

UK Parliamentary by-elections

Guidance for candidates and agents

Part 4 of 6 – The campaign

September 2016 (Updated 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.

2

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.....	8
Applying for a copy of the electoral register and lists of absent voters.....	9
Using schools and rooms for public meetings	9
Freepost.....	10
Campaign publicity dos and don'ts	10
Using imprints	11
What is an imprint?	11
What do you need to include?.....	11
Example of an imprint.....	12
Where do you put the imprint?	12
Websites and other electronic material.....	12
Polling day dos and don'ts	13
Maintaining the integrity of the election	14
List of offences.....	14
Bribery.....	14
Treating	15
Undue influence.....	15
Personation	15

False statements about a candidate's personal character or conduct.....	15
False statements in nomination papers	16
False registration information and false postal/proxy voting application	16
False application to vote by post or by proxy.....	16
Multiple voting and proxy voting offences	16
Breaches of the secrecy of the ballot.....	16
Campaign publicity material	17
Racial hatred	17
Reporting allegations of electoral fraud	17
What if you have made a mistake?	18

4

The campaign

This document contains our guidance on campaigning at a UK Parliamentary by-election in Great Britain.

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 be minimum good practice, but which are not legal or regulatory requirements.

We have included generic deadlines throughout this document to give you an indication of the timings for key processes. You should, however, obtain a copy of the specific timetable for the by-election from the (Acting) Returning Officer.

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

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 ahead of a UK Parliamentary election. 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 date that the vacancy occurs.

1.4 For example, where the vacancy is due to the resignation of an MP, the vacancy occurs when they take up a disqualifying office under the Crown. This is because an MP cannot resign, but their acceptance of the office of steward or bailiff of Her Majesty's three Chiltern Hundreds or of the Manor of Northstead, which are offices under the Crown, would lead to a disqualification and, consequently, a vacancy.

1.5 Where an MP has died, the vacancy occurs on the date they died.

1.6 You will officially become a candidate on the day the vacancy occurs 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).

1.7 If after this date you or others declare that you will be a candidate at the election, you will become a candidate on the date such a declaration is made, or on the date that you submit your nomination papers, whichever is the earlier.

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:

<https://www.equalityhumanrights.com/en/publication-download/equality-and-human-rights-law-during-election-period-guidance-local-authorities>

6

1.8 Once you have officially become a candidate, you are entitled to a copy of the register of electors. You are also entitled to a copy of the lists of absent voters for the constituency you are standing in. In addition, you can use publicly funded rooms and schools for public meetings (see paragraph **1.20** below).

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 the 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.aboutmyvote.co.uk.
- Help voters with information about postal and proxy voting – you can find information at www.aboutmyvote.co.uk. The deadline for applying for a postal vote for the elections is 5pm on the 11th working day before the poll. The deadline for applying for a proxy vote for the elections is 5pm on the sixth working day before the poll, although in certain 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 absent vote application forms, make sure they include all the required information, or the applications will be rejected. In particular, you must make sure that the signature and date of birth fields on postal and proxy application forms are in the correct format. You should use our absent voting application forms on www.aboutmyvote.co.uk as a guide. You should consider liaising with the Electoral Registration Officer(s) who may be able to provide you with forms you can use.

- Make sure your supporters follow our [code of conduct on handling applications](#) – this will help them to avoid situations where their honesty or integrity could be questioned.
- Make sure your supporters are courteous when dealing with other candidates and their supporters.
- Be aware of the deadlines for appointing an election agent, and agents to attend postal vote opening sessions, polling stations and the count. Deadlines are set out in our guidance document [Part 2a – Standing as an independent candidate](#) and [Part 2b – Standing as a party candidate](#).
- 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](#).

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

During the campaign, you must not...

- Knowingly make a false statement about the personal character of another candidate.
- Pay canvassers. Canvassing means trying to persuade an elector to vote for or against a particular candidate or party.

1.9 More information on election offences and how to report these can be found later in this document (from paragraph **1.47**).

1.10 If either you or your 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 **1.69** for more information.

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

Use of the electoral register and lists of absent voters

1.11 Once you officially become a candidate as explained in paragraphs **1.3** to **1.7**, you are entitled to receive a free copy of the full electoral register. You are also entitled to the lists of people voting by post or proxy ('the absent voters' lists') for the constituency that you are contesting.

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

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

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

1.14 You can use them to:

- complete your nomination form
- help you campaign
- check that donations are permissible

1.15 You must not release to any person any details that appear only in the full register and not on the open register which is available for general sale, otherwise than for the purposes set out above. You must not:

- use the full register and absent voters' lists for any other purpose not listed above, or
- pass copies on to anyone outside your campaign (except for certain data processing companies)

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.

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

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

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

1.18 You must ask for your copy of the register and lists of absent voters from the Electoral Registration Officer. You can find their contact details on www.aboutmyvote.co.uk.

1.19 The request must be made in writing and we have made a [register request form](#) and an [absent voters list request form](#) available on our website for this purpose.

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

Using schools and rooms for public meetings

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

1.22 The Electoral Registration Officer of each council in England and Wales, and the Proper Officer of each council in Scotland, keep 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 date the vacancy occurs. Contact details for Electoral Registration Officers can be found on www.aboutmyvote.co.uk. In Scotland you can obtain the contact details of the Proper Officer through the local council.

1.23 You should contact the owner of the premises to make a booking. You must give reasonable notice, which will reduce the risk of the request being refused.

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.

10

1.24 There is no hire charge for using these rooms, but you must pay for any expenses incurred, such as heating, lighting and cleaning, and for any damage to the premises.

Freepost

1.25 If you are shown as standing nominated in the statement of persons nominated you will be entitled to free postage on an election address to electors in the constituency. The address must only contain matters relating to the election.

