, signatures cannot be withdrawn.

1.68 When collecting subscriber information, you should point out what the information will be used for, how personal data will be processed and kept secure. The lawful basis to collect the information in this form is that it is necessary for the performance of a task carried out in the public interest and exercise of official authority as set out in Representation of the People Act 1983 and associated regulations. You should also explain that the information will be shared with the Returning Officer. For further information on data protection and processing you should refer to the Returning Officer's privacy notice on their website.

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

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

## Death of a candidate

1.69 If the 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.

1.70 The 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.

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

1.72 If an already elected candidate dies after the declaration of the result, a by-election would be needed to fill the vacancy.