

The Labour Party

Local Elections 2011 England

Legal Handbook

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1 INTRODUCTION

The following elections are due to take place in England on 5 May 2011:

- 36 Metropolitan Boroughs - all by thirds
- 49 Unitary Authorities - 19 by thirds and 30 all-up
- 194 Second-tier districts - 70 by thirds and 124 all-up

This handbook provides guidance about electoral law relevant to the local elections in England for agents, candidates and other members closely involved in managing campaigns.

We stress that this handbook is intended as a guide and must not be regarded as definitive. If you require further advice, or you encounter any problems, contact your regional office or the Compliance Unit at head office as quickly as possible.

1.1 Representation of the People Acts 1983-2000

The Representation of the People Acts relate largely to the machinery of elections, including the various voter registration regulations and the principles of candidate spending limits. Failure to comply with the Representation of the People Acts can lead to serious consequences, not least to an election being declared void and, in extreme cases, imprisonment.

1.2 Political Parties, Elections and Referendums Act 2000

The Political Parties, Elections and Referendums Act 2000 (PPERA) principally controls donations and loans to political parties and candidates, created the

Electoral Commission and amended the candidate expense rules in the Representation of the People Acts. It created a statutory framework for the recording and reporting of donations and loans by registered political parties and their accounting units, and in some cases, individual members and elected representatives. It also limits spending by the national party at Westminster, European, Scottish Parliament and Welsh Assembly elections

1.3 Electoral Administration Act 2006

The Electoral Administration Act was introduced primarily to improve the security and integrity of the ballot and set standards for the administration of elections. It also clarified the imprint requirements for election materials. Old materials using 'printed by/published by' are not valid.

1.4 Political Parties and Elections Act (PPE) 2009

Amongst other measures, the PPE brought in additional limits for candidate spend at Westminster elections where a Parliament sits for longer than 55 months.

1.5 Guidance from the Electoral Commission

The Electoral Commission regularly produces guidelines to political parties, candidates and agents on elections and party finance issues. This handbook incorporates the Electoral Commission's current guidance.

2 ELECTION TIMETABLE

Thursday 5 May 2011

Here are the key dates for the English local elections on 5 May 2011. The timetable is longer than usual as both Easter and the Royal Wedding Bank Holiday fall within the short campaign. You should obtain a copy of the full timetable from your local Electoral Registration Officer (ERO) and check the following:

- the date on which the Notice of Election will be published locally (nominations open)
- the date on which postal ballots will be sent out in your local authority area

DAY	DATE	EVENT
Friday	25 March	Last day for notice of election Start of candidate election expenses
Monday	04 April	Last day for delivery of nomination papers (12 noon)
Wednesday	06 April	Publication of persons nominated (12 noon)
Thursday	07 April	Last day for withdrawals of candidature (12 noon)
Thursday	14 April	Last day for postal vote applications Last day to register to vote (5pm)
Thursday	21 April	Last day for proxy vote applications (5pm)
Tuesday	26 April	Last day for appointment of polling & counting agents
Wednesday	27 April	First day to reissue lost postal ballots
Thursday	05 May	POLLING DAY Last time to: issue replacement postal ballots & issue proxy votes on grounds of medical emergency (5pm) to correct clerical error on electoral register (9pm)
Thursday	26 May	Last day for receipt of bills for election expenses to be received by the election agent**
Thursday	02 June	Last day for payment of bills for election expenses**
Thursday	09 June	Last day for submission of candidates' election expenses returns**

** If the declaration of the result be made after midnight of the day of election, then add a further day.

3 THE ELECTION AGENT

Everything that a candidate does with the aim of being elected is controlled by electoral law. The office of election agent is a statutory one and agents are responsible for the legal conduct of the candidate's election campaign. These responsibilities do not end until the return and declarations of election expenses have been sent to the returning officer or, if any appeal or petition is pending or in process, until the close of the case.

3.1 Legal obligations

The key legal obligations covering elections are contained in the Representation of the People Act 1983 (RPA) and the Political Parties, Elections and Referendums Act 2000 (PPERA). The RPA explicitly imposes personal legal duties and liabilities on election agents; election or campaign committees have no legal status.

The election agent has statutory duties in respect of hiring election centres and meeting halls; authorising expenses by other bodies; contracting for expenditure scheduled in the acts; keeping spending within permitted limits; receiving and paying all relevant bills within the time allowed; and filing returns. These responsibilities cannot be delegated, though they should ideally be shared with those you can trust.

A candidate can have only one election agent. If an election agent is not appointed, the candidate will be their own agent. The party requires all election agents to be approved by the Regional Director (throughout this document the term Regional Director includes General Secretary in Scotland and Wales). Only one election agent will be approved in multi candidate wards. It is common for one agent to act for all candidates in an authority.

There are differences in the responsibilities of 'agents' in common and election law. In common law a person is not responsible for

the acts of persons not authorised, or even for acts beyond the scope of the authorisation. However, wider scope has been given to the term under election law and the courts have accepted that a candidate (via their election agent) is responsible for the acts of persons who are associated with him or her, or who assist in the conduct of the election.

All authorised or recognised helpers, or appointed officials, are held to act on behalf of the candidate. The acceptance of the services of any person at any election centre is, in law, evidence of acknowledging this. In law, it may be unnecessary to show that the candidate or election agent knew of and accepted services voluntarily tendered - acceptance of such help by other persons in a position to do so may be sufficient.

Therefore the candidate and election agent must warn all helpers as to their responsibilities and make clear that they forbid and refuse to countenance any dubious or illegal actions in the conduct of the election. All helpers should be informed that they must keep within the instructions issued by the election agent for the conduct of the election. A poster setting out 'Corrupt and illegal practices' is available on Membersnet and should be displayed prominently in all election centres.

If campaign workers have any ideas or suggestions for the campaign, they should put them before the election agent for approval before any steps are taken to implement them.

In recent years the party has been subject to people involving themselves in a campaign deliberately with the intent of producing a media story. To avoid embarrassment to the campaign and the party all members of a campaign team should be aware of the potential of this type of incident happening and take steps to establish the bona fides of unknown

volunteers seeking to become closely involved in the campaign.

It is the election agent's legal responsibility to ensure that expenditure is kept within the legal limit, so all election expenditure must be authorised by the election agent. This includes notional expenditure paid for by the CLP, LGC, Labour Group, trade unions or others, which the agent controls by deciding whether or not to accept the in-kind donation on behalf of the candidate. Therefore, it is vital that the election agent ensures that proper financial records are kept. The courts have indicated that the election agent should keep records of orders, expenditure and receipts.

3.2 Persons prohibited

The following persons may not act as an election agent:

any person who the candidate knows (or has reasonable grounds for supposing) to be subject to any incapacity to vote at an election by reason of that person being convicted or reported of any corrupt or illegal practice, or convicted more than once of an offence under the Public Bodies Corrupt Practices Act 1889. If the candidate appoints any such person, the election of that candidate may be declared invalid;

any local government officer listed under the Local Government Officers (Political Restrictions) Regulations 1990 as amended;

any officer or clerk appointed under the election rules, or their partners (the returning officer and other election staff).

3.3 Appointment of the election agent

The appointment can be made in any form, but must be accepted, and notified to the returning officer, in writing. A "Notice of appointment of election agent" form is obtained from the Returning Officer or downloaded from Membersnet or the Electoral Commission website.

This form is usually delivered to the Returning Officer at the same time at the candidate's nomination papers and must be delivered not later than the last date for

the delivery of notices of withdrawal for an election. A candidate may appoint him or herself as election agent, and will be deemed to have done so if no other person is appointed.

Each candidate may appoint one agent, but the appointment may be revoked. If the appointment of an election agent is revoked, or an election agent dies, before, during or after the election, another election agent should be appointed immediately and notified in writing to the returning officer.

A person may act as agent for a number of candidates. Agents should consider this carefully before taking on multiple candidates as monitoring several campaigns can be a huge undertaking given the additional duties required of agents since the PPERA.

3.4 Death of an election agent

If the election agent dies, the new appointment must be made on the day of the death or the following day. If no new appointment is made within that time the candidate automatically becomes the election agent.

3.5 Election agent's office

Every election agent must have an "office" to which all claims, notices, writs, summons and documents will be sent. This office has to be notified to the returning officer at the same time as notice of the appointment of the election agent is given. This office requirement is essentially a contact address and may be the home of the election agent, but it must be within the local government area or one of the parliamentary constituencies in which the area is comprised, or an adjoining local government area. The party advises against merely using a PO Box address as it is insufficient for legal purpose.

3.6 Meeting with the returning officer

Anyone agreeing to accept appointment as an election agent should seek a meeting with the acting returning officer for the local government area. If possible, this

should be done well in advance of an election. It is important that a good relationship is established between the agent and the returning officer's staff, in particular those who have day-to-day responsibility for the conduct of elections. At any meetings with the returning officer the agent should seek a shared understanding of the requirements of election law and how it will be interpreted locally, and also agree how information will be accessed.

3.7 Relationship with the Constituency Labour Party Treasurer

The agent will need to liaise closely with all relevant CLP and LGC treasurers (and sometimes Labour Group treasurers) as:

It is likely that a CLP or LGC (or Labour Group) will pay for some election expenses, and/or provide some facilities to the candidate, which will need to be reported as notional spending by the agent. The agent will need to obtain a notional expenditure statement and supporting invoices or receipts from the treasurer.

Under PPERA CLP and LGC treasurers must ensure that donations to the party are reported (see Section 10). It is essential that the Agent and treasurer work together to ensure that campaign donations are handled in a manner that complies with the legislation.

4 THE CANDIDATE - QUALIFICATIONS AND DISQUALIFICATIONS

4.1 Introduction

There are both party rules and legal qualifications regulating who can and cannot stand as a local government candidate.

Labour Party rules state that:

- 'Nominees must be legally qualified, and not disqualified, to stand for the local authority at the election concerned. It is required of LGCs that they take steps to check on disqualifications under the relevant legislation as well as any party requirements when compiling their panel of prospective candidates.'

Chapter 5B.3(e).

and,

- 'This party shall not accept as qualified for inclusion in its panel of approved candidates any sitting councillor whose sole legal qualification for standing for election in the local government area is existing service as a councillor.'

Chapter 5B.3(f).

4.2 Party expectations

In addition to meeting the legal requirements, the Labour Party expects nominees for the panel of local election candidates to:

- be normally resident in the area of the relevant local authority, and
- hold their party membership in the area of the relevant local authority, and
- have been members of the party for at least 12 months - although local government committees may decide to make exceptions.

Note: it is within the discretion of the Local Government Committee to consider

nominations from individuals who are legally qualified but who may not meet the Party's requirements for candidates, e.g. not having 12 months membership. However, that discretion must only be exercised having taken advice from the party's regional or compliance officers.

4.3 Legal provisions

In addition, there are legal provisions relating to qualification and disqualification.

Each nominee for the panel is required to sign a declaration confirming that he/she knows of no legal reason or party rule that would prevent him/her from being a candidate or being elected as a councillor in the local elections.

It is absolutely essential that every nominee is properly questioned to establish that s/he is both qualified and not disqualified. If there is any question about this - especially arising from employment - s/he must seek advice from the council's solicitor before being appointed to the panel of approved candidates. Every approved candidate must be reminded of the importance of remaining qualified and of checking the implications for qualification of any change in circumstance (e.g. employment).

4.4 Qualification

The law says that, on the day of nomination, and on polling day, candidates must:

- have attained the age of 18 years, and
- be a British citizen, a qualifying citizen of a Commonwealth country¹, a citizen of the Irish Republic, or a citizen of another

¹ A 'qualifying Commonwealth citizen' must either have the right of abode in the UK or have leave to enter/remain.

member state of the European Union.

- in addition, candidates must meet at least one of the following four requirements:
- be on the electoral register for the local authority area in which they wish to stand², or
- during the whole of the previous 12 months have occupied, as owner or tenant, land or premises in that local authority area, or
- have resided in the local authority area for the whole of the previous 12 months, or
- had your principal or only place of work in the local authority area during the previous 12 months³.

- holds a politically restricted post in a public authority.
- are subject to a bankruptcy restrictions order or an interim order made in connection with creditors (excludes Individual Voluntary Arrangements).
- have been surcharged for more than £500 by the district auditor in the last five years.
- have been sentenced to a term of imprisonment (whether suspended or not) for three months or more, in the last five years.
- have been disqualified under Part III of the Representation of the People Act 1983 (this relates to donations and other offences as well) or under the Audit Commission Act 1998.

4.5 Disqualification

Certain people are disqualified from standing for election or from being a member of a local authority.

The law says that candidates are disqualified if, on the day of nomination, they:

- work for the local authority where they wish to stand for election. Restrictions may also apply to individuals whose post is confirmed by the local authority or who work for an organisation which is significantly funded and/or controlled by the council, or party to a contract with the council or to another local authority which jointly funds their position.

² If the electoral registration qualification is the sole qualification, then it is necessary, if elected, for the councillor to remain on the electoral register throughout the term of office. It is therefore essential for candidates to mark all the qualifications which they satisfy.

³ The party does not accept as qualified for its panel of approved candidates any sitting councillor whose sole legal qualification for standing for election is existing service as a councillor - see rule 5B.3(f).

5 NOMINATION PROCEDURE

The Notice of Election will be published not later than Friday 25 March 2011 – although it may be earlier. A set of nomination papers must be completed for each candidate and submitted to the Returning Officer between that date and the deadline of noon on Monday 4 April 2011.

Agents must make an appointment with the Returning Officer to deliver the nomination papers. Under no circumstances should delivery of the nomination papers be left until the last day. If there is a mistake and the nomination papers are invalid, there will be no time to put it right.

5.1 Nomination procedure - general points

The official papers to nominate a candidate to stand for election should be obtained from the Returning Officer well before the Notice of Election is published. Returning Officers will usually make packs of nomination papers (1 for each candidate and some spares) available a couple of months in advance of close of nominations. The earlier the better.

Generic forms can be downloaded from Membersnet or the Electoral Commission website.

For each candidate the following forms are required:

From the Returning Officer.

- Nomination paper
- Candidate's Consent to Nomination
- Appointment of Agent

From Labour Party Regional Office

- Request to use party description and emblem on ballot paper (Form of Certification).

We advise that all nomination papers are delivered at least two working days before the final deadline.

Many Returning Officers are now prepared to carry out an informal check of the nomination papers in advance of the formal

delivery of the papers. Agents are strongly advised to ask for an informal check as this may highlight mistakes which can be corrected and avoid papers being rejected when they are formally presented.

Updates to the electoral register are published at the beginning of each month. Make sure you use the correct version of the register of electors to complete the candidate's nomination papers.

Good preparation is essential to ensure that nomination papers for all candidates are completed properly and with enough time to be thoroughly checked and delivered to the Returning Officer as soon as possible on or after the publication of notice of election. The election co-ordinator (or agent) should oversee the arrangements for issuing, checking and delivering the nomination papers for all candidates.

Nomination papers must be dated within one month of close of nominations - i.e. not before 4 March 2011.

5.2 Filling in the candidates nomination paper

Each candidates nomination paper must be signed by 10 electors: a proposer, a seconder and eight other people ('assenters'). All must be registered electors in the ward where the candidate is standing. It is an offence for an elector to provide false details on these papers or for anyone to falsify a signature.

The particulars of the candidate must be entered on the nomination paper before anyone signs it.

The full surname and all other names of the candidate must be written or typed in full. Do not use initials. However, candidates may now request that a commonly used first name and/or surname appear on the ballot paper, notice of poll etc., instead of their full names. Nomination papers have been changed to accommodate this. The Returning Officer has the power to reject any commonly used name that is likely to

mislead or confuse electors, or is obscene or offensive.

Under the Political Parties, Elections and Referendums Act 2000 candidates of registered political parties must use the description(s) registered with the Electoral Commission.

The Labour Party is a registered political party and therefore all Labour candidates in England must use the description 'The Labour Party candidate'.

The description must not exceed 6 words and will appear on the ballot paper.

The Labour Party description must be authorised by a certificate (Form of Certification) issued by or on behalf of the Labour Party's registered nominating officer. These forms also give permission for the Labour Party emblem to be used on the ballot paper. The certificates are available from the regional office, need to be signed by the candidate and given to the returning officer at the same time as the nomination papers. These certificates should be requested from the regional office in good time (early March) to ensure that there is time for the candidates to sign the form to submit with the nomination papers.

In the case of candidates sponsored by the Co-operative Party, the description should read 'The Labour and Co-operative Party candidate'.

These candidates need to submit a form of certification from the Labour Party and from the Co-operative Party, both of which must read 'The Labour and Co-operative Party candidate'.

The home address of the candidate must be the official home address - not a business address or a temporary address. The place of residence must be fully stated, including the name of the town or village.

The usual signatures of the proposer, seconder and assenters to the nomination are acceptable. There is no longer a need to get them sign exactly as their name appears on the electoral register. Young voters whose 18th birthdays are shown on the register may sign a nomination paper if

their 18th birthday is on or before polling day.

