

European Parliamentary elections in Great Britain

Guidance for candidates and agents

Part 4 of 6 – The campaign

March 2019

This document applies only to the 23 May 2019 European Parliamentary election in Great Britain. Our guidance and resources for all other elections can be accessed from our website at:

<http://www.electoralcommission.org.uk/i-am-a/candidate-or-agent>.

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Essential information

This section of the document contains our guidance on campaigning at the European Parliamentary election in England, Scotland and Wales on 23 May 2019. 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 (whether individual or included on a party list). We use 'must' to refer to a specific legal requirement and 'should' for recommended practice.

We have included relevant deadlines throughout this document, but you can find a separate [election timetable](#) setting out all the key dates on our website.

As a result of bank holidays in Gibraltar on 29 April and 1 May 2019, some electoral deadlines in the South West region are different to the deadlines elsewhere in Great Britain. Where this is the case, we have included the South West deadline in brackets alongside the deadline for the rest of Great Britain.

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.

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, election spending limits may apply. Election spending limits for individual candidates apply from the date a person officially becomes a candidate (see below).

1.3 The regulated period for political parties begins on 23 January 2019. All campaign spending on the European Parliamentary election counts towards the party's limit. Candidates on the party list do not have a separate limit, as all spending must be accounted for by the party.

1.4 For more information on election spending, please see [Part 3 - Spending and donations for individual candidates](#)

When does an individual candidate officially become a candidate?

1.5 The last date for publishing the notice of election is 15 April 2019 (12 April 2019 in the South West electoral region).

1.6 You will officially become an individual candidate on this day if on or before 15 April 2019 (12 April 2019 in the South West electoral region) you have already declared yourself a candidate at the election, or another person has declared that you are a candidate.

All spending on behalf of party list candidates is party campaign expenditure. We produce separate [guidance for parties submitting party lists](#).

Completed registration or absent vote applications given to you or your campaigners should be sent on unaltered to the Electoral Registration Officer within two working days of receipt.

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1.7 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 your nomination papers are submitted, whichever is the earlier.

You should never handle or take any completed ballot paper or postal ballot packs from voters.

Campaigning dos and don'ts

During the campaign, you may...

- Encourage people who are not on the electoral register to apply for registration. The deadline for registering to vote at the European elections is **7 May 2019**. Individuals can register online at <https://www.gov.uk/register-to-vote>. You can find out more about who can register at www.yourvotematters.co.uk.
- Help voters with information about postal and proxy voting – you can find application forms and information at www.yourvotematters.co.uk. The deadline for applying for a postal vote for the elections is **5pm on 8 May 2019**. The deadline for applying for a proxy vote for the election is **5pm on 15 May 2019**, although in some circumstances electors may apply for an emergency proxy up **until 5pm on polling day (23 May 2019)**. An elector can apply for an emergency proxy if, after 5pm on 15 May, they have had a medical emergency or have been called away on business.

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.

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 and appear against a clear background. You should use our absent voting application forms on

Neither the Returning Officer nor the Commission regulate these offences. Any complaints should be made to the police.

www.yourvotematters.co.uk as a guide. You should liaise with the Electoral Registration Officer who may be able to provide you with forms you can use..

- Make sure your supporters follow our [Code of conduct for campaigners in Great Britain](#) – and any local codes that the Local or Regional Returning Officer may have in place – 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 election agents, sub-agents 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](#) and [guidance for parties submitting party lists](#).
- 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.

During the campaign, you must not...

- Pay (or promise to pay) canvassers. Canvassing means trying to persuade an elector to vote for or against a particular candidate or party.

1.8 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**).

1.9 If either you, an individual candidate's election agent, an election agent for a party list or a sub-agent have made a mistake and have acted in contravention of the rules, you can

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apply for relief from the consequences of having made a mistake. See paragraph **1.72** for more information.

