

Community council elections In Wales

Guidance for candidates

Part 2a of 6 – Standing as an independent candidate

January 2022

This document applies to community council elections in Wales only. It does not apply to county and county borough elections. Our guidance and resources for other elections in the UK can be accessed from our website at: <https://www.electoralcommission.org.uk/i-am-a/candidate-or-agent>.

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Essential information

This section of the document contains our guidance on standing as an independent candidate at a community council election.

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.

In this document, we use 'you' to refer to the candidate. We use 'must' when we refer to a specific requirement. We use 'should' for items we consider to minimum good practice, but which are not legal or regulatory requirements.

Deadlines mentioned in this document are generic. We have published a [generic election timetable on our website](#). For any by-elections, you will be able to obtain a copy of the specific timetable for that election from the Returning Officer.

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

Data protection legislation applies 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.

This document does not cover parish council elections in England.

You can access guidance for those elections through our website.

Completing your nomination papers

This guidance reflects the changes introduced by:

- The Local Government and Elections (Wales) Act 2021
- The Local Elections (Principal Areas) (Wales) Rules and
- The Local Elections (Miscellaneous and Consequential Amendments) (Wales) Regulations 2022

that take effect for principal area elections held on and after the 5 May 2022.

1.1 To become nominated as a candidate at a community council election, you need to submit a completed set of nomination papers to the Returning Officer by 4pm on the 19th working day before the poll.¹ 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 papers², as well as the times and arrangements for delivery by hand or electronically, will be set out in the notice of election published by the local Returning Officer.

1.3 There are two nomination papers that you must submit for your nomination to be valid:³

- the nomination form
- a home address form

1.4 You can find out how you can obtain nomination papers from the local elections office. Contact details can be obtained from our website www.electoralcommission.org.uk/i-am-a/electoral-administrator. Alternatively, the Commission has produced a set of [nomination papers](#) that you could use.

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1.5 If you or someone you trust are unable to complete the nomination form, the Returning Officer can help by preparing the form for your signature.⁴ You should check with the RO at the earliest opportunity what assistance may be available.

1.6 The Returning Officer may provide briefings on the importance of following the election rules and any changes to the rules since the last election. You should ask your RO if they are holding candidate briefings, where they are being held and when.

1.7 The Returning Officer may also be able to offer informal checks of your completed nomination papers before you submit them. You should find out from the Returning Officer whether they plan to offer informal checks.

1.8 Informal checks may be provided in person remotely via email or both. If the RO is providing informal checks, you should ask them about the specific arrangements in place for doing so. For example, there may be an appointment system or a specific email address to use.

1.9 You should submit your nomination papers for an informal check as early as possible to give the Returning Officer an opportunity to check them and to give you sufficient time to submit new nomination papers should your first set contain any errors.

1.10 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.⁵

The nomination form

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

- **Your full name.**⁶ This means your surname followed by your 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

The RO can hold your nomination paper invalid if the particulars of your nomination are not as required by law.

The RO can also reject your nomination if they conclude that it is clearly a sham, for example, if an obviously fictitious name or address are provided.

your hereditary title is Joseph Avon, you can use the name Joseph Avon as your full name.

- **Statement of party membership**⁷ You must include a statement of party membership stating whether you have been a member of any political party at any time in the last 12 months. For more information on Statement of party membership see paragraph **1.63**.
- **Declarations:**⁸ On the nomination paper you must complete and sign the following declarations:
 - that you are qualified on the day on which you complete your nomination paper and on the day of the election to be elected as a councillor by virtue of the fact that you are a qualifying Commonwealth citizen, a citizen of the Republic of Ireland, a relevant citizen of the Union or a qualifying foreign citizen who has attained the age of 18 years on the day of the election, and that:⁹
 - you meet at least one of the qualifications to stand for election listed in the declaration section on the nomination paper. You must indicate which one of more of the qualifications a) – d) apply to you by ticking those that apply and putting a line through those that do not. For explanation of the qualifications see [Part 1: Can you stand for election?](#)
 - you are to the best of your knowledge and belief not disqualified from being elected as a councillor – [see Part 1: Can you stand for election for more information.](#)
- **Signature and signature of a witness**¹⁰: You must sign your nomination paper. Your signature must be witnessed; and the witness must give their full name and full address on the home address form.¹¹ There are no restrictions on who can be a witness¹²

You are not required to include signatures from subscribers on your nomination form.

