

National Assembly for Wales election

Guidance for candidates and agents

Part 2a of 6 – Standing at the constituency election

December 2015

This document applies to the May 2016 constituency election to the National Assembly for Wales only. It does not apply to the regional election to the National Assembly for Wales. Our guidance and resources for the regional election to the National Assembly for Wales and 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/

Contents

Essential information.....	2
Completing your nomination papers.....	3
The nomination form.....	4
Consent to nomination.....	6
The certificate of authorisation – party candidates only	7
Submitting your nomination papers.....	8
Who can deliver the nomination papers?.....	8
How must nomination papers be submitted?.....	9
When must nomination papers be submitted?.....	9
The deposit.....	10
Inspecting other candidates’ nomination papers.....	11
Objections to nominations.....	11
Timetable for objections.....	12
Decisions on objections.....	12
Withdrawing.....	13
What happens after the close of nominations?.....	13
Appointing your election agent and other agents.....	14
Who can be an election agent?.....	14
Appointing an election agent.....	15
Revoking an election agent’s appointment.....	16
Sub-agents.....	16
Appointing postal voting, polling and counting agents	17
Death of a candidate.....	18
Supplementary information.....	19
Commonly used name(s).....	19
Death of a candidate.....	20
Death of an independent candidate.....	20
Death of a party candidate.....	21

Essential information

This section of the document contains our guidance on standing as a constituency candidate at the May 2016 National Assembly for Wales elections.

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 candidates standing at the National Assembly constituency election. Where our guidance only applies to a particular type of candidate (for example, a party candidate) this will be specifically stated.

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.

Completing your nomination papers

1.1 To become nominated as a constituency candidate at the May 2016 National Assembly for Wales elections, you need to submit a completed set of nomination papers to the place fixed by the relevant Constituency Returning Officer (CRO) with a £500 deposit by 4pm on the 19th 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.

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 official notice of election published by the CRO.

1.3 There are two nomination papers that you must submit to make your nomination valid:

- the nomination form
- your consent to nomination

1.4 To stand on behalf of a registered political party, the party must be registered on the Commission's register of political parties at <http://search.electoralcommission.org.uk> and be listed as allowed to field candidates in Wales, and you will also need to submit a certificate of authorisation. The certificate authorises you to use the party name or a registered party description, as well as one of the party's registered emblems, on the ballot paper. For more details on the certificate of authorisation, see paragraph 1.14.

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

1.6 If you, your agent or someone you trust are unable to complete the nomination form, the CRO may be able to provide assistance. You should check with the CRO at the earliest opportunity what assistance may be available.

The last day for publishing the notice of election is 25 working days before the poll (30 March 2016).

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

1.8 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.

The nomination form

1.9 The [nomination form](#) must be completed in English or Welsh. The form must contain:

- **Your full name.** This means your surname and other names in full. Using initials only could lead to your nomination paper being rejected. Also, do not use prefixes such as Mr, Mrs, Dr or Cllr as part of your name. The same applies to suffixes. However, if you have a title, you can use this as your full name. For example, if your actual name is Joseph Smith but your hereditary title is Joseph Avon, you can use the name Joseph Avon as your full name.
- **Your full home address.** Your home address:
 - must be completed in full
 - must not contain abbreviations
 - must be your current home address
 - must not be a business address (unless you run a business from your home)

Your home address does not need to be in the constituency in which you wish to stand.

- **The signature of one subscriber.** You can act as your own subscriber or ask someone else to subscribe your nomination. If someone else has signed the form, that person will also need to supply their full name and address, this address does not need to be in the constituency.

1.10 The following is optional:

A commonly used name – if you commonly use a name that is different from any forename(s) 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 **1.86**.

A description – you can ask for one of the following descriptions to appear on the ballot paper.

Independent candidates: If you want the word ‘Independent’ and/or ‘Annibynnol’ 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.

Party candidates: You can ask for either the party’s name as registered with the Commission or one of the party’s registered descriptions to appear on the ballot paper underneath your name. You may use either the English version, Welsh version or both versions of either the party name or description as long as they are registered with us.

