Guidance for candidates and agents

The aim of this guide is to outline the main points of relevance for candidates and election agents regarding the local elections within Brighton & Hove City to be held on Thursday 2 May 2019.

Detailed official guidance for Candidates and Agents has been issued by the Electoral Commission and can be found at:

http://www.electoralcommission.org.uk/i-am-a/candidate-or-agent

Electoral Services will be happy to provide copies of this guidance if required.

Disclaimer: please note that this document is provided purely as a guide. It is not to be relied upon as legally definitive and no responsibility is accepted for any errors or omissions. If in any doubt candidates and agents should seek their own independent legal advice. Comments on the guidance would be welcome.

The Returning Officer
Electoral Services Office
Hove Town Hall
Norton Road
Hove
BN3 3BQ

Email: michael.appleford@brighton-hove.gov.uk
Tel: 01273 291997
Contents

Section 1: Introduction ........................................................................................................4
Section 2: Main Contact Details ...........................................................................................5
Section 3: The Returning Officer .........................................................................................5
Section 4: The Election Timetable .......................................................................................5
Section 5: Nominations .........................................................................................................7
Section 6: The Electoral Register .........................................................................................11
Section 7: The Poll .................................................................................................................12
Section 8: Polling, Postal Voting And Count Agents .............................................................13
Section 9: Postal Voting .........................................................................................................14
Section 10: The Count ..........................................................................................................14
Section 11: Meetings For Candidates And Agents ...............................................................14
Section 12: Election Expenses ..............................................................................................15
Section 13: Contact Information ...........................................................................................17
SECTION 1: INTRODUCTION

Brighton & Hove hold local elections every four years on the first Thursday in May. On this day elections will be held in all 21 wards to elect a total of 54 councillors who will represent their constituents on the Council. An election will also be undertaken for 9 parish councillors to represent residents in Rottingdean Parish.

Each ward has between 7,000 and 14,000 electors. The wards are split into polling districts. Each polling district has an allocated polling station which will be a central and accessible location within that district.

All electors are also able to vote by post, which means their ballot paper is sent to them in advance of polling day and then they have around ten days to post it back.

The electorate itself is different to the UK Parliamentary election of 2017 but the same as the PCC elections in 2016. EU citizens were not able to vote in the Parliamentary election, but they are able to vote in local elections.

The successful candidates will become Councillors once they have completed the official declaration and from that moment onwards will represent their constituents until the next election in 4 years time (or sometimes earlier in the case of by-elections).

This guidance will explain the electoral process and aims to provide enough detail and information for election agents and candidates to be able to fully participate in the election. If at any time you require further clarification or information then please contact the electoral services office who will be happy to oblige.

You can find more guidance on standing in these elections at:
http://www.electoralcommission.org.uk/i-am-a/candidate-or-agent
SECTION 2: MAIN CONTACT DETAILS

Candidates and agents within Brighton & Hove should contact:

Michael Appleford
Tel: 01273 291997
Email: michael.appleford@brighton-hove.gov.uk

If any person other than a candidate or agent wishes to contact the Brighton & Hove City Council electoral services team they should contact:

Electoral Services
Hove Town Hall
Norton Road
Hove
BN3 3BQ

Tel: 01273 291999
Email: electors@brighton-hove.gov.uk

SECTION 3: THE RETURNING OFFICER

The Returning Officer for Brighton & Hove City Council is the Chief Executive, Geoff Raw The RO will appoint Deputy Returning Officers (DRO) for various electoral duties including nominations, the administration of the poll and the count. DROs will include Abraham Ghebre-Ghiorgis, Executive Lead Officer for Strategy, Governance and Law and Michael Appleford, Electoral Services Manager.