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1.12 The following is optional:

- **A commonly used name**¹³ – if you use a name that is different in any respect from your actual name 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 **1.55**.
- **A description**¹⁴ – 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.

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

For information on how to register a political party, see our website at

<https://www.electoralcommission.org.uk/i-am-a/party-or-campaigner/political-parties/registering-and-maintaining-a-party>

Home address form¹⁵

1.13 You are required to complete a home address form which must be delivered with the nomination paper by the deadline for delivery of nomination papers, which is 4pm in the nineteenth working day before the poll.

1.14 The home address form must state:

- your full name (see paragraph **1.11**)
- any commonly used names¹⁶, if these are included on your nomination form
- your home address in full
- your qualifying address, or where you have selected on your nomination form that you meet more than one qualification, your qualifying addresses
- which of the qualifications your qualifying address or addresses relates to
- the full name and the home address of the person who witnessed your signature on your nomination form

1.15 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)

1.16 You may choose for your home address not to be published on the statement of persons nominated or the ballot paper.

1.17 In this case the home address form must contain, as well as your full name and home address:

- a statement, signed by you, which states that you require your home address not to be made public
- the name of the relevant area in which your home address is situated (if your home address is in the UK)
- if you live outside the UK, the name of the country in which your home address is situated¹⁷

1.18 The relevant area you provide on your home address form must be in the format described in paragraph **1.20** below. The relevant area is not the ward or the full name of the local authority.

Meaning of qualifying address and relevant area¹⁸

1.19 Qualifying address means:

- where you have selected option (a) on the nomination paper, the address in full where you are registered as a local government elector
- where you have selected option (b) on the nomination paper, a description and the address of that land or premises which you have occupied as owner or tenant
- where you have selection option (c) on the nomination paper, the address of your place of work
- where you have selected option (d) on the nomination paper, the address or addresses in full of where you have resided

1.20 Relevant area means:¹⁹

- **For home addresses in Wales:**
 - if the address is within a county, that county;
 - if the address is within a county borough, that county borough

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- **For home addresses in England:**
 - if the address is within a district for which there is a district council, that district;
 - if the address is within a county in which there are no districts with councils, that county;
 - if the address is within a London borough, that London borough;
 - if the address is within the City of London (including the Inner and Middle Temples), the City of London; and
 - if the address is within the Isles of Scilly, the Isles of Scilly
- **For home address in Scotland:**
 - the local government area in which the address is situated
- **For home address in Northern Ireland:**
 - the local government district in which the address is situated

Submitting your nomination papers

1.21 It is your responsibility to ensure that your nomination papers are delivered in the manner set out on the notice of election and by the required deadlines by 4pm on the 19th working day before the poll.²⁰

1.22 Your nomination paper and the home address form must be delivered

- To the place specified on the notice of election²¹ or
- as specified in the electronic delivery statement²² on the notice of election

1.23 The RO will have arrangements in place that will allow you to deliver your nomination papers electronically. An email address or an online portal will be provided specifically for the purpose of electronic delivery of nomination papers. For more information about the electronic delivery of nomination papers see paragraph **1.68**

1.24 We recommend that you or someone you trust delivers them your nomination papers by hand or submits them electronically, so you can be sure they are delivered to the Returning Officer in the required way and in time.

How must nomination papers be submitted?

1.25 The nomination paper and home address form can be delivered either:

- by hand
- or other electronic means as per the arrangements set out in the electronic delivery statement provided by the RO on the notice of election²³.

1.26 Where a document is delivered electronically, it may be signed electronically - this could take the form of a typed signature for example.

1.27 If you deliver your nomination papers by hand, the **original version** of each completed paper must be submitted. Nomination papers **cannot** be delivered by post.

When must nomination papers be submitted?

1.28 The notice of election will be published no later than 25 working days before the poll and will state the times at which nominations can be delivered²⁴ in person and the arrangements in place for nominations to be delivered electronically.²⁵ The notice of election will be published on the website of the local authority in which the community is situated.

1.29 Delivering nomination papers by hand is usually only possible during normal office hours. The Returning Officer will confirm the exact details of when and where nomination papers can be delivered in person and the arrangements for electronic delivery on the official notice of election.

