



Guide for Candidates and Agents

Local Council Elections

Thursday 18 May 2023

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1 Introduction

1.1 Overview

This Guide is produced by the Chief Electoral Officer (CEO). It provides practical advice for anyone who wants to stand as a candidate at the Local Council elections on **Thursday 18 May 2023**.

This Guide covers the aspects of the electoral process for which the CEO has responsibility. It should not be relied on as legally definitive and the CEO does not accept responsibility for any errors or omissions, or any loss arising from them. If you or your agent have any doubt about a particular point, you are strongly recommended to seek legal advice.

Electoral law sets deadlines by which certain actions must be taken during the election period. The election timetable which includes all the deadlines is shown in Section 3.

1.2 Complaints

If you are concerned about the standard of service provided to you, you should try to resolve it informally by speaking to the individual concerned or their manager. If you are not satisfied with the outcome you can submit a formal complaint. A copy of the EONI Complaints Procedure is available on request or can be downloaded [here](#).

The CEO, in her capacity as the Returning Officer (RO), is a statutory office holder and is therefore not subject to the internal complaints mechanism. However, if you have a complaint in respect of any act or omission on the part of the Returning Officer you should write to:

The Secretary of State for Northern Ireland
Constitutional and Political Group
1 Horse Guards Road
London
SW1A 2HQ

The complaints process is without prejudice to your right to seek to challenge any decision, act or omission in the courts. You may wish to consider taking legal advice before instituting proceedings.

Neither the RO nor the Deputy Returning Officer (DRO) has any authority or responsibility for the investigation of any alleged criminal offences. If you believe that an offence under electoral or criminal law has been committed you should report the matter directly to the police.

2 Roles and responsibilities

2.1 The Returning Officer

The RO for all elections in Northern Ireland is Virginia McVea, the CEO. The CEO is also the Registration Officer for the whole of Northern Ireland, responsible for maintaining the register of electors and the absent voter list.

The Electoral Office for Northern Ireland (EONI) is the collective name for the staff who assist the Returning Officer in the performance of her statutory duties. The Electoral Office contact details are as follows:

Electoral Office for NI
St Anne's House
15 Church Street
Belfast BT1 1ER

Tel: 028 9044 6680

Email: info@eoni.org.uk

Website: www.eoni.org.uk

2.2 Deputy Returning Officers

Local Council Chief Executives are appointed as Deputy Returning Officers (DROs) at local council elections. The DROs act with the authority of the Returning Officer. Their responsibilities include:

- receiving candidate nominations
- publishing the statement of persons nominated and notice of poll
- printing ballot papers and corresponding number lists
- preparing ballot boxes
- managing the verification and count of ballot papers
- receiving returns and declarations of election expenses

As a candidate you (and your agent) should liaise directly with the DRO on these matters. Contact details for DROs and a list of the areas for which they are responsible is at Annex A.

2.3 The Electoral Commission

The Electoral Commission is an independent body set up by the UK Parliament. They regulate party and election finance and set standards for well-run elections. They are also responsible for promoting electoral registration and information for voters. Their contact details are as follows:

The Electoral Commission
Ground Floor

4 Cromac Place
The Gasworks
Belfast BT7 2JB

Tel: 0333 103 1928

Email: inforthernireland@electoralcommission.org.uk

Website: www.electoralcommission.org.uk

3 Election timetable

3.1 Statutory election timetable

Polling day for the Local Council elections will be **Thursday 18 May 2023**. The election timetable is shown below.

Please note that:

- neither the RO nor the DRO has any power to extend any statutory deadline;
- if no time is specified as the deadline for an event or requirement then the deadline is midnight on that day.

| Event | Deadline (If no time specified the deadline is midnight on that day) |
|--|---|
| Publication of Notice of Election | 11 April 2023 |
| Delivery of nomination papers | 10.00am to 4.00pm on: 12 April, 13 April, 14 April, 17 April, 18 April, 19 April, 20 April, 21 April, and from 10.00am to 1.00pm on 24 April |
| Delivery of notices of withdrawals of candidature | 10.00am to 4.00pm on: 12 April, 13 April, 14 April, 17 April, 18 April, 19 April, 20 April, 21 April, and from 10.00am to 1.00pm on 24 April |
| Receipt of notice of appointment of election agents | 1.00pm on 24 April 2023 |
| The making of objections to nomination papers | 10.00am to 4.00pm on: 12 April, 13 April, 14 April, 17 April, 18 April, 19 April, 20 April, 21 April, and from 10.00am to 2.00pm on 24 April |
| Publication of statements of persons nominated: | |
| a) If no objections to nomination papers made | 6.00pm on 24 April 2023 or as soon as practicable thereafter |
| b) If any objections to nomination papers are made, after they have been disposed of but no later than 24 hours after the deadline for delivery of nomination papers | 1.00pm on 25 April 2023 |

| | |
|--|--|
| Publication of notices of appointment of election agents. | 6.00pm on 24 April 2023 or as soon as practicable thereafter |
| Receipt of postal and proxy vote applications | 5.00pm on 26 April 2023 |
| Receipt of late registration applications | 28 April 2023 |
| Receipt of additional information in relation to late registration applications | 9 May 2023 |
| Receipt of late postal and proxy vote applications | 5.00pm on 10 May 2023 |
| Publication of notices of alteration as a result of late registration | 11 May 2023 |
| Receipt of notice of appointment of polling and counting agents | 5.00pm on 11 May 2023 |
| Receipt of spoilt postal votes for replacement | 5.00pm on 17 May 2023 |
| Polling day | 7.00am to 10.00pm Thursday 18 May 2023 |
| Alterations to the register due to clerical error | 7.00pm on 18 May 2023 |
| Verification of 'unused' ballot papers | As soon as practicable after 10.00pm on Thursday 18 May 2023 (completed overnight) |
| Verification of 'used' ballot papers (the opening of ballot boxes) and the Count | 19 May 2023 |

Note: the above timetable excludes Saturdays (with the exception of the count), Sundays and the following Bank Holidays with the exception of the deadline for receipt of additional information in relation to late registration applications which is computed in accordance with regulation 8 of the Representation of the People (Northern Ireland) Regulations 2008:

