PENINSULA WARD

BY-ELECTION

Thursday 8 December 2022

Returning Officers

Guidance for

Candidates and agents

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1 Introduction

* 1. This guide aims to provide practical advice for people who want to stand as a candidate in the Peninsula ward by-election on Thursday 8 December 2022.

1.2 This guide provides information specific to Medway, and more importantly complements the comprehensive guide produced by the Electoral Commission. This guide does not set out to duplicate the information contained in the Commission’s guidance. All prospective candidates and their agents are strongly encouraged to access the Electoral Commission guides on their web site – <http://www.electoralcommission.org.uk/i-am-a/candidate-or-agent/local-elections-england>

How to use this guide

1.3 The advice is provided as a *guide* to the requirements for candidates and agents during the elections. It should not be relied on as legally definitive and neither Medway Council, nor the Returning Officer can accept any responsibility for any errors or omissions, or any act arising from them. If candidates or agents have any doubts about a particular point, they are strongly recommended to consult the appropriate legislation and seek their own legal advice.

**COVID-19**

The Electoral Commission published some additional guidance for candidates relating to the PCC elections in May 2021 (supporting candidates and agents May 2021 polls) and although Covid restrictions were lifted on 19 July 2021, by-election candidates are encouraged to read this guidance as it provides some “good practice” that could be adopted in the run up to the by-election - <https://www.electoralcommission.org.uk/i-am-a/candidate-or-agent/police-and-crime-commissioner-elections>

2 Roles and responsibilities - who does what?

The Returning Officer (RO)

2.1 The Returning Officer for Medway is the Chief Executive, Neil Davies, and he is responsible for the overall conduct of the election.

Deputy Returning Officers (DRO’s)

* 1. The RO delegates most of the day-to-day responsibilities for the planning and conduct of the election to two Deputy Returning Officers (DRO’s). Jane Ringham, the Head of Elections & Member Services is responsible for all of the day-to-day conduct and planning of the arrangements for the identification of polling stations, appointment of staff, the nomination process, the conduct of the poll and postal votes and the arrangements for the counting of the votes. Bhupinder Gill, the Assistant Director, Legal & Governance, is responsible for the oversight of these activities.

# Advice

The contact details for those involved in the election at Medway are as follows:

Neil Davies – 01634 332705 Neil.Davies@medway.gov.uk

Jane Ringham –01634 332864 Jane.Ringham@medway.gov.uk

Bhupinder Gil – 01634 332133 bhupinder.gill@medway.gov.uk

Electoral Services Office – 01634 332180 (general inquiries) electoralservices@medway.gov.uk

* 1. Returning Officer and her staff must act impartially in their dealings with candidates and agents at all times during the conduct of the election. However, it is important to note that they are not responsible for monitoring the conduct of candidates, agents and campaigners, and any concerns regarding such conduct should be brought to the attention of the police.
1. The role of a Councillor
	1. Medway Council has a key role in representing the views of the local community. Becoming a Medway Councillor is one of the most challenging and potentially satisfying roles you will ever face. You will become a representative and policy-maker, with wide-ranging responsibilities to the Council and the community.
	2. You will represent the views of your constituents at all levels, dealing with their problems and getting closer to them by attending local meetings. You will be involved in many Council-wide issues and your commitment will be paramount. You will find that you become the contact point used by your constituents to air any Council-related issues.
	3. The Council is expected to be the leader in its community. Powers have been conferred on it to promote the economic, environmental and social wellbeing of the area. This creates a duty to oversee and co-ordinate all the statutory partners in the area with opportunities to influence the provision of all services including those outside the Council’s direct control.
	4. Medway Council’s democratic structure operates with a Leader and Cabinet, with Cabinet members having responsibility for a different council service, theme or area of work.
	5. Councillors not selected to join the Cabinet will have a role to play representing people who live in their wards and keeping a check on decisions made by the Leader and Cabinet. This is done through a series of Overview & Scrutiny Committees. They will also be involved in agreeing budgets and making some policy decisions.
	6. The Independent Remuneration Panel is the body that reviews Members Allowances and when they last undertook a review in 2019, they used a formula that suggested that Councillors undertake Council duties for approximately 20 hours a week, although this may be lower for those not undertaking special responsibilities. Most of the Council’s committee and other meetings are currently conducted in the evenings.
	7. Allowances for attending meetings are not paid. However, every Councillor receive a basic allowance (currently £10,952 per annum), to cover expenses and special responsibility allowances are paid in addition to Councillors who are appointed to be members of the Cabinet or other key posts. Councillors may also claim travel and other allowances for carrying out public duties, in accordance with the agreed Allowances Scheme. The basic allowance is up-rated in line with the median Council staff hourly pay each year.
	8. There is a Code of Conduct that sets out standards of behaviour and propriety to which all Councillors must subscribe. In particular it sets out the circumstances in which a Councillor must register certain interests and disclose such personal interests as and when matters related to those interests are being considered by the Authority. Councillors must sign their acceptance of the Code within two months of their election, or they will cease to be a Councillor. A copy of the Code can be obtained from The Monitoring Officer, Medway Council, Gun Wharf, Dock Road, Chatham, ME4 4TR.
	9. In line with the Council’s commitment to climate change, Members are expected to receive electronic copies of Council meeting papers and to this end have been provided with a laptop to enable them to conduct their official business. In addition, for security reasons Members are expected to use a medway email address for all formal business.