The electoral number comprises the polling district letter(s) and the poll number. It must be entered in full. This is particularly important: the returning officer is required to check the signature of an elector using the electoral number (not the address). Omission of the polling district letter(s) or an inaccuracy in the register number may invalidate the nomination. Addresses of signatories to the paper are not required.

Returning officers are now allowed to correct minor errors on nomination papers, including errors to a person's electoral number and obvious errors of spelling in relation to the details of a candidate. However, agents should not rely on this. Every effort should be made to ensure that nomination papers are accurately and fully completed.

Voters can sign nomination papers up to the number of vacancies. So in a ward with 3 seats up for election, a voter may sign all sign all three Labour nomination papers.

It is also important to ensure that assenters have not signed papers for candidates standing for other parties, as only the first paper(s) submitted with the signature will be accepted. This is a further reason why you need to lodge your nominations as early as possible.

5.3 Candidate's consent

The consent to nomination form should be signed by the candidate and witnessed as early as possible, especially if the candidate is not readily available before nomination. It must be signed within one month of the last day for the delivery of nomination papers.

There are no special requirements for the witness to the candidate's consent. It can be the agent.

The consent form should be handed in at the same time as the nomination papers are delivered. The candidate should include as many of the qualifications to stand as possible, even though this may seem repetitive.

All three 12 month qualifications - holding property, having a place of work, or residing in the electoral area - sustain a councillor throughout the period of office (usually 4 years) even if they move out of the area after being elected. If the electoral registration qualification only were used it would be necessary, if elected, to continue that electoral registration throughout the term of office.

5.4 Agent's consent to appointment

Each candidate is required to appoint an election agent and the agent is required to give their consent to the appointment. The agent appointment form, signed by the candidate and agent, should be delivered to the returning officer at the same time as the rest of the nomination papers - although the closing date is a week later.

Candidates may appoint themselves as their own agent. If a candidate fails to appoint an agent they will be deemed to be their own agent.

The election agent must have an office and the notice of appointment must set out the office address to which any claims, notices, documents etc., may be sent. This office must be either in the local government area where the election is to be held, or in the constituency or one of the constituencies in which the area is comprised, or in a county borough, or in a London borough or district which adjoins it.

The role of the election agent is an important one as only the agent can authorise expenditure on behalf of the candidate, and they have a duty, together with the candidate, to ensure that the election campaign is conducted within the law.

5.5 Authorisation to use description and Party emblem

The descriptions and party emblems that candidates are permitted to use are regulated by the Political Parties, Elections and Referendums Act 2000 (PPERA). Candidates standing for a registered political party must have authorisation from the party's nominating officer to use the

party's registered name or description and emblem.

The authorisation consists of two forms, which must be lodged with the nomination papers and are available from your regional office.

The two forms are:

- the certificate authorising the description 'The Labour Party Candidate' with a request to use the party's emblem on the ballot. This form is signed by a person to whom the Nominating Officer of the party has given delegated authority
- the certification (or a copy/fax of the original) issued by the Labour Party's Nominating Officer, delegating authority to the person who signs the above to certify candidates. Many regional offices lodge this second form with returning officers at the beginning of each year.

Any nomination paper where the candidate is described as "The Labour Party Candidate" which is delivered to the returning officer, which is not accompanied by the above two authorisation forms by the deadline for the close of nominations, will be ruled invalid. If you have any questions on this, or require information on who is authorised in your area to certify candidates, you should contact your regional office.

Candidates standing as joint Labour and Co-operative candidates must also have an authorisation certificate from the Co-operative Party.

5.6 Delivery of papers

The importance of handing in the nomination papers and all other relevant documents before the final day cannot be over-emphasised. Try to get an appointment at least two working days before close of nominations.

Delaying nominations until the last hour of the final day has resulted in candidates failing to be nominated. Unexpected delay

or accidents may occur on the journey, or there may be unforeseen faults in the nomination papers - and no time left to secure new ones! Take no risks - do it early.

The following should be delivered together:

- Nomination paper.
- Candidate's consent to nomination form.
- Agent's consent to appointment form.
- Certificate from regional office nominating officer authorising the candidate to use the Labour Party description and logo on the ballot paper.
- Copy of the relevant nominating officer's authority to sign certificates.

Check the nomination papers carefully in advance of officially presenting them to the returning officer.

For local government elections, there is no restriction on who may deliver the nomination papers to the returning officer. Ideally this should be the agent or campaign co-ordinator.

You should obtain a receipt and confirmation that the nomination is accepted.

The party also asks that you notify your regional office of successful nominations.

5.7 Statement of persons nominated

By the date shown on the timetable the returning officer must publish a statement of persons who stand nominated. You should obtain a copy of the statement of persons nominated for each ward. In addition to confirming which candidates/parties are standing it also gives the position of each candidate on the ballot paper - essential for get out the vote activities and literature.

Many Returning Officers will in fact publish a draft list of persons standing immediately nominations close.

5.8 Withdrawal of candidates

Any candidate who has been nominated for more than one ward must withdraw from all but one of those wards by the deadline shown, or all their nominations will be deemed invalid.

6 ABSENT VOTING - POSTAL AND PROXY VOTES

Any voter who may have difficulty voting in person is entitled to an absent vote. This comes in two forms - postal votes and proxy votes. Although an absent vote can be obtained for a specific election or a specified period, any elector who may have long-term difficulties voting at a polling station should consider applying for a permanent postal or proxy vote, which lasts for five years.

The Electoral Administration Act 2006 brought in the requirement for applicants for absent votes to provide personal identifiers - their signature and date of birth - to help combat election fraud. This included those who already had an absent vote at the time the new legislation came in.

6.1 Types of absent vote

There are two types of absent votes, postal and proxy. A postal vote enables an elector to receive and return their voting papers by post rather than vote in person at a polling station. With a proxy vote, an elector nominates another person to vote on their behalf, by post or in person. Absent votes will be available up to a maximum of five years, after which up to date personal identifiers must be resubmitted to EROs.

6.2 Personal identifiers

All postal voters are required to provide their ERO with statutory identifiers - signature and date of birth - in order to obtain or retain a postal vote.

6.3 Applying for an absent vote

New applicants must complete an application form. These forms ask for information in a set format, date of birth DD/MM/YYYY and a signature in a plain background, white box at least 2cm high and 5cm long. Application forms may be obtained from EROs, the Electoral Commission or the Labour Party. Provided application forms provide all the information required in the correct format they may not be rejected by EROs.

6.4 Who qualifies for absent votes?

Postal votes

Postal votes are available on demand to anyone who applies. The only requirement is that the applicant must be on the electoral register. Postal ballot papers can be sent overseas, so overseas electors may now apply for a postal vote although the time delay when sending and returning postal votes should be considered.

If voters require that ballot papers be delivered to a different address other than their registered home address, they will be required to provide the ERO with sufficient explanation for this redirection. High numbers of redirect requests, particularly to the same address could be an indicator of postal voting irregularities. If agents or candidates are made aware of any issues such as this, EROs should be informed immediately and evidence provided in order that an investigation can be undertaken.

Applying for a postal vote

Applications for postal votes can be made at any time during the year. Ideally applications should be made on standard forms produced by the electoral registration officers and the Electoral Commission, but applications made on non-standard forms, or by fax, are acceptable provided all the required information is supplied.

The Labour Party postal vote form contains the information required to register for a postal vote. Any postal vote forms produced by local parties must also contain the minimum information required:

- details of which election the postal vote is required for or if it is for all future elections over the next five years.
- full name and address -the address at which the elector is on the electoral register.

- the address the voting papers should be sent to with space for explanation, if being redirected.
- date of birth of applicant in format DD/MM/YYYY.
- signature of applicant in box of specified type and size on a plain background.
- date on which completed.
- liable to have work hours changed at short notice or have to work overtime.

A spouse affected by their husband or wife's work, study or service commitment can also qualify for a proxy vote. Mental health patients and remand prisoners can only vote by postal or proxy vote.

Applying for a proxy vote

Forms for voting by proxy are available from the electoral registration officer. An application to vote by proxy must include an application for the appointment of a proxy. In addition, those applying for a proxy vote must:

The application must be made in writing and returned to the electoral registration officer. All forms must be scannable therefore shiny paper, forms with printing on the back or on newsprint should be avoided.

Proxy votes

Proxy votes are granted if the person in question cannot reasonably be expected to vote in person on the day of the poll due to:

- a military service commitment
- blindness or other physical incapacity
- a work or study commitment
- away from home at university
- a journey to the polling station involving air or sea travel
- being registered as an overseas elector (ie a British citizen living outside the UK)
- being on holiday, at a conference or single day trips (valid for a particular election only)
- are involved in a medical emergency (new provision provided by the EAA 2006).
- state the grounds on which a proxy is entitled
- be countersigned by an appropriate medical authority, if on the grounds of physical incapacity
- state the name and address of the proxy and the family relationship (if any)
- state that they have consulted the proxy who is willing and able to fulfil the role
- if additionally signed by the proxy, the proxy must state that they are willing and able to fulfil the role
- include personal identifiers as per postal vote application, date of birth in the format DD/MM/YYYY and signature on the specified background and size.

Appointed proxies may only act as a proxy for a maximum of two individuals in addition to the members of their own immediate family. Any appointed proxy who attempts to vote on behalf of more than the legal maximum may invalidate all votes cast and be subject to legal action.

Electors qualify in regard to work commitment if they are:

- likely to be working away from home between the hours of polling.
- liable to be kept at work for emergency reasons.
- on call to deal with emergencies.

6.5 Closing date for absent vote applications

The deadline for changes to existing postal, proxy and postal proxy and for new postal and postal proxy applications is 11 working days before the date of the poll. The dates

are shown on the timetables in this handbook.

The deadline for new proxy applications is six working days before the date of the poll.

There is also a provision which allows a proxy to be appointed in the case of a medical condition or incapacity arising after the sixth day before close of poll. The closing date for this is 5pm on polling day.

Replacement postal ballot packs for lost or spoiled papers are also now available from EROs up until 5pm on polling day.

Should election helpers be asked by a voter to deliver a completed postal ballot application form for a voter they should ensure that it is immediately taken to the nearest post box or (if it is too late to post it safely) directly to the council offices.

6.6 List of absent voters

As soon as lists of absent voters have been compiled the electoral registration officer shall make a copy available for inspection. As soon as practicable after that they will provide a copy on request and free of charge to each candidate or election agent. The list of absent voters must include:

- separate postal and proxy voters.
- absent votes specific to the election concerned.
- those receiving absent votes for all elections on the same day.

Since the final postal vote list will not be available until a few days before Polling Day, and this will be too late to assist you in preparing mailings and plans for visits, you should talk to your electoral registration officer as early as possible with a view to securing:

- copies of the permanent postal vote and proxy vote lists as they stand at present.
- updates before and during the election.

EROs are not legally compelled to supply this information early. One persuasive argument for doing so is that this will enable you to inform existing postal voters that they do not need to re-apply. Duplicate applications from existing postal voters are an increasing problem and irritation for busy election offices.

7 POSTAL BALLOT PAPERS

Electors and appointed proxies who have registered to vote by post will receive postal ballot papers. There are a number of stages with respect to the issue, receipt and opening of postal ballot papers, which are summarised below.

7.1 Issue of ballot papers

There may be more than one issue of ballot papers - the volume of applications determines this. Candidates and their representatives are not entitled to be present at the issue. By this stage, a letter from the candidate should be ready for delivery so as to reach the absent voter by the time the postal ballot arrives.

Postal ballot papers cannot be issued before the deadline for new applications (5pm, 14 April - 11 working days before poll). Agents should check when the ERO intends to send out the postal ballots.

7.2 What is issued?

Every applicant for a postal vote will be written to by their ERO to confirm that they have applied for a postal vote. This is intended to alert voters that an application has been made in their name, if the voter does not believe they have applied for a postal vote they should contact their ERO immediately.

The returning officer will issue a pack for each postal voter containing the following:

- ballot paper.
- small envelope for the ballot paper (marked A).
- postal voting statement.
- an instruction sheet.
- large prepaid return envelope marked B).

Some returning officers are experimenting with new formats for postal votes and agents need to check this before preparing mailings. In some areas, the voter will receive a folder consisting of a sealable pouch for the ballot paper plus a postal

voting statement, which is attached to the pouch and folds over it to form the return envelope. It is important to check your returning officer's plans in good time and, if they are using this method, request a copy of the official instructions which they will be issuing to voters.

Each postal ballot paper issued must bear the official mark and must also be uniquely numbered, and contain a unique identifying mark on the reverse.

7.3 Postal voting statement

Postal voting statements replace the old declaration of identity. They require voters to provide their signature and their date of birth so that they can be checked against those provided on the postal vote application.

The postal vote statements will also include instructions on how to vote by post.

7.4 Spoilt or lost ballot papers

If a ballot paper has been spoilt, the returning officer can issue replacements upon the return of the spoilt ballot paper, the declaration of identity and envelopes A and B. Replacements can be issued until 5pm on polling day.

If voting papers have been lost or a postal voter has not received voting papers by the fourth day before the poll, then an application may be made to the returning officer for a replacement. Replacements can be issued until 5pm on polling day.

To obtain these replacement voting papers an elector needs to go to the electoral registration office with a proof of identity and the returning officer can issue a replacement on the spot. Where an elector cannot get to the council offices the ERO may reissue by visiting the elector's home.

7.5 Work on postal vote applications and return of postal votes

If providing an elector with a postal vote application form the elector must

understand that they will not be able to vote in person if they apply for a postal vote - although they can deliver their postal ballot to their polling station on polling day, If they do this they must deliver the completed postal ballot and postal vote statement in a sealed envelope.

It is very important that our postal vote work is done in a legal and ethical way. In order to protect themselves and the good name of the party, election helpers should:

- avoid going inside a house where they would be alone with the voter. Doing so could leave them open to allegations of fraud, undue pressure or interference with the ballot.
- not come into contact with the ballot paper itself. Ensure that the voter completes the ballot themselves and in secret and that it is sealed in the envelope.
- if necessary, refer the voter to the ERO if they require assistance with completing the ballot paper or postal voting statement.

Election helpers may:

- if requested by the voter, take a completed, sealed postal ballot to the nearest post box or to the council office to the polling station on polling day.

Helpers should not call on postal voters with the specific intent of offering to deliver voters' complete postal ballots to the council or to a polling station on polling day.

Election helpers should be instructed to consult the election agent if they are uncertain about any of these points or about how to proceed in a particular case.

The current Postal Vote Code of Conduct for is provided in the appendix of this document and can be downloaded from Membersnet. Election volunteers and helpers should be made aware of its contents.

7.6 Receipt and return

Ballot papers or postal vote statements may be returned, before close of poll, by the following means:

- to the returning officer by post or hand
- to any polling station in the ward, by hand only

The postal ballot paper and/or the postal voting statement need not be returned in the same covering envelope issued to the voter, but we strongly recommend that this is the case.

The presiding officer of the polling station is responsible for ensuring that postal vote documents are delivered to the returning officer.

The returning officer is required to provide separate ballot boxes for the receipt of postal votes, when returned. Immediately on receipt, the papers are placed unopened in the sealed postal voters' ballot box.

7.7 Absent voter lists and marked lists

Returning officers are required to supply up to date lists of current absent voters upon request from agents/candidates. However, this facility should not be abused and it is recommended that EROs are contacted at an early stage and a schedule arranged for updates to be supplied.

Postal voters' lists and the list of postal proxies must be marked to confirm that a postal voting statement has been received back by the Returning Officer. These lists will be available at a charge to candidates, agents and local parties after polling day. The information in these lists should be entered into Contact Creator as soon as it is received.

7.8 Replacement postal ballots

Postal ballots may be replaced in the event of spoiling or loss of either the postal voting statement or the ballot paper.

Applications to apply for replacements must be made to the ERO before 5pm on

Polling Day. Presiding officers at polling stations cannot issue replacements.

Electors may be required to supply proof of their identity to EROs. Any remaining items of the original ballot pack must be returned to the ERO.

7.9 Opening of postal vote ballot boxes

It is usual for postal ballots to be opened and verified in advance of polling day. The votes are not counted at this stage. Verified postal votes are placed in ballot boxes and sealed. These ballot boxes will be opened and counted with the rest of the votes after close of poll.

The returning officer must give all candidates at least 48 hours' written notice of the time and place when the postal ballot boxes will be opened. Candidates are entitled to be represented at the opening. The returning officer will advise on the number of representatives each candidate may appoint. Where the demand for postal votes is heavy it may be necessary to arrange several openings.

Those attending postal vote opening will be subject to secrecy as outlined in section

66 of the RPA. Information gleaned from an early opening of postal votes must not be used or divulged to another person.

Postal ballots will be rejected if the Returning Officer is not satisfied that the details on the postal voting statement match the personal identifiers already held.