1.30 You should contact the Returning Officer as soon as possible to find out what arrangements are in place for submitting nomination papers in person and for electronic delivery. You will be able to contact the Returning Officer via your local authority elections office. Contact

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details can be obtained from our website
www.electoralcommission.org.uk/i-am-a/voter.

After you have submitted your nomination papers

1.31 If you deliver your nomination papers electronically, the RO should confirm its receipt. Please note that an electronic read receipt from the Returning Officer is not confirmation that the nomination is valid.

1.32 You will be sent a notice by the RO informing you of their decision as to whether or not your nomination is valid.

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. For more details on withdrawing, see below.

Withdrawing²⁶

1.34 You may withdraw as a candidate by signing and submitting a withdrawal notice. You must sign the notice in the presence of a witness who must attest your signature

1.35 There are no restrictions on who may submit the notice, but it must be delivered to the Returning Officer either:

- by hand to the place for the delivery of nomination paper or
- electronically as per the arrangements set out in the notice of election.²⁷

1.36 A [notice of withdrawal](#) can be obtained from the local Returning Officer or downloaded from our website.

1.37 The withdrawal notice must be submitted by the deadline for withdrawals (i.e. by 4pm on the 19th working day before the poll). 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.

What happens after the close of nominations?

1.38 The Returning Officer will publish a statement of persons nominated for each community, or for each community ward if the community is warded, by 4pm on the 18th working day before the poll.²⁸ The statement will include:²⁹

- 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, or if they have requested not to make their home address public, the name of the relevant area in which their home address is situated (or the country if their home address is situated outside the UK)
- each candidate's description (if any) as given on their nomination paper
- the information contained in each candidates' statements of membership of political parties, as given in their nomination papers

Being validly nominated in more than one ward³⁰

1.39 If the community is warded and you are validly nominated in more than one ward in that community, you must withdraw from all wards but one before the deadline for withdrawals (i.e. by 4pm on the 19th working day before the poll). If you do not withdraw from all but one ward, you will be deemed to have withdrawn from all of the wards.

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Inspecting other candidates' nomination forms³¹

1.40 From the day after the close of nominations until the day before the poll, nomination papers that have been delivered are open to inspection during normal office hours, and anyone can take a copy of them.

Inspecting the home address form³²

1.41 During normal office hours from the close of nominations until the day before the poll, only certain people are entitled to inspect home address forms. These people are:

- another candidate standing nominated as a candidate in the same electoral area as you
- the election agent (if appointed) of another candidate standing nominated as a candidate in the same electoral area as you (or, if the candidate is acting as their own agent, another person selected by them)

1.42 No person is permitted to take an extract from them or make a copy of them.

Will the election be contested or uncontested?³³

1.43 After the close of nominations, the Returning Officer will establish whether or not there is a need to hold a poll in the electoral area. If the community is not warded, the electoral area will be the whole of the community. If the community is warded, the electoral area will be the community ward. If there are more candidates than seats after the deadline for withdrawals, there will be a poll.

1.44 If, however, after the deadline for withdrawals the number of validly nominated candidates is less than or equal to the number of seats to be filled in the electoral area, those candidates are declared to be 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](#).

1.45 In this case, the Returning Officer will declare those candidates to be elected to the community council not later than the sixth day before polling day and will give public notice of the names of those declared elected.

Appointing your postal voting, polling and counting agents

1.46 You can appoint agents to observe the following electoral processes, which you are also entitled to observe:³⁴

- the opening of postal votes
- the poll
- the count

1.47 Anyone, except for the following, can be appointed as a postal vote, polling or counting agent:

- the Returning Officer or a member of their staff
- a partner or clerk of the Returning Officer or a member of their staff
- anyone not entitled to vote at the election as a result of the report of an election court or a conviction for a corrupt or illegal practice under the Representation of the People Act 1983

1.48 The number of agents who may be appointed to any particular polling station is limited to four³⁵, or such greater number as the Returning Officer decides to allow. If more than that number are appointed, the Returning Officer 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 to attend will remain unaffected by this.

1.49 The Returning Officer will tell you the maximum number of postal voting and counting agents you can appoint.³⁶ 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.³⁷

1.50 The request to appoint these agents must be made in writing to the Returning Officer.³⁸ It must contain the names and addresses of the people being appointed.³⁹ The Returning Officer 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.