- May Day 1 May 2023
- King's Coronation Bank Holiday 8 May 2023

After the Declaration of Result

| | |
|---|--|
| Receipt by candidates/agents of claims for election expenses | 21 calendar days after the result of the election is declared |
| Payment by candidates/agents of claims for election expenses | 28 calendar days after the result of the election is declared |
| Receipt by the Returning Officer of returns and declarations of election expenses by election agent | 35 calendar days after the result of the election is declared |
| Receipt by the Returning Officer of candidates' declarations of election expenses | 7 working days after receipt of the agents declaration and return (or at the same time that the election agent delivers the return) (If the candidate is outside the United Kingdom when the agent's return is delivered, the declaration must be delivered 14 calendar days after their return) |
| Publication by the Deputy Returning Officer in two or more newspapers circulating in the District Electoral Area for which the election was held, a summary of the returns accompanied by a notice of the time and place at which the return and declarations (including the accompanying documents) can be inspected | 10 calendar days after receipt of the election expenses returns |
| Inspection of returns and declarations of election expenses | During the period of 12 months from the date of publication by the Deputy Returning Officer of the time and place for inspection. |

4 Becoming a candidate

4.1 When does a person officially become a candidate?

The earliest date you can officially become a candidate is the last date for publication of the notice of election (**11 April 2023**).

You will become a candidate on this date if you or others have already announced your intention to stand. For example, your party may have issued a press release when you were selected, or you might have mentioned your intention at a residents' meeting.

If your intention to stand has not been announced by **11 April 2023**, you will officially become a candidate on the earlier of:

- the date your intention to stand is announced
- the date you complete Form 4 (Electoral Register/AV List Request Form) which includes a statement that you are a candidate
- the date you submit your nomination papers

This must be prior to the close of nominations, which is **1pm on 24 April 2023**.

4.2 Qualification criteria

To qualify as a candidate for election to a Local Council, you must:

- be at least 18 years old on the day of your nomination;
- be a British citizen, a citizen of the Republic of Ireland, a qualifying Commonwealth citizen or a citizen of any other state of the European Union;
- not be disqualified from being a councillor (see below);
- meet at least one of the following three qualifications:
 - (a) you are a local elector for the district of the Council in which you are standing on both the day you are nominated and on polling day;
 - (b) you have occupied as owner or tenant land in that district or have resided in that district during the whole of the period of twelve months immediately preceding the day of the poll;
 - (c) your principal or only place of work during that twelve months has been in that district.

4.3 Disqualification

The law disqualifies certain people from being a councillor. The full range of disqualifications is complex and if you are in any doubt about whether you are disqualified you should contact your employer, consult the legislation or, if necessary, take your own independent legal advice. As part of the nomination process you are required to sign the Consent to Nomination form (Form 1c) which includes a declaration that you are not, to the best of your knowledge and belief, disqualified from being elected. It is a corrupt practice to make a false

statement on your consent form as to your qualification for being elected. The Electoral Office cannot provide advice on whether or not you are disqualified.

The most common disqualifications are set out in section 4 of the Local Government Act (NI) 1972, a copy of which is attached to Form 1c (Consent to Nomination).

A person cannot be validly nominated as a candidate in more than one district electoral area within the same Council area.

4.4 Nomination venues

You must submit a Nomination Paper (Form 1a), Home Address Form (Form 1b) and Consent to Nomination (Form 1c) to the relevant Council Office within the period specified in the election timetable and no later than **1pm on 24 April**.

Candidate forms will be available to download [here](#) from **1 February**. The forms will also be available to download from Council websites or from the Council Offices. The forms are listed below.

| | |
|----|--|
| 1a | Nomination paper |
| 1b | Home address form |
| 1c | Consent to nomination |
| 1d | Withdrawal of candidate |
| 2 | Request to use party description/emblem |
| 3a | Appointment of election agent |
| 3b | Appointment of polling agents and polling agent instructions |
| 3c | Appointment of counting agents |
| 3d | Appointment of postal vote agents |
| 4 | Electoral Register/AV list request |
| 5 | Candidate checklist |

4.5 Supply and use of the electoral register and absent voter list

When you officially become a candidate (see section 4.1) you are entitled, on request, to a copy of the electoral register and absent voter list (see Section 7) for your district electoral area. Form 4 (Electoral Register/AV List Request Form) should be used to request these documents from the Local Council DRO.

You will need to obtain a copy of the register prior to nominations in order to be able to provide the electoral numbers of your subscribers on the nomination paper.

Electoral register and absent voter data may only be used for electoral purposes or for checking the validity of donations. If you or any of your campaign workers use them for any other purpose you will be breaking the law. If convicted you could be fined up to £5,000. In

the event that you do not complete the nomination process, or should you withdraw your nomination, you will be required to return the register/absent voter list.

Unless you specifically request a paper copy, the documents will be supplied to you in data format (CSV, Word and PDF formats). CSV files can be opened using a number of applications including Microsoft Excel, Access and Notepad, and may be used to create mailing labels or merged letters. The PDF and Word versions will print in the same format as a paper copy.

Candidates are entitled to the register in **either** data **or** paper format, they cannot obtain the register in both formats.

4.6 Completing the nomination forms

Nomination Paper

The nomination paper (Form 1a) must include your surname, then other names **in full**.

If you are usually known by another name which you want to appear on the ballot paper you should provide this 'commonly used name' on the nomination paper (but you **must** also give your surname and all your other names in full). You have the option to stand under either your full name or any commonly used name you have. If you do not provide a commonly used name your full name will be used.

You will be permitted to use the commonly used name(s) as long as they are not likely to mislead or confuse electors, and are not obscene or offensive. If the name(s) are not permissible, the DRO will write to you stating the reason for disallowing them and in that instance your full name will be used.

The exact wording of your name or commonly used name (if allowed) will appear on the statement of persons nominated and the ballot paper.

Titles or prefixes, such as Mr, Mrs or Dr must not be used. The format should be, for example: Miller, Andrew John. If this candidate is normally known by another name, such as the shortened first name of Andy, he has two options:

- (a) His first option would be to use his full name rather than his commonly used name. In this case, even though he may be widely known as Andy, he should write the following on his nomination paper:

| Candidate's Details | |
|--------------------------------|-------------|
| Candidate's surname | Miller |
| Other names in full | Andrew John |
| Commonly used surname (if any) | |

| | |
|----------------------------------|--|
| Commonly used forenames (if any) | |
|----------------------------------|--|

The ballot paper would show:

| |
|----------------------------|
| MILLER, Andrew John |
|----------------------------|

- (b) Alternatively, he can choose to use his commonly used name, in which case his nomination paper would read:

| Candidate's Details | |
|----------------------------------|-------------|
| Candidate's surname | Miller |
| Other names in full | Andrew John |
| Commonly used surname (if any) | |
| Commonly used forenames (if any) | Andy |

The ballot paper would show:

| |
|---------------------|
| MILLER, Andy |
|---------------------|

Standing for a political party

If you wish to stand for a registered political party you have to gain the party's permission. If you wish to register a new political party you must submit a completed application to the Electoral Commission.

