

Please ask for: Roger Davies

Extension: 01789 260216

Date:

Dear Candidate

### **Nomination Paper Pack**

Please find enclosed a Nomination Paper pack as requested. The pack contains the following items:

- Candidate Checklist
- Nomination Paper
- Home Address Form
- Consent to Nomination
- Political Party Certificate of Authority and Emblem Request form
- Request form for Electoral Register
- Appointment of an Election Agent form
- Election Timetable
- Declaration of Secrecy
- Candidate Guide
- Notice of Withdrawal
- Notice of Appointment of Polling Agents
- Notice of Appointment of Counting Agents
- Notice of Appointment of Agents to attend the Opening of Postal Voters' Ballot Box

To be a candidate at the above election the nomination paper and consent to nomination must be delivered by hand to the Deputy Returning Officer, Elizabeth House, Church Street, Stratford-upon-Avon, CV37 6HX by 4:00 PM on Thursday 8 April 2021.

If you require any further information or assistance, please do not hesitate to contact the elections office.

Yours sincerely

David Buckland  
Deputy Returning Officer



**This nomination pack is for use by candidates who are standing at a local government election in England on or after 2 May 2019**

**You must print off the forms in this pack before submitting them**

**The following papers must be delivered by hand:**

1a: Nomination paper

1b: Home address form

1c: Candidate's consent to nomination

**The following papers can be delivered by hand or by post:**

2: Certificate of authorisation

3: Request for a party emblem

4: Notification of election agent

The notice of election published by the Returning Officer will specify the times and exact location to which nomination papers must be delivered.

Ensure that where signatures are required, you submit the **original signed version** of each completed paper. Documents without original signatures cannot be accepted.

### **General Data Protection Regulation (GDPR)**

Data protection legislation applies to the processing of all personal data. Please contact the [Information Commissioner's Office](#) for further information about how the legislation affects you.

When collecting subscriber information, you should point out what the information will be used for, and how personal data will be processed and kept secure. The lawful basis to collect the information in these forms is that it is necessary for the performance of a task carried out in the public interest and exercise of official authority as set out in the Representation of the People Act 1983 and associated regulations.

You should also explain that the information will be shared with the Returning Officer. For further information on data protection and data processing, you should refer to the Returning Officer's privacy notice on their website.

This checklist is designed to assist candidates standing in a principal area local government election<sup>1</sup> in England in preparing to submit their nomination, and should be read alongside the Electoral Commission's [Guidance for candidates and agents](#).

Task	Tick
<b>Nomination form (all candidates)</b>	
Add your full name – surname in the first box and all other names in the second	
Optional - Use the commonly used name(s) box(es) if you are commonly known by a name other than your full name and want it to be used instead of your full name	
Description – Party candidates can use a party name or description registered with the Electoral Commission and supported by a certificate of authorisation from that party; others can use 'Independent' or leave this blank. Whatever you enter in this box will appear as your description on the ballot paper	
Subscribers – all two subscribers must sign and have their name printed. Use your copy of the electoral register to make sure the elector number of all subscribers are accurate. When collecting subscriber information ensure that you explain what the information will be used for and that the information will be shared with the Deputy Returning Officer.	
Method of submitting the form to the DRO: in person (but not limited to you or your agent), by hand, to be accompanied by the home address form. It cannot be submitted by post, fax, e-mail or other electronic means.	
<b>Candidate's home address form (all candidates)</b>	
Add your full name	
Add your home address in full	
Add your qualifying address, or qualifying addresses, and indicate which of the qualifications you've declared on your consent to nomination the address(es) relate to.	
Add the full name and home address in full of the witness to your consent to nomination form	
Optional - If you do not want to have your home address printed on the ballot papers, complete part 2 of the form, giving the name of the relevant area or, where outside the UK, the country, in which your home address is situated, and sign the form.	
Method of submitting the form to the DRO: in person (but not limited to you or your agent), by hand, to be accompanied by the nomination form. It cannot be submitted by post, fax, e-mail or other electronic means.	
<b>Candidate's consent (all candidates)</b>	
You must be a British, Commonwealth or other European Union Citizen and not require leave to enter or remain in the United Kingdom or have indefinite leave to remain. You must also be 18 years old or older on the date you sign this form.	
You must meet at least one of the listed qualifications (a, b, c or d), and mark the form to show which qualification applies. You should mark as many qualifications as apply.	
You must not sign the form if you are disqualified to stand. Make sure that you read the Electoral Commission guidance on standing for election as well as the legislation listed. If you are not sure if you are able to stand you should contact your employer (where relevant), consult the legislation or, if necessary, take your own independent legal advice	
Add your full date of birth	

<sup>1</sup> This is not to be used for parish, community or mayoral elections. Separate [forms and guidance are available](#).

Sign and date the document in the presence of another person. You must not sign the consent form earlier than one calendar month before the deadline for submitting your nomination papers	
Get the other person to complete and sign the witness section	
Method of submitting the form (which must include all pages of legislation) to the DRO: in person (but not limited to you or your agent), by hand. It cannot be submitted by post, fax, e-mail or other electronic means.	
<b>Certificate of authorisation (party candidates only)</b>	
Ensure the certificate contains the candidate's full name	
Check the certificate allows the registered party name or description given on the nomination paper to be used (or allows the candidate to choose to use the party name or any registered description)	
Ensure the certificate is issued by the party Nominating Officer (or someone that they have authorised to issue it on their behalf) and that it is the original copy signed by that person	
Method of submitting the form to the DRO: in person (but not limited to you or your agent) or by post	
<b>Request for party emblem (party candidates only)</b>	
Write the name or description of an emblem registered by the party and published on the Electoral Commission's website	
Ensure the request is made by the candidate	
Method of submitting the form to the DRO: in person (but not limited to you or your agent) or by post	
<b>Appoint an election agent (all candidates)</b>	
Give the name, address and office address of the appointed election agent	
Ensure the appointed agent signs the form showing their acceptance	
Method of submitting the form to the DRO: in person (but not limited to you or your agent) or by post	

<sup>1</sup> This is not to be used for parish, community or mayoral elections. Separate [forms and guidance are available](#).