Use of the electoral registers and absent voters' lists

Access by individual candidates

1.10 Individual candidates (once they officially become a candidate as described in paragraph **1.5**) are entitled to receive a free copy of the full electoral registers and the lists of people voting by post or proxy ('the absent voters' lists') for the electoral region that they are contesting.

Access by registered parties

1.11 The election agent of a registered political party is entitled to a free copy of the full electoral register and absent voters' lists for the whole of the electoral region. The register and lists can only be supplied to the election agent after the Nominating Officer of the party, or someone authorised in writing to act on their behalf, has submitted a nomination form.

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 and, in the case of the register, the checking of donations.

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

1.13 The version you receive will be the current one at the time of your application. You can also request the list of newly registered electors when it is published five working days before the poll (16 May 2019)

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

1.15 You can use them to:

- help you campaign
- check that donations are permissible

1.16 You must not release to any person any details that appear only in the electoral register and not on the open register which is available for general sale. You must not use the electoral register and lists of absent voters for any other purpose not listed above.

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

1.18 You must ensure that you keep the electoral register secure and list of absent voter secure. Once you no longer need the register and lists of absent voters for any electoral purpose, you should securely destroy any copies supplied to you as a candidate in accordance with the Information Commissioner's [guidelines](#).

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

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

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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1.20 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.

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

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

1.23 The version of the registers and lists individual candidates and party list election agents will receive will be the ones current at the time of application. They can also request the updates to the 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 (16 May 2019).

Any person found breaching the restrictions on the use of the electoral register could face an unlimited fine in England and Wales, or a fine of up to £5,000 in Scotland.

Access to rooms for public meetings

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

1.25 Any individual candidate or party list candidate is entitled to use publicly funded rooms and schools for public meetings. Individual candidates have this right from the point at which they officially become a candidate as described in paragraph **1.5**. Party list candidates have this right once the party's nomination form and list of candidates has been submitted.

1.26 Each Electoral Registration Officer in England and Wales keeps a list of all relevant meeting rooms in their area and their

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

availability, and will make this available for candidates and agents to inspect from the day the notice of election is published until the day before polling day. Contact details can be found on www.yourvotematters.co.uk. In Scotland, it is the Local Returning Officer who keeps the list of meeting rooms.

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

1.28 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.

Free postage on one election communication

1.29 Every registered political party and individual candidate included on the statement of individual candidates and parties nominated is entitled to free postage on an election communication to be sent out across the electoral region.

1.30 Postage will be free on either:

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

1.31 Parties and individual candidates should contact Royal Mail to make arrangements if they 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 not contain information on any other election or any other advertising.

Campaign material dos and don'ts

1.32 You must:

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- Use imprints on all your campaign material, including websites. You should ensure that the imprint is clear and visible. 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.
- Remember to make sure that outdoor posters are removed promptly after the election – you must do this within two weeks.

1.33 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.

1.34 You must not:

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

Using imprints

What is an imprint?

1.35 An imprint must, by law, be added to campaign material to show who is responsible for its production. It helps to ensure that the campaign is transparent. You should ensure that your imprint is clear and visible.

What do you need to include?

1.36 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)

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

1.38 You can use either home or office addresses.

1.39 If you are putting an advert in a newspaper, your advert does not need to include the printer's details but the name and address of the printer of the newspaper must appear on the first or last page of the newspaper. 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

1.40 A standard imprint for individual 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].

1.41 If the candidate is their own agent, then it is very likely that they will also be the promoter of the material. If this is the

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case, the 'on behalf of' part of the imprint is not required and the candidate's name and address will need to be included.

1.42 A standard imprint for a party standing at a European Parliamentary election should look like this:

Printed by [printer's name and address].

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

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

Where do you put the imprint?

1.44 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.

Social media

1.45 You should display your full imprint details prominently on your profile. You can include a shortened link to your imprint in your tweet or post. If it is impractical to place a full imprint on to an image, you should include the text of a link, or a hyperlinked logo or emblem that leads to your full imprint.