More information on registering a political party is available on the Commission's website [here](#).

Description

If you are an independent candidate (i.e. not standing for a registered party) you can either leave the description part of the nomination paper blank or use the word 'Independent'. You cannot use any other description. If you leave this section blank no description will appear on the statement of persons nominated or the ballot paper.

If you are representing a registered political party the nominating officer, or a person appointed to act on their behalf, may authorise you to use either the registered name of that party or a particular description registered with the Electoral Commission in the Northern Ireland Register of Political Parties [here](#).

You can only use precisely what has been authorised (i.e. the description on your nomination paper and the description on the authorisation must exactly match). If you modify the description and it differs from what has been authorised, your nomination will be rejected as invalid.

If you are representing two or more parties, the nominating officers of each party (or persons appointed to act on their behalf) must authorise use of the joint description. The joint description must be registered with the Electoral Commission.

You will not be allowed to use a party name or description unless the DRO has received, before the close of nominations, authorisation signed by the party's nominating officer or a person appointed to act for them. Where the authorisation is not signed by the nominating officer, evidence of the appointment of the person who signs it will also be required. The RO will provide party nominating officers with a template schedule to be used. You must also complete Form 2 (Request to use Party Description/Emblem).

It is preferable if the authorisation is submitted in advance of your nomination as the EONI cannot validate the nomination until all details have been checked.

It is a corrupt practice to fraudulently claim to be authorised to issue a certificate on behalf of a registered political party's nominating officer.

Request to use an emblem on the ballot paper

If you have been authorised to use a party name or description the nominating officer of that party (or a person authorised to act on their behalf) can also authorise the use of a registered emblem. You must complete Form 2 (Request to use Party Description/Emblem). Only registered emblems can be used and they cannot be modified in any way. The nominating officer should identify the emblem to be used by the unique number or description registered with the Electoral Commission in the Northern Ireland Register of Political Parties [here](#).

If you are representing two or more parties, and the nominating officers of all of them request it in writing, a specified emblem of any one of the parties will appear next to your name on the ballot paper. The request must be signed by all the nominating officers (or persons acting on their behalf).

Requests to use emblems must reach the DRO before the close of nominations. Where the request is signed on behalf of the nominating officer, written evidence of the authorisation of that person by the nominating officer must be provided.

Subscription of nomination paper

Your nomination paper must be signed by a proposer, a seconder and eight other persons. These ten people, known as subscribers, must all be listed on the electoral register as at **3 April 2023** for the district electoral area in which the candidate is standing and must all be at least 18 years of age on polling day. See section 4.5 for details of how to obtain a copy of the register.

Electors can only subscribe as many nomination papers as there are vacancies in the district electoral area.

If a nomination paper contains more than 10 subscriber signatures, only the first ten will be accepted. If any of the first ten subscribers are invalid, the nomination paper will be held as invalid, regardless of whether the form contains more than ten signatures.

The full electoral number (ward number and elector number) for the subscriber as shown on the electoral register as at **3 April 2023** must be entered against the subscriber's name. Electoral numbers change whenever a new register is published so previous versions of the electoral register must not be used for completion of the nomination paper. A nomination paper in which the electoral number of a subscriber is either incorrect or has been omitted will be rejected as invalid.

You cannot act as a subscriber to your own nomination (whether as proposer, seconder or one of the eight other persons) and a nomination paper so subscribed will be held invalid. In addition, anonymous electors cannot subscribe a nomination paper.

Home address form

The nomination paper must be accompanied by Form 1b (Home Address Form). The deadline for submitting this form is the same as for the nomination paper.

You must complete Part 1 of the form. You must give your name and home address in full. Your address must be recorded as it appears on the register published on **3 April 2023**. If you are unsure of the format of your address on the register please contact us or check your copy of the register if you are standing in the district electoral area in which you live. If you wish your home address to appear on the statement of persons nominated and the ballot paper leave Part 2 of the form blank.

If you **do not** wish your home address to appear on the statement of persons nominated and the ballot paper you must complete Part 2 of the form in full. If you choose not to make your home address public, the relevant area in which your home address is situated (or country/territory, if your home address is situated outside the UK) will appear on the statement of persons nominated and the ballot paper. You must sign and date the form before submitting it along with your nomination paper.

Consent to nomination

In order for your nomination to be valid, you must complete Form 1c (Consent to Nomination).

The consent form includes a statement that you are not standing in any other district electoral area in the same Council area and that you are not, to the best of your knowledge and belief, disqualified from being elected under the provisions of Section 4 of the Local Government Act (Northern Ireland) 1972. It also includes a Declaration against Terrorism.

You must sign the consent to nomination between **24 March 2023 and 24 April 2023**. Your signature must be witnessed by a person who must sign the form and give their full name and address. The form must be delivered to the DRO by **1.00pm on 24 April 2023**.

Use of mark instead of signature

Where, because of disability or inability to read, a person is unable to sign a nomination paper, home address form or consent to nomination they may instead make their mark. The mark must be witnessed by a person who must provide their signature and address on the back of the form.

False statements on nomination papers

Any information you provide on your nomination papers must be true to the best of your knowledge. It is a corrupt practice to make a false statement in a nomination paper.

4.7 Deposit

No deposit is required at these elections.

4.8 Submission of draft nomination papers

It is strongly recommended that you submit your nomination papers in draft form so they can be checked. Anyone can submit draft papers to the DRO for checking on your behalf. You will be advised of any errors or omissions in time to allow them to be corrected. If you request it, the DRO can complete a nomination paper for your signature provided you give all the necessary information.

4.9 Formal submission of nomination papers

The formal submission of your nomination papers must be done in person to the DRO at the Council Office (see Annex A). The only people who can deliver the Nomination Paper (Form 1a) and Home Address Form (Form 1b) are:

- you; *or*
- your election agent; *or*
- your proposer or seconder

There are no restrictions on who can deliver the other forms.