<b>1a – Nomination paper</b>		Office use only			
<b>Local government election in England</b>		Date received	Time received	Initials	No
*ELECTION OF A COUNCILLOR for the					
		electoral division of the			
county of		Warwickshire			
Date of election:		6 May 2021			

We, the undersigned, being local government electors for the said electoral division, do hereby nominate the under-mentioned person as a candidate at the said election

Candidate's Details	
Candidate's surname	Mr/Mrs/Miss/ Ms/Dr/Other
Other forenames in full	
Commonly used surname (if any)	
Commonly used forenames (if any)	
Description (if any) Use no more than six words (see note 5)	

	Signature	Print name	Electoral number	
			Polling District	Elector Number
Proposer				
Seconder				

We, the undersigned, being local government electors for the said \*electoral division/ward, do hereby assent to the foregoing nomination

1				
2				
3				
4	<b>Not required for elections in 2021</b>			
5				
6				
7				
8				

## Notes

1. The attention of candidates and electors is drawn to the rules for completing nomination papers and other provisions relating to nomination papers contained in the election rules in the Local Elections (Principal Areas) (England and Wales) Rules 2006 (as amended).
2. Where a candidate is commonly known by some title they may be described by their title as if it were their surname.
3. Where a candidate commonly uses a name which is different from any other name they have, the commonly used name may also appear on the nomination paper, but if it does so, the commonly used name (instead of any other name) will appear on the ballot paper.
4. But the ballot paper will show the other name if the Returning Officer thinks that the use of the commonly used name may:
  - (a) be likely to mislead or confuse electors, or
  - (b) that the commonly used name is obscene or offensive.
5. The description, if any, can only be:
  - (a) one certified as an authorised or registered description as mentioned in Rule 5 of the election rules, or
  - (b) the word 'Independent'
6. An elector may not:
  - (a) subscribe more nomination papers than there are vacancies to be filled in the electoral area in which the election is held, or
  - (b) subscribe a nomination paper for more than one electoral area in the same \*county/district/London borough.
7. In this form 'elector':
  - (a) means a person whose name is registered in the register of local government electors for the electoral area in question on the last day for the publication of notice of election, and
  - (b) includes a person then shown in the register as below voting age if (but only if) it appears from the register that he will be of voting age on the day fixed for the poll.
8. However, a person who has an anonymous entry in the register of local government electors cannot nominate a candidate for election.

1b

Local government election in England

Home address form

Electoral division County of	Warwickshire	Date of election	6 May 2021
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You must complete Part 1

Only complete Part 2 if you do not wish your home address to be made public

Part 1: To be completed by all candidates in England	
Full name of candidate	
Home address (in full)	
Qualifying address, or, where you have declared on your consent to nomination that you meet more than one qualification, your qualifying addresses. You must also state which of the qualifications your qualifying address or addresses relate to (a,b,c and/or d).	
Full name of the witness to the candidate's consent to nomination form	
Full home address of the witness to the candidate's consent to nomination form	
End of Part 1	

If you are only completing Part 1, please now deliver this form with the nomination paper to the Deputy Returning Officer by no later than 4pm on the last day to deliver nominations

Part 2: To be completed in full only if you do not wish your home address to be made public
If you request that your home address is not made public then your address <b>will not</b> appear on the statement of persons nominated or the ballot paper
If you choose not to make your home address public, the name of the relevant area in which your home address is situated (or country, if outside the UK) will appear on the statement of persons nominated and the ballot papers
(continued on next page)

Statement: I require my home address not to be made public	
The relevant area my home address is situated in:	(insert name of relevant area) <sup>2</sup>
Or	
My home address is situated outside the UK. My home address is situated in:	(insert name of country)
Signature of candidate completing Part 2	
Candidate's signature:	
Date:	

Deliver with the nomination form to the **Deputy Returning Officer** by no later than **4pm** on the last day to deliver nominations

<sup>2</sup> the name of the "relevant area" in which your home address is situated (if your home address is in the UK)

- **For home addresses in England:**
  - if the address is within a district for which there is a district council, that district;
  - if the address is within a county in which there are no districts with councils, that county;
  - if the address is within a London borough, that London borough;
  - if the address is within the City of London (including the Inner and Middle Temples), the City of London; and
  - if the address is within the Isles of Scilly, the Isles of Scilly
- **For home addresses in Wales:**
  - if the address is within a county, that county;
  - if the address is within a county borough, that county borough
- **For home addresses in Scotland:**
  - the local government area in which the address is situated
- **For home addresses in Northern Ireland:**
  - the local government district in which the address is situated

1c

## Local government election in England

## Candidate's consent to nomination

\*Delete whichever is inappropriate

Date of election:	6 May 2021		
I (name in full):			
hereby consent to my nomination as a candidate for election as councillor for the:		electoral division	
of the *county of:	Warwickshire		
I declare that on the day of my nomination, I am qualified and that, if there is a poll on the day of election, I will be qualified to be so elected by virtue of being on that day or those days a qualifying Commonwealth citizen, a citizen of the Republic of Ireland or a citizen of a Member State of the European Union, who has attained the age of 18 years and that			
*a. I am registered as a local government elector for the area of the *county/district/London borough named above; or			
*b. I have during the whole of the 12 months preceding that day, or those days, occupied as owner or tenant land or other premises in the area named above; or			
*c. my principal or only place of work during those 12 months has been in the *county/district/London borough named above; or			
*d. I have during the whole of those 12 months resided in the area named above.			
I declare that to the best of my knowledge and belief I am not disqualified for being elected by reason of any disqualification set out in, or decision made under, section 80 of the Local Government Act 1972 or section 34 of the Localism Act 2011 (copies of which are printed overleaf), and I do not hold a politically restricted post, within the meaning of Part 1 of the Local Government and Housing Act 1989, under a local authority, within the meaning of that Part.			
Date of birth:		Signature:	
Date of consent:			
Witness: I confirm the above-mentioned candidate signed the declaration in my presence.			
Witness (name in full):			
Witness's signature:			

Notes: A candidate who is qualified by more than one qualification may complete all of those that may apply.