Ballot papers and postal voting statements returned separately will, upon opening of the envelopes, be marked 'provisionally rejected'. However, if the separate forms can subsequently be matched the vote will be valid.

The law requires that postal ballots should be opened face down.

7.10 Scanning of postal ballots to check personal identifiers

Returning officers are now required to check a minimum 20% of the personal identifiers on postal vote statements in each postal ballot box against those provided on the original application. In practice 100% of personal identifiers will be checked in most authorities by electronic scanners. This checking is to detect postal and postal proxy fraud.

8 ELECTION EXPENSES AND BUDGET

It is vital that agents and treasurers plan and budget all their election expenditure with care. There is a strict limit on what a candidate can spend and it is the agent's responsibility to make sure the limit is not exceeded

8.1 How much can I spend?

A candidate for a local government election must not spend more than £600 plus 5p per registered local government elector in the ward or division that they are contesting.

The number of electors is that contained in the register published following the close of late registration on 14th April. Agents should obtain written confirmation of this number from the returning officer.

Limits are reduced for multi-member wards. If we have two candidates in a ward the limit for each candidate is reduced by a quarter, i.e. one and a half times the limit for a single candidate. For three (or more) candidates the limit for each is reduced by a third, i.e. for three candidates this is twice the limit for a single candidate.

Example: In a ward with 7,000 electors the limit is:

- for a single candidate - £600 + (5p x 7,000) £350 = £950.00.
- for two candidates the combined limit would be £1,425.00 - £712.50 each.
- for three candidates the combined limit would be £1,900.00 - £633.33 each.

The limits remain individual - one candidate cannot transfer any part of their limit to another candidate in the ward, although joint expenses will be apportioned between them.

8.2 Over what period?

Election expenses are money, items or services used for the purpose of the candidate's election after the date when

s/he formally becomes a candidate at the election.

A person now becomes a candidate:

- at the earliest, on the last day for publication of notice of election, even if the candidate has already been described as such before this date;
- at the latest, on the day of nomination if the candidate has not already been promoted as such.

Therefore the earliest date that a candidate can start to incur election expenses on 25th March 2011 - the last day for publication of the Notice of Election.

For most candidates, costs incurred or items used in this period will count against their election spending limit. Candidates cannot inadvertently trigger their expenses meter by early self-promotion before the publication of notice of poll. Once selected a candidate may now promote him/herself as the candidate before formal nomination without incurring candidate's expenses.

The expense definitions mean that the cost of, for example, leaflets that are distributed before 25 March are not an election expense and do not need to be included in the return. But money spent on items produced before 25 March, but used after that date, do count and must be included in the return. If leaflets are produced and half are distributed before the election starts and half afterwards, then half the cost will need to be declared on the candidate's return.

8.3 Who pays?

Under party rules CLPs are responsible for expenses incurred in local government election campaigns, including by-elections, within their constituency (Rule 12.VI.2). In some areas there are agreements that branches or the Local Government Committee meet all or part of the costs.

Candidates may choose to pay some or all of their own expenses. Supporters may contribute to expenses in cash or in kind; they should be encouraged to donate to the CLP where possible, as this reduces the compliance burden – the recording threshold is £50 for donations directly to candidate or agents, but £500 for CLPs.

8.4 Budget

The agent should produce a budget in consultation with the treasurer, candidate(s) and any relevant campaign committee(s). The agent has final responsibility for the budget. Spending commitments should be recorded against the budget, which should be adjusted if needed as the campaign develops. If a candidate's spending limit is inadvertently breached the use of a budget and other financial controls will be relevant to the outcome of any application to the court for relief.

When planning your budget you should if possible identify specific items of expenditure and obtain cost estimates. You will need to decide on priorities, e.g. spending on posters or leaflets. Your plans should consider timing as well as amounts, to ensure that total spending is kept within the legal limit, and that money will be available to pay all costs within the short statutory time limits (not later than 28 days after polling day).

The budget should include costs of:

- Design and printing of leaflets, posters, window posters, campaign stationery and other printed items
- Postage
- Garden stakes, stickers, rosettes, balloons, balloon gas and other publicity materials
- Newspaper, on-line or other paid advertising
- Website
- Telephone calls and other polling/voter ID costs
- Office overheads – rent, rates, use of office equipment and utilities;

- Transport costs
- Office supplies, including paper and envelopes
- Insurance
- Paid staff
- VAT
- Contingency

In estimating the budget, do not commit funds up to the maximum – make allowance for unexpected items of expenditure.

These figures must include the value of likely in-kind donations or notional spending (items or services given free or at a discount) over £50, and apportioned shares of ward/division/authority-wide spending.

Notional spend is anything that the agent does not pay for directly. For example, a CLP may provide and pay for all the printing, office space, posters etc., that the agent uses for the candidate's campaign. All those items have a value and must be accounted for in the election expense returns.

8.5 Items provided by Head Office or the regional office

Contact your regional office to agree figures for any campaign services provided by head office or your regional office – such as Voter ID calls, direct mail and paid organisers' time.

8.6 Are any expenses excluded?

Individual items of notional spend worth less than £50 are not recordable. This would cover items such as the use of premises as polling day election centre and small-scale use of volunteers' phones, vehicles, petrol, stationery, printers and other IT equipment. There is no limit on candidate's personal expenses in local government elections – travel to the ward, accommodation and subsistence.

8.7 Bank accounts and payment methods

Some agents may have an account and pay expenses from it. In these cases the money

in the account is usually transferred from the CLP account. This practice is not recommended.

The most usual arrangement is for all or most of the items used in a candidate's campaign to be paid by a branch, CLP or LGC. Less commonly, the Labour Group may meet some expenses or provide printed materials.

This is known as notional expenditure (or notional donations). The agent is not paying the bills directly. Instead the bills are paid by the CLP/LGC/Branch etc., and the items "donated" to the agent to promote the candidate.

It is highly likely that all election expenses for a candidate will be notional.

However, the "all notional" route should not be used as a means to reduce public disclosure. The CLP/LGC/Branch should list all donated items and their value in a Statement of Notional Expenditure and supply this together with copies of invoices/receipts to the agent, for filing with the return.

8.8 Authority-wide materials

A portion of the cost of any authority-wide Labour Party materials (newspapers etc.) distributed in the council area during the election period should generally be included in each candidate's returns. Similarly costs of materials distributed to all the wards in a CLP or town promoting all the candidates standing in area should be apportioned to each candidate's expenses.

8.9 Notional expenditure

Notional expenditure is incurred when any goods, services, commercial property or facilities are provided to the candidate or election agent free or at a discount of more than 10% of ordinary commercial value. In practice, this usually means items provided by a CLP, LGC, Branch or Labour Group.

Notional expenditure needs to be valued and included in the candidate's return.

If the agent obtains items or services at more than 10% discount, the proportion paid for would be actual expenditure. The

difference between the commercial value and the actual amount paid would count as notional expenditure. However, if discounted goods are available to others on a general commercial basis, even where a general discount much higher than 10 per cent may be on offer, the difference would not constitute notional expenditure.

An item of notional expenditure worth less than £50 is not an election expense and does not have to be included in the candidate's returns.

The value of anything owned or paid for by the CLP (or a branch/LGC/TU/Labour Group), which is used in the campaign, must be included in the return as notional expenditure and as a donation in kind and apportioned to the candidates. This may be everything used during the candidate's campaign.

It is important to obtain a robust commercial valuation of any goods, facilities or services before accepting them. If, for instance, you are offered space in an office rented by the CLP or a trade union from a commercial landlord, calculate the percentage of the total floor area that will be available to you and the resultant share of the rent and overheads that will form the value of this donation in kind. If the CLP or a union owns the premises, you will need to establish the commercial rental value of comparable properties in the area. You should consult your regional office on the best means of securing commercial valuations before accepting any donations in kind.

8.10 Staff

If an agent is paid or receives any remuneration, or if locally-employed staff work on the campaign then the value of their time will need to be declared as notional expenditure and as a donation in the candidates election expenses. If they work on the campaign of all candidates in the authority, or for candidates in several wards, then their costs can be split between those candidates. The apportionment should reflect the differences in time spent on each candidate's campaign. Further guidance on

working out the costs of paid staff can be obtained from the regional office or Compliance Unit.

The time of a person seconded to work on the campaign during their normal working hours and whose salary continues to be paid by their employer is a donation in-kind and needs to be treated as a notional expenditure, and valued at their earning for that time. Costs can be apportioned across candidates if they are providing general help to the authority-wide campaign. However, you must always ensure that your campaign budget can accommodate this kind of notional expenditure. Employees paid for from public money cannot be seconded to work on any campaign.

The time of individuals working on the campaign in their own time and free of charge is not an election expense. This includes election agents who receive no payment.

Any employed person who works for the campaign during normal working hours should be asked to confirm in writing that they have taken either unpaid leave or ordinary annual leave from their job.

8.11 Support from third parties

Groups such as trade unions, student clubs and individuals may wish to help the campaign. Third parties can independently spend up to £50 plus 0.5p per elector in a ward seeking to influence the election.

If there is any "collusion" (which includes co-operation) between the third party and the candidate's campaign (for instance, if Labour activists deliver the third party material at the same time as Labour material, or by arrangement with party campaign staff), then the third party's expenditure must be included in the candidate's expenses return and counted against the candidate's spending limit.

Third party campaigning may include activity that disparages opponents (as opposed to supporting Labour candidates). This may occur if there is a candidate from a far right party standing in your area and third parties are campaigning against them. Collusion/co-operation between the third party and your candidate's campaign in this instance would still require the third party expenditure to be included in the candidate's expenses return and counted against the expenses limit.

9 RECORDING AND REPORTING DONATIONS AND LOANS

The law imposes obligations in respect of donations and loans made to fund our political activities in three ways:

The central party and its accounting units have recording and reporting duties under the Political Parties, Elections & Referendums Act 2000 (PPERA) and the Electoral Administration Act 2006. These apply at all times.

Individuals, including candidates and elected office holders, have similar personal recording and reporting duties under the PERA. These also apply at all times. Elected members have separate obligations to report donations and loans in their Register of Interests.

Agents must report donations to the candidate's election campaign in the candidate's return of election expenses. This only applies to the short campaign period.

This section covers the first two areas in outline, and the third in detail. Donations and loans are covered in more detail in the Treasurer's Handbook. Election agents must work very closely with CLP treasurers to ensure that accurate donation and loan reports are made, particularly during the period of an election. There are significant penalties for breaches of the donations rules.

9.1 Who has to report donations?

Each of the following has direct reporting obligations:

- The Party and each of its accounting units
- Individual members
- Labour Groups
- Fundraising groups of members
- Holders of elected office - MPs, MEPs, MSPs, AMs, mayors and councillors

- Recognised Third Parties, such as trade unions/Permitted Participants in referendums
- Election agents on behalf of candidates

Other than election agents and elected members' registers of interests, all reporting is to the Electoral Commission. The financial structure of the party is governed by a financial scheme agreed with the Electoral Commission. This divides the party for financial purposes into Head Office (the "central party" in PERA terms) and about 650 accounting units.

Head Office includes all English regional offices and the Wales Labour Party. Every CLP is an accounting unit (a few are registered as combined units). Each CLP accounting unit includes all of the constituency's branches. Scottish Labour and the TULO's are also accounting units, as are a few Local Government Committees. Most LGCs report their financial activities through one or more CLPs.

9.2 Thresholds

Donations of more than £50 - in cash or in-kind - made directly to a candidate or agent must be reported in the return of an individual candidate's election expenses. In practice, most cash donations are made through the CLP.

Donations or loans of more than £500 made to party units must be recorded internally, reported to head office and the donor or lender checked for permissibility.

Donations or loans of more than £1,500 in a calendar year to CLPs or other accounting units must be reported to the Commission via Head Office.

Donations or loans of more than £7,500 in a calendar year to head office units and the regions must be reported to the Commission via Head Office.

Further donations or loans of more than £1,500 from donors or lenders who have already given £7,500 to head office units

or groups of members must be reported to the Commission.

These limits are all annual, by calendar year. There is no carry forward from year to year. If a donor gives a CLP £1,500 on 31 December and another £1,500 on 1 January (and nothing else in either year) neither donation will be publicly reportable.

9.3 What is a reportable donation?

Donations with a value of more than £500 including:

- gifts of money or other property
- membership fees
- sponsorship
- affiliation fees
- money spent in paying any expenses incurred directly or on behalf of the party
- property, services or facilities provided for the use or benefit of the party other than on commercial terms (donations in kind)
- bequests

In summary - a donation is cash or anything which we get free or cheap.

9.4 What is a reportable loan?

Loans of more than £500 including:

- any loan, including mortgages.
- any credit facility, including overdrafts and corporate credit cards, even if the credit facility is not used.
- provision of security or guarantee by an individual or organisation in the event of the party or accounting unit not being able to repay a loan or meet credit agreement conditions.

Any changes to the terms and conditions of an existing loan must also be reported in the quarter in which the change occurs.

Donations or loans of £500 or less are not recordable or reportable by the party, unless they are given specifically to a

candidate for their election costs in which case donations of more than £50 are reportable through election expense returns. Donations worth £50 or less given directly to the candidate for election expenses are not recordable or reportable by the candidate.

9.5 Non-cash donations

These are also known as benefits in kind or notional donations and they need to be reported in the same way as donations of money.

Example - auction items: Mr D donates a football shirt signed by all members of the local team for auction at the CLP dinner. It is sold to Mr E for £1,500. The cost of the plain shirt was £35. A reserve value of £500 was given to the shirt before the auction, which was the estimated market value of such a signed shirt. Donations made: Mr D has made a donation to the CLP worth £500 - the market value of the shirt. Mr E paid £1,000 over market value so has made a donation of £1,000.

Example - cheap premises: The local Labour Club, which is a registered friendly society, lets part of its premises to the CLP for £500 a year. It is estimated that a commercial rent for the space used by the CLP would be £5,000 a year. Donations made: The Labour Club has made a donation to the CLP of £4,500 a year (reportable at £1,125 per quarter).

Example - fundraising dinner: The CLP holds a dinner. Tickets are £40 per head. A supporter pays £480 for a table of 12. Donations made: Each ticket sold is a donation of £40. This is below the £500 threshold, so is not recordable. The table purchase is a donation of £480 so must be recorded.

Example - cheap printing: A printing firm prints leaflets and charges £500. The list price is £1,000, but a 10 per cent discount would be available for customers providing the same volume of business as the party and a further 10 per cent discount for early payment. Donations made: assuming that the bill is paid on time, the printer has made a donation of £300 to the CLP.

9.6 What checks need to be made on donors or lenders?

All donations or loans greater than £500 must be from a “permissible” donor or lender. Checks must be carried out within 30 days of receiving the donation. Checks on lenders must be done before the loan is accepted.

Anonymous donations or loans of more than £500 cannot be accepted.

Donors and lenders must be one of the following:

- an individual whose name is on a UK electoral register - including registered EU and Commonwealth citizens
- a UK or EU incorporated company which is registered in the UK and carries on business in the UK
- another UK registered party, such as the Co-operative Party
- a UK Trade Union
- a UK building society
- a UK registered limited liability partnership which carries on business in the UK
- a UK registered Friendly Society
- an unincorporated association of two or more persons, which carries on business or activities wholly or mainly in the UK and whose main office is in the UK This includes partnerships, Labour Groups and most Labour clubs

Legacies must be from individuals who have been on the electoral register at some point in the 5 years before their death.

It is the CLP treasurer’s responsibility to check that donors and lenders fall into one of these categories. This includes checking that an individual is on the electoral register somewhere in the UK at the time the donation or loan is made. Full names and addresses must be included on the donation reporting form. Contact the Compliance Unit if there are any difficulties finding the electoral register details of a donor or lender. The Companies House

website can be used to check company registration.

Party officers should carry out their own checks for the impact of any donation or loan on the Party’s reputation - the PPERA rules do not replace common sense.

9.7 Time limits

Donations must be confirmed as permissible within 30 days of receipt of the donation. Donations from impermissible donors must be returned to the donor. Anonymous donations cannot be accepted. They must be returned where possible, or paid to the Electoral Commission.

Lenders must be confirmed as permissible before the loan is accepted. There is no 30 days grace.

9.8 Who reports what, and when? Constituency Labour Parties

Every accounting unit is required to submit a donation and loan report at the end of each quarter to the Compliance Unit at Head Office. A ‘nil’ report must be submitted if there are no reportable donations or loans.

Loans or donations (cash or in-kind) worth more than £500 must be reported to head office at the end of the quarter in which they are received.

Loans from individuals, and from banks including mortgages and overdrafts, must be reported at the end of the quarter in which the loan is taken out.

In addition, repayment of the loan or any changes to the terms or conditions of the loan must be reported at the end of the quarter in which repayment or change occurs.

Reports must be sent to the Compliance Unit at Head Office by the CLP treasurer within 10 days of the end of March, June, September and December. Regional offices will chase late reports.

