

Mayoral elections in England

Guidance for candidates and agents

Part 4 of 6 – The campaign

February 2019

This document applies to mayoral elections in England (excluding combined authority mayoral elections and elections for the Mayor of London). It does not apply to district, borough, county, unitary or parish council elections or elections to the Greater London Authority. Our guidance and resources for all elections in England can be accessed from our website at:

<http://www.electoralcommission.org.uk/guidance/resources-for-those-we-regulate/candidates-and-agents>.

Contents

The campaign	4
Campaigning dos and don'ts	5
When can you start campaigning?	5
When does a person officially become a candidate?	5
During the campaign, you may	6
During the campaign, you should	6
During the campaign, you must not	7
Use of the electoral register and lists of absent voters ..	8
Restrictions on the use of the information contained in the electoral register and list of absent voters	8
Applying for a copy of the electoral register and lists of absent voters	9
Using schools and rooms for public meetings	9
Production and distribution of an election address	10
Content of the election address	11
Campaign publicity dos and don'ts	12
Using imprints	13
Polling day dos and don'ts	15
Maintaining the integrity of the election	16
List of offences	17
Bribery	17
Treating	17
Undue influence	17
Personation	18
False statements	18
False registration information and false postal/proxy voting application	18
False application to vote by post or by proxy	19
Multiple voting and proxy voting offences	19
Breaches of the secrecy of the ballot	19

Campaign publicity material.....	19
Racial hatred.....	19
Reporting allegations of electoral fraud.....	20
What if you have made a mistake?	21

The campaign

This document contains our guidance on campaigning at a mayoral election in England.

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 the scheduled elections on Thursday 2 May 2019, we have published an [election timetable](#), which you can download from our website.

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

This document does not cover [combined authority mayoral elections](#) or elections for the [Mayor of London](#).

You can access guidance for those elections through our website.

Revised data protection legislation applies from 25 May 2018 and will apply 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.

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 Election spending limits apply from the day after the date a person officially becomes a candidate. For more information on election spending, please see [Part 3: Spending and donations](#).

When does a person officially become a candidate?

1.3 The earliest you can officially become a candidate is on the last date for publishing the notice of election, which is on the 25th working day before the poll.

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 electoral register. You are also entitled to a copy of the lists of absent voters for the local authority area. In addition, you can use publicly-funded rooms and schools for public meetings (see paragraph **1.19** below).

6

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 an election is 12 working days before the poll. 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 information at www.yourvotematters.co.uk. The deadline for applying for a postal vote for the election is 5pm on the eleventh working day before the poll. The deadline for applying for a proxy vote for the election is 5pm on the sixth working day before the poll, although in some circumstances electors may apply for an emergency proxy up to 5pm on polling day. 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 the postal and proxy application forms are in the correct format. You should use our absent voting application forms on 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 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.

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.

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

- 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 documents [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](#).

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 must not...

- Knowingly make a false statement about the personal character of a 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 paragraph **1.57**).

1.8 If either you or your 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 **1.80** for more information.

8

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 electoral register. You are also entitled to the lists of people voting by post or proxy ('the lists of absent voters') for the local authority area that you are contesting.

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

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

1.10 The 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
- help you campaign
- check that donations are permissible

1.12 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.

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

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

1.14 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 must 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 lists of absent voters

1.15 Copies of the electoral register and lists of absent voters can be obtained from the Electoral Registration Officer. You can find their contact details on www.yourvotematters.co.uk.

1.16 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.

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

1.18 The version of the electoral register and lists supplied will be the ones current at the time of your request. 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

1.19 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 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 (and persons authorised by them) from the day the notice of election is published. Once you are a candidate

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.

10

as set out in paragraphs 1.3 to 1.5, you will be able to use public rooms up until the day before polling day. Contact details for Electoral Registration Officers can be found on www.yourvotematters.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, cleaning and any damage to the premises.

Production and distribution of an election address

1.23 An election address is a campaign statement that a mayoral candidate makes to the electorate to persuade electors to vote for them. Once validly nominated, a candidate is entitled to have their election address included in a booklet produced by the Returning Officer, which is sent to all registered electors in the local authority area.

1.24 While the Returning Officer will pay the postage cost, if you want your address to be included in the booklet, you will have to pay a share of the production costs. Each candidate included in the booklet will be asked to contribute the same amount. You should contact the Returning Officer to find out about the costs. If the contributions received exceed the costs incurred, the balance will be split equally among the candidates involved.