**Local Government Act 1972**

**80. Disqualifications for election and holding office as member of local authority**

(1) Subject to the provisions of section 81 below, a person shall be disqualified for being elected or being a member of a local authority if he –

- (a) holds any paid office or employment (other than the office of chairman, vice chairman, deputy chairman, presiding member or deputy presiding member or, in the case of a local authority which are operating executive arrangements which involve a leader and cabinet executive, the office of executive leader or member of the executive) appointments or elections to which are or may be made or confirmed by the local authority or any committee or sub-committee of the authority or by a joint committee or National Park authority on which the authority are represented or by any person holding any such office or employment; or
- (b) is the subject of a bankruptcy restrictions order or an interim bankruptcy restrictions order, or a debt relief restrictions order under Schedule 4ZB of the Insolvency Act 1986; or
- (c) [This has been removed and no longer applies]
- (d) has within five years before the day of election or since his election been convicted in the United Kingdom, the Channel Islands or the Isle of Man of any offence and has had passed on him a sentence of imprisonment (whether suspended or not) for a period of not less than three months without the option of a fine; or
- (e) is disqualified for being elected or for being a member of that authority under Part III of the Representation of the People Act 1983.

(2) Subject to the provisions of section 81 below, a paid officer of a local authority who is employed under the direction of –

- (a) a committee or sub-committee of the authority any member of which is appointed on the nomination of some other local authority; or
- (b) a joint board, joint authority, economic prosperity board, combined authority, joint waste authority or joint committee on which the authority are represented and any member of which is so appointed;

shall be disqualified for being elected or being a member of that other local authority.

(2AA) A paid member of staff of the Greater London Authority who is employed under the direction of a joint committee the membership of which includes –

- (a) one or more persons appointed on the nomination of the Authority acting by the Mayor, and
- (b) one or more members of one or more London borough councils appointed to the committee on the nomination of those councils,

shall be disqualified for being elected or being a member of any of those London borough councils.

(2A) Subsection (2) above shall have effect as if the reference to a joint board included a reference to a National Park authority.

(2B) For the purposes of this section a local authority shall be treated as represented on a National Park authority if it is entitled to make any appointment of a local authority member of the National Park authority.

(3) Subsection (1)(a) shall have effect in relation to a teacher in a school maintained by the local authority who does not hold an employment falling within that provision as it has effect in relation to a teacher in such a school who holds such an employment.

(5) For the purposes of subsection (1)(d) above, the ordinary date on which the period allowed for making an appeal or application with respect to the conviction expires or, if such an appeal or application is made, the date on which the appeal or application is

finally disposed of or abandoned or fails by reason of the non-prosecution thereof shall be deemed to be the date of the conviction.

**81. Exception to provisions of section 80**

- (4) Section 80(2) and (3) above shall not operate so to disqualify –
- (a) any person by reason of his being a teacher, or otherwise employed, in a school or other educational institution maintained or assisted by a county council for being a member of a district council by reason that the district council nominates members of the education committee of the county council

**Localism Act 2011**

*Section 34(4) describes how a person may be disqualified from standing in local government elections under this section. The remaining provisions of section 34 do not directly affect a person's entitlement to stand for election.*

**34 Offences**

- (1) A person commits an offence if, without reasonable excuse, the person—
- (a) fails to comply with an obligation imposed on the person by section 30(1) or 31(2), (3) or (7),
- (b) participates in any discussion or vote in contravention of section 31(4), or
- (c) takes any steps in contravention of section 31(8).
- (2) A person commits an offence if under section 30(1) or 31(2), (3) or (7) the person provides information that is false or misleading and the person—
- (a) knows that the information is false or misleading, or
- (b) is reckless as to whether the information is true and not misleading.
- (3) A person who is guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (4) A court dealing with a person for an offence under this section may (in addition to any other power exercisable in the person's case) by order disqualify the person, for a period not exceeding five years, for being or becoming (by election or otherwise) a member or co-opted member of the relevant authority in question or any other relevant authority.
- (5) A prosecution for an offence under this section is not to be instituted except by or on behalf of the Director of Public Prosecutions.
- (6) Proceedings for an offence under this section may be brought within a period of 12 months beginning with the date on which evidence sufficient in the opinion of the prosecutor to warrant the proceedings came to the prosecutor's knowledge.
- (7) But no such proceedings may be brought more than three years—
- (a) after the commission of the offence, or
- (b) in the case of a continuous contravention, after the last date on which the offence was committed.

(8) A certificate signed by the prosecutor and stating the date on which such evidence came to the prosecutor's knowledge is conclusive evidence of that fact; and a certificate to that effect and purporting to be so signed is to be treated as being so signed unless the contrary is proved.

(9) The Local Government Act 1972 is amended as follows.

(10) In section 86(1)(b) (authority to declare vacancy where member becomes disqualified otherwise than in certain cases) after “ 2000 ” insert “ or section 34 of the Localism Act 2011 ”.

(11) In section 87(1)(ee) (date of casual vacancies)—

(a) after “2000” insert “ or section 34 of the Localism Act 2011 or ”, and

(b) after “decision” insert “ or order ”.

(12) The Greater London Authority Act 1999 is amended as follows.

(13) In each of sections 7(b) and 14(b) (Authority to declare vacancy where Assembly member or Mayor becomes disqualified otherwise than in certain cases) after sub-paragraph (i) insert—

“(ia) under section 34 of the Localism Act 2011,”.