You should make an appointment with the DRO for the formal submission of your nomination papers, otherwise you may have to wait until they are available.

Other than the DRO and those assisting in the nomination process only the following can be present at the delivery of nomination papers:

- a person delivering nomination papers

- a person standing nominated as a candidate
- an election agent, proposer or seconder for a nominated candidate (or if the candidate is acting as their own election agent one other person nominated by them)
- Electoral Commission representatives
- one other person chosen by each candidate

Those present at the delivery of nomination papers (apart from Electoral Commission representatives and the one other person chosen by each candidate) have the right to inspect and object to the validity of the nomination papers and home address forms.

The DRO will decide the process for dealing with any objection. The DRO's decision on any objection can only be challenged by way of an election petition.

4.10 Correction of minor errors

The DRO has power to correct minor errors made on a nomination paper or home address form, including errors of spelling in relation to the details of a candidate. However, it is your responsibility to ensure that your nomination papers are correct.

4.11 Withdrawal of candidate

You may withdraw your candidature by delivering a notice of withdrawal to the DRO before the close of nominations. Form 1d (Withdrawal of Candidate) may be used for this purpose. The notice must be signed by you and witnessed by one other person.

If you are outside the United Kingdom, a notice of withdrawal and declaration of your absence signed by your proposer will have the same effect.

4.12 Statement of persons nominated and notice of poll

Provided there are no objections to the nominations, the DRO will publish the statement of persons nominated at **6.00pm on 24 April 2023** (or as soon as practicable thereafter). If there are objections the statement will be published after they have been disposed of but no later than **1.00pm on 25 April 2023**.

The statement will show the names, addresses (or relevant areas/countries) and descriptions (if any) of the persons standing for election in each district electoral area and the names of those who subscribed their nomination papers.

The statement will include the notice of poll, giving the date and hours during which the poll will be taken. The list of polling stations and electors entitled to vote at each station on polling day (the polling station scheme) will be published [here](#) on **1 March 2023**.

4.13 Uncontested election

If the number of persons nominated in a district electoral area is equal to, or less than, the number of seats the candidates will be declared elected without a poll.

5 Your election agent

5.1 Role of the election agent

Your election agent is the person responsible in law for the proper management of your election campaign. In particular, your election agent is responsible for the financial management of your campaign and for ensuring that declarations and returns of election expenses are properly completed and delivered to the DRO within the statutory deadlines.

You are required to have an election agent. If you do not appoint one, you are deemed to be your own agent. In this Guide where a reference is made to an election agent, it applies to you if you have not appointed an election agent.

The role of election agent is very important therefore the appointment of your agent should be carefully considered. Your election may be invalidated if your election agent does not promptly and correctly perform their duties, and in some cases there could be criminal sanctions for both you and your agent.

5.2 Who can be an election agent?

Anyone can be appointed as an election agent except:

- the RO or any officer or clerk appointed by her under the rules
- any partner or clerk to the above individuals
- anyone not entitled to vote in the elections as a result of the report of an election court or a conviction for a corrupt or illegal practice.

5.3 Appointment of election agent

The name, address and office address of the election agent must be provided in writing to the DRO by **1.00pm on 24 April 2023**. The agent address must be recorded as it appears on the register published on **3 April 2023**. If you are unsure of the format of your agent's address on the register the agent can contact 028 9044 6680 to check.

The office address must be within the Council area (this may be the agent's home address). The declaration must be signed by you or a person authorised to act on your behalf, and also by the agent to show acceptance of the post. Form 3a (Appointment of Election Agent) may be used for this purpose. If you revoke the appointment you can make a new appointment using the same process.

If you are acting as your own agent, the office address is deemed to be your home address as provided on your home address form. If your home address is outside the permitted area for the office, the office address is deemed to be the qualifying address of your proposer.

The names, addresses and office addresses of election agents in each district electoral area will be published on Council websites.

It is good practice to provide a telephone number and email address for your election agent on the appointment form. If these details are not available this may hinder the DRO from conveying important information to them or seeking clarification on any issues.

6 Your campaign

6.1 Campaign materials

Any leaflets, notices or other documents you issue are subject to certain restrictions under electoral law (see Section 11). In addition, under the Public Order Act 1986, it is an offence to publish or distribute threatening, abusive or insulting material that is intended to or likely to stir up racial hatred.

6.2 Details to appear on election publications (Imprints)

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. An imprint should be clear and visible.

On printed material, such as leaflets and posters, you **must include** the name and address of:

- the printer
- the promoter and
- any person on behalf of whom the material is being published (and who is not the promoter)

The promoter is the person who has caused the material to be published.

You must use an address where you can be contacted. You can use either home or office addresses.

You can find more information on imprints and examples in [this factsheet](#) available on the Electoral Commission's website.

It is an offence for a printer or promoter to publish printed election material without an imprint.

Any queries relating to imprints should be referred to the Electoral Commission:

The Electoral Commission
Ground Floor
4 Cromac Place
The Gasworks
Belfast BT7 2JB

Tel: 0333 103 1928

Email: infonorthernireland@electoralcommission.org.uk

Website: www.electoralcommission.org.uk

6.3 Display and removal of election posters

The law relating to the display and removal of election posters is the Planning (Control of Advertisements) Regulations (Northern Ireland) 2015. Local Councils are responsible for the enforcement of the regulations.

As a candidate you must ensure that you comply with any planning rules relating to the display of election posters. You must also ensure that any posters are removed within two weeks of polling day. If you have any queries relating to these issues you should contact the Local Planning Office in the Local Council.

Under electoral law it is illegal to pay anyone for displaying a poster, unless that is their normal business (e.g. an advertising agent).

6.4 Right to send campaign material free of postage

As a candidate you are entitled to send an item of campaign material to electors free of charge for postage. You must send your item to every registered elector in the district electoral area and you must include the elector's full postal address on the item.

Your item may contain only material relating to the elections and must weigh no more than 60g. Royal Mail, who have responsibility for distributing the material, will provide guidance on their website.

If you wish to use this service before the close of nominations you will have to sign off and agree with Royal Mail to pay for the costs involved if you do not stand as a candidate.

For further details of this service you should contact:

Royal Mail Election Support Team
Tel: 03456 076 416
Email: election.support@royalmail.com

6.5 Election expenses and donations

The maximum amount that you can spend on your election campaign is fixed by law. The Electoral Commission's guidance is available to download on their website [here](#).

