

# National Assembly for Wales election

# Guidance for candidates and agents

## Part 4 of 6 – The campaign

December 2015

This document applies to the May 2016 National Assembly for Wales 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 campaigning at the May 2016 National Assembly for Wales election.

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.

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

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

In this document, we use 'you' to refer to all types of candidates at elections to the National Assembly for Wales. We refer to candidates who are not included on a party list at the regional election as 'individual regional candidates'.

We use 'must' when we refer to a specific 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.

# 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. [Part 3 – Spending and donations](#) explains the rules for constituency candidates, individual regional candidates and regional party list candidates. Regional party list candidates will also need to be aware of the spending and donation rules for political parties. We have produced [guidance for political parties on campaign spending](#), including those submitting regional lists of candidates for the election.

## When does a person officially become a candidate?

1.3 The date you officially become a candidate is relevant for the following purposes:

- candidate spending and donation rules (see [Part 3 – Spending and donations](#))
- access to the electoral register by constituency and individual regional candidates (see paragraph **1.9** below)
- access to publicly funded rooms and schools for public meetings by constituency and individual regional candidates (see paragraph **1.22** below)

1.4 The earliest a person can officially become a candidate is on the date of the dissolution of the Assembly, which is expected to be on 6 April 2016.

1.5 You will officially become a candidate on this day if on or before this date you have already declared yourself a

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](http://www.equalityhumanrights.com/electoral-guidance)

While the earliest you can officially become a candidate is on the date of dissolution, nomination papers can be submitted after the notice of election has been published and as set out on the notice.

You must continue to ensure that you are qualified to stand for election **at the time of nomination**.

Further detailed information on standing for election can be found in [Part 1 – Can you stand for election?](#) and [Part 2a – Standing at the constituency election](#) and [Part 2b – Standing at the regional election](#).

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candidate at the election (or another person has declared that you are a candidate).

1.6 If your nomination papers are submitted after the dissolution date or, if after that date, you or others declare that you will be a candidate at the election, you will become a candidate on the date your nomination papers are submitted or such a declaration is made, whichever is the earlier.

## 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 twelve working days before the poll (i.e. 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](http://www.aboutmyvote.co.uk).
- Help voters with information about postal and proxy voting – you can find information at [www.aboutmyvote.co.uk](http://www.aboutmyvote.co.uk). The deadline for applying for a postal vote for the elections is 5pm on the eleventh working day before the poll (i.e. 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 (i.e. 5pm on 26 April 2016), although an elector can apply for an emergency proxy if, after 5pm on the sixth working day before the poll they have had a medical emergency or have been called away on business.

## During the campaign, you should...

- If you develop your own 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](http://www.aboutmyvote.co.uk) as a guide. You should liaise with your Electoral Registration Officer 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 at the constituency election](#) and [Part 2b – Standing at the regional election](#).
- 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 **1.50**).

1.8 If either you or the election 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 **1.72** for more information.

## Use of the electoral register and lists of absent voters

### Access by constituency and individual regional candidates

1.9 Constituency candidates and individual regional candidates will be entitled to receive a copy of the electoral register and lists of people voting by post or proxy ('the lists of absent voters') once they officially become a candidate as set out in paragraphs 1.4 to 1.6.

1.10 Constituency candidates are entitled to copies covering the constituency they are standing in, while individual regional candidates are entitled to copies for the region.

### Access by party lists

1.11 Party list candidates are not entitled to receive copies of the electoral register or absent voting lists. Instead, the election agent for the party list, once the party list has been submitted to the Regional Returning Officer, will be entitled to a copy of the electoral register and lists of absent voters for the whole of the region. Additionally, a person nominated by the Nominating Officer may be given a copy of the lists of absent voters. The register and lists can only be supplied after the party has submitted a list of candidates.

1.12 Registered political parties are, however, entitled to obtain and use the electoral register and absent voters' lists at any time for electoral purposes.

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

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

Any person found breaching the restrictions on use of the electoral register could face an unlimited fine.

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

1.14 Constituency candidates, individual regional candidates, parties and election agents can use the information on the registers and lists for electoral purposes.

1.15 Details that appear only in the electoral register and do not appear in the open register which is available for general sale must not be released. Candidates, election agents and parties must not:

- use the electoral register or lists of absent voters for any other purpose, or
- pass copies on to anyone outside their campaign (except for certain data processing companies)

1.16 If copies of the electoral register or lists of absent voters have been supplied to party list candidates and/or campaign workers, they must also comply with the requirements above.

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

1.17 Copies of the electoral 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 region to maintain the electoral registers. Contact details are available on [www.aboutmyvote.co.uk](http://www.aboutmyvote.co.uk).

1.18 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.

1.19 While requests must be made to the Electoral Registration Officer, election agents for a party list and individual regional candidates should also liaise with the relevant Regional Returning Officer, who may have put arrangements in place to coordinate requests for all the registers and lists in the region.

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

1.21 The version of the electoral register and lists you will receive will be those that are current at the time of your

### **There are two registers. Why?**

Using information received from the public, registration officers keep two registers – the electoral register and the open register (also known as the edited register).

### **The electoral register**

The electoral register lists the names and addresses of everyone who is registered to vote in public elections. The register is used for electoral purposes, such as making sure only eligible people can vote. It is also used for other limited purposes specified in law, such as detecting crime (e.g. fraud), calling people for jury service, checking credit applications.