Quarterly donation and loan reports are now made online via Membersnet.

CLP reporting obligations continue during any election period. Other CLP officers

should act to ensure a donation report is submitted if the treasurer is unable to complete reports on time.

CLP reports must include donations and loans made to branches and forums. The Rule Book places an obligation on branches to provide the CLP treasurer with financial information to ensure compliance with PPERA.

Most LGCs report donations through a CLP, although some report directly to Head Office. Where this arrangement exists CLP treasurers should liaise with the LGC treasurer to ensure that details of all donations or loans to the LGC are provided in each quarter.

In addition to donations and loans to branches and LGCs, CLP treasurers should also be careful to include donations and loans from all other sources including:

- Labour clubs/lotteries/trusts which are financially separate from the CLP
- fundraising dinners/other events
- constituency development plans
- other payments from trade unions
- donations from individuals made by monthly standing order
- Labour Groups

Reports need not include:

- donations or loans of £500 or less.
- transfers between branches and the CLP.
- transfers from head office, regional office, other CLPs or other party units (note that Labour Groups are not party units for this purpose).
- commercial income, such as rent of CLP premises at commercial rates.
- Volunteers' own time provided free of charge.
- any donation included in an election expenses return.

Head Office

Head office keeps records of donations and loans to head office units over £500 in the same way as CLPs. It submits all reports to the Electoral Commission, for itself and all accounting units. The public report which the Electoral Commission publishes on its website includes details of:

- all individual loans and donations of more than £1,500 received by a CLP.
- loans and donations to a CLP from the same donor/lender which are cumulatively more than £1,500 during the year.
- all individual loans and donations of more than £7,500 received by head office units.
- loans and donations to head office units from the same donor/lender which are cumulatively more than £7,500 during the year.
- loans and donations to head office units over £1,500 from donors/lenders who have already crossed the £7,500 threshold in that year.
- addresses and (where known) electoral roll numbers for individuals are reported to the Commission but these details are not put on the public register.

Head office must submit the party's report to the Electoral Commission within 30 days after each quarter end. The donation details are posted on the Commission's website about two to four weeks later. Past reports remain on the site.

General Election reporting

During general elections head office units move to weekly reporting of donations over £7,500. There is no change to the reporting periods for CLPs, other accounting units or individuals.

Local Government Committees

LGCs are part of the party for reporting purposes. Some LGCs are registered as accounting units and report to Head Office

in the same way as CLPs. All others must report loans or donations made to them through one or more CLPs or their regional office/head office.

Labour Groups

Labour Groups are not party units for reporting purposes. They are members associations. Donations made by Labour Groups to CLPs must be reported by the CLP in the usual way.

If Labour Groups receive donations or loans they may need to report them to the Electoral Commission directly.

Labour Groups need to keep records of donations and loans. Any single donation or loan of more than £7,500 must be reported directly to the Electoral Commission within 30 days of receipt. Smaller donations or loans from the same donor or lender, which cumulatively exceed £7,500 in a calendar year, should also be reported once the £7,500 threshold has been passed. This may apply in some circumstances where councillors and elected mayors pay a levy to the Labour Group.

Labour Groups are required to carry out checks on donors and potential lenders.

Individual members

Members must report individual and cumulative donations and loans over £1,500 received for their use or benefit in connection with their political activities as a member of the party - e.g. donations to assist with candidate selection or for internal party elections - e.g. leadership and deputy leadership elections.

The donation rules are essentially the same as for CLPs, but the member must make reports directly to the Electoral Commission, rather than through the Party. Reports must be made within 30 days of receipt of any donation, which causes the £1,500 threshold to be exceeded.

Holders of elective office

The donation and loans rules apply to all elected members (MPs, MEPs, MSPs, AMs, mayors and councillors) as "regulated donees". Donations and loans made to an elected member for his/her use or benefit

in connection with any of his/her political activities such as re-selection or re-election. The definition of donations and loans, the need to check that donors/lenders are permissible and for records to be kept of donations and loans over £500 apply in the same way as they do to CLPs.

With the exception of MPs, elected members must make reports to the Electoral Commission themselves, within 30 days of receiving a donation that breaches the £1,500 threshold. This is done by completing Form RD1A, which can be found on the Electoral Commission website at www.electoralcommission.gov.uk.

MPs report donations and loans over the £1500 to the House of Commons Register of Members Financial Interests. The Electoral Commission then extracts relevant information and publishes it on its website.

Elected members are likely to need to disclose such donations in their register of members' interests, the rules for which are set by each parliament or council.

The Party's strong recommendation is that elected members do not receive donations directly and that all donations are made to and reported by a CLP or LGC.

However, there needs to be regular contact between the Election Agent and CLP Treasurer, as any donation made to the CLP that is donated specifically for the candidate's election campaign, will need to be reported as a donation in the candidate's return of election expenses. It is unusual for a donation to be given with the stipulation that it be used to pay the candidate's election expenses.

Most donations are given to assist with general campaigning and do not need to be declared in the candidate's election expenses. These donations, if greater than £500, should be declared in the quarterly donation and loan report to Head Office.

Election agents

The party recommends that donations be made to a CLP or LGC for general campaigning activities, rather than to an

agent or candidate to pay for a specific candidate's election expenses. This gives the party greater flexibility in using its resources strategically, and makes recording and reporting donations much easier, as they can be reported in the quarterly return in the usual way.

If donations are received by a candidate specifically for his/her campaign (rather than general campaigning) must be passed to the agent, along with sufficient details of the donor to enable the agent to carry out permissibility checks and complete the candidate's return of election expenses. If the donation is worth over £50 it must be declared in the expenses return.

Although this return is delivered to the returning officer a copy is made available to the Electoral Commission, which will review all such returns. Election expense returns are publicly available documents (although they are not posted on the Commission's website), so donors should be made aware, as a matter of courtesy, that the public disclosure threshold in these circumstances is £50 rather than the usual £1,500 or £7,500.

Items, services or cash provided by a CLP to an agent from its general funds to pay election expenses should be reported as donations (in-kind or cash) from the CLP in the candidate's election expenses return.

However, any sum given to the CLP by a donor (including a CLP member) specifically to meet a particular candidate's expenses, and used to do so, should be reported as a donation from the donor, not the CLP.

9.9 General accounting requirements

CLPs and other accounting units are required to produce an Annual Statement of Accounts, which should include details of loans and donations. Full details can be found in the Treasurer's Handbook.

Accounts must be produced for each calendar year 1 January to 31 December. The accounts must be completed, and approved by the management committee of the CLP (party rules require approval by AGM), by 30 April in the following year. A copy should be sent to your regional office.

As a minimum, the accounts should record:

- transactions
- financial position from day to day
- assets and liabilities

Accounting records must be retained for at least 6 years.

CLPs with an annual gross income or expenditure of more than £25,000 must file their accounts with the Electoral Commission by 30 April of the following year.

The accounts will then be posted on the Commission's website. Under PPERA there is no formal requirement for professional audit of accounts below an income or expenditure threshold of £250,000, but party units may choose to audit their accounts below this limit.

10 RETURN OF ELECTION EXPENSES

Agents must complete and submit a return of election expenses for each candidate to the returning officer and ensure that both candidate and agent complete declarations verifying that return.

Agents are required to list all items or services used to promote the candidate during the short campaign and give their cost or value to show that expenditure has not exceeded the legal maximum spend. In addition, the agent must state the source of donations used to pay for or provide those expenses, including notional expenditure/donations in kind. In most cases the cash to pay for the campaign or the in-kind donations will have come from a CLP, LGC, branch or Labour Group.

The maximum permitted expenditure for your candidates should be calculated as described in Chapter 8.

Agents must take great care to comply with all of the legal requirements for the payment and return of election expenses. Mistakes can be extremely difficult to rectify, and the party is regularly forced to seek relief through the courts at considerable cost.

Expenses errors can lead to the disqualification of candidates and agents from holding public office. In extreme cases, heavy fines or imprisonment may be imposed.

10.1 Forms

The Electoral Administration Act 2006 allows the Electoral Commission to prescribe forms for the return of candidate's election expenses. The correct form can be found on the Electoral Commission website or Membersnet should be used. You may also be able to obtain copies from your returning officer.

The forms are more complex than they were a few years ago. Completed forms are subject to scrutiny by the Electoral Commission and can also be inspected by members of the public. If you are concerned with any aspect of the payment and return

of election expenses you must seek immediate advice from your regional office or the Compliance Unit in head office.

10.2 Timetable

Invoices for all expenses paid for directly by the agent must be received by the agent not later than 21 days after the day on which the result of the election is declared.

The agent must ensure that all suppliers of goods and services are aware that this is a requirement of the Representation of the People Act 1983.

Many costs are incurred before the short campaign and billed during it, such as leaflet printing; but agents should pay particular attention to premises and overhead costs, such as telephone and utility bills, where spending continues until polling day, and the time limit for billing in practice must be shorter.

All election expenses must be paid not later than 28 days after the day on which the result of the election is declared.

The agent must deliver a return of election expenses to the returning officer for the election not later than 35 days after the day on which the result of the election is declared.

The invoice and payment date restrictions do not apply to notional expenses, as they are paid by the donor (CLP, LGC, Branch etc.,) not the agent - but the value of such expenses must be known in time to include them in the return i.e. within 35 days of polling day.

However, the party strongly recommends that CLPs, LGCs, branches and others providing items of notional expenditure to candidates adhere to the deadline for paying printing and other bills, and provide copies of invoices/receipts to the election agent for inclusion in the election expenses.

10.3 Categories of spending

The Electoral Administration Act 2006 introduced new categories of election spending for the candidate's return of election expenses.

The new return of election expenses form requires election spending to be accounted for in the following categories:

Advertising - adverts of any kind including posters, garden stakes, newspaper adverts, balloons (and gas). Includes design and production costs.

Unsolicited material addressed to electors - includes materials delivered or sent to electors whether addressed or unaddressed. Includes design, photos, printing, postage and distribution costs.
Transport - costs of hire or use of vehicles and fuel for the campaign. It does not include use of candidates personal transport and volunteers transport provided free of charge.

Public meetings - includes all costs of public meetings (rallies) organised by the Labour Party. Hustings meetings organised by third parties do not usually have to be included in the election expenses. Contact the Compliance Unit if you have any queries about a hustings meeting.

Services of an election agent or other staff - includes payments to the agents, and value of paid party staff time and seconded staff. Does not include volunteers working in their own time, free of charge.

Accommodation and administrative costs - includes telephones, office space, utilities, hire or use of equipment, general stationery etc.

Within these categories, agents will need to indicate what is actual spend (expenses paid directly by the agent) and what is notional spend.

10.4 Funding/Donations

It is possible for donations to be made directly to the candidate to help pay for the election campaign. However, this is not recommended. Donations made directly to the candidate place an additional burden of

checking and recording donations on the agent at an already busy time.

It is much simpler if supporters make donations to a branch, CLP or LGC so they can be checked for permissibility, recorded and reported through the quarterly donation reporting system.

If donations are made directly to the candidate they are subject to certain restrictions. For donations of £50 or less there are no restrictions and they can be accepted from any individual or organisation.

But donations to the candidate or agent in cash or in kind worth more than £50 can only be accepted from permissible donors (e.g. a UK registered elector, a registered UK trade union, a UK unincorporated association (Labour Group), a UK registered company - full details in the Treasurers' Handbook).

Details of all individual donations worth over £50, in cash or in kind, must be recorded and declared in the return. All notional spending is also a donation, and must be declared as such in the return. For most candidates the only donation declared will be either the cash provided by the party (branch, LGC or CLP) for the candidate's campaign, or the value of notional spending by the party on that campaign.

Donations from different party units can either be shown separately or grouped together as received from "The Labour Party".

Providers of in-kind donations (CLPs/Branch/LGCs) should be asked to provide a Statement of Notional Expenditure that can be included in the candidates election expense return. This is a list of all items or services worth over £50 provided and their value. It should be addressed to the agent and signed by an officer.

Most donations to the party are not tied to a specific candidate, but are made to general party funds. Such general donations are reported in the normal

quarterly returns, not in a candidate's return.

Agents should check with CLPs/Branches/LGCs to find out if any donations worth over £50 were given to the party specifically to support a particular candidate. This is unusual, but if it does occur then such donations should be shown in the candidate's return.

The total value of reported donations (plus the candidate's own contribution, if any) will usually match total reported spending, although it can be less, if the campaign was partly funded by small-value donations (under £50) which do not need to be reported. The total should not exceed spending, as any surplus funds should be repaid to the party.

10.5 Payments and returns

Agents should ensure that they are prepared to complete the candidate's return of election expenses keeping accurate records and copies of all invoices and receipts.

For any payments of more than £20 paid directly by the agent, an invoice or receipt must be obtained - a cheque stub is not sufficient. Copies must be attached to the election expenses return.

The value of actual payments under £20 must also be declared in the return, but copy invoices or receipts are not needed.

Copy invoices or receipts are not required for items of notional spending, including spending by the party. However, in the interests of transparency it is recommended that copy invoices or receipts are delivered with the return where they are available, especially for larger items of expenditure like printed materials.

If the agent actually pays the party for election materials or services used by a candidate, the party must provide an invoice or receipt to the agent for inclusion in the return. Such bills can include items supplied to more than one candidate and can be in any form.

Any donations in kind must be valued realistically.

Election agents should keep in mind that an election return is not necessarily a balance sheet. It is a document designed to show that the expenditure does not exceed the legal maximum, that the expenditure is legal and that the sources of income are entered. This is the first priority. Party election accounts are a different issue and can be compiled later.

The completed return together with any invoices or receipts and/or statements of notional expenditure must be delivered to the returning officer by the last day given in the timetable.

10.6 Declarations

The election expenses must be accompanied by agent's declaration confirming that the return is a true record must be completed, and also by a candidate's declaration.

All candidates should be reminded that they need to sign the candidate's declaration. This is important as losing candidates sometimes think that an expenses return does not need to be submitted, and others go away on holiday or for work.

Agents are strongly advised to deliver the candidate's declaration at the same time as the return, though the candidate can file up to seven days after the delivery of the return.

If the candidate's declaration cannot be delivered to the returning officer at the same time as the expenses return, the agent should notify the candidate of the date on which the return is to be delivered and the last date (a week later) by which their declaration must be received. Consult the Compliance Unit if there are any problems getting the candidate's return in on time.

The agent's job is only complete when the return and both declarations are safely deposited.

Under the PPERA, returning officers will now send copies of all returns to the Electoral Commission.

A candidate or election agent who knowingly makes a false declaration is guilty of a corrupt practice.

10.7 Multi seat wards

Where an agent is acting for more than one candidate in a ward and the expenses have been pooled, each of the returns for the individual candidates is based on a division of the costs involved in the election.

Separate returns must still be made for each candidate, which should be sent in together with one set of the original receipted bills cross-referenced to items on the individual returns. This only applies to joint candidates standing in the same electoral division on a common electoral platform.

Agents who are in any doubt as to what constitutes a 'joint candidature' should consult their regional office or Compliance Unit. Where there are items of expenditure that cover the candidates in more than one ward, with a single agent acting for them, the returns may be sent in together with one set of the original receipts or invoices cross referenced to items on the individual returns.

10.8 Late Payments - don't make them!

Under no circumstances should the election agent or any member involved in the campaign pay an invoice relating to election expenses after the last permissible date for payment.

Should you receive an invoice or request for payment at this stage, you must contact the regional office or compliance unit for advice before taking any further action. Any company or person submitting an election invoice for payment must have done so by the last day for claims for election expenses. Late payments can only be made with the permission of the court. This has to be arranged through the party's legal advisers and is very expensive. Notify your suppliers of the election time limits in advance.

10.9 Maximum exceeded

Where spending exceeds the legal limit, a candidate may obtain relief from the high court. This is difficult and expensive. Relief will only be given if the court is satisfied that the excess arose from inadvertence, accidental miscalculation or for some other reason. Proof of good faith will also be required.

11 PUBLIC CAMPAIGNING

Electoral and general law covers many aspects of campaigning. These are some of the most important. But if in doubt, seek advice.

11.1 Imprint

It is a basic requirement of election law that all printed materials used during the campaign bear an imprint, including websites and emails.

This means that if the material is libellous or breaches election law, other candidates and the public know who is responsible. The imprint also shows who is incurring the expense of publication on behalf of the candidate.

We advise that all printed materials have an imprint whether they are used in an election campaign or not, including materials produced for internal party circulation.

Printed material

It is important that all printers receive written instructions stating that everything they produce must carry an imprint.

There are three cardinal rules about printed material that agents must observe:

All materials must be cleared by the agent before printing. It is the agent's responsibility to keep the campaign legal and within the expense limit

Publicity must be checked for libel or false statements about other candidates. It is not worth the disruption to your campaign to be involved in dealing with defamation proceedings - if in any doubt leave it out! False statement about another candidate is an offence and can lead to disqualification of the candidate and another election if the candidate and/or agent is found guilty.

