

Police and Crime Commissioner elections in England and Wales

Guidance for candidates and agents

Part 2a of 6 – Standing as an independent candidate

December 2015

This document applies to the May 2016 Police and Crime Commissioner elections. Our guidance and resources for other elections in the UK can be accessed from our website at:

<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 the May 2016 Police and Crime Commissioner elections in England and Wales.

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 the candidate. We use 'must' when we refer to a specific legal 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.

Completing your nomination papers

1.1 To become nominated as a candidate at a Police and Crime Commissioner election, you need to submit a completed set of nomination papers to the place fixed by the Police Area Returning Officer (PARO) by 4pm on the nineteenth working day before the poll (i.e. by 4pm on 7 April 2016). This deadline is set out in law and cannot be changed for any reason.

Alongside your nomination papers, you must also lodge a deposit of £5,000¹ with the PARO. See paragraph **1.26** for further details.

1.2 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 notice of election published by the PARO.

1.3 There are three nomination papers that you must submit for your nomination to be valid:

- the nomination form
- the home address form
- your consent to nomination

The last day for publishing the notice of election is twenty-five working days before the poll (i.e. 30 March 2016).

1.4 You can obtain nomination papers from the PARO. Contact details can be obtained from [our website](#). Alternatively, the Commission has produced a set of [nomination papers](#) that you could use.

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

1.6 The PARO may also be able to offer informal checks of your completed nomination papers before you submit them.

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

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The nomination form

1.8 The [nomination form](#) must be completed in English or, in Wales, 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.
- **Signatures of 100 registered electors.** (These are known as subscribers) from the police area. Your subscribers must appear on the local government electoral register for any local authority in the police area that is in force on the twenty-fifth working day before the poll (i.e. on the register published on 1 March 2016). For more information on subscribers, see paragraph **1.86**.

Your name and any description should be written on the nomination form **before** you ask subscribers to sign the form.

To find out how to obtain the electoral register, see: [Part 4: The Campaign](#).

1.9 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 **1.79**.
- **A description.** If you want the word 'Independent', and/or 'Annibynol' in Wales, 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.

For details on descriptions that candidates standing on behalf of a registered party can use, see [Part 2b: Standing as a party candidate](#).

For information on how to register a political party, see our website at www.electoralcommission.org.uk/guidance/resources-for-those-we-regulate/register-a-new-party

Home address form

1.10 For your nomination to be valid, you must submit a completed home address form with your nomination form, consent to nomination and deposit. Candidates' home

addresses will not appear on the ballot paper, and you can choose whether or not you want your address published on the statement of persons nominated published by the PARO once the period for nominations has closed.

1.11 The home address form must contain:

- **Your full name.**
- **Your full home address.** You must provide your full home address even if you choose not to have it made public on the statement of persons nominated. 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)

1.12 If you do not want your home address to be made public, you must also state this on the home address form and give the name of the electoral area (e.g. ward) within the police area in which you are registered to vote. This statement is only required if you do not want your home address made public.

1.13 Home address forms are not available for public inspection and will be destroyed after the election.

Consent to nomination

1.14 You must also formally consent to your nomination in writing. The content of the [consent to nomination form](#) is fixed by law. 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.

1.15 You are not allowed to sign the consent form earlier than thirty-one calendar days before the last day for submitting your nomination papers (i.e. not before 6 March 2016). 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.

Information on the qualifications and disqualifications is provided in:
[Part 1: Can you stand for election?](#)

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Submitting your nomination papers

1.16 All nomination papers, including the nomination form, consent to nomination and the home address form, must be delivered by hand to the place specified on the notice of election by 4pm on the nineteenth working day before the poll (i.e. by 4pm on 7 April 2016). It is your responsibility to ensure that your nomination papers are delivered in the correct manner and by the required deadlines.

Who can deliver the nomination papers?