If you want to use a party name or description, you must submit alongside your other nomination papers a certificate that shows that you are authorised to use the party’s name or description (known as a certificate of authorisation). The certificate must be issued by the registered party’s Nominating Officer (or someone appointed in writing to act on their behalf) and be received by the CRO by the nominations deadline, 4pm on the 19th working day before the poll (i.e. by 4pm on 7 April 2016). Further information on the certificate is provided in paragraph **1.14**.

For information on how to register a political party, see [the Commission’s website](#)

Registered party names and descriptions can be found on our online register:
<http://search.electoralcommission.org.uk>

The party’s Nominating Officer may appoint deputies to act on their behalf.
The appointment must be made in writing and submitted to the CRO.

If you are standing on behalf of two or more parties, you may use a joint description as registered with the Commission. In that case, you will need authorisation from the Nominating Officer for each of the registered parties (or people appointed in writing to act on their behalf).

You should take particular care when completing the descriptions field on the nomination form. The party name or chosen description used on the nomination form must exactly match the party name/description on the Commission's online register of political parties: <http://search.electoralcommission.org.uk>. If it does not, the whole nomination will be rejected.

Note that you do not have to use a description. You may choose not to have a description at all by leaving the description field of the form blank.

Consent to nomination

1.11 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
- an address within the constituency, an adjoining constituency, or in a county or county borough which is partly comprised in or adjoins the constituency you are standing in (this will be deemed to be your office address should you become your own election agent by failing to appoint anybody else. Further information on election agents is provided in paragraph **1.55**).
- that you are not a candidate at the same election in any other constituency

1.12 You are not allowed to sign the consent form earlier than one month before the deadline for submitting your nomination papers (i.e. not before 7 March 2016). Your signature must be witnessed, and the witness must sign the form and give their

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

full name and address. There are no restrictions on who can be a witness to the consent to nomination.

1.13 If you are abroad and the CRO is satisfied that because of your absence from the UK it is not practicable for you to give your consent in writing and deliver it by hand to the CRO, you will be allowed to provide the consent by fax or email, and not require a witness to sign the form. See paragraph **1.22 onwards** for guidance on how to submit nomination papers.

The certificate of authorisation – party candidates only

1.14 Political parties authorise candidates to stand for them by issuing a certificate of authorisation. This must state that the named candidate can stand on their behalf and allow them to use one of the following:

- the exact party name as registered with the Commission (either the English version, Welsh version or both)
- one of the party's descriptions as registered with the Commission (either the English version, Welsh version or both)

1.15 Particular care should be taken by the Nominating Officer (or someone appointed in writing to act on their behalf) when completing the certificate of authorisation. If the certificate explicitly authorises a particular party name/party description and this does not match the party name/description on the nomination paper, the whole nomination will be invalid.

1.16 The certificate of authorisation must be signed by the registered Nominating Officer of the political party or by someone appointed in writing by the Nominating Officer to act on their behalf. If the Nominating Officer has appointed someone else to exercise this function on their behalf, a copy of the appointment in writing must be delivered to the CRO.

1.17 If you are standing on behalf of two parties jointly, you will need a certificate of authorisation from the Nominating Officer of each of the registered parties (or people authorised to act on their behalf). Joint descriptions are listed on the Commission's

Registered party names and descriptions can be found on the Commission's online register:
<http://search.electoralcommission.org.uk>

[register of political parties](#) on the registration page for the relevant parties.

Request to use an emblem on the ballot paper

1.18 On the certificate of authorisation, the Nominating Officer (or someone appointed in writing to act on their behalf) may also request that one of the party's official emblems is printed on the ballot paper next to your name.

1.19 The request must be received by the CRO by 4pm on the 19th working day before the poll (by 4pm on 7 April 2016).

1.20 If the party has more than one emblem, the request should state the description of the emblem to be used, as listed on the [Commission's online register of political parties](#). Registered emblems cannot be varied in any way.

1.21 Candidates standing on behalf of two or more registered parties and using a joint description can use an emblem that has been registered by one of the relevant parties.

Emblems can be viewed or downloaded from our online register of political parties: <http://search.electoralcommission.org.uk>

Submitting your nomination papers

1.22 All nomination papers, including the nomination form, consent to nomination and, where relevant, the certificate of authorisation, must be delivered to the place specified on the notice of election by 4pm on the 19th 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?