Always check that an imprint (the name and address of the printer, promoter and the candidate(s)/Party on whose behalf the material is produced) is on the proof and the finished version of any election material.

Outside election periods

Leaflets will require the following imprint:

- Printed by [name and address of printer]. Promoted by and on behalf of [name and address of Local Party Organisation - CLP/Branch/LGC].

During the formal election campaign period

The imprint for a single candidate's material must be in the form:

- Printed by [name and address of printer]. Promoted by [name of Agent], on behalf of [name candidate. Both at {address at which the agent can be contacted}]

The imprint for multiple candidates in the same ward must be in the form:

- Printed by [name and address of printer]. Promoted by [name of Agent], on behalf of the Labour Party Candidates for [Name of Ward / Division], all at [address where the agent can be contacted].

The imprint for material promoting all Labour candidates (or all candidates standing in all wards in a particular CLP or area) standing for election to a Borough/District/Unitary Council can be in the form:

- Printed by [name and address of printer]. Promoted by [Name of Agent /Campaign Coordinator who co-ordinates agents for that election or Name of LGC Secretary/Chair or Name of local party officer who has authorised document], on behalf of Labour Candidates for [Name of Local Council], all at [address where agent or party officers can be contacted] Old materials which have the previous style of 2 part imprint of "Printed and Published by" should not be used - unless they can be overprinted in some

way with the correct 3 part imprint.

In addition, old materials with an inaccurate 3 part imprint, e.g. where the promoter is no longer in post (previous general secretary) or where the contact address has changed, must not be used unless overprinted.

A small label with the correct 3 part imprint will suffice if the material cannot be overprinted - corex boards, larger posters etc.

Printers will normally be aware of their legal obligations, but election agents must check all drafts of literature to ensure that the imprint has been included.

When reading proofs, look first for the imprint.

Leaflets and all other election material produced in-house (by whatever means, including a risograph, photocopier etc.,) must also carry the imprint.

If any part of a leaflet or poster, or the election address, is designed for display, that part must carry an imprint.

A separate imprint must also be included on any detachable part of printed material.

An imprint that says the election agent printed the material is not legal unless the election agent has personally produced the item.

The address of the promoter (agent) and the candidates can be a home address, local party offices or campaign headquarters, or could even be the regional office address with their permission. It should be an address that, if the document is libellous or breaches election law, the promoter can be contacted at or a legal document served. We advise that you do not use a PO Box address, although the Electoral Commission opinion is that this is not illegal. There is no case law on the use of a PO Box address, but there is no point in having to respond to a legal challenge during or after the election campaign.

Where a document consists of a single side of a page, the imprint must appear on the face of the document.

Where a document is of more than one side, the imprint must appear on the first or last page.

Advertisements in newspapers or periodicals must also include the name and address of the promoter (agent) and candidate, and the publication itself must have the printer's name and address on its first or last page.

The imprint that appears on material supplied by Labour Party head office or regional office is sufficient.

Posters on which only the name of the candidate is overprinted need not bear an additional imprint to state that they are on behalf of the named candidate.

It is important to note the legislation defines the following:

- 'print' means print by whatever means, and 'printer' shall be construed accordingly.
- the promoter', in relation to any election material, means the person causing the material to be published.
- 'publish' means make available to the public at large, or any section of the public, in whatever form and by whatever means.
- 'whatever means' includes electronically published materials.

Window bills may be displayed without limitation during the election period. Election posters may also be exhibited outdoors without planning consent. All such posters and bills must be removed within 14 days of the election.

Fly-posting is illegal in any circumstances and no poster should be displayed without the consent of the owner of the property. Legal action can now be taken against those benefiting from fly-posting as well as those undertaking it.

Maps - agents should check that there is no copyright restrictions on maps which you wish to reproduce in your election literature. VAT may be applied to some election materials and must be included in the election expenses. Election addresses

and leaflets are not liable to VAT but is applied to posters, letters and other materials. Printers should know exactly what is taxable.

11.2 Offences

It is an offence to print, publish, promote or make available to the public any election material without an imprint. 'Election material' includes:

- material intended to promote the electoral success of any candidate, or party, or,
- material intended to enhance the standing of any candidate or party with the electorate.

The reference to 'electoral success' includes not only getting your own candidate elected but also prejudicing the prospects of other candidates or parties. Even if material does not mention the name of a party or candidate, it can still be defined as election material.

Any process for multiplying copies of a document other than copying by hand is regarded as printing. Should the imprint have been omitted from any material, the candidate or the election agent can apply to the court for 'relief'. This should be avoided at all costs as an application through the court for relief from prosecution is a very expensive and time consuming process.

There is no relief for printers and they should be advised of this when seeking quotes or placing an order. To defend a charge of failing to include an imprint, it is necessary to show that it arose from circumstances beyond your control and that you took all reasonable steps to prevent it arising. If, in spite of taking every precaution, you find that you have been involved in the publication of material without the imprint (or if you come across material from other candidates without the proper imprint) your regional office or the Compliance Unit at Head Office will be able to advise you on what action to take.

11.3 Websites and campaigning emails

Websites should be treated as other publicity and should include the equivalent of an 'imprint' in the form of the promoters' contact details i.e. promoted by (name and address), on behalf of (name and address), hosted by (name and address).

Care must be taken about defamation and false statements. The costs of a special website for a particular election need to be included in the candidate's return of election expenses. The costs of a LGC/CLP website may need to be included in the returns of any candidate(s) it promotes. Similarly, campaigning emails should also be treated as 'publicity' and should include the equivalent of an 'imprint' i.e. sent by (name and address) promoted by (name and address) on behalf of (name and address).

11.4 Canvassing

Payment of canvassers is prohibited by election law, and both the employer and employee would be guilty of illegal employment. A legal distinction is drawn between 'canvassing' support for a candidate and 'voter identification'. The Voter ID questions (as listed in the national voter ID script) are exclusively for the purpose of obtaining information about a voter's preferences and are not designed to canvass support.

11.5 Campaigning safely

All volunteers and activists should be warned not to take any unnecessary risks while out campaigning. If they feel unsafe or unsure of an environment they should not enter or put themselves in any dangerous situations. This applies to properties where lighting may be insufficient to walk safely or where there are dogs which may not be secured.

The safety of our volunteers is of paramount importance to the party at all times. Agents, candidates and campaign coordinators should bear this in mind and ensure that campaign activities are organised so that volunteers are working as part of a group.

11.6 Use of loudspeakers

There is no prohibition in electoral law regarding the use of loudspeakers in the vicinity of polling stations. The major considerations are whether the use of loudhailers is a breach of local bylaws, or whether the noise becomes a nuisance under common law.

A presiding officer would be bound to take notice of complaints by or on behalf of voters about noise disturbing them in the polling station. The presiding officer may refer the matter to the police officer on duty. You should be aware of any local by-laws regarding the use of loudspeakers out of doors. There are also noise control provisions, which restrict the use of loudspeakers before 8am or after 9pm. Election agents have been fined for allowing loudspeakers to be a nuisance. So limit the volume of sound to the immediate vicinity of the street or meeting place, and be sensitive when the use of loudspeakers could wake up shift workers or children or upset people.

11.7 Election centres (committee rooms)

Election centres do not need to be declared as an election expense if no payment has been made for its and the value is less than £50.

In addition, the use of rooms in private houses as election centres has no commercial value and does not need to be declared - unless the householder normally conducts a business from the house in which case you should seek advice.

However, if commercial premises such as a shop front are rented for use during the campaign then this does count against the spending limit and must be included in the election expense return.

Similarly, if the campaign is permitted to use a commercial property free of charge and the value is more than £50 then it counts as an election expense. This includes use of office space owned or leased by a CLP, Labour Club, trade union etc.

There are no legal restrictions on the use of club or licensed premises, though they may not be suitable.

11.8 Treating

The 'treating' of electors is a corrupt practice and you must be very careful that it is avoided.

A person shall be guilty of 'treating' if s/he, either before during or after an election, directly or indirectly provides any food, drink or entertainment, with the intention of influencing that person to vote or refrain from voting at the election. Free food and drink should not be provided at public meetings or meetings of supporters. A charge should be made for any food or drink provided to avoid any possibility of treating.

Agents should also take care that any provision of refreshments for election workers, which may be seen as 'payment in kind' are treated as such and could not be interpreted as 'treating'. In the case of members canvassing the public on the phone or the doorstep, it would be illegal to pay them for this work. It is therefore important that provision of reasonable refreshments for these workers is and cannot be seen as an inducement to do this work.

11.9 Poll cards

In promoting a candidate, it is an offence to publish and distribute a card or document so resembling an official poll card that it is likely to deceive.

The Representation of the People Act 1983 requires the returning officer to send to each elector and appointed proxy voter an official poll card 'as soon as practicable'. A poll card need not be sent to a registered absent voter or to a proxy voter who is registered to vote by post. The poll card will be sent to the elector's qualifying address and, in the case of a proxy voter, to the address shown on the list of proxies. It will set out:

- the name of the constituency
- the elector's name, qualifying address and electoral number

- the date and hours of polling
- the address of the polling station

NB Remember to remind people that it is not a legal requirement for an elector to be in receipt or possession of an official poll card in order to vote at a polling station. Election agents should monitor the non-receipt of poll cards and report to the returning officer.

11.10 Insurance

The use of vehicles for elections is now covered by the annual insurance premium deducted from membership subscriptions.

The insurance covers an unlimited number of cars at scheduled elections and also for by-elections BUT vehicles are only covered if their details are logged on the on-line system.

Each vehicle and driver must be individually identified. Cars can be registered on-line at Membersnet under the 'Party Activity' tab or at:
<http://members.labour.org.uk/election-insurance>

Members with access to the insurance page are: CLP Secretaries, CLP Chairs, CLP Treasures and general election agents and members of Labour Party staff.

The registration process is simple but you will need to enter full details of the driver and the car.

Labour Party office holders - including agents and candidates are covered by Electoral Legal Protection insurance operated by the party nationally and to which CLPs are obliged to contribute via a deduction from membership subscriptions. This covers action arising from election petitions and other proceedings under the RPA and the PPERA. Agents should not take out other insurance of this nature without consulting the regional office.

CLPs are also covered by public liability insurance and a certificate can be downloaded from the Keep It Legal page on Membersnet.

11.11 Avoiding defamation

Defamation, which includes slander (spoken defamation) and libel (written defamation), is a serious matter. It is unlawful, difficult and expensive to defend, and legal aid is not available to defend proceedings.

A statement is defamatory if it harms the reputation of another person in the mind of another individual or the public. Getting involved in court proceedings can involve much valuable time, which would be better spent campaigning. Defamation of other candidates must therefore be avoided.

When campaigning, bear in mind that:

- any criticism of other parties or individuals should be carefully phrased.
- you should avoid simply reprinting damaging statements about opponents that appear in local or national media (you could be repeating a libel, for which the law can hold you equally responsible). The 'truth' is not always a defence if a statement is grossly defamatory. If you are in any doubt, seek advice from the party before you go to print - not before appearing in court. If another candidate or someone on their behalf has defamed you, you can again contact the regional or head office of the party. The party's legal expenses insurance does not cover taking defamation proceedings, but we will be able to tell you the options open to you.
- you may defame another candidate indirectly by making a unique claim for your candidate e.g. "She is the only candidate who lives in the ward" will become defamatory if an independent who lives in the ward decides to stand at the last minute.

11.12 Avoiding false statements

Under no circumstances should a candidate or campaign worker make a false statement about an opponent's personal character or conduct before or during the campaign. This

is a specific election law offence under section 106 of the RPA, which could have very serious consequences for the candidate and agent, and there can be no excuse for a breach of this.

The remedies for making false statements include an injunction to prevent the statement being further distributed or repeated. Again, the party will be able to help you deal with false statements made by other parties.

11.13 Use of photographs, images and statements of support/endorsements for campaigning purposes

Recent experience has shown that it is becoming increasingly important for permission to be obtained before making use of images of individuals to promote your candidate. You must ensure that when taking photographs of supporters they are aware that the pictures could be used in election material, future local party material and websites.

If anyone is unhappy with the prospect of their image appearing in such materials, then their wishes must be respected. In order to avoid any confusion, a pro forma consent form is available which agents should ensure is completed by individuals before their photograph is published anywhere. This form allows individuals to give notification to end use of their image but does not prevent use of materials once they have been produced, before

notification is received. It also makes clear what the party will do with their image.

Where an individual is identifiable, whether by image or description, Data Protection legislation applies and the principles of handling this data must be strictly adhered to, as with written personal data. If you use a professional photographer, copyright of any images taken will belong to the photographer, unless another arrangement is made.

We recommend that an unlimited right for the party to use the images for campaigning and other party purposes is included in the fee paid to the photographer. If the right is unclear, take care to ensure that you have the correct permission from the copyright holder to reproduce images.

Under no circumstances should images downloaded from the internet be used in publications unless permission has been granted. In addition, digital changes to photographs should not be made without the consent of the copyright holder.

Where supportive constituents agree to be quoted in a leaflet or letter to be used in a campaign they should be made aware of the words that may be attributed to them, where and when the statement may be used. The party's photograph endorser's release form also provides sign-off for words which may be used to ensure there is no misunderstanding of the agreement between the constituent and the campaign.

12 BEFORE THE POLL AND POLLING DAY

12.1 Notice of poll

When publishing the statement of persons nominated, the returning officer must include a notice of poll stating the date and hours during which the polling stations will be open. The returning officer must also give public notice (which may be combined with the statement of persons nominated) of the situation of each polling station and details of persons entitled to vote there. A copy of this notice must be issued to the election agents.

12.2 Polling stations

The returning officer must provide a sufficient number of polling stations and allocate electors to them in such manner as is considered convenient. One or more polling stations may be provided in the same room, but the polling station allotted to electors of a polling district must be situated within that polling district, other than in exceptional circumstances. It is important for the party to review regularly the provision of polling stations and to identify any problems that might have arisen with voter difficulty in attending their polling station. Where problems have been identified, the matter of providing better facilities should be taken up with the local authority well before the election.

12.3 Polling agents

The original function of polling agents was to check for personation and this remains the legal basis for their appointment today. In the past a polling agent would stay in one polling station all day. In modern political practice, the main function of the polling agent is to collect the cumulative turnout figures each hour and report these back to the election centre and/or the agent.

In some areas the provision of cumulative turnout figures to polling agents by presiding officers is standard practice but in many areas it is not.

There is no requirement in electoral law for the presiding officer to provide turnout figures so the agent needs to agree in advance with the ERO when and how the turnout figures will be provided.

In addition, polling agents act as the eyes and ears of the election agent who cannot be expected to attend every polling station on a regular basis throughout the day and often will combine this duty with other campaigning activities throughout the day.

As the official representative of the Election Agent, polling agents can go right into the polling station to check procedures and raise points with the officials. They may also observe the sealing of the ballot box before polling starts and when voting closes.

Details on the role of polling agents can be found the Keep It Legal page on Membersnet under the Party Activities tab.

12.4 Conduct at polling stations

There are a number of regulations governing polling day, summarised as follows.

Hours of poll: 7am to 10pm for all elections.

Sealing of ballot boxes: immediately before polling begins, the presiding officer must show the empty ballot box to any persons present. It must then be locked and sealed in such a way as to prevent it being opened without breaking the seal.

Admission to polling station: it is the presiding officer's responsibility to regulate who is admitted to the polling station. In addition of voters, candidates the following are also allowed to enter polling stations:

- candidates and election agents,
- polling agents representing each candidate
- the companions of disabled voters
- voters' children under the age of 18
- accredited observers.

Keeping order in polling stations: it is the presiding officer's responsibility to keep order in the polling station and to order the removal of any person responsible for misconduct.

Voting procedure: prior to a voter receiving a ballot paper it must contain an official mark (these may vary between authorities), the number of the ballot paper and a unique identifying mark. The elector's name in the register is marked as having voted, and the corresponding number list is completed.

Voting by blind persons: under the PPERA, every polling station must have a device marked in Braille and with raised numbers, which can be clipped to the ballot paper to enable a blind voter to vote without assistance. Alternatively a blind person may be assisted in voting by another person provided that the presiding officer is satisfied about the voter's incapacity. The person assisting, referred to in the election rules as 'the companion', must make a written declaration stating that they are entitled to vote in that election, or are a close relative of the blind person, and over 18 years of age. The companion must not previously have assisted more than one other blind person to vote in that election. The presiding officer is required to record on a list of blind persons assisted by companions, the name and electoral number of the voter and the name and address of the companion. The presiding officer may, on request, mark the ballot paper on behalf of an unaccompanied blind person.

Proxy Voters: if an elector has nominated another person to vote for them by proxy, unless the vote is by postal proxy, the proxy will vote at the polling station. However, the elector is still entitled to vote in person at the polling station provided that the proxy has not yet voted. Should the proxy then try to vote at the polling station, a second ballot paper will not be issued.

