

Election agent training

A guide to the legal and practical aspects of your role as election agent

Housekeeping

- Introductions
- Closed captions (subtitles) are available in the main training room – please click CC below
- Please use the chat to introduce yourself, your role and your CLP
- Use the chat to share ideas and ask each other for advice.

The role of the election agent

The election agent is legally responsible for the election campaign of their candidate. This includes:

- Submission of the nomination papers
- Knowledge of the election timetable and ensuring statutory deadlines are met
- Authorisation of election expenses and ensuring spending stays within legal limits
- Completion and submission of the expenses return after the election

Local Elections timetable May 2022

Last date for publication of notice of election	Monday 28 th March 2022
Short campaign for election expenses starts	Tuesday 29 th March 2022
Deadline to submit nomination papers	Tuesday 5 th April 2022 (4pm)
Last day to register to vote	Thursday 14 th April 2022
Deadline to apply for a postal ballot	Tuesday 19 th April 2022 (5pm)
Deadline to appoint polling and counting agents	Wednesday 27 th April 2022
Polling day and end of short campaign	Thursday 5 th May 2022
Deadline to submit expenses return	Friday 10 th June 2022

The candidate nomination process

Candidate qualifications

- Candidates must be i.) a British, Irish, Commonwealth, or EU citizen and ii.) 18 years or over at the time of nomination.
- Depending on the type of election, the candidate may also have to satisfy further criteria. For example, there are specific rules for English local elections.
- There may also be Labour Party conditions. For example, for the Labour Party generally expects its candidates to have at least 12 months continuous membership of the Labour Party unless exceptional circumstances apply.

Candidate disqualifications

The disqualifications depend on the type of election but for English local elections, certain persons are disqualified including:

- Candidates cannot be employed by the local authority – all links must be cut (including serving notice period) prior to nomination
- Holders of politically restricted posts in any GB authority are disqualified
- Candidates subject to a bankruptcy restrictions order or interim order cannot stand
- Candidates sentenced to more than 3 months in prison (including suspended sentences) within the 5 years before polling day

1 Local government election in England Nomination paper



*ELECTION OF COUNCILLORS / A COUNCILLOR for the	
1	*electoral division/ward of the
*county/district/London borough of *Delete whichever is inappropriate	2
Date of election:	

, the undersigned, being local government electors for the said *electoral sion/ward do hereby nominate the under-mentioned person as a candidate at 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				
5				
6				
7				
8				

ert name of electoral division/ward. ² Insert name of county/district/London borough.

1	Local government election in	Home address form										
Electoral division/ward/ county/district/London borough of *Delete whichever is inappropriate		Date of election										
<p>You must complete Part 1</p> <p>Only complete Part 2 if you do not wish your home address to be made public</p> <p>Part 1: To be completed by all candidates in England</p> <table border="1"> <tr> <td>Full name of candidate</td> <td></td> </tr> <tr> <td>Home address (in full)</td> <td></td> </tr> <tr> <td>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).</td> <td></td> </tr> <tr> <td>Attestor's full name*</td> <td></td> </tr> <tr> <td>Attestor's full home address*</td> <td></td> </tr> </table> <p>*The person attesting your home address form must be the same person as signs your consent to nomination</p> <p>End of Part 1</p> <p>Part 2: To be completed in full only if you do not wish your home address to be made public</p> <p>If you request that your home address is not made public then your address will not appear on the statement of persons nominated or the ballot paper</p> <p>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</p> <p>(continued on next page)</p>			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).		Attestor's full name*		Attestor's full home address*	
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).												
Attestor's full name*												
Attestor's full home address*												

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)
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	

Delete whichever is inappropriate

Date of election:		
I (name in full):		
hereby consent to my nomination as a candidate for election as councillor for the:		*electoral division/ ward
of the *county/district/London borough of:		
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 any of the p. 1/4 apply.

Political Parties, Elections and Referendums Act 2000

Certificate authorising use of the registered party name or a registered description and a registered emblem by endorsed Labour Party candidates

To be submitted with the candidate's nomination papers

Local Government Candidate - England

A. Description

In accordance with the provisions of the Political Parties, Elections and Referendums Act 2000 I certify that the candidate named below is authorised by the Labour Party to use the following registered party name or description:

LABOUR PARTY

in the local government election for:

to be held on: Thursday, 3rd May 2018

Full Name of Candidate: _____

Ward/Division: _____

Signed _____

(Authorised nominating officer)

Date signed _____

**A copy of the certificate from Andrew Whyte, the Nominating Officer of the Labour Party, giving authorisation to sign this form must be attached or have been previously lodged with the Returning Officer.*

B. Emblem

As a candidate standing nominated for the above election, I request that the Labour Party's registered emblem appear on the ballot paper against my name. The registered emblem to be used is:

Rose with the word Labour underneath



Candidate's Signature _____

Date _____

Note: Signatures are required in both sections. If the candidate's signature is not provided in section B, the registered emblem of the Labour Party cannot appear on the ballot paper.

Andrew Whyte, Nominating Officer
The Labour Party, Southside, 105 Victoria Street, London SW1E 6QT
0207 783 1498 or Andrew_Whyte@Labour.org.uk



4 **Local government election** **Notification of election agent**

Ward/division name		Date of election	
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Candidate's notification of their election agent

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:	
Confirmation of acceptance by election agent	
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	

Spending and donations

What are election expenses?

- Spending to promote the candidate (or that which criticises opposing candidates) on anything used during the short campaign
- Various categories in the legislation including advertising, leaflets and public events
- A number of specific exclusions from the rules – including volunteer time, use of homes as committee rooms, candidate personal expenses.