Any queries relating to election spending and donations should be referred to the Commission:

The Electoral Commission
Ground Floor
4 Cromac Place
The Gasworks
Belfast BT7 2JB

Tel: 0333 103 1928

Email: inonorthenireland@electoralcommission.org.uk

Website: www.electoralcommission.org.uk

7 Absent voting

7.1 Absent voting overview

In certain circumstances an elector is entitled to an absent vote either for an indefinite period or for a particular election.

There are two main types of absent vote:

- postal vote – where a ballot paper is sent to the elector for completion and return
- proxy vote – where the elector nominates someone (“a proxy”) to vote on their behalf

A proxy can apply to vote by post. This is known as a “proxy postal vote”.

In Northern Ireland there is no general right to an absent vote. Absent votes are only allowed when all the statutory criteria are met.

There are strict deadlines for the receipt of absent vote applications (see Section 3 - Election timetable) and any received after the deadlines will not be processed.

Completed postal ballot papers must be returned to the Electoral Office 10pm on polling day. They cannot be handed in at a polling station or Council office.

7.2 Application forms

Any elector who wishes to apply for an absent vote should be advised to download a form [here](#).

It is important that all applications are completed in strict accordance with the guidance notes. Incorrectly completed applications will not be granted and there may be insufficient time before the deadline to return them to the applicant. You should advise all applicants to return their completed form as early as possible so that, if staff are available, they can be checked before the deadline and returned for correction.

7.3 Issue and opening of postal votes

The DRO will give notice of when and where postal votes will be issued and opened and of the number of agents you can appoint to observe the proceedings. The issue and opening dates will also be published on the EONI website [here](#).

You or your election agent must notify the DRO in writing, before the time fixed for the issue/opening, of the names and addresses of any agents you wish to be present. Form 3d (Appointment of Postal Vote Agents) may be used for this purpose. You and your election agent may also attend, or you can appoint someone to attend on your election agent’s behalf.

You and your agents will have to produce one of the forms of photographic identification required to be produced at polling stations before being allowed to attend the proceedings (see Section 8.1).

Anyone attending the proceedings will be bound by the statutory Requirement of Secrecy (Annex B), a copy of which will be provided by the DRO.

It is likely that the last opening of postal ballot paper envelopes will take place on polling day. The ballot box in use after that will be taken unopened to the count where any envelopes in it will be opened and any valid votes will be placed in a postal ballot box/mixed with the contents of a ballot box from a polling station before the count commences.

8 Polling day

8.1 Voting at polling stations

A 'polling station' is the room or part of a room in which the poll is taken under the supervision of a Polling Station Manager. It is not the building in which there are one or more polling stations. That building is called the 'polling place'.

Polling stations will be open between **7am and 10pm on 18 May 2023**. Voters will vote using the Single Transferable Vote (STV) system i.e. placing a '1' beside their first preference on the ballot paper, a '2' beside their second preference and so on.

At the polling station, voters will need to produce one of the following documents in order to prove their identity:

- a UK, Irish or EEA Driving Licence (photographic part, provisional accepted)
- a UK, Irish or EU Passport (or Irish Passport Card)
- an Electoral Identity Card
- a Translink Half Fare SmartPass
- a Translink Senior SmartPass
- a Translink 60+ SmartPass
- a Translink War Disabled SmartPass
- a Translink Blind Person's SmartPass
- a Biometric Immigration Document

These documents are listed in legislation and no other forms of identity can be accepted.

The identification document does not need to be current, but the photograph must be of a good enough likeness to allow polling station staff to confirm the identity of the holder.

8.2 Who can enter a polling station

The only persons who can enter a polling station are:

- voters allotted to vote there
- persons under 18 years of age accompanying voters
- companions of voters who have a disability
- candidates and their election agents
- polling agents appointed to that polling station
- the RO, DRO and their staff
- the polling staff appointed to that station
- constables on duty
- Electoral Commission representatives
- observers accredited by the Electoral Commission

8.3 Keeping order in the polling station

The Polling Station Manager has a duty to keep order in the polling station. They may require any person who misconducts themselves to leave the station. If that person does not do so immediately, the PSM will call the police to have them removed.

The PSM may restrict the number of voters in the polling station and persons under the age of 18 who accompany them.

8.4 Requirement of secrecy

All those present in the polling station are bound by the statutory Requirement of Secrecy (Annex B). Breaching that requirement is a criminal offence with a maximum penalty of imprisonment of up to 6 months or a fine of up to £5,000.

8.5 Polling agents

You (or your election agent) may appoint polling agents to be present at any polling station (ballot box). Written notice must be given to the DRO by **5.00pm on 11 May** of the full names and addresses of the individual polling agents who will attend at **each** ballot box in the specific polling station. Please note that general lists of agents or extensive lists of potential agents will not be accepted. We expect no more than six polling agents per polling place, we understand there may be some rotation with nearby polling places. Form 3b (Appointment of Polling Agents) may be used for this purpose.

To ensure your polling agent is not delayed or refused entry at the polling station the polling agent list for each ballot box should be fully completed and each entry must be legible. You should provide the DRO with a list of polling agents per ballot box in ballot box number order within the district electoral area. You should provide two sets of these lists per district electoral area.

Only one polling agent for each candidate may be present at any ballot box at the same time.

The primary role of a polling agent is to detect personation (when an individual votes as someone else - whether that person is living or dead, or is a fictitious person).

Additional duties which an agent may undertake include:

- checking that the ballot box is empty at 7am
- being present when the Presiding Officer marks a ballot paper on behalf of a voter
- being present at the close of poll to observe the sealing up of the ballot box and other packages. The agent can affix their own seal to the box or any packet in addition to the official seal.

Polling agents must observe the requirement of secrecy (Annex B), a copy of which will be provided at the polling station.

In particular polling agents **must not**, before the close of poll, pass any information to anyone about:

- the name of anyone who has voted
- the electoral number of anyone who has voted
- the official mark

Polling agents must comply with all lawful instructions of the PSM and staff and with those set out in the “Polling Agents Instructions”, a copy of which is attached to Form 3b (Appointment of Polling Agents). You should provide a copy of the instructions to all of your polling agents.

To gain access to the polling station all polling agents will have their name checked against a list of those entitled to be present. Attendees will also have to produce one of the forms of photographic identification required to be produced at polling stations before being allowed to attend the proceedings (see Section 8.1).