4 Deadlines – the election timetable

4.1 The by-election will take place on **Thursday 8 December 2022**. Certain key dates and deadlines are included in the statutory election timetable and are shown in Table 1 below. If no time is specified as the deadline for an event or requirement (e.g., noon or 5pm), then the deadline will be **midnight** on that day.

*Table 1: Timetable for the election, Thursday 8 December 2022*

|  |  |
| --- | --- |
| Event | Day |
| Notice of election: to be published not later than | 3 November |
| Delivery of nomination papers: between 9am and 6pm, Monday-Friday from | 4 November |
| Last day for delivery of nomination papers: not later than **4pm** on | 11 November |
| Last day for withdrawals of candidature: not later than **4pm** | 11 November |
| Last day for notice of appointment of election agents: not later than **4pm** on | 11 November |
| Statement of persons nominated to be published no later than **4pm** on | 14 November |
| Last day for applications to register to vote in the elections on | 22 November |
| Last day for new applications to vote by post, or to change or cancel an existing postal vote or proxy vote appointment: not later than **5pm** on | 23 November |
| Last day for new applications to vote by proxy: not later than **5pm** on | 30 November |
| Last day for publication of Notice of Poll & Situation of polling stations | 30 November |
| Last day for notice of appointment of counting agents and polling agents | 1 December |
| **Polling day 7am to 10pm** | **Thursday 8 December** |
| Last day for the receipt of return of election expenses and agents declaration (if result declared on Thursday 8 December) | Thursday 12 January |

5 Getting nominated

How do I become a candidate?

5.1 You can deliver your completed nomination papers from Friday 4 November onwards, until the deadline at 4pm on Friday 11 November.

It is a serious offence to include false information relating to the name or address of a candidate in nomination papers, for a candidate to state that they are qualified and not disqualified when this is not true, or to falsify the signature of a subscribing elector. If a person is found guilty of such an offence, they may be sentenced to imprisonment for up to a year, or face an unlimited fine, or both. If a candidate is elected and subsequently, they or their agent are found guilty of making a false statement in a nomination paper, the election is void.

## Qualifications and disqualifications

5.2 In order to be eligible to stand for election a person must be qualified to stand and not be disqualified.

Qualifications required for candidature

* 1. To qualify as a candidate a person **must** satisfy the following criteria on the day they are nominated and on polling day. They must:

* have attained the age of at least **18 years** **and**
* be a British citizen, an eligible Commonwealth citizen, or a citizen of any other member state of the European Union
	1. The candidate must also meet **at least one** of the following four qualifications during the 12 months before the day of their nomination and on polling day:
* they are registered as a local government elector in Medway, or
* they have occupied as owner or tenant any land or premises in Medway, or
* their main or only place of work has been in Medway or
* they have lived in Medway

**Note:** The qualification to be a registered elector is an ongoing qualification that

must be satisfied (unless duly qualified under another criterion stated above) for the duration of the term of office if a candidate is elected. It is therefore strongly recommended that a candidate marks **all** of the qualifications that they satisfy when completing the nomination paper. This can avoid issues arising if they are elected and their circumstances subsequently change so that they are no longer a registered elector.

Disqualifications

* 1. Certain people are disqualified from being elected. A person cannot be a candidate if at the time of their nomination or their election:
* they are employed by or hold a paid office under the authority (including employment by any joint boards or committees)
* they hold a politically restricted post
* they are the subject of a bankruptcy restrictions order or interim order in England or Wales
* they have been sentenced to a term of imprisonment of three months or more (including a suspended sentence) without the option of a fine, during the five years before election day
* they have been disqualified under the RPA 1983 (which covers corrupt or illegal electoral practices and offences relating to donations)

5.6 A person may also be disqualified from election if they have been disqualified from standing for election to a local authority following a decision of the First – Tier Tribunal (formerly the Adjudication Panel for England or Wales).

* 1. **Recent legislation has introduced a new set of disqualifications relating to the Sexual offences Act**. The full range of disqualifications for candidates is complex, and some exceptions may also apply. They are set out on the back of the Consent to Nomination paper which forms part of the Nomination Pack. Candidates are strongly advised to consult the relevant legislation to ensure that none of the relevant disqualifications apply, and if in doubt, to seek their own legal advice. Neither the Returning Officer nor his staff can offer advice on this matter.

## Nomination

Getting nominated

5.8 Once the notice of election has been published (by no later than **Thursday 3 November**, a person can become a candidate. To become nominated as a candidate, a person will need to complete a set of nomination papers and submit them to the Deputy Returning Officer, Jane Ringham by **4pm** on **Friday 11 November**.

5.9 You can be supplied with as many copies of the nomination form and the forms of consent to nomination as are needed. Electronic copies are available to download from the Council’s web site as well as the Electoral Commission’s web-site (see link on page 1). The Deputy Returning Officer will also prepare the nomination paper for signature if required.

The nomination pack

The nomination form

* 1. Anyone wishing to stand as a candidate needs to complete a nomination form. You can use the one supplied by the Deputy Returning Officer, or a form to the same effect.

5.11 Nomination papers must be completed in English.

###### Name

5.12 The nomination form must include the candidate’s surname, then other names in full. A candidate risks having their nomination paper rejected by the Returning Officer if they use initials.

