

## Local elections in England

# Guidance for candidates and agents

## Part 4 of 6 – The campaign

January 2022

This document applies to district, borough, county and unitary authority elections. It does not apply to parish council elections, mayoral elections or elections to the Greater London Authority. Our guidance and resources for other elections in the UK can be accessed from our website at:

<https://www.electoralcommission.org.uk/i-am-a/candidate-or-agent>

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# The campaign

This document contains our guidance on campaigning at a district, borough, county, or unitary council election.

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

Deadlines mentioned in this document are generic and we have published a [generic election timetable on our website](#). If a by-election has been called, you will be able to obtain a copy of the specific timetable for that election from the Returning Officer.

For scheduled elections, we will publish an election timetable containing the specific deadlines for those polls which you can download from our [website](#).

We are here to help, so please contact your local Commission team if you have any questions.

See our [Overview document](#) for contact details.

Revised data protection legislation applies to the processing of all personal data.

Please contact the [Information Commissioner's Office](#) for further information about how the current data protection legislation affects you.

# Campaigning dos and don'ts

## When can you start campaigning?

1.1 You can start campaigning at any time. You do not have to wait until you are validly nominated to declare that you will run for election, ask people to support you or publish campaign material.

1.2 Election spending limits apply from the day after the date a person officially becomes a candidate. For more information on election spending please see [Part 3: Spending and donations](#).

## When does a person officially become a candidate?

1.3 The earliest you can officially become a candidate is on the last date for publishing the notice of election, which is on the 25<sup>th</sup> working day before the poll.

1.4 You will officially become a candidate on this day if on or before this date you have already declared yourself a candidate at the election (or another person has declared that you are a candidate).

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

1.6 Once you have officially become a candidate, you are entitled to a copy of the electoral register<sup>1</sup>. You are also entitled to a copy of the lists of absent voters for the ward you are standing in. In addition, you can use publicly funded rooms and schools for public meetings (see paragraph **1.19** below).

## During the campaign, you may...

- Encourage people who are not on the electoral register to apply for registration. The deadline for registering to vote in time for an election is 12 working days before the poll<sup>2</sup>. Individuals can register online at <https://www.gov.uk/register-to-vote>. You can find out more about who can register on our website <https://www.electoralcommission.org.uk/i-am-a/voter>
- Help voters with information about postal and proxy voting – you can find information on our website <https://www.electoralcommission.org.uk/i-am-a/voter>. The deadline for applying for a postal vote for the election is 5pm on the eleventh working day before the poll<sup>3</sup>. The deadline for applying for a proxy vote for the election is 5pm on the sixth working day before the poll<sup>4</sup>, although in some circumstances electors may apply for an emergency proxy up to 5pm on polling day<sup>5</sup>. An elector can apply for an emergency proxy if, after 5pm on the sixth working day before the poll, they have had a medical emergency or have been called away on business.
- In addition the emergency proxy provisions for local government elections have been extended to allow an elector who cannot reasonably attend the polling station as a result of following coronavirus advice to apply for an emergency proxy on these grounds<sup>6</sup>. These provisions extend to the appointment of a new proxy if the appointed proxy cannot reasonably attend the polling station due to coronavirus<sup>7</sup>. Any such applications must reach the ERO by 5pm on the day of poll. It is expected that these provisions will remain in place for relevant elections where the notice of election is published before 1 March 2022. We will update the guidance again when the provisions are no longer in force.

Completed registration or absent vote applications given to you or your campaigners should be sent on unaltered to the Electoral Registration Officer within two working days of receipt.

The Equality and Human Rights Commission have published guidance for political parties and candidates about how equality and human rights law affects election campaigning. A copy of their guidance can be found here: <https://www.equalityhumanrights.com/en/publication-download/equality-and-human-rights-law-during-election-period-guidance-local-authorities>.

## During the campaign, you should...

- If you develop your own application forms, make sure they include all the required information, or the

applications will be rejected. In particular, you must make sure that the signature and date of birth fields on postal and proxy application forms are in the correct format. You should use our absent voting application forms on <https://www.electoralcommission.org.uk/i-am-a/voter> as a guide. You should liaise with the Electoral Registration Officer who may be able to provide you with forms you can use.

- Make sure your supporters follow the [Code of conduct for campaigners in Great Britain](#) – this will help them to avoid situations where their honesty or integrity could be questioned.

Make sure your supporters are courteous when dealing with other candidates and their supporters.