1.17 Only a limited number of people may deliver your nomination form and home address form. These are:

- yourself
- your election agent (provided you have given notice of appointment to the PARO or the notice is submitted when the forms are delivered)
- the proposer or seconder shown on the nomination form

1.18 There are no restrictions on who can deliver the consent to nomination, but you should ensure that you, your agent or someone you trust does this, so you can be sure it is delivered to the PARO in time.

How must nomination papers be submitted?

1.19 The nomination form, home address form and the consent to nomination must be submitted by hand and cannot be submitted by post, fax, email or other electronic means.

1.20 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?

1.21 You should submit your nomination papers as early as possible to give the PARO 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.

1.22 The PARO will confirm the exact details of when and where nomination papers can be delivered on the notice of election. The notice of election will be published no later than 25 working days before the poll (i.e. not later than 30 March 2016). In most cases, the notice of election will be published on the website of the local authority of the PARO.

1.23 You can submit nomination papers between the hours of 10am and 4pm on any day after the publication of the notice of election until 4pm on the nineteenth working day before the poll (i.e. by 4pm on 7 April 2016).

1.24 You should contact the PARO as soon as possible to find out what arrangements are in place for submitting nomination papers.

1.25 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 nineteenth working day before the poll (i.e. by 4pm on 7 April 2016). For more details on withdrawing, see paragraph **1.41**.

The deposit

1.26 For your nomination to be valid, the sum of £5,000 must be with the PARO by the deadline for nominations, i.e. by 4pm on the nineteenth working day before the poll (i.e. by 4pm on 7 April 2016). The deposit can be made using:

- cash (British pounds only)
- a UK banker's draft

1.27 The PARO may also accept a deposit made by a building society cheque, a debit or credit card or an electronic transfer.

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However, they may refuse to do so. If you are considering paying the deposit in one of these ways, you should discuss with the PARO at the earliest opportunity whether the payment method is acceptable.

1.28 If the PARO allows the deposit to be paid by credit or debit card, there may be a fee charged by the bank or credit card company for the transaction, in which case you will be required to pay any additional fees as well as the £5,000 deposit.

1.29 Unless the person making the deposit is your agent and you have notified the PARO of their appointment, the person making the deposit must at the time they make it give their name and address to the PARO.

1.30 The deposit will be returned if you poll more than 5% of the total number of valid first preference votes cast in the police area. Those candidates who have polled less than, or equal to, 5% of the total number of valid first preference votes cast will lose their deposit. If there are only two candidates standing, the deposit will be returned if you poll more than 5% of the total number of valid votes cast in the police area.

Inspecting other candidates' nomination papers

1.31 Only certain people are entitled to attend the delivery of nomination papers and to inspect and make any objections to the validity of a nomination form or home address form. After your nomination papers and deposit have been delivered and you stand validly nominated, the following can inspect and make objections to a nomination form or home address form:

- you
- your election agent
- your proposer or seconder
- if you are acting as your own election agent, someone nominated by you to attend on your behalf

1.32 Nomination papers cannot be inspected by anybody else at any time.

1.33 In addition to those included in the list above, Electoral Commission representatives and one other person chosen by each validly nominated candidate may also be present at the delivery of nomination papers, but may not inspect them nor make any objections.

1.34 No other person, except the PARO and their staff, may attend the delivery of nomination papers.

Objections to nominations

1.35 Objections to the validity of any nomination form or home address form can be made on the nineteenth working day before the poll (i.e. on 7 April 2016).

1.36 The time within which an objection can be made depends on when the nomination papers are delivered.

Timetable for objections

Nominations delivered up to 4pm on 6 April 2016

1.37 Objections to any nomination form or home address form delivered up to and including 4pm on 6 April must be made **between 10 am and 12 noon on 7 April 2016.**

Nominations delivered after 4pm on 6 April 2016

1.38 Objections to any nomination form or home address form delivered after 4pm on 6 April 2016 must be made **between 10am and 5pm on 7 April 2016.** Any objection must be made at or immediately after the time of the delivery of the nomination.

Decisions on objections

1.39 The PARO will consider any objections made, but is entitled to hold a nomination invalid only on the following grounds :

- that the particulars of the candidate or subscribers are not as required by law
- that the paper is not subscribed as required

If you are your own election agent, you can appoint one other person to attend the delivery of nomination papers and make objections.

