

BOROUGH AND PARISH ELECTIONS – 4 JUNE 2009

NOTES ON NOMINATION OF CANDIDATES

1. Each candidate must be nominated by a separate nomination paper in the prescribed form. A copy of the prescribed form is attached. (Appendix A)
2. The Returning Officer is required to supply any elector with a form of nomination paper at the place and during the time for the delivery of nomination papers and must at any elector's request, prepare a nomination paper for signature. The Returning Officer is also required to supply forms of consent to nomination. A copy of the prescribed form is attached at Appendix B. He must not make a charge for any supply of nomination papers or consents to nomination. Elector in this context means a person who is registered as a local government elector for the electoral area in which the election is held in the register to be used at the election.
3. The nomination paper must state:
 - the candidate's full names (surname first);
 - home address in full and if desired description.

4. Names

A person's surname is his family name as distinct from his Christian names or forenames which are given on registration of birth or on baptism. A person's Christian names cannot be changed, not even by deed poll. He may acquire additional forenames by habitual use but they cannot replace his Christian names. A surname can be changed by deed poll, habitual use or in the case of a woman, by marriage. The election rules require that a candidate's full name be entered on the nomination paper and thus abbreviations should not be used. **However, it is not for the Returning Officer to determine whether or not the names in a nomination paper are a candidate's full names.** The nomination paper does not include a space for prefixes (such as Mr, Mrs, Ms or Doctor). If a prefix is included it does not invalidate the nomination paper but the prefix should not be included in the statement of persons nominated.

5. Home address

The name and number of the house or flat which is the candidate's home address should be given, together with the name of the road or street and city, town or village in which it is situated. The postal code should not be included although its inclusion does not invalidate the nomination paper.

The Returning Officer should not concern himself with the question whether the address given is actually the candidate's true home address.

6. Description

Under provisions of the Political Parties, Elections and Referendums Act 2000 which came into force on 16 February 2001 only the following classes of person may be nominated for the borough election:

- (a) a person who stands for election in the name of a qualifying registered party; or
- (b) a person who does not purport to represent any party.

In the case of (a), the nomination must be accompanied by a certificate from a registered political party which authorises the use of the description contained in the nomination paper. Registered political party means a party registered with the Electoral Commission under the provisions of the Political Parties, Elections and Referendums Act 2000. The authorised description must not exceed six words.

In the case of (b), the nomination paper must either contain the single word “independent” as the description of the candidate or no description at all must be given.

A candidate seeking election to a parish or town council may either use a description authorised by a registered political party (in which case the nomination must be accompanied by the appropriate certificate of authorisation) or may use any description of not more than six words in length provided that in the opinion of the Returning Officer it is not likely to lead voters to associate the candidate with a registered political party.

If a candidate’s description exceeds six words in length, then the nomination paper is invalid.

Where the nomination is accompanied by a certificate from a registered political party, the certificate must:

- authorise the precise description shown on the nomination paper;
- be signed by the party’s nominating officer (as shown in the records of the Electoral Commission or a person authorised by him);
- not authorise a description which in the opinion of the Returning Officer would lead voters to associate the candidate with a registered political party other than that issuing the certificate.

7. Party Emblems

A candidate who produces a certificate of authorisation from a registered political party may request that the party emblem be displayed on the ballot paper.

Such a request must be made:

- by the candidate, not the agent;
- in writing;
- specifying the emblem the candidate wants to use.

Candidates are not entitled to use variations of the emblem registered with the Electoral Commission. The candidate should make clear which of the registered emblems he wishes to use if there is more than one. He must either produce a good reproduction or an electronic version of it, if he would prefer the Returning Officer to use that rather than a version downloaded from the Commission’s website. If the candidate does provide a reproduction of the emblem, the Returning Officer should check that it is a precise copy of the registered emblem.

8. Nomination papers must be subscribed (i.e. signed) by two local government electors for the **electoral area** as proposer and seconder and except in the case of an election of parish councillors at which no assenters are required by eight other electors as assenting

to the nomination. "Elector for the electoral area" means a person who is registered as a local government elector for the electoral area in the register to be used at the election. **"Electoral area" means any ward or, in the case of a parish which is not divided into wards, the parish.** Electors includes a person shown in the register as below voting age if it appears therefrom that he will be of voting age on the day fixed for the poll.

The position so far as this election is concerned is therefore as follows:

- Borough Council – proposer, seconder and eight assenters must all be registered as electors in the ward in question.
 - Parish Council – proposer and seconder must registered as electors of the parish or if the parish is divided into wards the parish ward in question.
 - **A person must not subscribe more nomination papers than there are vacancies to be filled in the electoral area or subscribe any nomination paper in respect of an election in any other electoral area of the same local government area whilst the election in the first mentioned area is taking place.**
9. Nomination papers must be delivered not later than **4pm on Thursday 7 May 2009** at the Council Offices. There is no limitation as there is in the case of parliamentary elections on the person delivering the nomination paper, nor is it necessary for the nomination paper to be delivered to the Returning Officer.
10. A person is not validly nominated unless his consent to nomination is given in writing on or within one month before the day fixed as the last day for the delivery of nomination papers (i.e. 7 May 2009) and attested by one witness and is delivered at the place and within the time for delivery of nomination papers.
11. The Returning Officer can only hold a nomination paper invalid on the grounds that the particulars of the candidate are not as required by law or on the ground that the paper is not subscribed as required by the law. Possible grounds are:
- the description of the candidate exceeds six words or in the case of the borough election is either not authorised by a registered political party or is not the word 'Independent';
 - one of the persons subscribing is not on the register;
 - no electoral number is given for a subscriber.

The Returning Officer is only concerned that the nomination paper is formally valid. He should not concern himself as to whether signatures on the nomination paper have been obtained under duress or whether the paper is a forgery, unless this is obvious on the face of it.

The Returning Officer must examine the nomination paper and decide whether the candidates have been validly nominated, and must do so as soon as practicable after each paper is delivered. There is no provision for candidates to attend the nomination and to object. If the Returning Officer decides that a nomination paper is invalid he must endorse the sign on the paper the fact and the reasons for his decision.

The Returning Officer must send notice of his decision to each candidate at his home address as stated on his nomination paper.

12. Any person may inspect and take copies of and extracts from nomination papers and consents to nomination on any working day after the latest time for delivery of nomination papers and before the day of election.
13. A candidate may withdraw his candidature by notice of withdrawal signed by him and attested by one witness and delivered to the Returning Officer at the place for delivery of nomination papers. Withdrawals must be delivered by **noon on Tuesday 12 May 2009**.

A candidate who is validly nominated for more than one electoral area of the same local government area or for more than one ward of a parish or community must duly withdraw his candidature in all those electoral areas or wards as the case may be except one and if he does not so withdraw he is deemed to have withdrawn from his candidature in all those electoral areas or wards.

14. By **noon on Monday 11 May 2009** the Returning Officer must prepare and publish a statement showing the persons who have been and stand nominated and any other persons who have been nominated with the reason why they no longer stand nominated.

N.B. The statement does not include the names of the persons subscribing those papers.