### **The open register**

The open register is an extract of the electoral register, but is not used for elections. It can be bought by any person, company or organisation. For example, it is used by businesses and charities to confirm name and address details. Electors can request not to have their name and address included in the open register.

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application. You may also request the updates to the electoral 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

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

1.23 Any constituency or individual regional candidate is entitled to use publicly funded rooms and schools for public meetings from the point they officially become a candidate as set out in paragraphs **1.4** to **1.6.**, until the day before polling day. Party list candidates have this right once the party's nomination form and list of candidates has been submitted.

1.24 The Electoral Registration Officer of each local authority in 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, election agents and the Nominating Officer of a party which has submitted a regional list, from the day the notice of election is published. Contact details for Electoral Registration Officers can be found on [www.aboutmyvote.co.uk](http://www.aboutmyvote.co.uk).

1.25 You should contact the owner of the premises to make a booking. You must give reasonable notice, which will reduce the risk of the request being refused.

1.26 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.

## Free postage on one election communication

1.27 Each constituency candidate is entitled to free postage on an election communication sent to electors in the constituency.

1.28 Each individual regional candidate, as well as the Nominating Officer of a registered political party which has submitted a list of candidates, is entitled to free postage on an election communication sent to electors in the region.

1.29 Before the publication of the statement of persons (and parties) nominated, if a constituency or individual regional candidate declare that they are a candidate at the election, they are entitled to exercise this right, but only if they give a security required by Royal Mail for the payment of postage in case they are not shown on the relevant statement as standing nominated.

1.30 A party that has submitted a party list but is not yet shown on the statement of persons and parties nominated as standing at the election, is entitled to exercise this right, but only if the Nominating Officer (or person appointed to act on their behalf) gives a security required by Royal Mail for the payment of postage in case the party is not shown as standing nominated on the statement.

## Terms and conditions of the election communication

1.31 The address must only contain matters relating to the election.

1.32 Postage may be paid on either:

- one unaddressed election communication of up to 60 grams to every postal address, or
- one election communication of up to 60 grams addressed to each elector

1.33 You should contact Royal Mail to make arrangements if you would like to send an election communication free of charge. Royal Mail can require their own reasonable terms and conditions to be complied with. Additionally, any material that is sent must only include matters relating to the election and must not contain any other advertising. We strongly advise that you consult Royal Mail's guidance on candidate mailings at [www.royalmail.com/candidatemail](http://www.royalmail.com/candidatemail).

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## Campaign publicity dos and don'ts

1.34 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 **1.38** 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 election

1.35 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 Welsh. You may want to make contact with disability groups in your local area for advice.

1.36 You must not:

- produce material that looks like the poll cards sent to voters by Returning Officers
- pay people to display your adverts (unless they display adverts as part of their normal business)

### Using imprints

#### What is an imprint?

1.37 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?

1.38 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)

1.39 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.

1.40 You can use either home or office addresses.

1.41 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 of an imprint

1.42 A standard imprint for independent constituency candidates and individual regional candidates 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].

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

1.44 A standard imprint for a party should look like this:

Printed by [printer's name and address].

You can find further examples of imprints in our [factsheet for candidates on election materials and imprints](#), as well as in our [factsheet for political parties on election materials and imprints](#).

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

1.45 In all cases, you must make sure that the imprint lists all the promoters and organisations involved.

### **Where do you put the imprint?**

1.46 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

1.47 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

1.48 You should:

- make sure that any tellers working for you follow our [tellers dos and don'ts](#) and any guidance issued by the relevant 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
- comply with requests by polling station staff, Constituency Returning Officers or the Regional Returning Officer about campaigning near polling stations. You should, however, be allowed to put your message to voters on polling day, including in public spaces outside polling places.
- 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](#) in both English and Welsh.

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

1.49 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)
- breach the requirements on secrecy of the ballot. This is an essential part of any modern democracy and breaches are taken seriously.

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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

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

### Bribery

1.51 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

1.52 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

1.53 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.

1.54 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.

1.55 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 fraud see paragraph **1.67**.

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

## Personation

1.56 Personation is defined as an individual voting 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**

1.57 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.

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

1.59 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**

1.60 It is an offence to provide a false statement on a nomination paper, which you know to be false. 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

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

## False application to vote by post or by proxy

1.62 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

1.63 There are various offences regarding multiple voting and proxy voting, including voting in person or by post as an elector or proxy knowing that you are subject to a legal incapacity to vote and inducing or procuring another to commit the offence.

## Breaches of the secrecy of the ballot

1.64 Everyone involved in the election process or attending certain proceedings must maintain the secrecy of the ballot. The relevant 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

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

## Racial hatred

1.66 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.

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.

## Reporting allegations of electoral fraud

1.67 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.

1.68 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 a police contact so that you can report the allegation yourself.

1.69 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.

1.70 You can find contact details of Electoral Registration Officers on [www.aboutmyvote.co.uk](http://www.aboutmyvote.co.uk) and the contact details of Constituency Returning Officers and Regional Returning Officers are available on our [website](#).

1.71 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](http://www.electoralcommission.org.uk/party-finance/enforcement/making-allegations).

## What if you have made a mistake?

1.72 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.

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

1.74 For more information, you should:

- visit **Error! Hyperlink reference not valid.**, 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](mailto:Election_Petitions@hmcts.gsi.gov.uk)

Phone: 0207 947 7529

Fax: 0870 324 0024