5.13 Candidates may ask for their commonly used surname(s) and forename(s) to be printed on the statement of persons nominated, the notice of poll and on the ballot papers, instead of their actual name. **A candidate can only state a commonly used name on the nomination paper if they actually commonly use a name that is different from their full name**. There is no requirement to use a commonly used name; candidates have the option to stand either under their full name or any commonly used name they have. If a candidate is commonly called by a name that is not their full name, they are not required to put it on the nomination paper. If a candidate wishes to use their full name, they should leave the commonly used name box(es) blank.

5.14 Commonly used names that the Returning Officer considers likely to mislead or confuse electors, or are obscene or offensive, will be disallowed. If the name(s) are not permissible, the Returning Officer will write to the candidate stating the reason for disallowing the commonly used name. In such a case, the candidate’s full names will be used.

5.15 Titles or prefixes such as Mr., Mrs. or Dr, should not be used. They will not appear on any of the official election documents.

5.16 The exact wording of the candidate’s name, as entered on the nomination

paper, will appear on the statement of persons nominated, the notice of poll and on the ballot paper. If the Returning Officer does allow the commonly used name(s), they will appear on each of these occasions instead of the candidate’s full name.

**Description**

5.17 If you are NOT standing as a candidate on behalf of a political party, then you may choose to use one of the following descriptions on the Statement of Persons Nominated and underneath your name on the ballot paper:

* the description “independent”
* No description – it is optional to have a description, so you do not have to use one.

No other description is allowed for candidates who are not standing on behalf of a registered political party

5.18 Candidates representing a registered political party can use a party description, but this may only be the registered name of the party or one of the descriptions registered with the Electoral Commission. The current name and list of descriptions registered by political parties is available at http://search.electoralcommission.org.uk/Search/Registrations?currentPage=1&rows=30&sort=RegulatedEntityName&order=asc&open=filter&et=pp&et=ppm&register=gb&regStatus=registered&optCols=EntityStatusName A certificate of authorisation from the registered party’s nominating officer (or a person appointed by them to act on their behalf) giving the candidate permission to use that description must be submitted to the Returning Officer before the close of nominations. If a description is used which has not been registered with the Commission, then the Returning Officer must hold the entire nomination invalid. A Certificate of Authorisation is included in the nomination paper pack.

5.19 It is important to note that the description supplied on a candidate’s nomination paper must match exactly the description authorised by the relevant registered party officer. Where the description does not correspond, the Returning Officer may hold the nomination invalid.

5.20 In summary, therefore, candidates have four main options with regard to the description:

(a) Leave the description part of the form blank, in which case no description will appear on the ballot paper

(b) Use the description ‘Independent’

(c) Use a description that is registered with the Commission and has been

authorised in writing by the nominating officer of a registered political party or someone appointed to act on their behalf

(d) Use the name of the party as it is registered with the Commission, with the

authorisation in writing from the nominating officer of a registered political party or someone appointed to act on their behalf

 Joint descriptions

5.21 Candidates who wish to stand on behalf of more than one registered party may use a joint description which is registered with the Commission and must also submit a Certificate of Authorisation from each of the parties’ registered nominating officers.

5.22 If a candidate wants to register a political party, thus enabling them to use a party political description, details about the process for doing so can be found later in this section.

**Signatures of subscribers**

* 1. The nomination paper needs to be signed by ten electors (the first two of whom are known as the proposer and seconder) included in the register of local government electors for the Ward that is in force on 1 September 2022. Where a nomination paper has more than ten signatures, only the first ten will be accepted. **If any of the subscribers are invalid, the Returning Officer must hold the nomination paper invalid, regardless of whether the form contains more than ten subscribers**. However, if you have made a mistake on the nomination paper and crossed out the complete row containing the details of a subscriber, then that subscriber will be ignored and treated as if it was not on the form.

5.24 The electoral number of each elector, including the letters of the polling district AND the elector number in the left-hand column next to their name on the Register of Electors, must be entered on the nomination paper e.g., RP1 250.

5.25 The candidate must ensure that the names of the people signing their

nomination paper appear in the relevant electoral register for the Ward where they wish to stand.

5.26 Subscribers should sign their “normal” signature and not necessarily try to sign to match their entry in the register. The subscribers should also print their name on the nomination paper so that the Returning Officer can readily verify that they are registered to vote as required.

5.27 To ensure the nomination paper is completed correctly, candidates are entitled to receive a copy of the register for the Ward they are contesting and should make a request to receive the register in writing (email accepted) to the Electoral Services section, using the contact numbers on page 2. Further information on this process can be found in Section 7.

5.28 All the candidate’s particulars must be completed before the nomination papers are subscribed – it cannot be altered after signatures have been added.

* 1. Electors may only subscribe one nomination paper as there is only one vacancy in the Ward that is being contested. This means that if two candidates submit a set of nomination papers that have been subscribed by the same person, the nomination paper that was submitted first will be accepted; and the second and any subsequent nominations will be invalid.

5.30 Once a nomination paper has been formally accepted by the Returning Officer, signatures cannot be withdrawn.

5.31 The names of the ten subscribers will appear on the Statement of Persons Nominated and this will be displayed in the Ward and the Council’s web sites at the very least. The candidate is strongly advised to advise the subscribers of this.

**Home Address Form**

5.32 In recognition of harassment that and abuse that elected representatives and prospective candidates can receive, new legislation has been introduced to enable candidates to opt out of having their home address appear on a variety of official election documents, including ballot papers.