- Be aware of the deadlines for appointing an election agent, and agents to attend postal vote opening sessions, polling stations and the count. Deadlines are set out in our guidance document [Part 2a: Standing as an independent candidate](#) and [Part 2b: Standing as a party candidate](#).
- Check our guidance on how postal vote openings, the voting process and the count will work so that you know what you can expect to happen and when see [Part 5 – Your right to attend key electoral events](#).
- Check that your systems for recording spending and donations are working. For more information on donations and election spending in see [Part 3: Spending and donations](#).

Neither the Returning Officer nor the Commission regulate these offences. Any complaints should be made to the police.

You should never handle or take any completed ballot paper or postal ballot packs from voters.

## During the campaign, you must not...

- Knowingly make a false statement about the personal character of a candidate<sup>8</sup>.
- Pay canvassers<sup>9</sup>. Canvassing means trying to persuade an elector to vote for or against a particular candidate or party.

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

1.7 More information on election offences and how to report these can be found in paragraph **1.61**.

1.8 If either you or your election agent have made a mistake and have acted in contravention of the rules, you can apply for

relief from the consequences of having made a mistake. See paragraph **1.67** for more information.

## Use of the electoral register and lists of absent voters

Once you officially become a candidate as explained in paragraphs **1.3** to **1.5** you are entitled to receive a free copy of the electoral register<sup>10</sup>. You are also entitled to the lists of people voting by post or proxy ('the lists of absent voters') for the ward that you are contesting.

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

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

1.10 You can use them to:

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

1.11 You must not release to any person any details that appear only in the electoral register and not on the open register which is available for general sale. You must not use the electoral register and lists of absent voters for any other purpose not listed above<sup>11</sup>.

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

1.13 You must ensure that you keep the electoral register secure and list of absent voter secure<sup>12</sup>. Once you no longer need the register and lists of absent voters for any electoral purpose, you should securely destroy any copies supplied to you as a candidate in accordance with the Information Commissioner's [guidelines](#).

#### **There are two registers. Why?**

Using information received from the public, registration officers keep two registers – the electoral register and the open register (also known as the edited register).

#### **The electoral register**

The electoral register lists the names and addresses of everyone who is registered to vote in public elections. The register is used for electoral purposes, such as making sure only eligible people can vote. It is also used for other limited purposes specified in law, such as detecting crime (e.g. fraud), calling people for jury service, checking credit applications.

#### **The open register**

The open register is an extract of the electoral register, but is not used for elections. It can be bought by any person, company or organisation. For example, it is used by businesses and charities to confirm name and address details. Electors can request not to have their name and address included in the open register.

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

1.14 Copies of the electoral register and lists of absent voters can be obtained from the Electoral Registration Officer. You can find their contact details on our website

<https://www.electoralcommission.org.uk/i-am-a/voter>

1.15 The request must be made in writing<sup>13</sup> and we have made a [register request form](#) and an [absent voters' lists request form](#) available for this purpose on our website.

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

1.17 The version of the electoral register and lists supplied will be the ones current at the time of your request. You may also request the updates to the electoral registers and lists that are published in the lead-up to the poll, including the list of newly registered electors when it is published five working days before the poll.

## Using schools and rooms for public meetings

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

1.19 The Electoral Registration Officer keeps a list of the location and availability of meeting rooms in their area. They will make this list available for inspection by candidates and election agents (and persons authorised by them) from the day the notice of election is published. Once you are a candidate as set out in paragraphs **1.3** to **1.5**, you will be able to use public rooms up until the day before polling day<sup>14</sup>. Contact details for Electoral Registration Officers can be found on our website <https://www.electoralcommission.org.uk/i-am-a/voter>

1.20 You should contact the owner of the premises to make a booking, giving reasonable notice to reduce the risk of the request being refused.

Any person found breaching the restrictions on use of the electoral register could face an unlimited fine.

Candidates' right to use rooms does not include hours during which a school is used for educational purposes. Equally, any prior letting of a meeting room must take precedence.

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

## Campaign publicity dos and don'ts

1.22 You must:

- Use imprints on all your printed campaign material and any electronic campaign material that is designed to be printed off locally<sup>15</sup>. You should ensure the imprint is clear and visible. See paragraph **1.26** below for more information.
- Comply with planning rules relating to advertising hoardings and large banners<sup>16</sup> – you should ask the local authority for advice.
- Make sure that outdoor posters are removed promptly after the election – you must do this within two weeks of the election.

1.23 You should:

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

1.24 You must not:

- Produce material that looks like the poll cards sent to voters by the Returning Officer<sup>17</sup>.
- Pay people to display your adverts (unless they display adverts as part of their normal business)<sup>18</sup>.

## Using imprints

### What is an imprint?

1.25 An imprint should be added to all campaign material and, in the case of printed material, must be added by law to show who is responsible for its production<sup>19</sup>. It helps to ensure that the campaign is transparent. You should ensure that your imprint is clear and visible.

