

UK Parliamentary by- elections

Guidance for candidates and agents

Overview document

November 2018

This document applies to UK Parliamentary by-elections in Great Britain. If you are a candidate or agent in Northern Ireland, please see our [guidance for candidates and agents at a UK Parliamentary by-election in Northern Ireland](#).

Our guidance and resources for other elections in the UK can be accessed from our website at: www.electoralcommission.org.uk/guidance/resources-for-those-we-regulate/candidates-and-agents.

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Purpose of our guidance for candidates and agents

1.1 Our guidance aims to provide practical advice for anyone who wants to stand as a candidate or be an agent at a UK Parliamentary by-election. It covers the whole election process, including the main steps towards standing as a candidate, the campaign and election periods, the declaration of the result and election spending. It includes relevant factual material as well as a guide to sources of further information. Standing for election can be complicated, but we hope that our guidance will make it as straightforward as possible.

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.

How to use our guidance

1.2 Our guidance is made up of six parts, setting out the different stages candidates and agents need to go through when standing at a UK Parliamentary by-election. Each part is accompanied by a number of forms and resources, which can be directly accessed via links in the individual parts. Alternatively, all of the relevant guidance, forms and resources will be available on our dedicated webpage for candidates and agents at a UK Parliamentary by-election:

<http://www.electoralcommission.org.uk/i-am-a/candidate-or-agent/uk-parliamentary-by-elections-great-britain>.

1.3 The following parts make up our full guidance for a UK Parliamentary by-election:

- [Part 1 – Can you stand for election?](#)
- [Part 2a – Standing as an independent candidate](#)
- [Part 2b – Standing as a party candidate](#)
- [Part 3 - Spending and donations](#)
- [Part 4 – The campaign](#)
- [Part 5 – Your right to attend key electoral events](#)
- [Part 6 – After the declaration of result](#)

1.4 Before starting the process of standing for election, potential candidates need to be confident that they meet all of

the requirements to stand for election. You should therefore first read [Part 1](#) of our guidance, which covers all of the qualifications and disqualifications.

1.5 Once satisfied that you can stand, you should read [Part 2a](#) (if you are an independent) or [Part 2b](#) of our guidance (if you are a party candidate), which deal with the nominations process and guide you through which forms you need to submit and by when.

1.6 Candidates and agents at a UK Parliamentary by-election must follow certain rules about how much they can spend, who they can accept donations from, and what they must report after the election. [Part 3](#) of our guidance explains these rules

1.7 [Part 4](#) covers what you need to bear in mind when campaigning, including rules on the publication and display of campaign literature.

1.8 Candidates and agents also have a right to attend key electoral events. These are: the opening of postal votes; the poll; and the count. Additionally, candidates can appoint representatives to attend these electoral events on their behalf. Details on your rights and what to expect at these events are provided in [Part 5](#).

1.9 Finally, there are a number of things candidates and agents will need to do once the result has been declared, including submitting their spending returns to the (Acting) Returning Officer. This is covered in [Part 6](#).

1.10 To keep the guidance as relevant to the reader as possible, we have split most guidance parts into an 'Essential information' section, which all candidates and agents should read as it contains information that is relevant to all, and a 'Supplementary information' section, that will be relevant only to some. You will be directed to the 'Supplementary information' section at relevant points throughout the 'Essential information' section.

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Who does what at a UK Parliamentary by-election and how to contact them

The Returning Officer and Acting Returning Officer

1.11 At a UK Parliamentary election in England and Wales, the Returning Officer is a largely ceremonial position. The administration of the election is the responsibility of the Acting Returning Officer, who is normally a senior officer of the local authority.

1.12 The Returning Officer only receives and returns the writ and declares the result at the end of the count – although they may choose to delegate these to the Acting Returning Officer.

1.13 In Scotland, the Returning Officer for a UK Parliamentary election is the same person as the Returning Officer for local government elections, and they are responsible for all aspects of the administration of the election, including the receipt and return of the writ and the declaration of the result. The term Acting Returning Officer is not used in Scotland.

1.14 Throughout this guidance, **(Acting) Returning Officer** is used to refer to the Acting Returning Officer in England and Wales and the Returning Officer in Scotland.

1.15 You will be able to contact the (Acting) Returning Officer for the constituency by contacting the local elections office. Addresses and telephone numbers of elections offices in England and Wales are provided on our About my vote website at www.aboutmyvote.co.uk. In Scotland, you can contact the (Acting) Returning Officer through the elections office at the local council.

1.16 The (Acting) Returning Officer will offer briefings ahead of the election and we strongly encourage you to attend, even if you have been an agent or stood for election before.

There are two types of constituency: borough and county. In a borough constituency, the mayor or chairman of the district is the Returning Officer. In a county constituency, the Sheriff of the county is the Returning Officer.

Typically, borough (burgh in Scotland) constituencies are mainly urban while county constituencies are mainly rural.

If you do not know which type of constituency you are standing in, you can obtain this information from the (Acting) Returning Officer.

The Electoral Registration Officer

1.17 Electoral Registration Officers are responsible for maintaining the register of electors and the list of absent voters for their local authority area. In England and Wales, the Electoral Registration Officer will often also be the person who is the Returning Officer for local elections in the local authority area. However, this is not the case in Scotland.

1.18 You can contact the Electoral Registration Officer through the local authority elections office in England and Wales, or the local electoral registration office in Scotland. Contact details for all Electoral Registration Officers in Great Britain can be found at www.aboutmyvote.co.uk.

The Electoral Commission's role

1.19 We are an independent statutory body established in November 2000 by the Political Parties, Elections and Referendums Act 2000. We are headed by ten Commissioners, including a Chair. We report directly to the UK Parliament through a committee chaired by the Speaker of the House of Commons.

1.20 We are responsible for registering political parties and non-party campaigners, the monitoring and publication of significant donations to political parties and the regulation of [party](#) and [non-party campaigner](#) spending at certain elections. We publish guidance for political parties, candidates and their agents, non-party campaigners and other organisations who are involved in elections. We also have a role in promoting voter awareness and are required to report on the administration of every national general election, local government elections in Scotland and, if requested, on any other electoral matter. We also accredit observers to be present at election proceedings.

1.21 We do not run elections but have responsibility for providing advice and assistance on electoral matters to all those involved in elections, including (Acting) Returning Officers, Electoral Registration Officers, political parties and candidates.

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1.22 We are here to help, so please get in touch if you have any questions.

Contacting us

If you are a candidate or agent in England

If your question is about spending or donations, please contact us at:

Email: pef@electoralcommission.org.uk
Tel: 0333 103 1928

For any other queries, please contact us at:

Email: infoengland@electoralcommission.org.uk
Tel: 0333 103 1928

If you are a candidate or agent in Scotland

In Scotland, you can contact us for all queries at:

Email: infoscotland@electoralcommission.org.uk
Tel: 0131 225 0200

If you are a candidate or agent in Wales

In Wales, you can contact us for all queries at:

Email: infowales@electoralcommission.org.uk
Tel: 0333 103 1929