If you have submitted more than one nomination form, only the proposer and seconder from the nomination form you have selected will be entitled to attend. If none has been selected, it will be the proposer and seconder of the first submitted nomination form who will have that entitlement.

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1.40 The PARO's decision that a nomination is valid is final and cannot be challenged during the election. The decision can only be challenged after an election through an election petition (see [Part 6 – After the declaration of result](#) for further information on election petitions).

Withdrawing

1.41 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 PARO or downloaded from our website.

1.42 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.

1.43 The withdrawal notice must be submitted to the PARO at the place for delivery of nomination papers by the deadline for withdrawals, 4pm on the nineteenth working day before the poll (i.e. by 4pm on 7 April 2016). 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.

1.44 If you withdraw as a candidate, your deposit will be returned.

What happens after the close of nominations?

1.45 The PARO will publish a statement of persons nominated for the police area by 4pm on the eighteenth working day before the poll (i.e. by 4pm on 8 April 2016). They will then provide a copy to each Local Returning Officer (LRO) in the police area, who will publish the statement locally. 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 and those who have died), with the reason why they are no longer standing
- the home address of each candidate, or if they have requested not to make their home address public, the electoral area within the police area at which they are registered to vote
- each candidate's description (if any)

Will the election be contested or uncontested?

1.46 After the close of nominations, the PARO will establish whether or not there is a need to hold a poll. If there is more than one candidate standing validly nominated across the police area after the deadline for withdrawals, there will be a poll.

1.47 If there are two candidates standing, the Police and Crime Commissioner will be elected under first-past-the-post. If there are more than two candidates, the Police and Crime Commissioner will be elected under the supplementary vote system. Further information on the voting system can be found in our [Overview document](#).

1.48 If, however, after the deadline for withdrawals there is only one candidate standing, the PARO will declare that candidate elected.

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](#).

Appointing your election agent and other agents

1.49 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.

For more information about candidate spending see: [Part 3: Spending and donations](#)

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

1.51 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 verification and count

1.52 Additionally, you, your election agent and one other person appointed by you will be entitled to attend the PARO's calculation of the result.

Who can be an election agent?

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

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

- the PARO, a Local Returning Officer (LRO) or a member of their staff (including any clerks appointed specifically for the election)
- a deputy or clerk of the PARO, LRO, or a member of their staff
- an officer of a local authority whose services have been placed at the disposal of the PARO or LRO
- a partner or clerk of any of the above

Appointing an election agent

1.55 Because of the responsibilities attached to the role of an election agent you should consider carefully who you appoint and make sure that they understand their obligations. You can be your own agent if you wish.

1.56 You, or someone on your behalf, must declare in writing the name, address and office address of your election agent to

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

the PARO by 4pm on the nineteenth working day before the poll (i.e. by 4pm on 7 April 2016). 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.

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

1.58 Your agent's office address must be within the police area where the election is being held. The agent's office address will often be their home address, but it could be the local party office or an office set up for the election.

1.59 If you automatically become your own election agent because you have not appointed an agent, the office address is deemed to be the address you provided on the home address form. If that address is outside the police 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

1.60 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.

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

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

Sub-agents

1.63 Your election agent may appoint sub-agents to act on their behalf in any part of the police area in which you are

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standing, as long as those parts do not overlap. The agent can determine the parts into which they wish to sub-divide the police area.

1.64 A sub-agent can do anything that the election agent is entitled to do within the area to which they are appointed.

1.65 However, the only election proceeding that a sub-agent is entitled to attend in their own right is the opening of postal votes, provided the opening takes place in the area to which they have been appointed. They may also attend the verification and count, as well as the calculation of the result, provided that they have been appointed to cover those processes for that particular area and they are acting **in place of** the election agent. While the election agent is present, they may not attend.