1.26 [Our factsheet on Candidate imprints](#) explains the rules you must follow if you are a candidate in this type of election.

## Polling day dos and don'ts

1.27 You should:

- Make sure that any tellers working for you follow our [tellers' dos and don'ts](#) and any guidance issued by the Returning Officer.
- Make sure your campaigners follow the [Code of conduct for campaigners in Great Britain](#) which sets out what is, and is not, considered acceptable behaviour at polling stations and in the community.
- Comply with requests by polling station staff or the Returning Officer about campaigning near polling stations. You should, however, be allowed to put your message to voters on polling day, including in public spaces outside polling places.
- Make sure that any agents who are attending polling stations, postal vote opening sessions or the count understand the rules about the secrecy of the ballot. For more information, see our documents setting out the secrecy requirements for [the poll](#), [postal voting](#) and [the count](#).

1.28 You must not:

- Campaign near polling stations in a way that could be seen by voters as aggressive or intimidating (for example, large groups of supporters carrying banners, or vehicles

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

with loudspeakers or heavily branded with campaign material).

- Breach the requirements on secrecy of the ballot<sup>20</sup>. This is an essential part of any modern democracy and breaches are taken seriously.
- In particular, if you (or your agents) are attending postal vote opening sessions, you must not seek to identify and publicise how votes have been marked on individual ballot papers.
- Before the close of poll, publish exit polls or any other data based on information given by people about how they voted after they have cast their vote, including a postal vote<sup>21</sup>.

## Maintaining the integrity of the election

1.29 As a candidate, you will be one of the key public faces of the election, and your conduct will be scrutinised in detail by your opponents, the media and voters. Voters should be able to trust that you will comply with the law and maintain the integrity of the election process.

1.30 The person who acts as your election agent is responsible for your campaign and, in particular, is legally responsible for its financial management.

1.31 You should also make sure that your supporters fully understand the law and know what they need to do to ensure that voters can participate freely in this election.

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

Neither the Returning Officer nor the Commission regulate these offences.

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

## List of offences

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

### Bribery<sup>22</sup>

1.34 The offence of bribery includes where someone directly or indirectly gives any money or procures any office to or for any voter, in order to induce any voter to vote or not vote.

### Treating<sup>23</sup>

1.35 A person is guilty of treating if either before, during or after an election they directly or indirectly give or provide any food, drink, entertainment or provision to corruptly influence any voter to vote or refrain from voting. Treating requires a corrupt intent - it does not apply to ordinary hospitality.

### Undue influence<sup>24</sup>

1.36 A person is guilty of undue influence if they directly or indirectly make use of or threaten to make use of force, violence or restraint, or inflict or threaten to inflict injury, damage or harm in order to induce or compel that person to vote or refrain from voting.

1.37 A person may also be guilty of undue influence if they impede or prevent any voter from freely exercising their right to vote – even where the attempt is unsuccessful.

1.38 Undue influence doesn't exclusively relate to physical access to the polling station. For example, a leaflet that threatens to make use of force in order to induce a voter to vote in a particular way could also be undue influence.

### Personation<sup>25</sup>

1.39 Personation is where an individual votes as someone else either by post or in person at a polling station, as an elector or as a proxy. This offence applies if the person that is

being personated is living, dead or fictitious. Aiding, abetting, counselling or procuring the offence of personation is also an offence.

## False statements

### **About a candidate's personal character or conduct<sup>26</sup>**

1.40 It is an offence to make or publish a false statement of fact about the personal character or conduct of a candidate in order to affect the return of a candidate at an election.

1.41 False statements that are not about a candidate's personal character or conduct are not illegal under electoral law, but could be considered as libel or slander.

1.42 It is also an illegal practice to make a false statement of a candidate's withdrawal in order to promote or procure the election of another candidate.

### **In nomination papers<sup>27</sup>**

1.43 It is an offence to provide a statement on a nomination paper, which you know to be false. For example, if you know you are disqualified from election you must not sign the consent to nomination.

## False registration information and false postal/proxy voting application<sup>28</sup>

1.44 It is an offence to supply false information on a registration, postal vote or proxy vote application form. False information includes a false signature.

## False application to vote by post or by proxy<sup>29</sup>

1.45 A person is guilty of an offence if they apply to vote by post or proxy to gain a vote to which they are not entitled or to deprive someone else of their vote.

Neither the Returning Officer nor the Commission regulate the content of campaign material and are not able to comment on the legality of any particular electoral material beyond what is covered in this guidance.