5.33 A new form has been devised called the Home Address Form, a copy of which is included in the Nomination Pack, and this must be submitted to the Deputy Returning Officer (Jane Ringham) no later than the deadline for the submission of the completed nomination paper and consent to nomination (Friday 11 November 2022).

5.34 The Home Address Form comprises two parts. All candidates must complete Part 1. The candidate’s home address must be completed **in full and** should not contain any abbreviations. The address must be the candidate’s current home address, and not a business address unless the candidate runs a business from their home. The address does not need to be in the electoral area in which the candidate wishes to stand, **as long as the candidate meets one of the other qualifications for standing set out above.**

5.35Part 1 of the Form must be attested by someone who must also witnessyour consent to nomination. There are no restrictions as to who may attest this form (and the Consent to Nomination) however please note that it is not appropriate for any member of the Returning Officers’ staff to do it.

5.36 If a candidate does not want their home address to appear on the Statement of Persons Nominated, ballot papers and any other official election forms, they should complete Part 2 of the Home Address Form. **If Part 2 is left blank it will be assumed that the candidate is content for their home address to appear on election materials where required.**

5.37 Each candidate must provide the “relevant area” in which their home address is situated. If the address is within Medway, that is what should be included in Part 2 of the form.

5.38 The Home Address form is available for inspection along with the nomination form any working day during normal office hours between the deadline for submission (4pm on Friday 11 November) and the day before polling day (Wednesday 7 December). They may be inspected by another candidate, their election agent, or the proposer or seconder of the candidate

5.39 Home address forms will be kept securely stored for a period of 35 calendar days after the declaration of the result and then be securely destroyed.

**Consent to nomination**

5.40 In order for the nomination as a candidate to be valid, the candidate must also formally give their consent to nomination in writing. The candidate will be asked to state that they are qualified and not disqualified from standing and to give their date of birth. A form for this purpose will be provided in the pack from the Deputy Returning Officer, or on the Council or Electoral Commissions’ web sites. **It is important to note that a nomination will not be valid if the completed and signed consent form does not contain the copy of sections 80 and 81 of the Local Government Act 1972 and section 34 of the Localism Act 2011** which are supplied with the form provided by the Deputy Returning Officer, or on the Council or Electoral Commissions’ web sites.

5.41 Candidates must sign and date the consent to nomination within one calendar month before the last day for delivery of nomination papers. The candidate’s signature must be witnessed, and the witness must also sign the form and give their full name and address. This must be the same person who attests the Home Address Form. The rules do not specify who can witness this form, and so there are no restrictions on who can do this, however, please note that it is not appropriate for any member of the Returning Officers’ staff to do it. The declaration of consent should be delivered by hand to the Deputy Returning Officer with the other nomination papers and must be delivered before **4pm** on **Friday 11 November.**

**Deposit**

5.42 No deposit is required for a candidate to stand at an election of Local Councillors.

**Registering as a political party**

5.43 There is detailed information on registering a new political party name, including a minor political party for candidates to use at the elections on the Electoral Commission web-site <http://www.electoralcommission.org.uk/who-we-are-and-what-we-do/party-registration-applications> Please note that it costs £150 and can take up to 30 working days for an application to be processed.

**Request to use emblem on the ballot paper**

5.44 Only candidates who have been authorised by a political party to use a description on the ballot paper, can also request that one of the party’s official emblems is used on the ballot paper next to their name. Each registered party can register several emblems, and they can be viewed or downloaded from the Electoral Commission’s website at http://search.electoralcommission.org.uk/Search/Registrations?currentPage=1&rows=30&sort=RegulatedEntityName&order=asc&open=filter&et=pp&et=ppm&register=gb&regStatus=registered&optCols=EntityStatusName

**Joint candidates**

5.45 Candidates standing on behalf of more than one political party may only use one emblem and must have obtained the authorisation of the party to use it as described above.

5.46 The request to use an emblem must be made **in writing** by the candidate, and they must deliver it to the Returning Officer before **4pm** on Friday 11 November**.** The request should state both the name of the political party **and** the description of the emblem to be used, as listed on the Commission’s website. Registered emblems cannot be varied in any way. A form for this purpose is provided in the nomination paper pack provided by the Deputy Returning Officer.

**Checking of nomination papers**

5.47 Jane Ringham can check all draft papers before final submission and her contact details are shown on page 2**. It is recommended this be done at least 48 hours before Friday 11 November so there is sufficient time if more work is needed to rectify a problem. Preferably informal checks should be done by scanning and emailing the paperwork to Jane** and she will contact them with the outcome**. This applies to the informal checking procedure only. Otherwise, it would be helpful if appointments were made in advance for the checking so that candidates are not kept waiting.**

**Correction of nomination papers**

* 1. The Deputy Returning Officer is permitted to correct minor errors made on a nomination paper, including errors to a person’s elector number and obvious errors of spelling in relation to the details of a candidate. For example, where an elector number has been entered incorrectly, the Deputy Returning Officer may amend it if they are satisfied as to the cause of the error (for example, wrong polling district prefix, transposed number, etc.). Where the elector number has been omitted altogether, however, the nomination paper will be rejected on the basis that no error has been made to the number – it has simply not been supplied.