(14) In section 9(1)(f) (date of casual vacancies)—

(a) before “or by virtue of” insert “ or section 34 of the Localism Act 2011 ”, and

(b) after “that Act” insert “ of 1998 or that section ”.

To accompany the nomination of a candidate standing on behalf of a registered political party. (Note: candidates standing on behalf of two or more parties require a certificate from each party and each must allow the same registered joint description to be used).

This certificate must be issued by the registered Nominating Officer of the party or by a person authorised to sign on their behalf.

This certificate authorises the candidate to use a specific registered description or the name of the party as registered with the Electoral Commission, or to use 'any registered description or the party name as registered with the Electoral Commission'.

This authorised party name or description can then be included by the candidate on the nomination form. It is this which will appear as their description on the ballot paper. Party names and registered descriptions are listed on the Electoral Commission's website (<http://search.electoralcommission.org.uk>).

Details of candidate to be authorised and the allowed description/party name			
Ward/division name:		Date of election:	6 May 2021
The candidate (name in full):			
Name of political party:	Political party registered with the Electoral Commission		
I hereby certify that the candidate may include the following registered description or party name in their nomination form:			
Note: it is an offence to sign this form if you are not the party's registered nominating officer or authorised to do so by the party's registered nominating officer			
Signature of party's registered Nominating Officer (or person authorised by the registered Nominating Officer):			
Name of person signing this form:			
Date:			

This form must be delivered to the Deputy Returning Officer by no later than 4pm on the last day to deliver nominations.



3

## Local government election in England

## Request for a party emblem

This form is for a candidate of a political party who is subject to a certificate of authorisation and who wishes to have a party emblem printed on the ballot paper next to their name.

Party emblems are listed on the Electoral Commission's website (<http://search.electoralcommission.org.uk>).

**This form must be signed by the candidate.**

Candidate's request for use of an emblem			
Ward/division name:		Date of election:	6 May 2021
Candidate name in full:			
I request that the ballot paper shall contain, against my name, the following registered emblem (please identify which emblem if the party has registered more than one):			
Emblem to be used (Please use name or description as on the <a href="http://search.electoralcommission.org.uk">Electoral Commission's website</a> ):			
Candidate's signature:			
Date:			

This form is only effective if delivered for a candidate standing on behalf of a political party to the Deputy Returning Officer by no later than 4pm on the last day to deliver nominations.

Candidates standing on behalf of more than one political party and using a joint description may choose one emblem from one of the parties that you are standing for. Please indicate the name of the party and the emblem name in the 'Emblem to be used' box above.



## Request for electoral register

Name of electoral area: division		Date of election	6 May 2021
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This form must be submitted to the [Electoral Registration Officer](#) for the electoral area. Some elections/referendums cover more than one registration area so you may need to apply to each area.

This form must be completed by the candidate.

Declaration of candidacy and confirmation of legal use of electoral register information	
Name of Candidate	
I declare that I am at the above named election. I will use my copy of the electoral register for electoral purposes and checking the validity of donations only. I will only allow others who are assisting me in my campaign to use my copy of the electoral register for the same purposes only. I understand that any use other than for electoral or donation checking purposes is illegal and is punishable by a fine. In England and Wales, the fine is unlimited; in Scotland the fine can be up to £5,000. My request is for the register as at the last date for notice of election and any revisions or notices of amendment while I am a candidate.	
Signed (Candidate)	

Delivery details		
My application is for the electoral register in (tick one box only):		
Paper format	<input type="checkbox"/>	
Data format	<input type="checkbox"/>	
Delivery address:		

Contact details (in case of query)	
Telephone	
Mobile	
Email	

This electoral register can only be supplied when you officially become a candidate. Further information on this is contained in Part 4 of our [guidance for candidates and agents](#).

*We will only use the information you give us on this form for electoral purposes. We will look after your personal information securely and we will follow data protection legislation. We will not give personal information about you, or any personal information you may provide on other people, to anyone else or another organisation unless we have to by law.*

*The lawful basis to collect the information in this form is that it is necessary for the performance of a task carried out in the public interest and exercise of official authority as vested in the Electoral Registration Officer as set out in Representation of the People Act 1983 and associated regulations.*

*The Electoral Registration Officer is the Data Controller. You can find their contact details at <https://www.electoralcommission.org.uk/i-am-a/voter>*

*For further information relating to the processing of personal data you should refer to their privacy notice on their website. You can find their website address at <https://www.electoralcommission.org.uk/i-am-a/voter>*

4

Local government election in England

Notification of election agent

Division name		Date of election	6 May 2021
<b>Candidate's notification of their election agent</b>			
I, (Candidate name in full):			
Hereby declare that the name and address of my election agent is			
Agent's name:			
Agent's address (in full):			
The office address of my election agent to which all claims, notices, legal process and other documents may be sent is:			
Agent's office address in full:			
Candidate's signature (or of person authorised to act on behalf of candidate):			
Date:			
<b>Confirmation of acceptance by election agent</b>			
I [agent named above] confirm my acceptance as the election agent for the above named candidate. I understand that I must carry out my duties according to law. I understand that there are penalties if I fail to fulfil my duties according to law.			
Agent's signature			
Date			

<b>Agent's other details in case of query (Optional – will not be published)</b>	
Home telephone:	
Work telephone:	
Mobile telephone:	
Email address:	

Return to the **Deputy Returning Officer** by no later than **4pm** on the last day to deliver nominations.