Postal Voters: completed postal votes in sealed envelopes can be delivered to the polling station right up until 10pm.

Spoilt ballot papers: if the voter spoils a ballot paper so that it cannot be conveniently used to the voter's satisfaction, the presiding officer may issue a replacement. The spoilt paper is cancelled, but not destroyed.

Tendered Votes: should an elector arrive at a polling station to find that someone has already voted in their name, the presiding officer may ask specific questions of the elector, and if satisfied with the answers issue the elector with a 'tendered' ballot paper. Tendered ballot papers are a different colour and will be placed in a separate envelope. Upon scrutiny at the count, the vote of the person personating will be struck off, and the tendered vote counted.

Replacement postal ballots: these may only be issued by the returning officer and are not available at polling stations. Registered postal voters will not be permitted to vote in person at a polling station therefore a replacement pack must be obtained.

Queues at polling stations: whilst it is the presiding officer's responsibility to ensure that congestion does not occur in the polling station, it is important that polling agents keep an eye on the situation, particularly in anticipating substantially heavier levels of voting during the evening. This is especially likely in areas where there has been a growth in the electorate with no additional facility provided. Note that only those voters inside the polling station who have received their ballot papers before 10pm may vote when the poll closes.

Irregularities at polling stations: the election agent should immediately be made aware of any irregularities, which may be cause for complaint. Such complaint should firstly be raised in a courteous way with the presiding officer and, if not satisfactorily dealt with, referred to the returning officer. Hasty accusations of partiality must not be made - confine the issue to the point of law or procedure. As soon as the polling station opens, polling agents should check that everything is in order and, particularly, that the ballot papers have the necessary official marks.

Procedure on close of poll: as soon as practicable after the close of poll, the presiding officer, in the presence of polling agents, must seal each ballot box in such a way as to prevent the introduction of additional ballot papers. The key shall be attached. If they wish, polling agents may affix their own seals. The presiding officer must also place in separate packets the marked copies of the register of electors and the number lists of electors who've voted. The packets, to be delivered by the presiding officer to the returning officer, must be accompanied by the 'ballot paper account'. This will show the number of ballot papers issued to the presiding officer, the number issued by the presiding officer to electors, unused, and spoilt papers. Unless some voters have not deposited their ballot papers in the ballot boxes, the number of ballot papers issued and not otherwise accounted for as being unused or spoilt should correspond with the number of ballot papers in the ballot boxes.

12.5 Conveying electors to and from the poll

Any vehicle may be used during election campaigns, whether for general activity or conveying electors to the poll. Agents will need to take care, however, about the insurance position of those offering lifts to

members of the public and the party runs an insurance scheme for this purpose - see Section 11.9.

12.6 Tellers (number takers)

Tellers have no statutory position, although most returning officers recognise their role in elections. They must not enter the polling station (the actual room in which voting takes place) but most returning officers will allow them in the polling place, i.e. in the entrance hall, doorway, school playground, etc. Tellers may wear rosettes in the party colours (but without a sticker promoting a particular candidate or party) and ask for numbers from poll cards as voters enter or leave the polling station, though tellers must always be careful to avoid obstructing voters and follow any instruction issued by the presiding officer. See the Section 18 for the Electoral Commission's guidance on Tellers or the Keep It Legal page on Membersnet.

12.7 Other activity on polling day

There is nothing in election law that prevents the holding of meetings (though we strongly advise against this) or the distribution of literature on polling day, though such activities should be kept away from polling stations, as voters must not be impeded on their way to or from the poll.

13 PROCEDURE AT THE COUNT

13.1 Duties of the returning officer

It is the duty of the returning officer to make arrangements for the count (in the presence of counting agents) and to ensure that those arrangements conform to what is laid down in the election rules.

The returning officer must give the counting agents notice in writing of the time and place at which the count will begin. Election agents should check with the returning officer as soon as possible on the arrangements made. The selection of a place for the count is entirely a matter for the returning officer. There is no statutory restriction about this and it will be governed by practicalities.

13.2 Who can attend?

The following have a right to be present:

- the returning officer and their clerks
- candidates and their partners
- election agents
- counting agents
- representatives of the Electoral Commission
- accredited observers
- persons permitted by the returning officer to attend*

* Note additional persons - councillors, visitors, press, TV etc., - may not attend unless the returning officer has first consulted the election agents. Election agents have no power to insist on their wishes being met, so long as the returning officer considers them.

13.3 Secrecy

One of the fundamental tenets of the electoral system in this country is the secrecy of the ballot. The secrecy of the ballot is maintained by the imposition on key participants of the provisions in Section 66 of the Representation of the People Act 1983. The returning officer is required to

ensure that all persons concerned are given a copy of this section. At the count, section 66 prohibits any attempt to match voters to votes cast, for example by noting the numbers on the back of ballot papers.

Prohibition on publication of exit polls

It is an offence to publish any statement relating to the way in which people have voted when information is based (or might reasonably be thought to be based) on information given by voters after they have voted. This includes postal votes.

Any forecast of a result which is based (or might reasonably be thought to be based) on information given by voters after they have voted is also considered an offence.

There are no restrictions on publishing previous election results to illustrate forecasts or potential outcomes of an election.

13.4 Number of counting agents

The election agent should appoint counting agents. The returning officer is given discretion to limit the number of counting agents, but each candidate must have the same number and (except in exceptional circumstances) this number is not less than the number of counting assistants divided by the number of candidates. i.e.: a returning officer is employing 48 counting assistants and there are four candidates, each candidate must be allowed 12 counting agents.

With the growing number of fringe candidates, the minimum formula can result in inadequate numbers of counting agents. If so, representations should be made to the Returning Officer at an early stage, reminding him or her that the formula is a minimum, that they have discretion to increase the allocation for all parties and that they can offer any places not taken up by some candidates to the remaining candidates, provided that they are treated equally.

13.5 Briefing for counting agents

Election agents should arrange a briefing session for counting agents. This is an important task and those undertaking it need to be clear about their responsibilities.

13.6 Facilities for counting agents

The returning officer is responsible for ensuring that the counting agents have reasonable facilities for overseeing the proceedings and that all information given to them is consistent with the orderly conduct of the proceedings. In particular, where ballot papers are sorted for each candidate and then counted, the counting agents are entitled to satisfy themselves that the ballot papers are being correctly sorted. There are frequent complaints that inadequate accommodation and overcrowded conditions are not conducive to efficiency at the count. It is desirable that seats are provided for counting agents; they should be across the table opposite the counting staff, and not against the wall.

13.7 Counting the postal vote

To expedite the count, returning officers may start opening and checking postal ballot papers in the days before polling day and/or on polling day before the close of poll. The votes are not counted at this stage. Once verified as valid they are sealed in a ballot box until the formal count after polls close.

The returning officer must give each candidate at least 48 hours' notice in writing of the time and place of the opening the postal voters' ballot boxes, and to indicate the number of agents that each candidate may appoint to be present at the opening. See Section 7 for more details.

However, postal ballots can be delivered to the returning officer right up to the close of poll. At least one ballot box must be kept available at the council offices for the receipt of such postal votes. Postal ballots may be returned, by hand, to any polling station in the ward before close of poll. Postal ballots can be returned and will be treated as valid even if not returned in the official envelope. Ballot papers and postal

vote statements returned separately will, upon opening the envelopes, be marked 'provisionally rejected'. If the separate forms can subsequently be matched the vote will be valid. The postal ballot account cannot be finalised until the last postal ballot box has been opened (after outstanding ballot papers and statements have been matched and in case postal votes have been put in the wrong ballot box).

13.8 The counting process

Returning officers are now required to verify the personal identifiers of at least 20% of the postal ballots in each box. In most areas 100% of personal identifiers on the postal vote statements will be verified against the originals supplied to the ERO. This will be done by electronic scanning.

Ballots may be rejected if either of the identifiers do not match the originals provided on the application for a postal vote or if they are missing. Agents and candidates have the right to object to a rejected ballot.

Verification of ballot paper account - the first count of the ballot papers is to check and verify the contents of each ballot box. The number of ballot papers in the ballot box is compared with the ballot paper account - the number of ballot papers issued - to ensure that the figures agree for that particular ballot box.

Counting the votes - once the verification has been completed the votes for each candidate are then separated and counted. While counting, the clerks will look for doubtful ballot papers, which put into a separate pile. The returning officer will make a decision on the validity of each doubtful ballot paper. .

Void or rejected ballot papers - the returning officer will determine the validity or otherwise of ballot papers that may be in doubt, but it is customary to discuss such papers with candidates and agents. The returning officer's decision, which is final, can only be challenged on an election petition. If the candidate or the agent objects to the rejection of any ballot paper, the returning officer must add to the

endorsement the words 'rejection objected to'. The decisions on rejection must be based on the provisions in the rules that state that any ballot paper shall be declared void:

- which does not bear the official mark
- on which votes are given for more than one candidate
- on which anything is written or marked which identifies the voter, except the printed number on the back
- which is unmarked or void because of uncertainty

However, if the ballot paper is marked elsewhere than in the proper place, or otherwise than by means of a cross, or by more than one mark, it shall not be declared void if the intention to vote for one or other of the candidates is clear. Any mark that could lead to the identification of the voter renders the ballot paper invalid.

Official mark - the absence of the official mark means the vote is rejected. In cases where the count is close, it is therefore very important that election agents carefully scrutinise the papers rejected for want of the official mark. If including such papers would have affected the result, it will be possible to lodge an election petition asking for the election to be declared void. It is not possible to ask for the rejected papers to be allowed and the result to be reversed, but only for the voidance of the election and the calling of a subsequent by-election. The official mark on ballot paper may consist of a perforated stamp, watermark or underprint. Each ballot paper must also be uniquely numbered and include a unique identifying mark on the reverse which may be a barcode or a special number.

Recount - a candidate or election agent may ask the returning officer for a recount.

This may be refused if the request is considered unreasonable. No steps to announce the result shall be taken once the count or recount of votes has been completed until the candidates and election agents have been given a reasonable opportunity to exercise their right to call for a recount.

Equality of votes - where, after the votes have been counted by the returning officer (including any recounts), an equality of votes is found to exist between any candidates, and the addition of a vote would entitle any of those candidates to be declared elected, the returning officer shall decide between those candidates by lot, and proceed as if the candidate on whom the lot falls had received an additional vote.

Declaration of result - once the result has been ascertained, the returning officer is required to declare as elected the candidate to whom the majority of votes has been given. They cannot delay and must declare at once. Once a declaration and notice have been given the returning officer has no power to amend the result. Any objection may only be made by a legal challenge via an election petition.

13.9 Sampling

Sampling can be useful both in establishing relative levels of support for parties in different parts of the ward and in preparing your candidate for the result. The legislation is clear that postal ballots must be opened face down. Of course, it may be to our advantage where this rule is not followed closely but we cannot insist that Returning Officers open them face up.

Returning Officers take widely differing views of sampling and you need to be prepared to accept unhelpful rulings if these cannot be changed.

It is clear that communicating information obtained in the count to anyone outside is a breach of the secrecy requirements.

14 ELECTORAL REGISTRATION

This section sets out the current rules for electoral registration. Currently a form is sent to each household in the autumn of each year; the names of all residents eligible to vote are entered on the form and returned to the council.

The government intends to introduce individual electoral registration with effect from 2014 although household registration will also continue until after the 2015 general election.

Electoral Registration Officers of local authorities are required to compile and publish a register of electors in their area each year, and keep it up to date during the year.

The register can be amended throughout the year through 'rolling registration'. The Electoral Administration Act 2006 enables voters to register up to 11 working days before polling day, allows anonymous registration in certain circumstances, permits correction of clerical errors and enables EROs to remove a name from the register if the elector is found not to be eligible.

14.1 Who can register to vote?

A person is entitled to register to vote if on the date of application, they are:

- a British citizen, or
- a qualifying Commonwealth citizen - must have the right of abode or have leave to enter or remain in the UK, or
- a citizen of the Republic of Ireland or other European Union (EU) country, and
- aged 16 years or over - but cannot vote until aged 18

British, Commonwealth and Irish citizens can vote at all elections.

Citizens of other EU countries cannot vote at Westminster parliamentary elections, but can vote at local elections, London Mayoral and London Assembly elections, Welsh

Assembly and Scottish Parliament elections. At European elections they may choose to participate in the UK elections or in the elections in their home country.

Cyprus and Malta are Commonwealth countries. In the case of Cyprus this means all of the island of Cyprus, including the Republic of Northern Cyprus. It does not apply to citizens of Turkey.

14.2 How is the register of electors drawn up?

The Register of Electors is published on 1 December every year by each local authority and remains valid until 30 November the following year.

The register is compiled from information collected during the 'annual canvass'. A form is sent to each household every autumn by the local authority which asks for details of everyone in the household who is eligible to vote as of 15 October. Householders are asked to include the names of any young person over the age of 16, although they will only be able to vote from their 18th birthday.

If a household fails to return the form promptly, or if particular areas have low levels of registration, Electoral Registration Officers are now required to take steps to encourage people to register to vote. In particular, another form may be sent and/or canvassers may call at households who have not returned their forms including evenings and weekends. Many local authorities also allow voters to register to vote during the annual canvass by telephone and via the internet.

Voter registration forms can also be downloaded from the AboutMyVote.co.uk website run by the Electoral Commission.

Registration is not compulsory but there is a penalty of up to £1000 for failing to provide information to the Electoral Registration Officer or providing false information.

14.3 Rolling Registration

Once the Register of Electors is published on 1st December, changes may be made to the register each month including:

- additions: voters added to the register if they either move into the local authority area, or move within the area, or if they were left off or failed to register during the annual canvass;
- amendments: changes to voters details if there has been an error or if they have changed their name by marriage or deed poll.
- deletions: if an elector dies, or moves away from the address on the register.

Applications received by the Electoral Registration Officer by the middle of the month, will be included on the register by the first of the following month. The precise dates can usually be found on each council's website.

Rolling registration forms can be obtained from most local authority websites, from AboutMyVote.co.uk or by contacting the local authority Electoral Services Department. For rolling registration each voter must complete and sign a form. There is no provision for a household form.

Additions to the register are usually given a poll number with a suffix and appear on the register in the correct place and not at the end of the polling district. There should be no need for wholesale re-numbering of the register of electors after publication on 1st December.

14.4 Late Registration for elections

The Electoral Administration Act 2006 introduced a later deadline to register to vote - 11 working days before polling day. Previously the last day for registration was about 6 weeks before polling day.

The final register to be used on polling day will be that published on the 5th working day before polling day.

14.5 Anonymous registration

The Electoral Administration Act 2006 gives EROs the power to create an anonymous entry on the register of electors in certain special circumstances including those who are being stalked, victims of domestic violence, witnesses in criminal cases etc. Applications will need to be supported by evidence such as court orders etc. Such entries will not appear on any published version of the register of electors.

14.6 Declarations

Other special categories of elector may also be included on the register of electors.

Declaration of local connection: homeless people, mental health patients or remand prisoners may register a 'notional residence' by means of a declaration of local connection. Homeless people may register at the address of a place where they spend a substantial part of their time either during the day or night (or the address nearest to that place). Patients in mental hospitals and remand prisoners may register at the institution where they are currently resident, or the address at which they would be living (or have previously lived). These electors will be unable to vote in person at the polling station and are specifically entitled to vote by post or by proxy.

Service voters' declaration: members of the armed forces, and their spouses, may register by service declaration which now lasts for 3 years, or at their home address (in the same way as civilian electors).

Overseas electors' declaration: overseas electors may make an annual declaration if previously on a UK register of electors within 15 years of the declaration. These electors are specifically entitled to proxy votes, but can also now apply for a postal vote.

14.7 Corrections and removals

The Electoral Administration Act 2006 (EAA) allows for the correction of clerical errors or implementation of a court order (registration appeal) up to 9pm on polling

day. Previously the deadline was 5 working days before polling day.

The EAA also gives Electoral Registration Officers the power to remove a name from the register if an objection is received, and following review, it becomes apparent that the person should not have been registered.

14.8 Supply of the register of electors

Every candidate, election agent, elected representative (at parliamentary, local or town/parish/community level) and registered political party (CLP) is entitled to a free copy of the electoral register and to copies of the postal and proxy vote lists as well as a list of overseas electors.

Candidates and elected representatives are only entitled to the register for the area where they are standing for election or which they represent.

The register is produced in two versions:

- a complete register (for electoral and law enforcement purposes).
- an edited version omitting those who have asked to be excluded (for sale to anyone).

When requesting a copy of the register of electors make sure that you state that you require the full version.

The register will be provided in electronic format unless a hard copy is requested. Some Electoral Registration Officers require registered political parties to submit form.

Since the electoral register is available in electronic format via Contact Creator, CLPs, agents, candidates and elected representatives will probably want to request paper copies.