**Submission of nomination papers**

5.49 The Electoral Commission has clarified the law regarding the submission of nomination papers. For your nomination to be valid you must ensure that:

* Nomination papers are only submitted on working days **between 9am and 6pm** from **Friday 4 November** until **4pm on Friday 11 November.**
* The nomination paper and consent to nomination **are submitted by hand and cannot be submitted by post, fax, email or any other electronic means**. Papers must be delivered to the Deputy Returning Officer, Jane Ringham on level 3, Gun Wharf, Dock Road, Chatham, ME4 4TR. Any nomination papers left at the Gun Wharf reception desk or received in the post will automatically be declared invalid by the Returning Officer.
* Any Certificate of Authorisation and emblem request form **may** be delivered by hand or by post, but cannot be submitted by fax, email or other electronic means. A copy attached to an email submitted and then printed out by the Returning Officer is deemed to be a copy and not the original document. They must be received by 4pm on Friday 11 November
* The **original** of each completed paper must be submitted

5.50 **Candidates MUST make an appointment in advance for the final submission so that proper arrangements can be made to manage the visit and so candidates are not kept waiting**. The Returning Officers’ staff will deal with those who have made appointments before any other candidates who arrive without an appointment. It may take up to 20 minutes to formally check and accept a nomination paper.

## **Withdrawing as a candidate**

5.51 Once the Deputy Returning Officer has accepted a candidate’s nomination papers, they can still withdraw from the election if they deliver a written notice to the Returning Officer before **4pm** on **Friday 11 November.** The notice, which is normally in the form of a letter, must be signed by the candidate and witnessed by one other person. Please note that after this date it is not possible to withdraw a candidate’s name from the election, and the candidate’s name will appear on the ballot paper.

Determination of nominations

* 1. As soon as possible after the checking of a nomination being submitted formally, the Deputy Returning Officer will advise the candidate whether the nomination is valid or whether an issue needs to be resolved.

5.53 A formal letter of validity or invalidity will be sent to the candidate to their home address as given on the Home Address Form as soon as possible after the deadline for nominations.

5.54 Once the Returning Officer has formally made a determination on a nomination paper it cannot be challenged during the election but may be challenged by way of an election petition.

Inspection of nomination papers and consents to nomination

5.55 Any person may inspect, and take copies of, the nomination papers, and consents to nomination any day during normal office hours between the deadline for submission (4pm on Friday 11 November) and the day before polling day (Wednesday 7 December). Home Address Forms are also available for inspection over the same period, but no copies or extracts may be made.

Publication of the list of valid nominations

5.56 On Monday 14 November, a list of the persons nominated (called a Statement of Persons Nominated) will be published. It will be published on the Council’s web-site and copies will be sent to each candidate and election agent.

Contested elections

5.57 If, after the deadline for withdrawal, there are two or more valid nominations, the Poll will take place on Thursday 8 December.

*Summary*

The original version of your Nomination papers must be submitted no later than **4pm on Friday 11 November,** and must include:

1. Form of nomination – must be submitted by hand;

2. Candidate’s consent to nomination – must be submitted by hand; and

3. Home Address Form

And, if you are standing as a party candidate, you must also include:

4. Certificate of authorisation signed on behalf of a registered political party; *and, if desired,*

5. Request to use a registered party’s emblem on the ballot paper.

**Nomination papers must be delivered to the Deputy Returning Officer, Jane Ringham, at Level 3, Gun Wharf, Dock Road, Chatham, ME4 4TR**

It is a serious offence to include false information relating to the name or address of a candidate in nomination papers, for a candidate to state that they are qualified and not disqualified when this is not true, or to falsify the

signature of a subscribing elector. If a person is found guilty of such an

offence, they may be sentenced to imprisonment for up to a year, or face an

unlimited fine, or both. If a candidate is elected and subsequently, they or their agent are found guilty of making a false statement in a nomination paper, the election is void.

1. Your campaign: election agents, polling agents, counting agents and tellers

6.1 During the campaign, you may have concerns about the literature published by other candidates or members of the public may approach you with similar concerns. Please note that the Returning Officer is not a referee. All concerns should be reported to the police if they cannot be resolved with the candidate or election agent concerned. The contact of the local police officer is DC Alec Wood, 01622 654376.

6.2 When considering the display of campaign material, the Council will not accept fly posting, inappropriate posters, inappropriate literature, or highway obstructions. If it becomes necessary for the Council to remove campaign literature a charge will be made to the election agent of the relevant candidate.

**Election agent**

* 1. Each candidate must appoint their own election agent, but he or she may appoint themselves to act as their own agent. **If no agent is appointed by the statutory deadline, the candidate is deemed to be his or her own agent.**

6.4 The election agent is the person responsible to the candidate and in law for the proper management of the candidate’s campaign. In particular, the election agent is responsible for the financial management of the election campaign and for ensuring that the declarations and returns of expenses are properly completed and delivered to the Returning Officer.

6.5 Even if you do appoint an election agent, each candidate should read the relevant Electoral Commission guidance about expenses so that they are fully aware of the rules, and ensure their agent is following them.

6.6 As well as your election agent, you can also appoint people to help you on election day in polling stations and at the count. These are known as your polling or counting agents. You could also act as your own polling or counting agent. Candidates will be contacted about this after the close of nominations.

* 1. A form for the appointment of an election agent is included in the pack of papers available from the Deputy Returning Officer or the downloadable version on the Council’s and Electoral Commission’s web-sites.