1.51 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.⁴⁰ However, appointment forms for postal voting agents only need to be submitted to the Returning Officer by the time fixed for the opening of postal votes they want to attend. The Returning Officer will give you at least 48 hours' notice before the scheduled start of each postal vote opening session.⁴¹

1.52 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 Returning Officer.⁴² Any new appointment in these circumstances must be made without delay.

1.53 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

1.54 If a candidate dies during the election period, see paragraph **1.74** for further information on how this will affect the election.

Supplementary information

Commonly used name(s)

1.55 If you commonly use a name that is different in any respect from your actual names, you can ask for your commonly used name(s) to be used instead of your actual names.⁴³ 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.

1.56 In another example, if your actual name is 'Andrew John Smith', but you are commonly known as 'John Smith', you can request that the name 'John Smith' appear on the ballot paper.

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

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

1.59 Any commonly used name(s) would then appear on:

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

1.60 The Returning Officer will disallow commonly used names that are likely to mislead or confuse electors, or are obscene or offensive.⁴⁴ If the name(s) are not permissible, the Returning Officer will write to you stating the reason for rejection. In those cases, your actual name will be used instead.

1.61 If either the commonly used forename or surname box on the nomination paper is left blank, then your actual forename or surname,

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depending on which commonly used name box has been left blank, will be used.

1.62 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.

Statement of party membership

1.63 You must include a statement of party membership on the nomination form stating whether you have been a member of any political party at any time during the period of 12 months ending with the day on which the notice of election is published – known as the relevant period.⁴⁵

1.64 The statement must state whether you have been a member of any registered political party at any time during the relevant period.

1.65 If you have been a member of one or more registered political parties, within the relevant period you must add each registered political party you have been a member of and the dates of membership during the relevant period.⁴⁶ You must add the name of the registered political party even if it has ceased to exist or is no longer a political party.⁴⁷

1.66 It is an offence to knowingly fail to include a statement of party membership with your nomination paper.⁴⁸

1.67 The information provided on the statement of party membership will be included on the statement of persons nominated and will be published by the Returning Officer.

Submitting nominations electronically

1.68 The Returning Officer will include an electronic delivery statement on the notice of election.

1.69 This statement will set out the arrangements that they have put in place if you want to deliver your nomination electronically.

1.70 The arrangements provided by the RO will be:

- An email address⁴⁹ that you can send your nomination papers to or
- A service which you can use to submit your nomination papers online⁵⁰ or
- Both of the options listed above.⁵¹

1.71 If you choose to deliver your nomination papers by email, you should ensure that you use the email address specified for that purpose as provided in the electronic delivery statement. It is your responsibility to ensure that the RO receives your nomination forms in the correct way by the required deadlines.

1.72 Delivery of your nomination to an email address not specified for that purpose will result in your nomination paper being considered not delivered as required.

1.73 As far as is possible, you should aim to attach all the forms required for your nomination to the RO to one email.

Death of a candidate

1.74 If the Returning Officer 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.⁵²

1.75 The Returning Officer will in that case order a new election to fill the vacancy. The new polling day will be within 35 working days of the day fixed for the first election. Candidates already validly nominated do not have to be nominated a second time.⁵³