# Stratford-on-Avon District Council Combined County Council and PCC Elections

## Timetable of Proceedings for Thursday 6 May 2021

Publication of Notice of Election	Friday 19 March 2021
Publication of Information Statement and Specified Documents	Wednesday 24 March 2021
Receipt of Nominations	04:00 pm Thursday 8 April 2021
Withdrawal of Candidate	04:00 pm Thursday 8 April 2021
Appointment of Election Agents	04:00 pm Thursday 8 April 2021
Publication of Notice of Election Agents	04:00 pm Thursday 8 April 2021
Publication of Statements of Persons Nominated	04:00 pm Friday 9 April 2021
Last Date for Registration	Monday 19 April 2021
Receipt of Postal Vote Applications	05:00 pm Tuesday 20 April 2021
Publication of Notice of Poll	Tuesday 27 April 2021
Receipt of Proxy Vote Applications	05:00 pm Tuesday 27 April 2021
Appointment of Poll and Count Agents	Wednesday 28 April 2021
First Day to Issue Replacement Lost Postal Ballot Papers	Thursday 29 April 2021
Last Day to Issue Replacement Spoilt or Lost Postal Ballot Papers	05:00 pm Thursday 6 May 2021
Receipt of Emergency Proxy Vote Applications	05:00 pm Thursday 6 May 2021
Day of Poll	07:00 am to 10:00 pm Thursday 6 May 2021
Declaration of Candidates Expenses	Thursday 3 June 2021
Declaration of Candidates Expenses	Thursday 10 June 2021
Return of Expenses	Friday 16 July 2021

Dated Saturday 13 March 2021



# **DECLARATION OF SECRECY ELECTION OF COUNCILLORS**

## **To persons attending at the taking of the poll or the counting of votes at this election**

Your attention is drawn to the provisions of Section 66, sub-section (1), (2), (3) and (6) of the Representation of the People Act 1983, which are set out below.

These provisions concern the maintaining of secrecy of the voting and should be read carefully before you attend at any polling station or at the counting of the votes.

### **REPRESENTATION OF THE PEOPLE ACT, 1983 Section 66, sub-sections (1), (2), (3) and (6)**

1. The following persons:-
  - (a) every Returning Officer and every Presiding Officer or clerk attending at a polling station;
  - (b) every candidate or election agent or polling agent so attending; shall maintain and aid in maintaining the secrecy of voting and shall not, except for some purpose authorised by law, communicate to any person before the poll is closed any information as to -
    - (i) the name of any elector or proxy for an elector who has or has not applied for a ballot paper or voted at a polling station;
    - (ii) the number on the register of electors of any elector who, or whose proxy, has or has not applied for a ballot paper or voted at a polling station; or
    - (iii) the official mark.
2. Every person attending at the counting of the votes shall maintain and aid in maintaining the secrecy of voting and shall not -
  - (a) ascertain or attempt to ascertain at the counting of the votes the number on the back of any ballot paper;
  - (b) communicate any information obtained at the counting of the votes as to the candidate for whom any vote is given on any particular ballot paper.
3. No person shall -
  - (a) interfere with or attempt to interfere with a voter when recording his vote;
  - (b) otherwise obtain or attempt to obtain in a polling station information as to the candidate for whom a voter in that station is about to vote or has voted;
  - (c) communicate at any time to any person any information obtained in a polling station as to the candidate for whom a voter in that station is about to vote or has voted, or as to the number on the back of the ballot paper given to a voter at that station;
  - (d) directly or indirectly induce a voter to display his ballot paper after he has marked it so as to make known to any person the name of the candidate for whom he has or has not voted.
6. If any person acts in contravention of this section, he shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale or imprisonment for a term not exceeding six months.



# **A Candidate's Guide**

to the election of a

## **County Councillor**

to be held on Thursday 6 May 2021

### **Contents**

- 1 Qualifications**
- 2 Disqualifications**
- 3 Nominations**
- 4 Consent to Nomination**
- 5 Statement of Persons Nominated**
- 6 Withdrawal from Candidature**
- 7 Notice of Poll**
- 8 Hours of Poll**
- 9 Appointment of Election Agent**
- 10 Polling and Counting Agents**
- 11 Definition of Election Expenses**
- 12 Definition of 'Candidate' in relation to election expenses**
- 13 Election Expenses**
- 14 Limits as to Election Expenses**
- 15 Candidate's personal expenses, and petty expenses**
- 16 Items that are not classed as election expenses**
- 17 Expenses of meetings, advertisements, election literature**
- 18 Donations**
- 19 Payment of election expenses**
- 20 Return of election expenses**
- 21 Corrupt Practices**
- 22 Illegal Practices**
- 23 Questioning an election**

*These guidance notes are only a brief outline of the main areas of interest to any candidate or election agent at an election of a County Councillor in England and Wales. They are not intended to be taken as a full statement of electoral law. Candidates and their agents should refer to the Representation of the People Acts and related Regulations and The Political Parties, Elections and Referendums Act 2000 and take their own legal advice.*

Prepared, printed and published by  
Deputy Returning Officer

Elizabeth House, Church Street, Stratford-upon-Avon, Warwickshire, CV37 6HX

## 1. Qualifications

In order to be qualified to be elected as a County Councillor a person must be a Commonwealth citizen, a citizen of the Republic of Ireland or a citizen of another Member State of the European Community, who has attained the age of 18 years at the time of his/her nomination.

In addition the person must be able to satisfy one or more of the following conditions:

- (a) a local government elector for the administrative area of the County
- (b) during the whole of the twelve months preceding the date of nomination occupied as owner or tenant the land or other premises in the County
- (c) principal or only place of work during the twelve months preceding the day of nomination has been in the County
- (d) during the whole of the twelve months preceding the day of nomination resided in the County

## 2. Disqualifications

There are a number of disqualifications that exist some of which include:

- (a) holding any paid office or employment (other than the office of chairman, vice-chairman or deputy chairman) appointments of which are or may be made or confirmed by the local authority or any committee or sub-committee of the authority or by a joint committee on which the local authority are represented or by any person holding any such office or employment
- (b) holding any employment in a company which, in accordance with Part V of the Local Government and Housing Act 1989 other than section 73, is under the control of the local authority
- (c) being subject to a bankruptcy restrictions order or interim order
- (d) having within five years before the day of election or since their election been convicted in the United Kingdom, the Channel Islands or the Isle of Man of any offence and has had passed on them a sentence of imprisonment (whether suspended or not) for a period of not less than three months without the option of a fine
- (e) being elected or for being a member of the authority under Part III of the Representation of the People Act 1983 or under the Audit Commission Act 1998