How much can you spend?

- Spending is capped between the day after the last date for publication of notice of the election and 10pm on polling day. The spending limit is:
 - £806 + 7p per local government elector in the ward being contested
 - In a ward with 7,000 local government electors, the limit will be: $(0.07 \times 7000) + £806 = £1,296$
- Make sure you get confirmation of the local government electorate and spending limit from the local authority elections office

Limits in multi-member wards

- Limits are reduced proportionately where two or more Labour candidates are standing in the same ward
- The candidate limit is reduced by a quarter for two Labour candidates and a third for three or more
- Limits remain individual to each candidate – the total is not combined

Multi member ward examples

- In a ward with 7,000 local government electors and....
- Two Labour candidates: $£806 + (7,000 \times 0.07) = £1,296$
- $\times 0.75 = £972$
- Three or more Labour candidates: $£806 + (7,000 \times 0.07) = £1,296$
 $\times 0.66 = £855.36$

Apportioning spending

- You may need to split or apportion election expenses in some circumstances:
- Goods or services used both before and during the short campaign
- Between two or more candidates in an all out ward
- Between local government candidates and candidates at another election
- Key is to make an honest and reasonable assessment of how to apportion and be able to defend reasoning

“Notional” spending

- Goods or services given free of charge or at a non-commercial discount
- Everything provided by CLP (or any unit of the party) will be notional spend
- Other examples include print paid for by a supporter or office space donated by a trade union
- Invoices/receipts not needed for notional spending, but you must establish a normal commercial value
- Full commercial value counts towards spending limit if worth more than £50 – otherwise just the actual price paid. Notional spend of more than £50 is also a donation

Donations

- Donations (either to the CLP or the candidate must be from permissible, UK based sources if over certain thresholds
- £50 if given directly to candidate or £500 to CLP
- Recommended that donations go to CLP rather than candidate due to higher threshold and to protect the agent legally
- All donations must be checked within 30 days of receipt – CLPs report once a quarter to HQ and candidates in their spending return

Return of election expenses

- Itemised list of all spending and donations – including notional spend, plus agent and candidate declarations
- Receipts and invoices for items over £20 paid for by agent – statement of notional spend from CLP for everything else
- All bills must be received within 21 days of the declaration of the result and paid within 28 days – if these deadlines aren't met we need to apply to court to pay them
- Agent is responsible for submitting return and declaration within 35 days of the declaration of the result

Tips for managing election spend

- Set a budget comfortably below the spending limit to allow for contingency
- CLP should pay for all election expenses on behalf of candidates – all notional spend
- Agents and CLP treasurers should work closely together to record spending and track against budget
- CLP treasurer provides agent with statement of notional spend after the election for the return
- Keep all receipts or invoices for actual spend over £20

Campaign do's and don'ts

Imprints

- Required by law on all printed communications and the Party also requires imprints on websites, emails etc.
- 3 part imprint: Printed by...Promoted by...on behalf of
- Material promoting a single candidate must have the name of particular agent/candidate – a more general “local Labour Party imprint can be used in all out wards

Imprint Examples

Single candidate:

- Printed by The Printer, 24 Main Street, London, Postcode.
Promoted by Ann Agent on behalf of Andrew Candidate both
at 21 The High Street, London, Postcode

All out ward:

- Printed by The printer, 24 Main Street, London, Postcode.
Promoted by Ann Agent, on behalf of [name of ward,
constituency or council area] Labour Party, both at [agent's
or Labour Office address]

Defamation and false statements

- Specific election offence of making false statements about the conduct or character of a candidate, and law of defamation also applies to campaign material
- Check all campaign material for accuracy and make sure your claims can be evidenced
- Our political opponents can and do make malicious complaints to the police and can take legal action
- Keep all attack material political rather than personal, and be prepared to back it up – if in doubt speak to regional office or Governance and Legal Unit

Endorsers and copyright

- Written permission required to use a likeness or quote of an individual in campaign material – pro forma release form on Membersnet. Parental consent needed for images of children
- You must get permission from the copyright holder before using images – do not reproduce photos taken from the internet
- Don't use logos of organisations – they are likely to be copyrighted and public bodies won't give permission to use them on political campaign material

Campaign code of conduct

- Voluntary code of conduct introduced by the Electoral Commission that all major political parties are signed up to. Covers best practice on:
 - Encouraging electoral registration
 - Handling postal and proxy votes
 - Good behaviour at polling stations
- The party expects that everyone working on campaigns has read and abides by the code

Data Protection

- The Party has circulated data protection guidance to all party units – available on GLU hub.
- Key points for campaigning:
 - If collecting personal data to communicate with non-members – i.e. street stalls, petitions or surveys – then we must use appropriate disclaimers and get explicit consent
 - Use Organise! Or “BCC” when sending emails
 - All “marketing” calls – persuasion, membership and fundraising must be TPS screened – doesn’t apply to GOTV calling
 - Don’t make phone calls from personal numbers and don’t leave voicemails
 - Store data securely and do not retain it for any longer than necessary

Additional resources and support

- Election motor insurance, public liability insurance for events and legal insurance for CLPs/candidates
- Legal handbook for agents and campaigners – available on GLU hub – updated versions will be produced for any upcoming elections
- Insurance certificates, forms and lots of other resources also on GLU hub
- Contact GLU for advice: legal_queries@labour.org.uk – further information about the election agent's advice phonenumber will be provided prior to the start of the short campaign. <https://labour.org.uk/governancelegal>

Thank you