## Multiple voting and proxy voting offences<sup>30</sup>

1.46 There are various offences regarding multiple voting and proxy voting, including voting by post as an elector or proxy when subject to a legal incapacity to vote and inducing or procuring another to commit the offence.

## Breaches of the secrecy of the ballot<sup>31</sup>

1.47 Everyone involved in the election process or attending certain proceedings must maintain the secrecy of the ballot. The Returning Officer will give a copy of the official secrecy requirements to everyone who attends the opening of postal votes or the counting of ballot papers and to polling agents.

## Campaign publicity material

1.48 Certain offences relate specifically to election campaign publicity material. Printed election campaign publicity material must contain an imprint<sup>32</sup> and not resemble a poll card<sup>33</sup>. Campaign publicity material must also not contain a false statement as to the personal character or conduct of another candidate<sup>34</sup>.

## Racial hatred

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

## Reporting allegations of electoral fraud

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

1.51 They may be able to explain whether or not electoral fraud has been committed, and can refer your concerns to the

police if necessary. They can also provide you with the details of the police contact for the relevant police force so that you can report the allegation yourself.

1.52 If you have evidence that an electoral offence has been committed you should contact the police **immediately**, using the 101 non-emergency number unless there is a crime in progress, in which case you should use the standard **999** emergency line. Every police force has a dedicated Single Point of Contact Officer who will be able to provide advice to ensure that your allegations are properly investigated. You should be prepared to give them a statement and substantiate your allegation.

1.53 If you do not want to give a statement to the police, you can report your concerns anonymously on the [Crimestoppers website](#) or by calling Crimestoppers on 0800 555 111.

1.54 You can find contact details of Electoral Registration Officers and Returning Officers on our website <https://www.electoralcommission.org.uk/i-am-a/voter>

1.55 Please note that if your allegation relates to party, election or registered campaigner finance matters, such as spending or donations, then you should follow the advice given at the following link:

<https://www.electoralcommission.org.uk/who-we-are-and-what-we-do/our-enforcement-work/make-allegation>.

## What if you have made a mistake?

1.56 If either you or your agent has mistakenly acted in contravention of the election rules, you can apply for relief from the penalties for any offence.

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

1.58 For more information, you should:

- visit [www.hmcourts-service.gov.uk/HMCSCourtFinder-](http://www.hmcourts-service.gov.uk/HMCSCourtFinder-) and enter the form number LOC002  
or

- contact the:

Election Petitions Office  
Room E113  
Royal Courts of Justice  
Strand  
London WC2A 2LL  
Email: [Election\\_Petitions@gsi.gov.uk](mailto:Election_Petitions@gsi.gov.uk)  
Phone: 0207 947 6877

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<sup>1</sup> Representation of the People (England and Wales) Regulations 2001 (RPR 2001) reg.108

<sup>2</sup> Representation of the People Act 1983 (RPA 83) s.13B(1)-(3) and RPR 2001 reg. 29(4)

<sup>3</sup> RPR 2001 reg.56

<sup>4</sup> RPR 2001 reg.56

<sup>5</sup> RPR 2001 reg. 56

<sup>6</sup> RPR 2001 reg.56

<sup>7</sup> RPR 2001 reg.56

<sup>8</sup> RPA 83 s.106

<sup>9</sup> RPA 83 s.111

<sup>10</sup> RPR 2001 reg.108

<sup>11</sup> RPR 2001 reg.102 and 108

<sup>12</sup> General Data Protection Regulations (GDPR) 2016 art. 5

<sup>13</sup> RPR 2001 reg.102

<sup>14</sup> RPA 83 s.96

<sup>15</sup> Political Parties, Elections and Referendums Act 2000 (PPERA 2000) s.143 and RPA 1983 s.110

<sup>16</sup> Town and Country Planning (Control of Advertisements)(England) Regulations 2007

<sup>17</sup> RPA 83 s.94

<sup>18</sup> RPA 83 .109

<sup>19</sup> PPERA 2000 s.143 and RPA 83 s.110

<sup>20</sup> RPA 83 s.66

<sup>21</sup> RPA 83 s.66A

<sup>22</sup> RPA 83 s.113

<sup>23</sup> RPA 83 s.114

<sup>24</sup> RPA 83 s.115

<sup>25</sup> RPA 83 s.60

<sup>26</sup> RPA 83 s.106

<sup>27</sup> RPA 83 s.65A

<sup>28</sup> RPA 83 s.13D

<sup>29</sup> RPA 83 s.62A

<sup>30</sup> RPA 83 s.61

<sup>31</sup> RPA 83 s.66

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<sup>32</sup> PPERA 2000 s.143 and RPA 83 s.110

<sup>33</sup> RPA 83 s.94

<sup>34</sup> RPA 83.106