While registered political parties are entitled to a copy of the register of electors, EROs may ask for a certificate signed by the Labour Party's Nominating Officer naming one person in the local party who should receive the register on behalf of the party. If your local authority requires this certificate contact the Compliance Unit on 020 7783 1498.

Postal and proxy vote lists will be supplied to CLPs, candidates or their agents by the ERO upon request in writing after the last day for publication of notice of election (local government election) at the earliest. However, agents should to obtain a copy of the current absent voter periodically so the information can be updated on Contact Creator and then obtain the final list immediately after the deadline for postal vote applications.

Note: It is an offence to use the register – or supply it to someone else – for other than ‘electoral’ purposes. For example, it should be used for voter ID work, GOTV, postal vote campaigns, checking the permissibility of donors etc., but not for any purpose that could be construed as direct marketing, or for personal use. The register in any format must not be passed on to any organisation campaigning in the AV referendum as the Labour Party is not a registered participant in the referendum.

Failure to adhere to this may result in a criminal offence under the Data Protection Act 1998.

14.9 Marked register of electors, including absent voter marked register

Electoral Registration Officers are required to make a marked register of absent voters (postal, proxy and postal proxy voters) as well as for voters who attend polling stations in person.

CLPs, candidates, agents and elected representatives are entitled to a copy of the marked registers (including the absent voter marked register) on payment of a fee. The application for the marked register must be made in writing to the Electoral Registration Officer and must state that the information will be used for electoral purposes.

This information is entered into Contact Creator and can be used to identify the voting patterns of electors, especially Labour supporters and it is strongly recommended that CLPs purchase the marked register.

14.10 Electoral registration and the PPERA

It is illegal under PPERA 2000 for a CLP to accept donations of more than £500 from

an individual who is not on a UK electoral register.

15 DATA PROTECTION

All CLPs and elected representatives must comply with regulations under the Data Protection Act 1998 and the Privacy and Electronic Communications (EC Directive) Regulations 2003 with regard to the storing and use of all data.

The election agent needs to check with CLP Officers that the information contained within this chapter on data protection is being properly managed. You can check registration with the Office of the Information Commissioner (OIC) notification hotline on 01625 545740 or online at www.informationcommissioner.gov.uk.

15.1 Managing data held on an individual

The legislation sets out how we must manage the data that we hold on people. This includes all computerised files and all manual files (generally paper filing systems that are kept in an organised and therefore searchable manner).

It is a legal requirement that the legislation is adhered to, and failure to do so can lead to prosecution. Ensure that the relevant person, who needs to be aware of this legislation, is aware of all responsibilities. All personal data (relating to individuals* - doesn't apply to property or organisations) kept must be:

- fairly and lawfully processed
- processed for limited purposes
- adequate, relevant and not excessive
- accurate
- not kept longer than necessary
- processed in accordance with the data subject's rights
- secure
- not transferred to certain countries without adequate protection.

*(*information which relates to a living individual who can be identified from that*

or includes expression or opinion about that individual).

These principles are applicable to all data on all occasions.

15.2 What CLPs and elected representatives need to do

Every CLP and elected representative must register (known as notifying) as a data controller with the Information Commissioner, if the CLP or elected representative:

- process(es) any computerised data on members (Contact Creator is covered by Head Office notification).
- process(es) data on electors, e.g. in Contact Creator or make use of your entitlement to a free copy of the electronic version of the full electoral register.
- hold(s) any relevant manual filing systems that are structured either by reference to individuals or by reference to criteria relating to individuals.

Elected representatives should note that:

- each elected representative must notify separately from their region or CLP so that, for instance, data collected from casework is notified
- details of data subjects collated in official 'Member' 'Councillor' etc., capacity may not be shared or given, as personal data may not be collected for one purpose and used for another without the consent of the data subject. Case work or, for instance, council held personal data must not be disclosed for party political purposes.
- membership lists supplied by a CLP are covered in the CLPs notification, the member need not notify separately. However, the member must comply with the

data protection principles when using this data.

- personal information collated on data subjects processed by an employee of the council/assembly etc., need not be notified as the council/assembly is considered to be the Data Controller.

In effect, every CLP and elected representative must register (notify) with the Information Commissioner. Notify by contacting the Office of the Information Commissioner (OIC) notification hotline 01625 545740 or online at www.informationcommissioner.gov.uk.

It costs £35 per year to notify. Notification with the Information Commissioner must be renewed annually.

15.3 Compliance with Subject Access Requests

Any individual can request that you search your files (remember that this includes searchable manual files) for personal data that we may hold on them at any time. If you receive a request:

- get a pro forma from the Data Controller in the Compliance Unit at Labour Party Head Office as an aid to processing subject access request information - by calling 020 7783 1498.
- provide all personal data to the data subject within 40 days.

Do provide:

- a description of the type of data held
- the purposes for which it is held and
- the recipients of the data

Do disclose

- documents that make a passing reference to an individual
- documents if an individual can be identified by description or job title.

Do search:

- all relevant computer systems
- audio tapes
- video tapes
- private emails
- structured relevant filing systems
- index cards
- structured box files
- account books
- schedules and calendars

Do inform the individual even if no data is found.

Do ask for a £10 administration fee. You do not have to reply until the fee is paid.

Do not reveal the identity of a third party mentioned within a document without consent unless reasonable to do so.

Do not supply data without a written request.

15.4 Take care with party membership data

Membership data must not be released to any third party other than those entitled to receive them (as defined in the relevant NEC Procedural Guidelines).

Do inform Membership Services and the Data Controller at Head Office immediately if a member requests that the party end contact with them. Once a member makes this request, the party, both locally and nationally, must not continue contact using those details. Membership Services will remove the relevant details and ensure that the request is complied with.

Do update Contact Creator as soon as you receive new information to ensure the data you are using is accurate and up to date.

15.5 Obtaining consent

Obtain consent when gathering information on petitions, surveys and forms, including those on websites or email.

Where an individual is invited to provide contact details, these must display a clear 'opt in' statement that makes it clear that

by providing contact details, they are consenting to receiving further communications from The Labour Party.

The following are examples of such statements:

- Example for a petition - Jo Bloggs candidate/The Labour Party may contact you using the details you have supplied.
- Example for a survey - Jo Bloggs candidate/The Labour Party may contact you using the details you have supplied. If you do not wish to receive information from the Labour Party please tick this box.

Following up on petitions and surveys (see below regarding email). If someone completes a petition or survey or writes regarding a specific policy, follow-up letters must acknowledge the letter is in response to that petition, survey or policy query.

- Do state that you will update them on this and other issues unless they request in writing not to receive any more information.
- Do include an 'opt out' with a valid address in all subsequent communications that allows people to indicate that they do not wish to receive any more information.
- Do ensure that any request not to receive further information is acted upon immediately.

Example - 1st letter in response to petition, survey or letter.

- Jo Bloggs candidate/The Labour Party may contact you with further information on this and other issues. If you would prefer not to receive this information please write to [Joe Bloggs/Labour Party, 12 Station Road, Anytown AN10 1YT].

Example - 2nd and all subsequent letters.

- If you do not wish to receive further information from Jo Bloggs candidate/The Labour Party, please write to [Joe Bloggs/Labour

Party, 12 Station Road, Anytown AN10 1YT].

This wording can be included as a 'P.S.' or as part of the letter text. This must not be in small print.

Remember - obtain consent from people before using their email address.

The rules for electronic communications are stricter - we can only email or use a mobile number to call or SMS an individual where that individual has clearly consented to receive an email, call to their mobile or SMS from us.

The requirement for all forms, surveys and petitions have a clear 'opt in' statement ensures that when an individual supplies us with their contact details they are aware that by doing so they are consenting to the receipt of information from us.

Do not email if a person has asked you not to.

Every bulk email or email response to petitions, surveys and forms must include:

- who it is sent from, either as the sender or in the subject title.
- an explicit unsubscribe facility (i.e. an email reply that will stop further emails) which must be free to the subscriber, other than the cost of transmission.
- a link to the party's privacy statement - this could be a link to the privacy statement on the national party website.
- a valid postal address.

Do use 'blind copy' facility when emailing groups to avoid disclosure of private email addresses.

Do inform Membership Services and the Data Controller at Head Office immediately if a member requests that the party end email/mobile phone contact with them. Once a member makes this request, the party, both local and national, must not continue contact using those details.

Do update Contact Creator as soon as you receive new information to ensure the data being used is accurate and up to date.

Do not email an individual based on details supplied from a friend or family.

15.6 Ensure that locally managed databases comply

Databases that you use locally (this includes Contact Creator) must have a facility to suppress personal details to ensure that they are not be reused if we are asked not to contact people using particular details, for example, email, mobile or telephone. On Contact Creator there are various opt-out tick boxes on the voter record to exclude individuals from relevant communications - mail, telephone, mobile email etc.

REMOVING THE EMAIL/TELEPHONE NUMBER/MOBILE NUMBER IS NOT SUFFICIENT.

15.7 Ensure that your Website complies

Websites must have the consent of anyone quoted, pictured or referred to. Any section that collects supporters' details must follow the guidelines outlined in this chapter.

Include a privacy statement or link to the national party's privacy statement. The CLP

or elected representative should adhere strictly to these guidelines.

15.8 Data Protection and voter identification telephone calling

You may get queries from electors when carrying out voter i/d. Electors' telephone numbers are available from BT telephone directory data and other publicly available sources. We have no means of obtaining ex-directory numbers unless they are provided to us via a survey or other response device.

There are no data protection restrictions on calling electors to establish their voting intention. This is why it is important to stick to the national voter i/d script and not do anything that could be construed as 'marketing' or 'advertising' (i.e. recruiting or soliciting donations), as these activities can be subject to data protection restrictions.

The Telephone Preference Service (TPS) exists to protect subscribers from 'marketing' and 'advertising' calls which voter i/d is not. In addition, our national voter i/d script asks people if they mind being contacted again in the future.

16 COMMITMENT TO DISABLED ACCESS

Members, officers and employees of the party must be aware of their duty to make party services available to everyone, at all levels of the Labour Party.

The Labour Party is an inclusive member based organisation that prides itself on being accessible to all who share its values. It is important that disabled members are not inadvertently excluded from participation in any activity that the national or local party arranges. All local parties should constantly review their activities to improve services regardless of whether there is currently a disabled member using them. Reviewing how and where we carry out activities can often reveal small but significant changes that improve access. During an election period the election agent should ensure that arrangements are in place which enable disabled members to make a full and positive contribution towards the campaign.

In addition, the law requires certain things from organisations. The Disability Discrimination Act 1995 made it unlawful for service providers to treat disabled people less favourably because of their disability. It also required them to make reasonable adjustments, such as making changes to the way they provide their services, in order to prevent discrimination.

Since 1 October 2004 amendments to the legislation require service providers to make further adjustments in relation to the physical features of their premises to overcome physical barriers to access. For the first time, this applies to local Labour Parties and branches.

16.1 No less favourable treatment because of a disability

No one in the Labour Party, whether an employee, officer or member, should treat anyone with a disability less favourably because of their disability.

By way of example, this means that a member with learning difficulties or a

member with a mobility impairment should not be discouraged from attending a meeting or event. Even if the motivation for the less favourable treatment is concern for the member's welfare, that the person might be in physical discomfort or emotionally distressed, it would not be considered acceptable.

Everyone is entitled to expect the same treatment, regardless of disability.

16.2 Adjustments to accommodate disability

If a member has a disability which means that they may have difficulty in attending or participating in meetings, in hearing speakers, in reading documents, or whatever effect their disability may have, then reasonable steps should be taken to try to accommodate their disability. This will ensure that so far as practicable they can participate fully.

This need not be complicated, think through the implications of all activities to make sure that the way they are done does not disadvantage anyone who has a disability.

Examples of how you can assist in accommodating disability can be found in the Disabled Access Guidance document available from Membersnet on www.labour.org.uk

16.3 Good Practice suggestions

Ask new members whether there are any reasonable adjustments that would assist them in participating fully in the party's activities.

Written material should be published or available in large font type.

Include an 'RSVP' section on letters or invitations requesting details of any special needs that may need to be addressed, when organising an event or meeting.

Anticipate disability. Even if you are not aware of anyone in your branch, constituency or region who has a disability,

consider holding meetings in accessible venues. This means that potential new members with disabilities will not be discouraged from joining, and will also assist members who may have difficulties but do not wish to make them public.

During an election campaign every job undertaken by party workers is vitally important to running a successful

campaign. Be sure you get the best use out of all your workers by accommodating the needs of your disabled members.

If you require this document in an alternative format, please email info@new.labour.org.uk or ring 08705 900 200. The Labour Party also offers a Minicom facility for people who are hard of hearing 0191 246 5111.

17 CODE OF CONDUCT ON THE HANDLING OF POSTAL VOTE APPLICATIONS AND POSTAL BALLOT PAPERS IN ENGLAND AND WALES

17.1 Introduction

Political parties, candidates, canvassers and campaigners play a vital part in elections and referendums, not least through encouraging voting. With the increasing popularity of postal voting there is a need to ensure that traditional standards of political propriety observed at polling stations are carried through to the postal voting context.

All references to Returning Officers in this code should be taken to refer to Counting Officers for referendums.

All references to campaigners in this code refer to people involved in referendum campaigning, and include:

- registered campaigners, whether individuals or organisations⁴
- designated organisations (the 'lead' registered campaigners)⁵
- a registered campaigner's 'responsible person'⁶
- an agent appointed by a registered campaigner
- anyone else working for a registered campaigner

17.2 Key principles

All political parties, candidates, canvassers and campaigners handling postal vote applications and postal ballot papers will adhere to the following two key principles:

Candidates, campaigners and supporters should assist in the efficient and secure administration of elections and referendums and uphold the secrecy of the ballot. No candidate, campaigner or supporter should place themselves in a situation where their honesty or integrity - or that of the party, candidate or campaign - can be questioned.

17.3 What the law says

In an election an individual may only vote once for each contest and not for more than the number of seats available in that election.

In a referendum an individual may only vote once, and only for the number of options specified on the ballot paper (typically one).

A voter's signature or mark must always be their own.

An individual may not vote for, or as, someone else unless they are formally appointed to act as their proxy. If an individual steals someone else's vote they may be prosecuted for making a false statement or oath, forgery, using, or uttering as genuine, a false instrument or pretending to be someone else (personation).

⁴ Any person or organisation intending to spend more than £10,000 campaigning a referendum must register with The Electoral Commission as a 'permitted participant'. We refer to these campaigners as 'registered campaigners'.

⁵The Commission may designate a lead campaign organisation for each referendum outcome (e.g. a 'yes' or a 'no' campaign).

⁶The person nominated by a registered campaigner to be legally responsible for ensuring that they comply with the relevant rules on campaign finance.

An individual may not exert, or attempt to exert, undue influence to persuade or force someone to vote, not to vote, or to vote a certain way. Someone who prevents or deters the voter from freely exercising their right to vote, or attempts to do so, may be found guilty of undue influence.

It is an offence to offer money, food, drink, entertainment or other gifts to persuade someone to vote, or not to vote.

It is an offence to falsely apply for a postal or proxy vote as some other person. It is also an offence to otherwise make a false statement or otherwise induce the Returning Officer to either send a postal ballot paper or other election or referendum mail to an address which has not been agreed by the person entitled to the vote, or to cause a postal ballot paper not to be delivered to the intended recipient.⁷

It is an offence to supply false information to the Electoral Registration Officer for any purpose connected with the registration of electors.⁸

17.4 Applications for postal voting

If you develop a bespoke application form, it should conform fully with the requirements of electoral law, including all the necessary questions and the options open to electors.

Electors should be encouraged to ask for the postal vote to be delivered to their registered home address, unless there are compelling reasons why this would be impractical. This reason must be stated on the application form.

Because of the risk of suspicions that the application may be altered and the risk of the application form being delayed or lost in transit, the local Electoral Registration Officer's address should be the preferred address given for the return of application forms.

If an intermediary address is used, forms should be despatched unaltered to the relevant Electoral Registration Officer's address within two working days of receipt. If you are given a completed application form, you should forward it directly and without delay to the local Electoral Registration Officer.

The Electoral Registration Officer may check the signature on an absent voting application against any other copies of the elector's signature or date of birth which they hold or is held by any authority which they are authorised to inspect.⁹

The Electoral Registration Officer must confirm in writing to all successful applicants that they will receive a postal ballot.

17.5 Postal voting ballot papers

You should not touch or handle anyone else's ballot paper. If you are asked for assistance in completing a ballot paper, you should always refer the voter to the Returning Officer's staff at the elections office who can arrange a home visit if necessary. Assistance will also be available for electors at polling stations.

It is absolutely clear that anyone acting on behalf of a party or campaign should not solicit the collection of any ballot paper. Wherever practical, the voter should be encouraged to post or deliver the completed ballot paper themselves.

