

Complaint about the Local Elections, 2011, in Rotherham

This complaint is in relation to the Local Elections, which took place in the Wickersley Ward, Rotherham and concerns the validity of the nomination of Chris Read, the Labour Party candidate.

It is submitted that this person's Nomination paper was invalid and subsequently his entry on the ballot paper also, due to the incomplete and therefore misleading representation of his home address.

Chris Read gave his home address as "2A Church Street, Rotherham, S64 8QA" and this is considered misleading for the following reasons:

- 1) There are no residential addresses in Church Street, Rotherham.
- 2) There are at least 10 addresses within the Rotherham borough boundary, where the address of '*Church Street, Rotherham*' could be cited as an identifiable location:

Church Street, Rotherham, S60

Church Street, Wales, Rotherham, S26

Church Street, Greasbrough, Rotherham, S61

Church Street, Kimberworth, Rotherham, S61

Church Street, Rawmarsh, Rotherham, S62

Church Street, Wath upon Dearne, Rotherham, S63

Church Street, Bolton upon Dearne, Rotherham, S63

Church Street, Thurnscoe, Rotherham, S63

Church Street, Swinton, Rotherham, S64

Church Street, Thurcroft, Rotherham, S66

- 3) Whenever a home address is requested in full, for any reason, the response is always given in a commonly recognisable form i.e. house number, followed by street name, followed by village or local township, followed by borough or city.
- 4) In the case of Chris Read's nomination paper, he omitted to include the township element of his address and I would therefore contend that his nomination paper was consequently invalid.
- 5) It could be argued that the provision of his post code within his address would satisfy the need to locate his home and indeed that would be the case, were a letter being delivered to that specific property.

However, in the case of a political candidate, the electorate simply wants to know where that person lives, which is presumably why the legislation governing the preparation of electoral documentation requires a candidate to give his "home address in full" and in a form that is "commonly understood".

Chris Read therefore failed to comply with the requirements of the nomination process.

In addition to the above aspect of my complaint, there is the matter of the Returning Officer's contribution to the situation:

- a) My understanding of the Returning Officer's duty is that he/she must manage the election and ensure all aspects of the process comply with current legislation. And he receives a significant imbursement for this responsibility, as it is considered to be an additional role to his, in the case of Martin Kimber, employment as Chief Executive of Rotherham MBC.
- b) In preparing nomination papers for local elections, the Elections Services section at Rotherham MBC arranges for nominees to attend a meeting with them, whereby they will thoroughly check the details of an individual's Nomination paper.

Many candidates attended such an interview, including myself, and I can confirm that two Elections staff members thoroughly scrutinised my nomination paper in my presence, and indeed one of them recited the details out loud as the other transferred them into a computer. Thereafter my nomination paper was declared valid.

- c) The Returning Officer and his staff must be considered to be fully knowledgeable of the requirements of the various legislation, which govern the local elections process.
- d) When the issue of Chris Read's home address on the ballot papers was brought to my attention, during the evening of election day, I immediately attended the Bramley polling station to register my complaint and it was duly noted in the presence of several of the elections staff.

Thereafter at the 'count' the issue was again raised by my acquaintance, Rik Van Hegan, and an identical response from several of the elections staff, at differing times throughout the evening, was to confirm that they had simply transferred the information that they had been given by the candidate.

To-date, no acknowledgement of my complaint, nor a response, has been received at my home.

Martin Kimber therefore failed to fulfil his responsibilities as Returning Officer in the 2011 Local Elections of Rotherham.

The combination of Chris Read's failure to observe the laws governing the elections process and equally importantly, Martin Kimber's failure to uphold those laws, resulted in a misrepresentation of facts and the local election, 5th May 11, in the Wickersley Ward, being contested under seriously flawed circumstances.

In support of my claims, I have attached extracts from applicable documentation.

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Extracts from applicable legislation etc.:

The Labour Party, Local Elections 2011, Legal Handbook

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.

From Representation of the Peoples Act:

Nomination of candidates

6 (1) Each candidate shall be nominated by a separate nomination paper, in the form in the Appendix delivered-

- (a) by the candidate himself, or
- (b) by his proposer or seconder,

to the returning officer at the place fixed for the purpose, but the paper may be so delivered on the candidate's behalf by his election agent if the agent's name and address have been previously given to the returning officer as required by section 67 of this Act or are so given at the time the paper is delivered.

(2) The nomination paper shall state the candidate's-

- (a) full names,
- (b) home address in full, and
- (c) if desired, description,

and the surname shall be placed first in the list of his names.

(3) The description, if any, shall not exceed 6 words- in length, and need not refer to his rank, profession or calling so long as, with the candidate's other particulars, it is sufficient to identify him.

The Local Elections (Principal Areas) (England and Wales) Rules 2006

Nomination of candidates

4 (1) Each candidate must be nominated by a separate nomination paper, in the form in the Appendix, delivered at the place fixed for the purpose by the returning officer, which shall be at the offices of the council of the district or London borough in which the electoral area wholly or mainly lies.

(2) The nomination paper must state the candidate's—

- (a) full names,
 - (b) home address in full, and
 - (c) if desired, description,
- and the surname must be placed first in the list of names.

(3) If a candidate commonly uses—

- (a) a surname which is different from any other surname he has, or
 - (b) a forename which is different from any other forename he has,
- the nomination paper may state the commonly used surname or forename in addition to the other name.

(4) The description (if any) can only be—

- (a) one authorised as mentioned in rule 5(1) or (3); or
- (b) the word “Independent”.

The Electoral Administration Act 2006

(4) In the Appendix of forms, in the Form of nomination paper, for the first table following the words “candidate at the said election” substitute—

<i>“Candidate’s surname</i>	<i>Other names in full</i>	<i>Commonly used surname (if any)</i>	<i>Commonly used forenames (if any)</i>	<i>Description (if any)</i>	<i>Home address in full</i>
SULLIVAN	Arthur Seymour	GILBERT	W. S.	Independent	52, Bunthorne Walk, Basingstoke”

Managing local elections

Form of nomination

4.23 Each candidate must be nominated on a separate nomination paper in the form prescribed in the election rules. The nomination paper must include the details of the ward, the candidate’s full name and home address, any commonly used name that the candidate wishes to appear instead of their full name on the statement of persons nominated, the notice of poll and the ballot paper, and, if required, a registered description. Further details on each of these requirements are given in the paragraphs that follow.

4.24 One point for Returning Officers to be aware of is that legislation requires them to prepare a nomination paper for signature if any person so requests it. It is also worth bearing in mind that candidates do not have to use a nomination form or consent to nomination form that has been provided by the Returning Officer. The Commission has produced a set of nomination papers that candidates could use.

Candidate’s home address

4.37 The candidate’s full home address must be included. If, however, any detail is wrong or omitted, the nomination is not automatically invalid if the description of the place is such as to be commonly understood. Also, the Returning Officer has a power to correct minor errors in nomination papers,

4.79 The Returning Officer must send notice of their decision that a nomination paper is valid or invalid to a candidate at their home address as given on the nomination paper.