## 3. Nomination

Each candidate must be nominated on a separate nomination paper. The nomination paper must be subscribed by two signatories. **NB** this is different from the usual requirement for a proposer, seconder and eight assentors due to the Covid-19 situation. All the signatories must be electors in the County Division. Their unique electoral numbers (to be taken from the March 2021 Register) must be given on the nomination paper. A person's electoral number is their number in the register of electors to be used at the election, including the distinctive letters of the relevant parliamentary polling district. These letters are of the form DA, DB, DBA, GMB etc. The candidate must give their full name (surname first). **If you use a commonly used forename or surname you are strongly advised to complete both of the boxes provided for indicating this information. A commonly used name must be different to your official name e.g. Andy rather than Andrew. You cannot disregard one of your names e.g. if you are Sarah Zoe Smith, you cannot put on your nomination form Zoe Smith or use Zoe as a commonly used name.**

Candidates must complete a Home Address form and indicate if you do not want this to be disclosed on the ballot paper or Statement of Persons Nominated. If you do not wish this to happen, you must indicate on the form the name of the County where you are resident. **Please note: The person attesting your Home Address Form must be the same as the one signing as a witness to your Consent to Nomination.**

Candidates may also give a description, which must not be more than six words in length. If a description is given it must not lead voters to associate the candidate with a political party unless that description is authorised by a certificate signed by or on behalf of the party's registered nominating officer. The authorising certificate must also be received by the Deputy Returning Officer not later than the last time for the delivery of nomination papers shown in the timetable. If the candidate wishes to have the party's registered

emblem against their details on the ballot paper then this must also be requested by the same deadline.

The nomination papers must be delivered in person to Elizabeth House in Stratford upon Avon after the publication of the Notice of Election (19 March 2021) and before the deadline of 4pm on 8 April. **Please do not post nomination papers.**

#### **4. Consent to Nomination**

A nomination is not valid unless the candidate gives their consent in writing to the Deputy Returning Officer on or within one month before the date fixed as the last day for delivery of nomination papers. The consent must be given at the place and during the time appointed for the delivery of nomination papers. It must contain a statement that the candidate is not disqualified from being elected by reason of any disqualification set out in Section 80 of the Local Government Act 1972, and does not hold a politically restricted post, within the meaning of Part I of the Local Government and Housing Act 1989, under a local authority within the meaning of that Part. It must also state which of the qualifications (a) to (d) is relevant as well as the age and nationality qualification detailed in section 1 of these notes.

#### **5. Statement of Persons Nominated**

The Deputy Returning Officer is required to publish a statement of the persons who stand nominated and this includes the reasons why persons (if any) no longer stand nominated. If a candidate is nominated by more than one nomination paper then the candidate may choose which nomination paper is to be used for this purpose. If they do not make this selection then the Deputy Returning Officer will make the decision. The selected nomination paper will be the one used for this notice and the subsequent Notice of Poll.

#### **6. Withdrawal from candidature**

A candidate may withdraw their candidature by delivering a Notice of Withdrawal (available on request) to the Deputy Returning Officer at the place fixed for the delivery of nomination papers and not later than the time and date shown in the timetable. The Notice of Withdrawal must be signed by them and attested by one witness. **Please note that nowadays the closing date for withdrawal of candidature is co-terminus with the closing date to submit a nomination paper.**

#### **7. Notice of Poll**

The Deputy Returning Officer is required to publish a Notice of Poll. This notice will show the date of the election, the hours of poll, the number of County Councillors to be elected, the nomination details of the candidates remaining validly nominated, the situation of each polling station for the County Division and the description of the persons that are entitled to vote at that election.

#### **8. Hours of Poll**

Polling will take place between 07:00 and 22:00.

#### **9. Appointment of Election Agent**

A candidate may appoint an Election Agent to act on their behalf using a form provided by the Deputy Returning Officer. This form is included in the nomination pack. Alternatively the candidate may act as their own agent for which there is no requirement to complete this particular form.

#### **10. Polling and Counting Agents**

Each candidate may appoint Polling Agents to attend at polling stations for the purpose of detecting personation. They may also appoint Counting Agents to attend the counting of the votes. Forms for these appointments will be sent to candidates / agents after the close of nominations. Completed forms must be given to the Deputy Returning Officer

not later than the date shown in the timetable. The Deputy Returning Officer can set certain limits to the number of counting agents – due to the covid-19 situation and the need to maintain social distancing at the count venue, this will be one counting agent per candidate. Only one polling agent may attend a polling station for each candidate.

A candidate may also appoint agents to attend the opening of the postal voters' ballot boxes. The notice of appointment must be given to the Deputy Returning Officer not later than the time fixed for opening. The Deputy Returning Officer will give at least 48 hours notice as to the number of persons who may be appointed and when each opening will take place.

## **11. Definition of Election Expenses**

Election expenses are defined as expenses incurred in respect of the acquisition or use of any property, or the provision by any person or any goods, services or facilities, which is or are used for the purpose of the candidate's election after the date when they became a candidate at the election. This applies whether the expenses were incurred before or after that date.

## **12. Definition of 'Candidate' in relation to election expenses**

For a local government election, a person becomes a candidate on the last day for publication of the notice of election, if, on or before this day, he has previously been declared (by himself or someone else) to be a candidate at the relevant election; or where a person has not previously been declared a candidate before the date of notice of election, the day on which he is declared to be a candidate or the day on which he is nominated (whichever is the earlier)

## **13. Election Expenses**

The definitions of election expenses and candidates mean that expenditure incurred, for example on leaflets that were distributed before the date on which a person becomes a candidate, are not an election expense and do not need to be included in the return. However, leaflets that were produced before a person officially becomes a candidate, but are used afterwards, are an election expense.