6.8 The deadline to appoint an election agent is the same as for submission of nominations – **4pm Friday 11 November.**

6.9 The election agent is required by law to have an office, to which all claims, notices and documents may be sent. The office has to be:

* in Medway, or
* in an adjoining district

6.10 If you appoint yourself as your own election agent you must give an office address within the qualifying area as defined above.

6.11 If you act as your own election agent as a result of not appointing anybody else, your home address as given on the Home Address Form will be deemed as the election agent office address. If that address is outside the qualifying area as defined above, the office address will be deemed to be the address of the person named as proposer to your nomination.

* 1. **Even if a candidate has opted out of having their home address showing on formal notices and the ballot papers, it will appear on the list of election agents if you become your own election agent by default of not appointing anyone else**.
	2. A list of election agents, including the office address will be published and displayed in the Ward and on the Council’s web-site on Friday 11 November.

Polling Agents

6.14 You can appoint up to four polling agents to attend each polling station but only one of your polling agents will be allowed into a polling station at any time. However, each agent may be appointed to attend more than one polling station – you might appoint a polling agent to cover all of the polling stations in a particular ward, for example.

6.15 The Electoral Services Section will send you forms on which to appoint polling and counting agents after the close of nominations, but you do not have to use these forms. You must notify the Deputy Returning Officer, Jane Ringham **in writing** of the names and addresses of any polling agents no later than **Thursday 1 December**.

Counting Agents

6.16 Section 9 of this guide describes the arrangements for the counting of the votes in more detail. The Returning Officer (RO) will decide the maximum number of counting agents you will be allowed to appoint to attend the count. Each candidate will be allowed to appoint exactly the same number of counting agents. The formula will be calculated by dividing the number of counting staff engaged by the RO to count the ballot papers by the number of candidates. The Returning Officer will advise you and your election agents of the maximum number of counting agents allowed soon after the close of nominations.

Postal vote opening agents

6.17 Each candidate and election agent is entitled to attend the sessions at Gun Wharf that take place where returned postal votes are opened. The candidate may also appoint agents for this purpose as well. They are specifically entitled to observe the opening of the postal voters’ ballot box, the opening of returned postal votes and the checking of signatures and dates of birth provided on returned postal voting statements. It should be noted that the votes on the ballot papers are not counted during these sessions. Further details about these sessions will be sent to election agents after the close of nominations.

6.18 Everyone who attends the postal vote opening sessions must be aware of, and comply with, the secrecy provisions contained in section 66 of the Representation of the People Act 1983. In particular this means that it is an offence either to attempt to ascertain the number of votes for each candidate (i.e., keep a tally) or to communicate the result.   Attempting to ascertain is itself an offence, even if there is no communication. Therefore, the Returning Officer will not tolerate anyone attempting to keep such a tally at any of the opening sessions.

**Written notification of Polling, Opening of Postal Votes and Count Agents must be delivered to the Deputy Returning Officer, c/o Medway Electoral Services, Gun Wharf, Dock Road, Chatham, ME4 4TR:**

* **Before the start of any particular postal vote opening session that a postal vote opening agent is seeking to attend**
* **No later than Thursday 1 December in respect of polling and counting agents**

7 The Register of Electors & absent voter’s lists

7.1 As a candidate you are entitled to a free copy of the section of the full electoral register for Peninsula ward, and a free copy of the list of overseas electors for the area. You will need this to identify the elector numbers of the subscribers for your nomination paper at the very least. You are encouraged to request your copy of the register in good time once you have become a candidate. This should be in writing (email accepted) to the Electoral Services Office, Gun Wharf, Dock Road, Chatham, ME4 4TR or by email to electoralservices@medway.gov.uk. You need to specify the format required (see below).

7.2 The registers will be supplied to you in data form, unless you specifically request a paper copy. The data will be supplied in a CSV (comma-separated values) format.

*Using data in a Comma Separated Values (CSV) format*

CSV files are a simple form of spreadsheet representation that can be read or modified with a number of common desktop applications, including Excel.

CSV files can be opened using most spreadsheet or database applications, including Microsoft Excel and Access, and can also be read or modified with any text editor or word processing programmes such as Microsoft Word. In particular, CSV files can be used with the mail merge function of most word-processing programmes to create mailing labels or form letters.

7.3 The registration data provided will include the relevant part of the register that was published on 1 December 2021 as well as reflecting any alterations made to the register published at the beginning of each month between January and September (inclusive).

7.4 The Electoral Registration Officer is required to publish two versions of the electoral register: a full version containing the details of all electors in the area, and an edited version which is available for sale, and which does not contain information about electors who have requested that their details are not included.

7.5 It is important to note that a number of legal restrictions apply to the use of information in the full electoral register. If you have been supplied with a copy of the full electoral register for a particular area, you must not:

* + - • pass on a copy of the register to any other person;
	1. • disclose any information from the register (which is not contained in the edited version of the register also published by the Electoral Registration Officer); or

• make use of any information from the register

*other than for electoral purposes*.

7.6 If you are found guilty of breaching these conditions you may face a fine of up to £5,000.

7.7 You are also entitled to a copy of the lists of postal and proxy voters for the Ward. The Electoral Services Office on request will also supply these lists to you in data format.

7.8 Electors can claim to be added to the register as soon as they move home, or whenever they find they are not on the current register. There is a timetabled process for making additions or deletions to the register.