1.23 Only a limited number of persons may deliver your nomination form. These are:

- yourself
- your election agent (provided you have given notice of appointment to the CRO or the notice is submitted when the forms are delivered)

- if you are standing for a party, the party's Nominating Officer (or someone appointed in writing to act on their behalf)

1.24 There are no restrictions on who can deliver your consent to nomination or the certificate of authorisation, but you should ensure that you, your agent or someone you trust does this, so you can be sure they are delivered to the CRO in time.

How must nomination papers be submitted?

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

1.26 The certificate of authorisation may be submitted by post, but may not be submitted by fax, email or other electronic means.

1.27 The **original version** of each completed paper must be submitted. A certificate of authorisation 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.

1.28 Only if you are abroad and if the CRO considers that it isn't practicable for your consent to be delivered in writing and by hand, can you submit your consent to nomination by fax, email or other electronic means.

When must nomination papers be submitted?

1.29 You should submit your nomination papers as early as possible to give the CRO 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.

1.30 The CRO will confirm the exact details of when and where nomination papers can be delivered on the official 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 CRO.

1.31 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 19th working day before the poll (i.e. by 4pm on 7 April 2016).

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

1.33 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 19th working day before the poll (i.e. by 4pm on 7 April 2016). For more details on withdrawing, see paragraph **1.50**.

The deposit

1.34 For your nomination to be valid, the sum of £500 must be deposited with the CRO by the deadline for nominations, 4pm on the 19th 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

1.35 The CRO may also accept a deposit made by a building society cheque, a debit or credit card or an electronic transfer. However, they may refuse to do so. If you are considering paying the deposit in one of these ways, you should discuss with the CRO at the earliest opportunity whether the payment method is acceptable.

1.36 If the CRO 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 £500 deposit.

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

1.38 The deposit will be returned if you poll more than 5% of the valid votes cast in the constituency. Those candidates who have polled less than, or equal to, 5% of the total number of the valid votes cast will lose their deposit.

Inspecting other candidates' nomination papers

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

- you
- your election agent
- if you are standing for a political party, the party's Nominating Officer
- if you are acting as your own election agent, someone nominated by you to attend on your behalf.

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

1.41 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.

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

Objections to nominations

1.43 Objections to the validity of any nomination form can be made on the 19th working day before the poll (i.e. on 7 April 2016).

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

Timetable for objections

Nominations delivered up to and including 4pm on 6 April 2016

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

Nominations delivered after 4pm on 6 April 2016

1.46 Objections to any nomination 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.

Objections on the grounds that a candidate is imprisoned for a year or more

1.47 In the rare case that the CRO considers that a candidate may be disqualified because they are imprisoned and serving a sentence of a year or more, they will publish a notice inviting objections on the grounds. Any such objection may be made between **10am and 4pm on 8 April 2016**.

In one exceptional circumstance, where the objection is on the grounds that a candidate is disqualified because they are serving a prison sentence of a year or more, objections can be made on the 19th working day before the poll (on 7 April 2015).

Decisions on objections

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

- that the particulars of the candidate are not as required by law
- that the form is not subscribed as required
- that the candidate is disqualified on the grounds that they are imprisoned and serving a sentence of a year or more
- that the candidate is standing in more than one Assembly constituency

1.49 The CRO'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

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

1.51 The withdrawal notice must be submitted to the CRO at the place for the delivery of nomination papers by the deadline for withdrawals, 4pm on the 19th 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.

1.52 If you are outside the United Kingdom, a person can sign the withdrawal notice on your behalf, but it must be accompanied by a written declaration stating that you are absent from the United Kingdom and a written statement signed by you confirming that you have authorised the person giving the notice to withdraw your nomination.

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

What happens after the close of nominations?

1.54 The CRO will publish a statement of persons nominated, including notice of poll for the constituency, by no later than 4pm on the 18th working day before the poll (i.e. by not later than 4pm on 8 April 2016). The statement will include:

- the full or commonly used names, as the case may be, of all candidates validly nominated
- the names of candidates who no longer stand nominated, if any (i.e. invalid and withdrawn candidates), with the reason why they are no longer standing
- the address of each candidate

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

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

- each candidate's description (if any)

Appointing your election agent and other agents

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

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

1.57 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

Who can be an election agent?

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

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

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

For more information about candidate spending, see:

[Part 3: Spending and donations](#)

1.60 If you are standing on behalf of a party, they may also have specific rules about who you can appoint as an election agent.