1.76 Should a fellow candidate die during the campaign, the Returning Officer will provide you with further guidance.

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

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- ¹ Rule 1 , Sch 1, Local elections (Communities) Wales Rules 2021
 - ² Rule 3 Sch 1, Local elections (Communities) Wales Rules 2021
 - ³ Rule 5(6), Sch 1, Local elections (Communities) Wales Rules 2021
 - ⁴ Rule 4(1)(b) Sch 1, Local elections (Communities) Wales Rules 2021
 - ⁵ s.65 RPA 1983
 - ⁶ Rule 5 (3)(a) Sch 1, Local elections (Communities) Wales Rules 2021
 - ⁷ Rule 5(3) and Rule 8, Sch 1, Local elections (Communities) Wales Rules 2021
 - ⁸ Rule 5(3)(d) Sch.1, Local elections (Communities) Wales Rules
 - ⁹ Section 79, Local Government Act 1972 (as amended)
 - ¹⁰ Rule 5(5), Sch 1, Local elections (Communities) Wales Rules 2021
 - ¹¹ Rule 9(5)(a) & (b) Sch 1, Local elections (Communities) Wales Rules 2021
 - ¹² Rule 5(5), Sch 1, Local elections (Communities) Wales Rules 2021
 - ¹³ Rule 5(4), Sch 1, Local elections (Communities) Wales Rules 2021
 - ¹⁴ Rule 6, Sch 1, Local elections (Communities) Wales Rules 2021
 - ¹⁵ Rule 9, Sch 1, Local elections (Communities) Wales Rules 2021
 - ¹⁶ Rule 9(4),Sch 1, Local elections (Communities) Wales Rules 2021
 - ¹⁷ Rule 9(7)(b),Sch 1, Local elections (Communities) Wales Rules 2021
 - ¹⁸Rule 9(3), Sch 1, Local elections (Communities) Wales Rules 2021
 - ¹⁹ Rule 9(8) Sch 1, Local elections (Communities) Wales Rules 2021
 - ²⁰ Rule 1 (1)Sch 1, Local elections (Communities) Wales Rules 2021
 - ²¹ Rule 5(2)(a), Sch 1, Local elections (Communities) Wales Rules 2021
 - ²² Rule 5(2)(b), Sch 1, Local elections (Communities) Wales Rules 2021
 - ²³ Rule 3(5) Sch 1, Local elections (Communities) Wales Rules 2021 2021
 - ²⁴ Rule 3(2)(e) Sch 1, Local elections (Communities) Wales Rules 2021
 - ²⁵ Rule 3(5) Sch 1, Local elections (Communities) Wales Rules 2021
 - ²⁶ Rule 12 (1) Sch 1, Local elections (Communities) Wales Rules 2021
 - ²⁷ Rule 1(1), Sch.1 Local elections (Communities) Wales Rules 2021
 - ²⁸ Rule 1(1), Sch.1 Local elections (Communities) Wales Rules 2021
 - ²⁹ Rule 13, Sch.1, Local elections (Communities) Wales Rules 2021
 - ³⁰ Rule 11, Sch.1 Local elections (Communities) Wales Rules 2021
 - ³¹Rule 17, Sch.1, Local elections (Communities) Wales Rules 2021
 - ³² Rule 18, Sch.1 Local elections (Communities) Wales Rules 2021
 - ³³ Rule 20, Sch.1 Local elections (Communities) Wales Rules 2021
 - ³⁴ Rule 33 Sch.1 Local elections (Communities) Wales Rules 2021
 - ³⁵ Rule 33(3) Sch.1 Local elections (Communities) Wales Rules 2021
 - ³⁶ Rule 33(5) Sch.1 Local elections (Communities) Wales Rules 2021,
 - ³⁷ Rule 33(5)(b)(3) Sch.1 Local elections (Communities) Wales Rules 2021
 - ³⁸ Rule 33(7) Sch.1 Local elections (Communities) Wales Rules 2021
 - ³⁹ Rule 33(8) Sch.1 Local elections (Communities) Wales Rules 2021
 - ⁴⁰ Rule 33(8)(b), Sch.1 Local elections (Communities) Wales Rules 2021
 - ⁴¹ Regulation 80 Representation of the People Regulations (England and Wales) 2001
 - ⁴² Rule 33(9), Sch.1 Local elections (Communities) Wales Rules 2021
 - ⁴³ Rule 5(4), Sch.1 Local elections (Communities) Wales Rules 2021
 - ⁴⁴ Rule 14(2), Sch.1 Local elections (Communities) Wales Rules 2021
 - ⁴⁵ Rule 5(3)(c), Sch.1 Local elections (Communities) Wales Rules 2021

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- ⁴⁶ Rule 8(3), Sch.1 Local elections (Communities) Wales Rules 2021
⁴⁷ Rule 8(4), Sch.1 Local elections (Communities) Wales Rules 2021
⁴⁸ Rule 8(5), Sch.1 Local elections (Communities) Wales Rules 2021
⁴⁹ Rule 3(5) (a) Local elections (Communities) Wales 2021
⁵⁰ Rule 3(5) (b) Local elections (Communities) Wales 2021
⁵¹ Rule 3(5) (c) Local elections (Communities) Wales 2021
⁵² Rule 67(2), Sch.1 Local elections (Communities) Wales Rules 2021
⁵³ s.39 Representation of the People Act 1983