8.6 Canvassing in the vicinity of the polling station

All political parties have agreed to the voluntary Code of Conduct for Canvassers in the vicinity of the polling station which can be found at Annex C. You should ensure that a copy of this is distributed to all your canvassers.

9 The Count

9.1 Count venues

After the close of poll the number of unused, spoilt and tendered ballot papers returned from polling stations will be reconciled overnight in each of the count venues listed below. Counting agents are entitled to observe this process.

The verification of used ballot papers (opening of ballot boxes) will start at **8.00am on Friday 19 May**. The count of ballot papers will begin after the verification has been completed and will continue until the result is declared (unless it is necessary to suspend the count due to the lateness of the hour). The results will be published on Council and EONI websites. Councils will also tweet results on Twitter.

A Count Information Pack will be published on the Council website. This will outline the arrangements for the count for the district electoral area in which you are standing.

| Council area | Count venue | DRO |
|---------------------------------|---|------------------|
| Antrim and Newtownabbey | Valley Leisure Centre 40 Church Road Newtownabbey BT36 7LJ | Jacqui Dixon |
| Ards and North Down | Bangor Aurora Aquatic and Leisure Complex 3 Valentine Road Bangor BT20 4UT | Stephen Reid |
| Armagh, Banbridge and Craigavon | Banbridge Leisure Centre 15 Downshire Road Banbridge BT32 3JY | Roger Wilson |
| Belfast | Belfast City Hall Donegall Square North Belfast BT1 5GS | John Walsh |
| Causeway Coast and Glens | Coleraine Leisure Centre 23 Railway Road Coleraine BT52 1PE | David Jackson |
| Derry and Strabane | Foyle Arena Limavady Road Londonderry BT47 6JY | John Kelpie |
| Fermanagh and Omagh | Omagh Leisure Complex Old Mountfield Road Omagh BT79 7EG | Alison McCullagh |
| Lisburn and Castlereagh | Lagan Valley Leisureplex 12 Lisburn Leisure Park Governors Road Lisburn BT28 1LP | David Burns |

| | | |
|------------------------|---|-----------------|
| Mid and East Antrim | Seven Towers Leisure Centre Trostan Avenue Ballymena BT43 7BL | Valerie Watts |
| Mid Ulster | Meadowbank Sports Arena Ballyronan Road Magherafelt BT45 6EH | Adrian McCreesh |
| Newry, Mourne and Down | Newry Leisure Centre Clanrye Avenue Newry BT35 6EH | Marie Ward |

9.2 Who can be present

The only persons who can be present at the verification and count are:

- the RO, DRO and their staff
- candidates and one other person chosen by them
- election agents
- counting agents
- Electoral Commission representatives
- observers accredited by the Electoral Commission
- other persons permitted by the RO or DRO

To gain access to the count all persons will have their name checked against a list of those entitled to be present. Attendees will have to produce one of the forms of photographic identification required to be produced at polling stations (see Section 8.1).

Under no circumstances must you, your representatives or any accredited observers attempt to enter the restricted area where staff count the votes. The right to be present is only to observe the process from immediately outside the restricted area. The restricted area will be clearly defined.

9.3 Counting agents

You (or your agent) may appoint counting agents to attend at the verification and count of votes. The DRO will give notice of the maximum number of agents that you can appoint. All candidates in the district electoral area will be allowed the same number of counting agents.

If you wish to appoint counting agents you must give the DRO written notice of their full names and addresses by **5.00pm on 11 May**. Form 3c (Appointment of Counting Agents) may be used for this purpose.

If an agent becomes incapable of acting, you may appoint another agent in their place; you must give the DRO notice in writing of the name and address of the new agent.

9.4 Requirement of secrecy

All those present at the count are bound by the statutory Requirement of Secrecy (Annex B), a copy of which will be provided.

9.5 Verification

The ballot boxes will be opened at **8am on Friday 19 May**. The ballot paper account for each ballot box will be verified by comparing it with the number of ballot papers found in each box.

If the number of ballot papers according to the ballot paper account and the physical checks correspond, the verification of that box is complete. If they do not, the ballot papers will be recounted and the documentation checked until the DRO is satisfied as to the actual number of ballot papers to be included in the count. The results for each box will be recorded on the verification statement, a copy of which will be available to election agents.

The count of ballot papers will begin once the verification stage has been completed.

9.6 The count

During the count the DRO will make important announcements. You must ensure that you are present or represented throughout the count process so that you do not miss any announcement. If you do not understand any announcement made you should seek clarification from the DRO.

Throughout the count process the ballot papers will be kept face up so that no one can see the ballot paper number or unique identifying mark. You should make sure that all your representatives know that they must not attempt to see the back of any ballot paper.

Ballot papers will be sorted into piles for each candidate according to the first preference marked. Any 'doubtful ballot papers' (see Section 9.7) will be put aside for adjudication.

The number of votes for each candidate will be counted and the total number of valid votes calculated.

The quota will then be calculated using the following formula:

$$Q = \left\{ \frac{\text{total valid votes}}{\text{total number of seats in the DEA} + 1} \right\} \text{ ignore any fraction and add 1}$$

Where the total number of votes for a candidate at any stage of the count is equal to or exceeds the quota that candidate shall be deemed to be elected.

The next stages of the count will involve either the transfer of the surplus vote from a candidate deemed to be elected or the exclusion of one or more candidates with the least votes.

If at any stage the number of continuing candidates equals the number of seats to be filled, then such candidates are deemed elected.

Candidates are advised to consult the relevant legislation for more detail about the single transferable vote system.

9.7 Ballot papers requiring adjudication

A ballot paper is deemed to be invalid if:

- it does not bear the official mark; or
- the figure “1” standing alone is not placed so as to indicate a first preference vote for any candidate; or
- the figure “1” standing alone indicating a first preference is set opposite the name of more than one candidate; or
- anything (other than the printed number and other unique identifying mark on the back) is written or marked by which the voter can be identified; or
- it is unmarked or void for uncertainty

Before any decision is taken on whether a ballot paper is invalid it will be assessed by the Doubtful Votes Adjudicator in the presence of candidates and agents.

An announcement will be made over the public address system telling candidates and agents that an adjudication on doubtful ballot papers is about to be made. You can attend the adjudication or nominate one person to represent you. The adjudication will not be delayed if you are not present or represented.