1.25 The booklet will include the election addresses of all candidates who want to be included in it and who have contributed to the production cost of the booklet.

1.26 The order of the addresses in the booklet will be decided by the Returning Officer by drawing lots.

1.27 If you want your election address to be included in the booklet, you must deliver the address to the Returning Officer

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.

The production costs of the booklet must be accounted for in your election spending returns. For guidance on accounting for your spending at these elections, see [Part 3: Spending and donations](#).

by the close of nominations, i.e. by no later than 4pm on the 19th working day before the poll.

1.28 The address must comply with the Returning Officer's requirements and those set out in the [next section](#). If it does not, it will not be included in the booklet.

1.29 If you withdraw before the deadline for withdrawals, the production costs will be returned to you.

Content of the election address

1.30 An election address can only contain matter relating to the election.

1.31 It **must** contain:

- a statement that states it has been prepared by your election agent
- the name and address of your election agent
- your name and address or if you have requested not to make your home address public, the relevant electoral area as given on your home address form

1.32 It **must not**:

- contain any advertising material (other than material promoting the candidate as a candidate at the election)
- contain any other material appearing to be included with a view to commercial gain
- include any material referring to any other candidate
- be more than two sides of A5 paper. Where an address takes up two sides of A5 paper, you must supply a second version printed on one side of A5 paper. The Returning Officer will use this single-side version if more than 15 candidates supply an election address.

1.33 It **may** contain:

12

- a photograph – provided you have submitted two photographs to the Returning Officer, one of which you must have signed on the back
- a party emblem and description – provided you have a certificate of authorisation issued by or on behalf of the Nominating Officer of the party.

For more information on the certificate of authorisation, see [Part 2b: Standing as a party candidate](#).

1.34 In all cases, your election address must comply with the Returning Officer's requirements – including layout, margins and use of colour – so that it can be reproduced in the booklet.

1.35 The Returning Officer will give your election agent the opportunity to check and correct (if necessary) the content of your election address. However, if the agent does not use this opportunity, the Returning Officer may make any corrections they think appropriate, and may proceed with the printing and distribution of the election booklet without referring to you or your agent.

Campaign publicity dos and don'ts

1.36 You must:

- Use imprints on all your printed campaign material and any electronic campaign material that is designed to be printed off locally. You should ensure the imprint is clear and visible. See paragraph **1.40** 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.

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

1.38 You must not:

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

Using imprints

What is an imprint?

1.39 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. You should ensure that your imprint is clear and visible.

What do you need to include?

1.40 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)

1.41 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.

1.42 You can use either home or office addresses.

14

1.43 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 of an imprint

1.44 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].

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

1.46 In all cases, you must make sure that the imprint lists all the promoters and organisations involved. You can find further example of imprints in our [factsheet for candidates on election materials and imprints](#).

Where do you put the imprint?

1.47 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

1.48 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.

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

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

Websites and other electronic material

1.50 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 person on whose behalf it has been produced.

Polling day dos and don'ts

1.51 You should:

- Make sure that any tellers working for you follow our [tellers dos and don'ts](#) and any guidance issued by the Returning Officer.
- Make sure that 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 or the 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](#).

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

1.52 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).

16

- 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 ballots 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.

Maintaining the integrity of the election

1.53 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.

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

1.55 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.

1.56 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.

Neither the Returning Officer nor the Commission regulate these offences.

For details of how to report any allegations of electoral fraud see paragraphs **1.74** to **1.79**.

List of offences

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

Bribery

1.58 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

1.59 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

1.60 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 any voter to vote or refrain from voting.

1.61 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.

1.62 Undue influence doesn't exclusively relate to physical access to the polling station. For example, a leaflet that threatens to make use of force in order to induce a voter to vote in a particular way could also be undue influence.

18

Personation

1.63 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

1.64 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.

1.65 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.

1.66 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

1.67 It is an offence to provide a 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

1.68 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

1.69 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

1.70 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

1.71 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

1.72 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

1.73 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.

Neither the Returning Officer nor the Commission 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

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

1.75 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.

1.76 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, in which case you should use the standard **999** emergency line. 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.

1.77 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.

1.78 You can find contact details of Electoral Registration Officers and Returning Officers on www.yourvotematters.co.uk.

1.79 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?

1.80 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.

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

1.82 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
Room E113
Royal Courts of Justice
Strand
London WC2A 2LL

Email: Election_Petitions@gsi.gov.uk

Phone: 0207 947 6877