1.46 We also suggest that if you use online discussion forums you make your identity as a candidate clear where possible.

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 Local and Regional Returning Officers.
- 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.
- Comply with requests by polling station staff or the Local or Regional Returning Officers 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](#).

1.49 You must not:

- Campaign near polling stations 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. In particular, if you (or your agents) are attending postal vote opening sessions before the close of poll, you must not seek to identify and/or communicate how votes have been marked on individual ballot papers.

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

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- Before the close of poll, publish exit polls or any other poll which gives the impression that it is based on information given by people after they have voted.

Maintaining the integrity of the election

1.50 As a candidate, you will be one of the key public faces of the election, and your conduct will be scrutinised in detail by your opponents, the media and voters. Voters should be able to trust that you will comply with the law and maintain the integrity of the election process.

1.51 The person who acts as your election agent is responsible for your campaign and, in particular, is legally responsible for its financial management.

1.52 You should also make sure that your supporters fully understand the law and know what they need to do to ensure that voters can participate freely in this election. The police can only investigate allegations of electoral fraud where there is evidence to show that an offence has taken place, so you should always be able to substantiate any claims or allegations when you refer them to the police. You should also consider the impact on public trust and confidence of making false or unsubstantiated allegations about the conduct of other campaigners.

List of offences

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

Bribery

1.53 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

1.54 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

1.55 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 or harm in order to induce or compel that person to vote or refrain from voting.

1.56 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.

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

Neither the Regional Returning Officer, any Local Returning Officers nor the Commission regulate any of these offences.

For details of how to report any allegations of electoral malpractice see paragraph 1.69.

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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

1.58 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.

1.59 Aiding, abetting, counselling or procuring the offence of personation is also an offence.

False statements about a candidate's personal character or conduct

1.60 It is an illegal practice 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.

1.61 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.

False statements in nomination papers

1.62 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

1.63 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

1.64 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

1.65 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

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

1.67 Certain offences relate specifically to election campaign publicity material. 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

1.68 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.

Reporting allegations of electoral malpractice

1.69 If you are concerned or think that an election-related crime may have been committed, you should first raise the matter with the Electoral Registration Officer, the Local Returning Officer or the Regional Returning Officer.

1.70 They may be able to explain whether or not an election-related crime has been committed and refer it to the police if necessary or provide you with the details of the police contact for the relevant area so that you can report your allegation.

1.71 If you have actual evidence of an electoral offence having been committed, you should contact the police **immediately**, using the 101 non-emergency number unless there is a crime in progress, in which case you should use the standard **999** emergency line.

1.72 Every police force has designated a Single Point of Contact (known as a SPOC) 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..

1.73 If you do not want to give a statement to the police, you can report your concerns anonymously on the [Crimestoppers website](#) or by calling Crimestoppers on 0800 555 111.

1.74 In England and Wales, contact details for the Electoral Registration Officer or Local Returning Officer are available from our your vote matters website www.yourvotematters.co.uk. In Scotland, you can also find contact details of Electoral Registration Officers on

www.yourvotematters.co.uk and you can contact Local Returning Officers through the local council.

1.75 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/our-work/roles-and-responsibilities/our-role-as-regulator-of-political-party-finances.

What if you have made a mistake?

1.76 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.

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

1.78 If you are a candidate in England and Wales:

- 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:

The Election Petitions Office

Room EE113

Royal Courts of Justice

Strand

London WC2A 2LL

Email: Election_Petitions@hmcts.gsi.gov.uk

Phone: 020 7947 6687

Fax: 0870 324 0024

1.79 In Scotland, you will need to contact the Petitions Department at:

The Petitions Department
Court of Session
Parliament Square
Edinburgh EH2 1RQ

Email: supreme.courts@scotcourts.gov.uk

Tel: 0131 240 6747

Fax: 0131 240 6711