The adjudicator will inform those present of the decision on the validity of each ballot paper and the reason for it. That decision is final and can be challenged only by way of an election petition. If you do not agree with any decision to reject a ballot paper as invalid, you must tell the adjudicator who will stamp the paper ‘rejection objected to’.

The Statement of Rejected Ballot Papers will be completed showing the number of ballot papers rejected and the reasons. A copy of the statement will be available to candidates and agents at the end of the count.

9.8 Recount

You or your election agent may, at the end of any stage of the count but before the next stage proceeds, request a recount or a further recount. Only the most recent completed stage can be re-counted.

The DRO may refuse your request if they are of the opinion that it is unreasonable.

The DRO will call all candidates together at the end of the counting or any recounting of votes for any stage to give you a reasonable opportunity to request a recount or a further recount. Neither the start of the next stage nor the declaration of the result will be delayed if you fail to attend promptly.

9.9 Declaration of result

Once all the seats in the district electoral area have been filled the DRO will declare the names of those who have been elected. They will also give public notice of:

- (a) the number of first preference votes for each candidate;
- (b) any transfer of votes;
- (c) the total number of votes for each candidate at each stage of the count at which such transfer took place; and
- (d) the order in which the successful candidates were elected.

10 After the elections

10.1 Successful candidates

Successful candidates must sign a declaration of acceptance of office before acting as a Councillor. Further information will be available from the Local Council office.

10.2 Election petition

The outcome of an election can be challenged only by way of an election petition. You are advised to seek legal advice if you wish to initiate proceedings.

10.3 Election expenses return

Within 35 calendar days of the declaration of the result, your election agent must submit an election expenses return, supporting documentation and the election agent's declaration as to election expenses (these documents must be submitted at the same time) to the DRO.

Within 7 working days of submission of these documents the candidate's declaration of expenses must be submitted to the DRO. If you are outside the United Kingdom when the agent's return is delivered, your declaration must be delivered 14 calendar days after your return. The DRO has no power to extend any of the statutory deadlines.

If a candidate or election agent fails to deliver the required return and declarations to the DRO within the 35 day deadline they will be prohibited from sitting and voting in the relevant Local Council until they have either submitted the return and declarations or the High Court grants an authorised 'excuse'. If the person sits and votes in contravention of the prohibition they must forfeit £50 for every day that they sit or vote in the Council. If the person fails to pay that money, summary proceedings may be taken in the criminal courts. The person will be convicted of an offence and liable to a fine of the accumulated amount.

In addition, failure to submit any document on time is an illegal practice and will be referred to the Public Prosecution Service for investigation. An illegal practice is a summary criminal offence with a penalty of up to £5,000.

Guidance on the forms to be used and their completion is available on the Electoral Commission website [here](#). You should read their guidance and contact the Electoral Commission (not the Electoral Office) if you have any queries about election expenses.

Copies of election expenses may be inspected by any person at the office of the DRO. A fee of 20p per side is payable for any copy supplied. Expenses documents are retained for one year after which you can have them returned to you or your agent, or they will be destroyed.

10.4 Inspection and supply of marked registers and absent voter lists

The marked polling station registers and absent voter lists show who was issued with a ballot paper, who returned their postal ballot paper, and who had a proxy vote cast on their behalf.

If you wish to inspect or obtain copies of the marked register or absent voter list after the elections you should contact the Local Council office. Information obtained from the marked register may only be used for research or electoral purposes.

The request for **inspection** must specify:

- which documents are requested
- the purposes for which the information in any document will be used
- where the request is to inspect the marked register or lists, any reason why inspecting the full register or unmarked lists would not be sufficient to achieve that purpose
- who will inspect the documents
- the date on which they wish to inspect the documents, and
- whether they would prefer to inspect the documents in a printed or data form

Inspection is under supervision and will be free of charge. You won't be able to take copies, but may make handwritten notes.

The request for **supply** must specify:

- which of the marked register or lists (or the relevant part of the register or lists) are requested
- whether a printed copy of the records or lists is requested or a copy in data form
- the purposes for which the marked register or lists will be used, and
- why the supply or purchase of a copy of the full register or unmarked lists would not be sufficient to achieve that purpose.

The requested document will be supplied for a fee based on the number of entries:

- In data form: £20 + £1.50 for each 1,000 entries or remaining part of 1,000 entries
- In printed form: £10 + £5.00 for each 1,000 entries or remaining part of 1,000 entries

After one year these documents will be destroyed, unless a court order directs otherwise.

11 Electoral offences

11.1 Summary of electoral offences

The following list provides a summary of electoral offences. This list is not exhaustive and candidates are advised to seek their own legal advice. It does not include offences relating to party and election finance, advice on which may be sought from the Electoral Commission.

If you think that an offence may have been committed, you should refer the matter to the police. Neither the Chief Electoral Officer nor the DRO have any investigatory role and cannot report offences on behalf of any other person.

Bribery

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

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

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. 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.

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

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 as to candidates

It is an illegal practice 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.

False statements that are not about another candidate's personal character or conduct are not illegal under electoral law, but could be considered as libel or slander. It is also an illegal practice to make a false statement of a candidate's withdrawal.

False statements in nomination papers

It is an offence to knowingly provide a false statement on a nomination paper. 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 applications

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

Multiple voting and proxy voting offences

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

Everyone involved in the election process or attending certain proceedings must maintain the secrecy of the ballot. The Requirement of Secrecy is at Annex B.

Campaign publicity material

Certain offences relate specifically to election campaign publicity material. Election campaign publicity material must contain an imprint, not resemble a poll card and not contain a false statement as to the personal character or conduct of another candidate.

Racial hatred

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.