⁷Sections 62A(2) and 115(2), Representation of the People Act 1983 (RPA 1983). **Please note that all elections and referendums have their own legislation where offences typically mirror those in the RPA 1983.** For example, for European elections the Section 62A(2) and 115(2) offence under the RPA 1983 appears as Regulation 79, paragraphs 10 and 11, Schedule 2, European Parliamentary Elections Regulations 2004 (EPE Regulations 2004) (as amended).

⁸Section 13D, RPA 1983.

⁹ Regulation 51A, Representation of the People (England and Wales) Regulations 2001 (2001 Regulations) (as amended).

It is recognised that people working for a party or a campaign may be approached by a voter who is unable to post their ballot paper or make arrangements for it to be returned in time.

If you are asked to take the completed ballot paper, you should ensure that the voter has sealed it first and then post it or take it to a polling station or office of the Returning Officer immediately, without interfering in any way with the package.

If you are with a voter when they complete their ballot paper, remember they should complete it in secret. Equally, you should ensure that the voter seals the envelopes personally and immediately.

If you are asked to give advice, it is acceptable and often helpful to explain the voting process but do not offer to help anyone to complete their ballot paper. If you are in any doubt about the probity or propriety of your actions, you should ask yourself the question, 'What would a reasonable observer think?'

This code has been prepared based on this test, as advocated by the Third Report of the Committee on Standards in Public Life.

18 ELECTORAL COMMISSION GUIDANCE FOR CAMPAIGNERS AND AGENTS ON THE CONDUCT OF TELLERS IN AND AROUND POLLING PLACES

18.1 Introduction

Although not mandatory, this guidance provides advice for those involved in administering and campaigning in referendums and elections, and aims to ensure that tellers, agents, referendum campaigners, candidates and polling station staff know precisely what is and is not accepted when campaigning in and around polling places. These guidelines intend to promote appropriate standards of conduct to be maintained throughout the UK. Agents who also act as tellers are also subject to the provisions in this guidance.

It can be difficult to achieve consensus on the matter of whether elector numbers should be collected from voters as they are on their way in or out of the polling station/place. This guidance is issued in support of the Counting Officer/Returning Officer; as they are ultimately responsible for the conduct of referendums/elections their decision is final.

For the purposes of this guidance:

- 'Polling place' means the building in which polling stations are located. More than one polling station may be located within a polling place.
- 'Polling station' is defined as the room or area within a polling place where electors cast their votes, which contains the polling booths, ballot box and Presiding Officer's table. It is usually a room within a building (i.e. polling place) or a single room in temporary accommodation, such as a mobile caravan, a tent or even a garage. The polling station is a self-contained area which only those allowed by law may enter

18.2 Tellers

Tellers are usually volunteers who stand outside polling places and record the electoral numbers of electors who have voted. They can then identify likely supporters who have not voted and urge them to vote before the close of poll. Tellers play an important role in referendums/elections and may increase turnout.

Tellers must not impede or interfere with the efficient and secure administration of the referendum and must comply with any instructions issued by the Counting Officer/Returning Officer or Presiding Officer.

Tellers have no official legal status. They should not be confused with polling agents, whose appointment and rights are described in legislation. Tellers, unlike polling agents, may not be admitted to the polling station in their capacity as tellers (see 'Location' below).

18.3 Tellers' activities

Tellers should concern themselves only with checking who is about to vote or has voted. This will involve politely asking voters for their poll card, elector number or name and address. Counting Officers/Returning Officers may advise tellers that they may approach voters for information as they either enter or leave the polling station.

If asked, tellers should explain that they are activists seeking to determine who has actually voted. No impression should be given that any information provided will be used for official purposes or that they are employed by the Counting Officer/Returning Officer.

Tellers should not display or distribute referendum material (e.g. billboards, posters, placards or pamphlets) on walls or

around the polling place. Any display of such material should be brought to the attention of the Presiding Officer immediately.

Presiding Officers have responsibility for ensuring that electors are given an opportunity to cast their vote in a free and fair manner. Any decision regarding the location or behaviour of tellers is a matter for the Presiding Officer and Counting Officer/Returning Officer; tellers must comply with their instructions.

Tellers must not attempt to induce, influence or persuade an elector how or whether to vote. Tellers cannot promote particular referendum answers. Their conduct must not give rise to allegations of undue influence, e.g. discussing voting intentions, party affiliations, election or referendum campaigns, or undertaking any other activity particularly associated with one of the referendum answers. Any queries that relate to the electoral process must be directed to the Presiding Officer.

Voters must never be asked to re-enter the polling station to ascertain their elector number or retrieve a poll card. Voters are not obliged to comply with any request for information. Tellers must not press voters if their initial request for information is declined.

18.4 Numbers of tellers

There should be no more than one teller at a polling station for each campaigner/candidate/party at any time. Where a polling place contains more than one polling station with separate entrances, it may be appropriate for there to be tellers at each entrance, but no more than one per campaigner/candidate/party. Their behaviour and numbers should never be capable of being seen as intimidating in any way. Location

Tellers must remain outside the polling place itself; they may only enter polling stations for the lawful purpose of casting their own vote, voting as a proxy, assisting a voter with disabilities, or fulfilling duties of their appointment as a polling agent or referendum agent.

The Presiding Officer may allow tellers to enter the polling place (e.g. stand under porticos and entrances) provided that they are outside the polling station and do not impede or obstruct the access of voters. Tellers must not be able to see or hear what is going on inside the polling station. Where a polling place consists of one room only, tellers must not under any circumstances seek or be allowed to enter that room. Tellers cannot enter the polling station under any circumstances in their capacity as tellers.

18.5 Poll cards

3.10 The activities of tellers are limited to the collection of elector numbers or poll cards. Poll cards left with tellers should be given to the Presiding Officer or Poll Clerk by the close of poll. Tellers must not ask polling staff to hand over poll cards that may have been left with them or in bins.

Tellers may use a receptacle for voters to discard their poll cards, to help them establish who has voted during their absence. Such receptacles must not obstruct voters who are entering or leaving the polling station. The contents must be returned to polling station staff after the close of poll.

18.6 Appearance

Tellers should wear coloured rosettes of a reasonable size, as this assists electors by making it clear that they are activists and not electoral officials. The rosette may display the name of a campaigner/candidate/party and/or an emblem or description.

Tellers must not wear, carry or display any headwear, footwear or other apparel that carries any writing, picture or sign relating to any candidate, party or campaigner apart from a rosette.

18.7 Application of the guidance

With regard to the collection of elector numbers from voters on the way in or out of the polling station, this guidance is intended to be amended to coincide with any guidelines or instructions provided by the Counting Officer/Returning Officer. The

Counting Officer/Returning Officer is ultimately responsible for the conduct of a referendum; as such, their decision is final. Each individual Counting Officer is independent of the local authority when they are conducting the referendum.

The value of local agreements cannot be over-emphasised. It is recommended that the Counting Officer/Returning Officer arranges a meeting with referendum agents, tellers and campaigners at the earliest opportunity following the publication of the notice of referendum to communicate the same message to all concerned. This will ensure that everyone is aware of the local circumstances and conducts their campaign within the same guidelines. It may pre-empt problems by discussing campaigning in and around polling places and the conduct of tellers, and reaching consensus amongst those present as to what is acceptable, especially with regard to whether to gather elector numbers as voters either enter or leave the polling station. Guidance should be distributed at pre-referendum/election meetings.

On polling day, Counting Officers/Returning Officer may find it helpful to provide Presiding Officers with posters to display that outline the main responsibilities of tellers. The poster could be displayed outside the polling station close to where tellers stand, serving both to self-regulate the activity of tellers and to alert voters that tellers are not official polling station staff. It could also be handed to any tellers prior to polling day to advise them of what they can and cannot do. The poster is intended to be used by the Counting Officer/Returning Officer in conjunction with agreed local arrangements on the collection of elector numbers.

If in doubt about the actions of a teller, the Presiding Officer or Counting Officer/Returning Officers should consider: 'What would a reasonable observer think?'

18.8 Complaints

If a complaint is received about the conduct of tellers, the electoral administrator should contact the relevant Presiding Officer and request that the matter be dealt with and monitored by the polling station staff there. Presiding Officers have the power to keep order in the station and may require any teller who refuses to carry out their instructions to be removed.

If it is not possible to contact the Presiding Officer, or there are continuing difficulties with the activities of tellers or campaigners, a member of the Counting Officer's/Returning Officer's staff should visit the polling place. The member of staff should speak to the Presiding Officer before approaching the campaigners or tellers. Tellers may be reminded of this guidance, provided with a copy if necessary, and advised that it is an offence under electoral law for anyone to impede or interfere with any electors prior to their voting.

Tellers should be advised that if the interference persists the police will be called. The Presiding Officer should be advised of the action taken and asked to monitor the situation and report any further problems to the elections office. The agent of the campaigner/candidate/party they are representing should also be informed. This enables the campaigner/candidate/party concerned to take action against such tellers and ensure that they are properly briefed before being allowed to act as tellers in future referendums/elections.

19 SAMPLE FORMS, LETTERS, CHECKLISTS AND NOTICES

The following pages have samples which may be of use to agents. They can be downloaded from Membersnet - go to the 'Party Activity' tab along the red bar at the top of the page and choose 'Keep It Legal' from the drop down menu. Sample caution to election workers and canvassers

20 SUMMARY OF ELECTION OFFENCES

Please display prominently in Election centres

The election of _____ for this constituency/council will be rendered void if any of the Agent's election workers commits any of the following offences:

CORRUPT PRACTICES

Bribery: giving or promising to any person any money or anything valuable with the object of securing their or somebody else's vote. Any person who receives a bribe, or bargains for employment or reward, in consideration of their vote, is guilty of bribery.

Treating: giving food, drink or entertainment to a person with the object of securing their or somebody else's vote.

Undue influence: threatening any sort of harm to a person to induce them to vote or not to vote for a particular candidate. The withdrawal of custom, or a threat to do so, comes under this prohibition. A threat to evict a tenant will also be undue influence.

Incurring unauthorised expenses: incurring, without having been previously authorised by the Election Agent in writing to do so, any expense in holding a public meeting, organising a public display, issuing any advertisement, circular or publication (except in a newspaper) or otherwise presenting to the electors the candidate or his/her backing or disparaging any other candidate.

Personation: applying to vote in the name of some other person or attempting to persuade another person to do so.

ILLEGAL PRACTICES

Paying any money provided for election expenses to any person except the candidate or election agent.

Paying election expenses except through the election agent.

Agreeing to pay a voter for the exhibition of election notices unless the voter ordinarily carried on business as an advertising agent.

Making a false statement about the personal character or conduct of another candidate

Interrupting another candidate's meeting by disorderly conduct or inciting another person to do so.

Inducing a voter to vote when he/she is under a legal incapacity to do so.

Paying people to canvass.

REQUIREMENT OF SECRECY

Any person acting in contravention of RPA 1983 Section 66 in respect of secrecy requirements at the poll; count or at the issue and receipt of postal vote ballot papers.

OFFENCES RELATING TO ABSENT VOTING

The Electoral Administration Act 2006 makes the following actions offences.

Applying for a postal or proxy vote as some other person;

Making a false statement in, or in connection with, an application for a postal or proxy vote;

Inducing the registration officer or returning officer to send a postal ballot paper or any communication relating to a postal or proxy vote to an address which has not been agreed to by the person entitled to the vote;

Causing a communication relating to a postal or proxy vote or containing a postal ballot paper not to be delivered to the intended recipient.

Committing any of these offences may result in a prison sentence or substantial fine. The Labour Party will not support any individual involved in such practices.

ALL PERSONS ASSISTING IN THIS ELECTION ARE HEREBY WARNED NOT TO COMMIT ANY OF THE ABOVE OFFENCES

[Your imprint]

21 SAMPLE ENDORSERS RELEASE FORM

I grant to the Labour Party ("the Party") and any person working under its direction an unlimited payment-free right to use, copy, edit and distribute in any media:

	the picture and sound material produced by or for the Party in which I appear, and my name and biographical details, in connection with any of its political campaigns; and/or
	the words text or comment produced by or for the Party which are attributable or attributed to me in connection with any of its political campaigns; and/or
	the words text or comment attached to this form which are attributable or attributed to me in connection with any of its political campaigns.
	and my name and biographical details, in connection with any of its political campaigns.

These rights may be terminated at any time on not less than 14 days written notice from me to the Party. Such termination shall not apply to any material produced by the Party before receipt of the notice.

I confirm that I have given nothing of value to the Party or any other person for the right to appear. I am over the age of 18 and have read and understood this form.

If the person appearing in the photograph or recording, or who has statements attributed to them is under the age of 18, I confirm that I am that person's parent or legal guardian and that the above statements also apply to such child.

*please indicate if any part of the name or biographical details may not be used.

Name (print clearly)	
Signature	Date
Address (print clearly)	
Postcode	Email
Job title	
Company/affiliation	
Phone (landline)	(mobile)

Name of person under 18 (if applicable)	
Signature	Date

22 SAMPLE NOTIONAL EXPENDITURE STATEMENT

(Costs paid directly by the CLP/Branch/LGC)

The value of goods and services provided by

.....CLP to

.....(name),

the Labour Party candidate(s) in this Ward in the _____(year) Local Government Elections during the period _____ was as follows:

	£	p
Use of [part of] the office premises at (calculated at a daily rate of £ for days [inclusive/exclusive] of utility and overhead costs)		
Utility costs for the above premises (light, heat, water, cleaning)		
Use of office facilities at the above premises (Computers, website, printers, copier, fax, telephones)		
Use of multi-election materials - banners, posters, boards, stakes and rosettes (20% of original purchase cost)		
Telephone call costs (% of CLP bills for period) or (as attached invoices)		
General stationery (% of CLP bills for period) or (as attached invoices) or from stock - realistic estimate of value		
Printing/copying - leaflets (p per item) or (as attached invoices)		
Printing/copying - other materials (p per item) or (as attached invoices)		
Postage (% of meter charge for the period) or (as attached invoices)		
Sundry other costs (Details)		
Total		

Signed.....

Date

Name.....(print)

for.....CLP

23 NOMINATION CHECKLIST FOR LOCAL GOVERNMENT CANDIDATES

Plan ahead.

Get your forms checked.

File early.

- What is the first day for handing in nomination papers in your area?
- What is the last day and latest time for delivery of the papers?
- Have you made an appointment with the Returning Officer (RO) to hand in the nomination papers - including an informal check?
- What is the address for delivery of the papers?
- Do you have the following forms (obtained from the RO)?
- Nomination form - signed by 10 electors in the ward and checked against the current electoral register
- Candidate's consent to nomination - signed by the candidate
- Notice of appointment of an Election Agent - signed by the candidate and agent
- Certificate from regional officer authorising use of party registered description and emblem on the ballot paper- signed by the candidate
- Copy form of certification from nominating officer to regional officer
- Who will formally deliver the papers? Best if it's the agent.
- On the day you submit the nomination papers - have you confirmed to your regional office that your candidates have been successfully nominated?
- Have you sent a copy of the Notice of Persons Nominated to your regional office?

24 DRAFT TEXT FOR LETTER TO SUPPLIERS

To: Name

Address

Postcode

Dear

This letter is to confirm that I have placed an order with you as follows:

(State nature and/or quantity of goods here, and required deliver date if relevant)

(If printed materials state imprint to be used)

You should be aware that the Labour Party is now in a local election period where all expenditure, including the receipt of invoices and their payment is tightly regulated by election law.

The date of the election is Thursday 5 May 2011. Under election law I must receive all invoices within 21 days of polling day (Thursday 26 May 2011) and they must be paid within 28 days of polling day (Thursday 2 June 2011).

Please send me an invoice for the stated goods as soon as possible. I must receive this by 26 May 2011 at the very latest. If you do not meet the terms of this request I will be unable to make payment without an application through the courts. Applying for leave to pay via the courts is a lengthy and expensive process and will likely result in extensive delay of payment being made.

If you aware of any reason why an invoice may reach me within this timescale, please contact me directly within 48 hours of receipt of this letter.

Thank you for your assistance in this very important matter.

Yours sincerely,

Name

Election Agent for

25 USEFUL CONTACTS

HOTLINE - 020 7783 1498

From Monday 21 March 2011 until return of election expenses:

9am - 9pm Monday - Friday

10am - 6pm Saturday and Sunday

REGIONAL OFFICES

Eastern

Tel: 01279 625 860

www.easternlabour.org

North West

Tel: 01925 574913

www.labournorthwest.org.uk

East Midlands

Tel: 0115 943 1777

www.eastmidslabour.org.uk

South East

Tel: 0118 923 9401

www.labour-southeast.org.uk

London

Tel: 020 7783 1170

www.london-labour.org.uk

South West

Tel: 0117 972 9440

www.laboursouthwest.labour.co.uk

Labour North

Tel: 0191 246 5276

www.labournorth.com

West Midlands

Tel: 0121 569 1900

www.westmidlandslabour.org.uk

Yorkshire and the Humber

Tel: 01924 291221

www.yorkshireandhumberlabour.org.uk

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