* 1. To be able to vote at the election on 8 December, an application to register must be received by the Electoral Registration Officer by midnight on Tuesday 22 November. Electors can register online, which is much quicker and easier than completing paper applications, and they should be encouraged to visit the website [www.gov.uk/register-to-vote](http://www.gov.uk/register-to-vote). They will need their National Insurance number and date of birth which will be checked against the Department for Works and Pensions database before they are verified as being registered to vote.

**Data protection**

* 1. As well as the restrictions on the use to which the copies of the register and other lists can be put which are referred to above, candidates must also be aware of their responsibilities under the Data Protection Act to ensure that there is no breach of the personal data that is contained within those documents. You should also ensure that you only retain the documents for a reasonable amount of time after the elections. If you are elected, you are entitled to a full copy of the Register and monthly updates for the ward and if you are not elected, the information in the documents should be of no further use to you. It is therefore suggested that the documents are destroyed securely by shredding, no more than one month after the elections.
	2. Candidates and agents are also asked to be particularly sensitive with the information contained in any postal and proxy voters’ lists provided. Electors have expressed concerns about third parties knowing that they may not be at home during the election period if that is the reason they have applied to vote by post or to appoint a proxy.

8 Polling day

8.1 Polling day for the by-election is **Thursday 8 December**, and polling hours are between **7am and 10pm**.

8.2 Details of the locations of polling stations will be confirmed by the RO in a notice to your election agent.

Entitlement to attend the polling station

8.3 As a candidate, you are entitled to visit any polling station in the ward, as is your election agent. Your polling agents may also attend at the polling station for which they have been appointed. Only one of your polling agents is allowed to enter each polling station at any time on the day of the election.

8.4 The Presiding Officers at polling stations will ensure that electors can quietly and privately cast their vote free of any intimidation (whether real or perceived) and provide a space where the secrecy of the ballot will be respected.

8.5 Electors should be able to enter the surrounding area of a polling station in the same manner.

8.6 There must be no long-term parking of vehicles for campaign purposes, for example displaying election materials or using loudspeakers, immediately outside the entrances or within a reasonable distance of entrances to polling stations. It is acknowledged that cars being used to transport electors may need to wait for the elector to vote, but this must not be an unduly prolonged period, particularly if they display any campaign material.

8.7 The Presiding Officers will not allow large groups of a candidate’s supporters or detractors to gather in the vicinity of a polling station and will be particularly alert to acts that may lead to electors feeling intimidated or influenced. Influencing includes deterring an elector from voting at all, as well as influencing them to vote or not for a particular candidate.

Tellers

8.8 Candidates may sometimes use ‘tellers’ to stand outside polling stations and request the electoral numbers of people who have attended the polling station. Whilst it is acknowledged that they play an important part in assisting candidates and agents to identify those who haven’t voted and might be contacted, tellers have no status in electoral law, and they are not allowed to actually enter the polling station itself.

8.9 Your tellers must not hand out election material or try to influence the way someone should vote. They should not ask any voter who they voted for, or how they intend to vote. Voters are not *required* to give any information to tellers, and they should not be pressed if they refuse to answer. Any tellers working for you should not give the impression that the information they request is required for official purposes.

8.10 **It should be noted that poll cards will be printed and despatched prior to the publication of the revised Register on 1 December. Therefore the elector number shown on the poll cards voters may bring with them to the polling station will not match the elector number on the register published on 1 December with which national parties or local representatives have been supplied**.

8.11 In view of the lack of legal guidelines for tellers, you may wish to ensure that your tellers are given a copy of Code of Conduct issued by the Electoral Commission that is available from the Elections office or the Electoral Commission’s website in the section headed Resources for Part 4 The Campaign <http://www.electoralcommission.org.uk/i-am-a/candidate-or-agent/local-elections-england>

8.12 The Returning Officer will allow tellers to wear coloured rosettes and face coverings (unless exempt) that also bear the emblem of a registered political party and the name of any candidate, but not the words “Vote for (name of candidate)”. Presiding Officers will be briefed to ask any teller wearing rosettes or face coverings that do not comply with this guidance to remove them and wear a plain face covering instead.

9 The count

9.1 The verification and counting of ballot papers for the by-election will take place on **Thursday 8 December** at Gun Wharf, Dock Road, Chatham, ME4 4TR from the close of poll at 10pm.

9.2 Further information about the verification and count will be provided by the Returning Officer after the close of nominations.

Count procedure

9.3 Other than the Returning Officer, the Deputy Returning Officers and his staff, only the following people are entitled to attend the count:

* you as candidate, and your partner, husband or wife;
* your election agent;
* any of your appointed counting agents.
* Electoral Commission staff; and
* observers accredited by the Electoral Commission

9.4 The Returning Officer may also permit other people to attend the count at his discretion but is not obliged to do so. The decision of the Returning Officer as to who may attend the count is final.

9.5 The maximum number of counting agents to be appointed by each candidate will be determined by the Returning Officer but will be not less than the total number of counting staff divided by the total number of candidates. The number permitted must be the same for each candidate. The RO may have to limit numbers in light of the need to adhere to health & safety requirements.

10 Election expenses

**Note:** All election agents in Local elections are subject to controls on their election expenses and are required to submit a return of election expenses and Declaration to the proper officer of the authority by a statutory deadline. **Returns must be submitted even if the candidate has not incurred any expenditure**.