1.26 Before the publication of the statement of persons nominated, if you declare yourself to be a candidate you are entitled to exercise this right, but only if you give a security that is required by Royal Mail for the payment of postage in case you are not shown on the statement as standing nominated.

1.27 You may have postage paid on either:

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

1.28 If you are considering exercising this right, you should contact Royal Mail to make arrangements. Royal Mail's terms and conditions must be complied with.

1.29 We strongly advise that you consult Royal Mail's guidance on candidate mailings at www.royalmail.com/candidatemail.

Campaign publicity dos and don'ts

1.30 You must:

- Use imprints on all your printed campaign material and any electronic campaign material that is designed to be printed off locally. See paragraph **1.33** 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 close of the poll.

1.31 You should:

- Include an imprint on all non-printed campaign material, including websites.
- Consider how to make your campaign accessible to people who are visually impaired, have learning difficulties or low literacy skills, or whose first language isn't English or, in Wales, Welsh. You may want to make contact with disability groups in your local area for advice.

1.32 You must not:

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

Using imprints

What is an imprint?

1.33 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.

What do you need to include?

1.34 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)

12

1.35 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.

1.36 You can use either home or office addresses.

1.37 If you are putting an advert in a newspaper, your advert does not need to include the printer's details. However, 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

1.38 A standard imprint for independent candidates should look like this:

Printed by [printer's name and address].

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

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

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

Where do you put the imprint?

1.41 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.

Websites and other electronic material

1.42 You should also put an imprint on electronic material, such as websites and emails. The imprint should include the name and address of the promoter and the organisation on whose behalf it has been produced.

Polling day dos and don'ts

1.43 You should:

- Make sure that any tellers working for you follow our [tellers dos and don'ts](#) and any guidance issued by the (Acting) Returning Officer.
- 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](#)
- For candidates in Wales, we have also produced the secrecy requirements for [postal voting](#), [the poll](#) and [the count](#) bi-lingually in English and Welsh.
- Comply with requests by polling station staff or the (Acting) Returning Officer about campaigning near polling stations.

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

1.44 You must not:

- Campaign near polling stations in a way that could be seen by voters as aggressive or intimidating (for example, large groups of supporters carrying banners, or vehicles with loudspeakers or heavily branded with campaign material).
- Breach the requirements on secrecy of the ballot. This is an essential part of any modern democracy and breaches are taken seriously.

In particular, if you (or your agents) are attending postal vote opening sessions, you must not seek to identify and publicise how votes have been marked on individual ballot 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

1.45 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.

1.46 You are also responsible for the conduct of your supporters, and the person who acts as your election agent is responsible for your campaign and, in particular, its financial management. You should make sure that you, and your supporters, fully understand the law and know what they need to do to ensure that voters can participate freely in this election.

1.47 The police can only investigate allegations of electoral fraud where there is evidence to show that an offence has taken place, so you should always be able to substantiate any claims or allegations when you refer them to the police. You should also consider the impact on public trust and confidence of making false or unsubstantiated allegations about the conduct of other campaigners.

List of offences

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

Bribery

1.49 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.

We do not regulate any of these offences.

For details of how to report any allegations of electoral malpractice see paragraph **1.61**.

Treating

1.50 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

1.51 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, harm or loss upon or against any person in order to induce or compel that person to vote or refrain from voting.

1.52 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.

1.53 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.

Personation

1.54 Personation is defined as an individual voting 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

1.55 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.

1.56 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.

16

1.57 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.

False statements in nomination papers

1.58 It is an offence to provide a false 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

1.59 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

1.60 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

1.61 There are various offences regarding multiple voting and proxy voting, including voting in person or by post as an elector or proxy knowing that you are subject to a legal incapacity to vote and inducing or procuring another to commit the offence.

Breaches of the secrecy of the ballot

1.62 Everyone involved in the election process or attending certain proceedings must maintain the secrecy of the ballot. The (Acting) 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.

We do not regulate the content of campaign material and are not able to comment on the legality of any particular electoral material beyond what is covered in this guidance.

Campaign publicity material

1.63 Certain offences relate specifically to election campaign publicity material. Printed election campaign publicity material must contain an imprint, not resemble a poll card and not contain a false statement of fact as to the personal character or conduct of a candidate.

Racial hatred

1.64 Under the Public Order Act 1986, it is an offence to publish or distribute threatening, abusive or insulting material that is intended to stir up racial hatred or which is likely to stir up racial hatred.

Reporting allegations of electoral fraud

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

1.66 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.

1.67 If you have evidence that an electoral offence has been committed you should contact the police **immediately**. You should be prepared to give them a statement and substantiate your allegation.

1.68 In England and Wales, contact details for the Electoral Registration Officer or (Acting) Returning Officer are available from our About my vote website www.aboutmyvote.co.uk. In Scotland, you can also find contact details of Electoral Registration Officers on www.aboutmyvote.co.uk and you can contact Returning Officers through the local council.

1.69 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.

18

What if you have made a mistake?

1.70 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.

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

1.72 For more information, you should:

In England and Wales:

- visit <https://hmctsformfinder.justice.gov.uk/HMCTS/FormFinder.do>, and enter the form number LOC002

or

- contact the Election Petitions Office at the Royal Courts of Justice at:

The Election Petitions Office
Room E113
Royal Courts of Justice
Strand
London WC2A 2LL
Email: Election_Petitions@hmcts.gsi.gov.uk

Phone: 020 7947 6877
Fax: 0870 324 0024

In Scotland:

- contact the Petitions Department at:

The Petitions Department
Court of Session
Parliament Square
Edinburgh EH1 1RQ
Email: supreme.courts@scotcourts.gov.uk

Tel: 0131 240 6747

Fax: 0131 240 6711