1.66 The election agent should ensure that any sub-agent is aware of the election and spending rules, as anything done by a sub-agent will be treated as if it had been done by the election agent. For further information on election spending, see [Part 3: Spending and donations](#).

1.67 The election agent must notify the PARO in writing of the name and address of each sub-agent and the area in which they may act by the fifth working day before the day of the poll (i.e. by 27 April 2016). The PARO will provide a form you can use. Alternatively, you can use the form included for this purpose in the Commission's [nomination pack](#).

1.68 The election agent can revoke the appointment of a sub-agent at any time and appoint someone else in their place. If another sub-agent is appointed, the election agent must declare in writing the name, address, office address and area of appointment to the PARO.

1.69 Once a sub-agent has accepted their appointment, they cannot resign and must fulfil the duties required of them unless the election agent revokes their appointment.

Appointing postal voting, polling and counting agents

1.70 You (or your election agent) may also appoint agents to attend postal vote openings, polling stations and the count.

1.71 Anyone, apart from those listed in paragraph **1.54**, can be appointed as a postal vote, polling or counting agent. You and your election agent can also automatically act as one of those agents without the need of an official appointment. Sub-agents may also attend the poll and the count, but only instead of the election agent. They are, however, entitled to attend the opening of postal votes in their own right.

1.72 The number of agents who may be appointed to any particular polling station is limited to four, or such greater number as the LRO decides to allow. If more than that number are appointed, the LRO will draw lots 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 and the right of sub-agents to attend remains unaffected by this.

1.73 Each LRO 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.

1.74 The request to appoint these agents must be made in writing to the relevant LRO by you or your election agent. It must contain the names and addresses of the people being appointed. A separate appointment must be made for each local count, even if all local counts are held in a central location. The LRO 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.

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1.75 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 relevant LRO by the time fixed for the opening of postal votes they want to attend. The LRO will give you at least 48 hours' notice before the scheduled start of each postal vote opening session.

1.76 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 relevant LRO. Any new appointment in these circumstances must be made without delay.

1.77 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

1.78 If a candidate dies during the election period, see paragraph **1.94** for further information on how this will affect the election.

Supplementary information

Commonly used name(s)

1.79 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. The commonly used name(s) would then appear on:

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

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

1.81 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).

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

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1.83 The PARO must carry forward the commonly used name provided on the nomination form to the statement of persons nominated unless the PARO thinks the commonly used name is obscene or offensive. If the name(s) is not permissible, the PARO will write to you stating the reason for rejection. In those cases, your actual name will be used instead.

1.84 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.

1.85 It is an offence to give a false statement on your nomination paper. 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

1.86 Each nomination form needs to be signed (subscribed) by 100 electors. Your subscribers must be registered on the register of local government electors for a local authority in the police area. They 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 (i.e. the register published on 1 March 2016).

1.87 The first two electors will sign and print their names as proposer and seconder, and the remaining 98 as assenters.

1.88 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, as well as the name of the local authority in which they are registered. The distinctive numbers/letters of the polling district can usually be found at the front of the register. The Electoral Registration Officer for each local authority will be able to advise you how their register is laid out.

1.89 You will be entitled to a free copy of the electoral register for each local authority, or part of a local authority, that is within the police area in which you are standing. You should use the registers to ensure that your nomination form is properly subscribed.

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).

To find out how to obtain the electoral register, see: [Part 4: The Campaign](#)

1.90 An elector may **not** subscribe more than one nomination paper for the same Police and Crime Commissioner election. You should therefore always enquire, before asking a subscriber to sign your form, if they have already signed someone else's.

1.91 If a nomination form contains more than 100 subscribers' signatures, only the first 100 will be accepted. If any of the first 100 subscribers is invalid, the PARO must hold the nomination form invalid, regardless of whether the form contains more than 100.

1.92 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.

1.93 Once the PARO has formally accepted a nomination form, signatures cannot be withdrawn.

Death of a candidate

1.94 If the PARO 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. The PARO will in that case order a new election to fill the vacancy.

1.95 Should a fellow candidate die during the campaign, the PARO will provide you with further guidance.

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