Expenses that were incurred by or on behalf of the candidate for a purpose other than the candidate's election, but which were subsequently used for the purpose of the candidate's election are treated as election expenses.

The candidate or any agent on his behalf may not make any payment (of whatever nature) in respect of election expenses otherwise than by or through the election agent with the exception of those expenses outlined in section 15. Any money provided by any person other than the candidate for election expenses, whether as a gift, loan, advance or deposit must be paid to the candidate or his election agent.

## **14. Limits as to Election Expenses**

A candidate at a local government election is allowed to incur expenditure up to a limit of £806 plus 7p for every entry in the register of electors on the last date for publication of notice of an election.

Where a poll is countermanded or abandoned by reason of the death of a candidate the maximum amount of election expenses for any remaining valid candidates is twice. If there has been a previous increase for the same reason then it is three times the original amount. A change in timing of the election or any step in the proceeding does not affect the maximum amount for any candidate.

Joint candidates shall each have their maximum expenditure reduced by a quarter or, if there are more than two joint candidates then by one-third.

## **15. Candidate's personal expenses, and petty expenses**

All election expenses must be paid by or through the election agent, with the following exceptions:

- (a) the candidate's personal expenses, such as travel and food. The candidate must send to the election agent within 14 days of the declaration of result a statement of the amount of such expenses;
- (b) any payments made by the candidate on expenses incurred by or on their behalf that fell to be paid before the date on which an election agent was appointed;
- (c) small expenses legally incurred by some person and not repaid to them, for example a canvasser's bus fare, for which they do not make a claim;
- (d) petty expenses paid by a person authorised by the election agent for stationery, postage and other similar items, to an amount named in writing by the election agent and to be repaid by them. A statement of these expenses must be sent to the election agent within 14 days of the declaration of the result of the election.

## **16. Items that are not classed as election expenses**

- the publication of anything (other than an advertisement), relating to the election, in:

- (a) a newspaper or periodical;
- (b) a broadcast made by the BBC or SPC;
- (c) a programme included in any service by a licensed independent radio or TV operator;
- the provision of facilities provided in connection with rights conferred on the candidate under the RPA (eg, use of school room for meetings), excluding for example those costs incurred in preparing and restoring the room, or repairing any damage incurred;
- the provision by an individual of his own services which he provides voluntarily in his own time and free of charge.

## **17. Expenses of meetings, advertisements, election literature**

Only the candidate, election agent or persons authorised in writing by the election agent, may incur expense in relation to the following:

- (a) holding a public meeting or organising a public display
- (b) issuing advertisements, circulars or publications
- (c) otherwise presenting to the electorate (except in newspapers and periodicals or in a television or radio broadcast) the candidate or their views, or the extent or nature of their support of or opposition to another candidate

Any authorised person incurring these expenses must send a return of any such amount and a declaration verifying the return, giving full particulars, to the Deputy Returning Officer within 21 days of the declaration of result. It is a corrupt practice to incur these expenses without the authorisation of the election agent and it is an illegal practice to fail to send the declaration or return. Either offence could cause the election to be void. The election agent must pay all expenses under these headings, which count towards the permitted total.

## **18. Donations**

Candidates may only accept donations of more than £50 made for the purpose of meeting election expenses if they are from a permissible donor. The candidate's election expenses return should include details of all accepted permissible donations of more than £50, and of any donations received from impermissible or unidentifiable donors. A candidate commits an offence if they accept a donation from an impermissible source, or fails to submit a report of donations in their expenses return.

## **19. Payment of election expenses**

Every payment made by an election agent in respect of election expenses must be vouched for by a bill stating the particulars or by a receipt. If the amount is less than £20 then this is not the case. Every claim against the candidate or their election agent must be sent to the election agent within 14 days after the day of election. No claim must be paid, except by order of the court, if not sent within this time.

All election expenses must be paid within 21 days after the day of election. Any claim not paid, because the election agent disputes it or otherwise, must not be paid except by order of the court.

## **20. Return of election expenses**

The candidate must deliver to the Returning Officer a return showing all payments made by him, together with the bills or receipts. For amounts of less than £20 a bill or receipt is required only if one is available. A declaration must accompany the return and must declare that to the best of their knowledge and belief the return is true and accurate.

This return is required for the purpose of checking that the expenses incurred do not exceed the maximum allowed. It does not entitle the candidate to any refund.

Election Return Forms can be downloaded from the Electoral Commission website at <https://www.electoralcommission.org.uk/i-am-a/candidate-or-agent/local-elections-in-england>

At the same time, or within seven days after, that the election agent delivers the return and declaration the candidate (unless they are their own election agent) must also send to the Deputy Returning Officer a declaration in the same manner and under the same conditions. If the candidate is outside the United Kingdom at the time of the election agent delivering the return and declaration then the candidate must deliver their declaration within 14 days of their return to the United Kingdom.

Knowingly making a false declaration constitutes a corrupt practice and failure to send in a return or declaration within the prescribed time constitutes an illegal practice. On certain grounds a candidate or election agent may apply to a court for an "authorised excuse", including illness or inadvertence.

## 21. Corrupt Practices

It is a corrupt practice to influence, or attempt to influence, a person in the way they vote by:

- (a) bribery (giving any gift or procuring any office)
- (b) treating (providing food, drink or entertainment)
- (c) undue influence (using or threatening any kind of force, violence or duress)

It is also a corrupt practice to cause or permit any false statement or signature to be included in any nomination paper or other document submitted to a Returning Officer.

A person found guilty of a corrupt practice could be liable to imprisonment for up to a year, or a fine, or both. They will also be disqualified for five years from being registered as an elector, voting or holding any public office. If an elected candidate is found guilty of a corrupt practice by an election court, their election will be void.