Appointing an election agent

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

1.62 You, or someone on your behalf, must declare in writing the name, address and office address of your election agent to the CRO by 4pm on the 19th 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.

1.63 The CRO 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.

1.64 Your agent's office address must be:

- Within the Assembly constituency you are standing in or an adjoining Assembly constituency
- In a county or county borough which is partly comprised in or adjoins the Assembly constituency you are standing in

1.65 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.

1.66 The office address declared to the CRO must be an address to which any legal notices can be delivered and therefore must be a physical address – PO boxes or similar mailboxes cannot be used.

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

1.67 If you act as your own election agent, the office address is deemed to be the address you provided on the consent to nomination.

Revoking an election agent's appointment

1.68 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.

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

1.70 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

1.71 Your election agent may appoint sub-agents to act on their behalf in any part of the constituency in which you are standing, as long as those parts do not overlap. The agent can determine the parts into which they wish to sub-divide the constituency.

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

1.73 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](#).

1.74 Each sub-agent must have an office to which any legal notices can be delivered and therefore must be a physical address – PO boxes or similar mailboxes cannot be used. The office of the sub-agent must be in the area within they are appointed to act.

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

1.76 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 CRO.

Appointing postal voting, polling and counting agents

1.77 You may also appoint agents to attend the opening of postal votes, the poll and count.

1.78 Anyone, apart from those listed in paragraph **1.59**, 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.

1.79 You can appoint any number of polling agents to attend each polling station, but only one polling agent for each candidate can be present in a polling station at any time. A polling agent can be appointed to attend multiple polling stations.

1.80 The CRO 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.

1.81 The request to appoint these agents must be made in writing to the CRO. It must contain the names and addresses of the people being appointed. The CRO will provide forms you can use for this, or you can find [postal voting](#), [polling](#) and [counting agent](#) appointment forms on the Commission's website.

1.82 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 (i.e. by 27 April 2016). However, appointment forms for postal voting agents only need to be submitted to the CRO by the time fixed for the opening of postal votes they want to attend. The CRO will give you at least 48 hours' notice before the scheduled start of each postal vote opening session.

1.83 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 CRO. Any new appointment in these circumstances must be made without delay.

1.84 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

1.85 If a candidate dies during the election period, see paragraph **1.93** for further information on how this will affect the election.

Supplementary information

Commonly used name(s)

1.86 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

1.87 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.

1.88 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).

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

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

1.91 If either the commonly used forename or surname box on the nomination form is left blank, then your actual forename or surname, depending on which commonly used name box has been left blank, will be used.

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

Death of a candidate

1.93 The impact of the death of a candidate before the declaration of the result depends on whether or not the deceased candidate was standing on behalf of a registered political party.

Death of an independent candidate

1.94 If more than two persons are standing nominated and a candidate not standing on behalf of a political party dies, the election continues as normal. If the deceased candidate receives the most votes, they are not elected and the election is re-run. No new nominations are required: all of the existing candidates remain nominated for the new election and retention or return of the deposit is determined by the re-run election result. No new nominations are allowed for the re-run election, although candidates may withdraw.

1.95 If the independent candidate who died did not receive the most votes at the original poll, the candidate who did is

It is the time at which the CRO receives proof of the candidate's death that is the relevant factor, not the actual time of death.

declared elected and the election is not affected. If the candidate who died came joint first with the same number of votes as any other candidate, the other candidate is declared elected.

1.96 If only two persons are standing nominated and an independent candidate dies, the election is treated as an uncontested election and the other candidate is declared elected.

1.97 In all circumstances, the deposit of the deceased candidate will be returned.

Death of a party candidate

1.98 If the CRO receives proof and is satisfied before the declaration of result that a candidate standing on behalf of a political party has died, the election is stopped immediately. If the poll is under way or the count is being undertaken, that process stops. There will be a new election.

1.99 No new nominations are required: all the existing candidates remain nominated for the new election and retention or return of the deposit is determined by the election result at the new election. No new nominations are allowed for the new election, except that a new candidate can be nominated to stand on behalf of the same party (or parties) of the candidate who died. Any existing candidates may withdraw by the deadline for withdrawals for the new election. The nomination papers for the candidate standing for the party (or parties) whose candidate died must be submitted by the close of nominations based on the new timetable.