Deputy Returning Officer Contact Details

| DRO | Contact Details | District Electoral Areas |
|----------------------|---|--|
| Jacqui Dixon | Antrim and Newtownabbey Borough Council Mossley Mill Newtownabbey BT36 5QA Tel: 028 9034 0003 Email: jacqui.dixon@antrimandnewtownabbey.gov.uk | Dunsilly Antrim Airport Ballyclare Three Mile Water Macedon Glengormley Urban |
| Stephen Reid | Ards and North Down Borough Council The Castle Bangor BT20 4BT Tel: 028 9127 8034 Email: stephen.reid@ardsandnorthdown.gov.uk | Ards Peninsula Comber Newtownards Bangor East and Donaghadee Bangor Central Bangor West Holywood and Clandeboye |
| Roger Wilson | Armagh City, Banbridge and Craigavon Borough Council PO Box 66, Lakeview Road Craigavon BT64 1AL Tel: 03000 300 900 Email: roger.wilson@armaghbanbridgecraigavon.gov.uk | Cusher Portadown Craigavon Lurgan Lagan River Banbridge Armagh |
| John Walsh | Belfast City Council City Hall Belfast BT1 5GS Tel: 028 9032 0202 Email: walshjohn@belfastcity.gov.uk | Court Black Mountain Collin Balmoral Botanic Lisnasharragh Castle Oldpark Ormiston Titanic |
| David Jackson | Causeway Coast and Glens Borough Council Cloonavin 66 Portstewart Road Coleraine BT52 1EY Tel: 028 7034 7034 Email: david.jackson@causewaycoastandglens.gov.uk | The Glens Causeway Ballymoney Coleraine Bann Benbradagh Limavady |
| John Kelpie | Derry City and Strabane District Council 98 Strand Road Londonderry BT48 7NN Tel: 028 7125 3253 Email: john.kelpie@derrystrabane.com | Ballyarnett Foyleside The Moor Waterside Faughan Sperrin Derg |

| | | |
|-------------------------|---|---|
| Alison McCullagh | Fermanagh and Omagh District Council Enniskillen Townhall 2 Townhall Street Enniskillen BT74 4BA Tel: 0300 303 1777 Email: alison.mccullagh@fermanaghomagh.com | Erne West Erne North Enniskillen West Tyrone Omagh Mid Tyrone Erne East |
| David Burns | Lisburn and Castlereagh City Council Civic Headquarters Lagan Valley Island 1 The Island Lisburn BT27 4RL Tel: 028 9250 9207 Email: david.burns@lisburncastlereagh.gov.uk | Lisburn South Downshire East Downshire West Castlereagh South Lisburn North Killultagh Castlereagh East |
| Valerie Watts | Mid and East Antrim Borough Council Head Office The Braid 1-29 Bridge Street Ballymena BT43 5EJ Tel: 028 2563 5033 Email: valerie.watts@midandeastantrim.gov.uk | Larne Lough Coast Road Braid Ballymena Bannside Knockagh Carrick Castle |
| Adrian McCreesh | Mid Ulster District Council Circular Road Dungannon BT71 6DT Tel: 0300 0132 132 Email: chief.executive@midulstercouncil.org | Carntogher Moyola Magherafelt Cookstown Torrent Dungannon Clogher Valley |
| Marie Ward | Newry, Mourne and Down District Council O'Hagan House Monaghan Row Newry BT35 8DJ Tel: 0330 1374 261 Email: marie.ward@nmandd.org | Slieve Gullion Newry Crotlieve The Mournes Slieve Croob Downpatrick Rowallane |

Your attention is drawn to the relevant provisions of paragraph 27 of Schedule 9 to the Electoral Law Act (Northern Ireland) 1962 which apply to this election, and in particular to the maximum penalty for anyone guilty of an electoral offence. Level 5 is currently set at £5,000. It is the policy of the Chief Electoral Officer to report to the police any person suspected of breaking any of these provisions.

- (1) A person attending at or admitted to a polling station in any capacity at an election shall be guilty of an electoral offence if before the poll is closed he communicates to any other person any information as to –
 - (a) the name of any elector or proxy who has or has not applied for a ballot paper or voted at a polling station; or
 - (b) the number on the register of any elector who, or whose proxy, has or has not applied for a ballot paper or voted at a polling station; or
 - (c) the official mark.
- (2) Any person attending in any capacity at the count at any election shall be guilty of an electoral offence if he –
 - (a) ascertains or attempts to ascertain at the count the number or other unique identifying mark on the back of any ballot paper; or
 - (b) at any time communicates any information obtained at the count as to the candidate for whom any vote is given on any particular ballot paper.
- (3) A person shall be guilty of an electoral offence if he –
 - (a) interferes with or attempts to interfere with a voter when recording his vote; or
 - (b) otherwise obtains or attempts 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; or
 - (c) communicates 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 or other unique identifying mark on the back of the ballot paper issued to a voter at that station; or
 - (d) directly or indirectly induces 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; or
 - (e) being a person permitted, on making the declaration made by the companion of a voter with disabilities, to remain with a voter with disabilities while the presiding officer records his vote, communicates at any time to any person any information as to the candidate for whom that voter intends to vote or has voted, or as to the number or other unique identifying mark on the back of the ballot paper issued for use of that voter.
- (4) Any person attending the proceedings in connection with the issue or receipt of ballot papers for persons voting by post shall be guilty of an electoral offence if he –
 - (a) communicates, before the poll is closed, to any person any information obtained at those proceedings as to the official mark; or
 - (b) except for some purpose authorised by law, communicates to any person at any time any information obtained at those proceedings as to the number or other unique identifying mark on the back of the ballot paper sent to any person; or
 - (c) except for some purpose authorised by law, attempts to ascertain at the proceedings in connection with the receipt of ballot papers the number or other unique identifying mark on the back of any ballot paper; or
 - (d) attempts to ascertain at the proceedings in connection with the receipt of the ballot papers the candidate for whom any vote is given in any particular ballot paper or communicates any information with respect thereto obtained at those proceedings.

Section 111 (2A) (d) in the case of an offence under paragraph 27 of Schedule 9, a person guilty of an electoral offence at a local election shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding 6 months.



CODE OF CONDUCT

CANVASSING IN THE VICINITY OF POLLING PLACES

The following principles are intended to guide the conduct of canvassers in the vicinity of polling places:

- Canvassers shall be polite and courteous at all times when speaking to members of the public. They should be careful to avoid any behaviour which may leave them open to complaints of harassment or intimidation.
- Canvassers will not engage in canvassing activities inside the grounds of a polling place.
- Canvassers should not stop, or in any way impede, the free flow of vehicular traffic entering or leaving the grounds of a polling place.
- Canvassers should not restrict or in any way impede pedestrian access to any entrance of a polling place.
- Canvassers shall not attach flags, emblems, banners, posters or any other item used in connection with canvassing to a polling place or to any part of its perimeter wall or fence.

This Code of Conduct has been agreed with political parties.

NB: The term 'polling place' is referred to in Section 18B of the Representation of the People Act 1983 but the actual meaning of the term is not defined in law. For the purposes of the Electoral Petition Hearing in September 2010 it was described as 'The building inside which one or more polling stations are located.'