## 22. Illegal Practices

A candidate or election agent may be convicted of an illegal practice if they:

- (a) makes or publishes any false statement of fact about the personal character or conduct of a candidate unless they can show that they had reasonable grounds for believing and did believe the statement to be true
- (b) publishes a false statement of the withdrawal of a candidate for the purpose of procuring the election of another candidate
- (c) corruptly induces or procures another person to withdraw their candidature at an election in consideration of a payment or promise of payment
- (d) pays any voter for the exhibition of any election address, bill or notice unless the voter's ordinary business is that of an advertising agent
- (e) prints, publishes, posts or distributes any bill, placard or poster referring to the election, or any document distributed for the purpose of promoting or procuring the election of a candidate, unless it bears on the face of it the name and address of the printer and publisher  
(the Town and Country Planning (Control of Advertisement) Regulations regarding the display and removal of election notices, etc must be complied with.)
- (f) employs or engages a canvasser for payment or promise of payment
- (g) makes use of any television or other wireless transmitting station outside the United Kingdom otherwise than under arrangements for broadcasting by the BBC, Sianel Pedwar Cymru or the holder of any licence granted by the Independent Television Commission or the Radio Authority with intent to influence the voting
- (h) acts, or incites others to act, in a disorderly manner, for the purpose of preventing the transaction of the business at a lawful public election meeting being held in the electoral area in the period beginning with the last date for publication of the notice of election and ending with the day of election.
- (i) for the purpose of promoting or procuring the election of a candidate, issues any poll card or document so closely resembling an official poll card as to be calculated to deceive
- (j) publishes, before the close of poll, any statement as to the way in which voters have voted or any forecast as to the result of the election, based on information given by voters after they have voted

A person convicted of an illegal practice is liable to a fine and is disqualified for three years from being registered as an elector or voting at any election. If an elected candidate is reported guilty of an illegal practice by an election court, their election will be void. A person reported guilty of an illegal practice will be incapable of being elected to any Local Government Office for the period they were elected to serve or might have served and if an office is held at that time it shall be vacated.

## 23. Questioning an election

An election can only be questioned by way of an election petition. It is advisable for any person wishing to call an election petition to seek legal advice. In normal circumstances a petition must be presented to the High Court within 21 days after the date on which the election was held. It may, in certain cases, be presented at a later date if it is presented on the grounds of a corrupt or illegal practice after the election.



# Notice of Withdrawal of Candidature

## ELECTION OF A COUNTY COUNCILLOR

for

..... Electoral Division

Date of Election: Thursday, 6 May 2021

I, \_\_\_\_\_  
*candidate's name*

of \_\_\_\_\_  
*candidate's full address*

hereby withdraw my candidature from the above election.

**Date** \_\_\_\_\_ **Signed** \_\_\_\_\_  
*Candidate*

Witnessed by:

Name and address \_\_\_\_\_  
of witness \_\_\_\_\_

**Date** \_\_\_\_\_ **Signed** \_\_\_\_\_  
*Witness*

### NOTE

This Notice of Withdrawal should be delivered to the Deputy Returning Officer at the place appointed for the delivery of nomination papers by 4:00 PM on Thursday, 8 April 2021.



**Warwickshire County Council**  
**Election of County Councillor for**

..... **Electoral Division**

**Date of Election: Thursday 6 May 2021**

**Notice of appointment of Polling Agent(s)**

I \_\_\_\_\_  
*Name of Election Agent*

an Election Agent  
for

\_\_\_\_\_ *Name of Candidate*

who is a candidate at the above mentioned election wish to appoint the following people as  
Polling Agents to attend on my behalf at

\_\_\_\_\_ Polling Station  
*Name of Polling Station*

Name of Polling Agent(s)	Elector No.	Address(es)

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 2021

Signed \_\_\_\_\_  
*Election Agent*

**Notes**

- This notice must be delivered to Deputy Returning Officer, Elizabeth House, Church Street, Stratford-upon-Avon, CV37 6HX not later than **Wednesday 28 April 2021**.
- Either the election agent or the candidate can make the appointments.

*It would be helpful if the elector numbers were added but it is not essential*



**Warwickshire County Council**  
**Election of County Councillor for**

..... **Electoral Division**

**Date of Election: Thursday 6 May 2021**

**Notice of appointment of Counting Agent(s)**

I \_\_\_\_\_  
*Name of Election Agent*

an Election Agent  
for

\_\_\_\_\_ *Name of Candidate*

who is a candidate at the above mentioned election wish to appoint the following people as Counting Agents

Name of Counting Agent(s)	Elector No.	Address(es)
Candidate's Spouse/Partner	Elector No.	

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 2021

Signed \_\_\_\_\_  
*Election Agent*

This notice must be delivered to Deputy Returning Officer, Elizabeth House, Church Street, Stratford-upon-Avon, CV37 6HX not later than **Wednesday 28 April 2021**. Either the election agent or the candidate can make the appointments.

*It would be helpful if the elector numbers were added but it is not essential*



**Warwickshire County Council**  
**Election of County Councillor for**

..... **Electoral Division**

**Date of Election: Thursday 6 May 2021**

**Notice of appointment of Agent(s) to attend  
the opening of the Postal Voters' Ballot Box**

I \_\_\_\_\_  
*Name of Election Agent*

an Election Agent  
for \_\_\_\_\_  
*Name of Candidate*

who is a candidate at the above mentioned election wish to appoint the following people as Agents to attend the opening of the Postal Voters' Ballot Box.

Name of Agent(s)	Elector No.	Address(es)

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 2021

Signed \_\_\_\_\_  
*Election Agent*

- This notice must be delivered to Deputy Returning Officer, Elizabeth House, Church Street, Stratford-upon-Avon, CV37 6HX not later than **the time designated for the opening of the Postal Voters' Ballot Box**. Either the election agent or the candidate can make the appointment.

*It would be helpful if the elector numbers were added but it is not essential*