## General guidance

10.1 The following notes provide general guidance on election expenditure.

More detailed information on election expenditure can be found in the guidance provided by the Electoral Commission.

Calculation of maximum amount

10.2 All candidates contesting an election are subject to limits on expenditure incurred on items used in advance of an election. The current limit on expenditure related to the conduct or management of the election is **£806** **together with an additional 7p for every entry in the register of electors in force on the day the Notice of Election is published.** Any expenses incurred by a candidate on behalf of their candidature are not refundable by Medway Council or any other organisation.

10.3 The Register to be used for this election will be that in force on 1 September 2022. The electorate is shown below:

|  |  |
| --- | --- |
| Peninsula | 12135 |

Form of return

10.4 Candidates and election agents are required to submit three documents no later than the dates shown (these are based on the results being declared before midnight on Thursday 8 December):

|  |  |  |
| --- | --- | --- |
| 1 | Election Agents Declaration | no later than Thursday 12 January |
| 2 | Return of expenses | no later than Thursday 12 January |
| 3 | Candidates Declaration | Within 7 working days of the submission of the return above - no later than Monday 23 January |

10.5 The relevant forms can be provided by the Deputy Returning Officer on request or downloadable versions are available on the Electoral Commission website.

1. After the Election
	1. Once the Returning Officer has declared the result, officers will provide the elected candidate with a “welcome pack” containing some information they will need for the first few days, including how to gain access to the Council offices at Gun Wharf amongst other things.
	2. We take training of Members seriously and are conscious that there is a lot of information to convey to a newly elected Councillor.

## Declaration of acceptance of office

11.3 The appointment of successful candidates as councillors becomes effective immediately. If successfully elected, the candidate must sign a declaration of acceptance of office, in which they agree to follow the council’s code of conduct in the performance of their duties, before they can act as a councillor. This declaration must be made within 2 months of the date of the election or before the new Councillor wants to formally take part in a committee or Full Council meeting. If the declaration of acceptance of office is not submitted by this deadline, the seat is declared vacant, and a by-election must be held to fill the vacancy.

11.4 Details about how to make an appointment with the Monitoring Officer to sign the Declaration of Acceptance of Office will be included in the “welcome pack” referred to above

12 Inspection of materials and documents after the election

12.1 A number of documents are available for inspection by any person after the election, however, ballot papers and corresponding numbers lists are not available, to ensure the secrecy of the ballot.

Marked register of electors and marked absent voters list

12.2 These documents show who has been issued with a ballot paper in a polling station and who has returned their postal ballot paper, or who has had their proxy vote on their behalf. They are available for inspection under supervision free of charge where handwritten notes may be taken. Appointments for inspection should be made to electoralservices@medway.gov.uk

12.3 Copies of the marked register from polling stations can be supplied to candidates and election agents and those who are entitled to a copy of the Full Register. It is only available in PDF format and will be charged at a statutory fee of £2 per 1000 entries (or part thereof) plus a £10 administrative charge.

12.4 The marked register of postal ballot papers returned can also be supplied to candidates and election agents and those who are entitled to a copy of the Full Register. It is only available in data format as described in paragraph 6.2 and a statutory fee of £1 per 1000 entries (or part thereof) plus a £10 administrative charge.

12.5 The marked registers from polling stations and of postal ballot papers are only retained for a year and the ERO is then obliged to destroy them.

Glossary of terms

|  |  |
| --- | --- |
| Candidate | Person standing for election |
| Counting Agent | Person appointed by a candidate to observe the counting of the votes  |
| Election agent | A person appointed by a candidate on whose behalf expenses of the election campaign are incurred. The election agent is responsible for the submission of an expenses return to the Returning Officer within a specified time after the Declaration of the Result |
| Electoral number | The unique number given to each elector in the Register of Electors. It comprises the letters signifying the Ward as well as a number. The electoral number must be included for each of the people assenting to a candidates’ Nomination Paper and can be found next to the persons’ entry in the Register of Electors |
| Nomination Papers | The forms that must be provided to the Returning Officer by the specified deadline in respect of each candidates’ nomination (See section 5) |
| Notice of Election | Formal notice that initiates the election.  |
| Notice of Poll | Formal notice advising electors of the arrangements for the election, including the polling station to which they have been allocated |
| Polling agent | People appointed by a candidate to detect personation at the polling station, i.e., if they suspect a person has already voted or that a person pretends someone who they are not, they may request the Presiding Officer to ask statutory questions. If the elector does not give satisfactory answers to those questions, they will not be given a ballot paper  |
| Polling Station | The premises within a polling place in which voting takes place. Only specified people may visit a polling station  |
| Postal vote | An elector may choose to cast their vote by post rather than attend the polling station in person  |
| Presiding Officer | A member of staff appointed by the Returning Officer who has a statutory responsibility for the conduct of the poll at the Polling Station to which they are appointed  |
| Proxy vote | An elector may appoint a proxy to vote on their behalf if the elector cannot attend the polling station in person. The proxy can apply to vote by post |
| Tellers | People appointed by a candidate to stand outside a polling station and ask electors for their elector number so that they can see who has voted. They are not allowed to ask for which candidate an elector has voted, nor are they entitled to be in the room where the voting is taking place |
| Statement of Persons Nominated | Formal notice comprising a list of the candidates standing in each Ward as well as the proposer and seconder for each candidate |