SECTION 4: THE ELECTION TIMETABLE

Most events during the local election timetable are statutory. Some of them have specific deadlines that an action must be completed by, whereas other events have an exact date for the action. For example; the first issue of poll cards does not have a specified date but must take place as soon as practicable after the notice of election; whereas the deadline for returning nomination papers is fixed, and the Returning Officer has no discretionary powers to make it any earlier or later.
<table>
<thead>
<tr>
<th>Date</th>
<th>Item</th>
<th>Detail</th>
</tr>
</thead>
<tbody>
<tr>
<td>22.3.19</td>
<td>Publication of Notice of Election</td>
<td>This signals the official start of the election.</td>
</tr>
<tr>
<td>22.3.18</td>
<td>First issue of poll cards</td>
<td>Sent to all people on the register by the notice of election.</td>
</tr>
<tr>
<td>3.4.18</td>
<td>Deadline for receipt of nominations (4PM)</td>
<td>See the nomination process later in this guidance.</td>
</tr>
<tr>
<td>3.4.18</td>
<td>Deadline for withdrawals (4PM)</td>
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<tr>
<td>3.4.18</td>
<td>Deadline to appoint election agents (4PM)</td>
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<tr>
<td>3.4.18</td>
<td>Publish Notice of Election Agents (4PM)</td>
<td>On the website and at the town halls.</td>
</tr>
<tr>
<td>4.4.18</td>
<td>Publish Statements of Persons Nominated (4PM)</td>
<td>On the website and at the town halls.</td>
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<tr>
<td>12.4.18</td>
<td>Deadline for Registration (midnight)</td>
<td>All new electors must register by this deadline.</td>
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<tr>
<td>15.4.18</td>
<td>Deadline for receipt of postal vote applications (5PM)</td>
<td></td>
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<tr>
<td>10.4.18</td>
<td>First issue of Postal Votes</td>
<td></td>
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<tr>
<td>24.4.18</td>
<td>Publish Notice of Poll</td>
<td></td>
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<tr>
<td>24.4.18</td>
<td>Deadline for receipt of Proxy Vote applications (5PM)</td>
<td></td>
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<tr>
<td>25.4.18</td>
<td>Deadline to appoint Polling and Count Agents</td>
<td>The appointment of counting agents is particularly important.</td>
</tr>
<tr>
<td>26.4.18</td>
<td>First day to re-issue replacement postal votes</td>
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<tr>
<td>2.5.18</td>
<td><strong>Polling Day (7am to 10pm)</strong></td>
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<tr>
<td>2.5.18</td>
<td>Deadline to receive Emergency Proxy Applications (5PM)</td>
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<tr>
<td>2.5.18</td>
<td>Deadline for issuing replacement postal votes (5PM)</td>
<td></td>
</tr>
<tr>
<td>7.6.18</td>
<td>Deadline to return Election Expenses</td>
<td>Election agents must complete and submit the returns by this deadline.</td>
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</table>
Key Events

- **Nominations Period.**
  This begins the day after the Notice of Election is published. Brighton & Hove intend to publish this notice on Friday 22 March 2019, meaning nomination papers can officially be received from 10am on Monday 25 March 2019. The deadline for nomination papers to be received is 4pm on Wednesday 3 April.

- **Appointment of Election Agent.**
  This must be completed by 4pm on Wednesday 3 April. There is more information on election agents later in the guidance.

- **Deadline to Register to Vote.**
  This is the deadline for adding new names to the register, or amending existing ones. The deadline is at midnight on Friday 12 April.

- **Appointment of Counting Agents.**
  These are the people who will attend the count and help scrutinise the process on behalf of the candidates. The deadline is Thursday 25 April. There is more information on counting agents later in the guidance.

- **Polling Day.**
  Thursday 2 May, 7am until 10pm.

- **Deadline for Expenses.**
  All candidates and election agents must submit their full expenses returns by this deadline – the actual deadline will depend on when the result is officially declared, but will most probably be Friday 7 June.

SECTION 5: NOMINATIONS

(a) Submitting a Nomination

Every candidate for these elections must be nominated on a separate nomination paper using the prescribed form. We will supply the full set of nomination papers to all election agents and independent candidates, in data format, and in paper format on request. Great care must be taken to ensure that all the information requested on the nomination papers is completed correctly.

Nomination papers are split into a number of different documents – the nomination paper itself, the home address, the consent to nomination, certificate of authorisation, emblem request and agent appointment form. The nomination pack details which forms can be returned by whom and by what method – however we strongly advise that election agents submit all parts of the nomination form in one visit.

Papers must be submitted by hand to the Returning Officer, Electoral Services
Office, Hove Town Hall, Norton Road, Hove BN3 3BQ – in person only, and only during the hours of 10am to 4pm. The absolute deadline to receive completed nomination papers is 4pm on Wednesday 3 April. Papers received after that time will not be valid.

**b) The Deposit**

There is **no deposit** for Ward councillor candidates

**c) The Nomination Paper**

The nomination paper must contain the following:

Candidate’s names
Commonly used names, where appropriate and different from their actual names

Subscribers – a proposer, a seconder and 8 further subscribers. Each person must sign the form, alongside their elector number. All subscribers must be eligible to vote in the election, and be registered to vote on the 1 March publication of the electoral register for the ward

Subscribers are eligible to nominate up to the number of vacancies (2 or 3) – if they subscribe to more than 2 or 3 candidates then only the first 2 or 3 papers will be accepted

Description – either blank, Independent, or if a party candidate, one of the registered descriptions for that party

**d) Informal check of nomination papers**

The Deputy Returning Officer provides an informal check to all candidates. This is offered up to the day before close of nominations (no informal check is provided on 3 April 2019). It is strongly recommended that candidates take advantage of this process – it relieves the stress of the nomination process, and enables candidates to ask further questions where needed.

**False statements on Nomination Papers**

It is a criminal offence to knowingly make a false statement on nomination papers. The offence applies for all information on the form, for example, it is an offence to provide a commonly used name that the candidate does not actually commonly use. The penalty for a false statement is either a fine, currently set at a maximum of £5,000, or unlimited upon indictment, and/or up to one year’s imprisonment.

Each nomination paper must state the Ward, the principal area, and the date of the election – Thursday 2 May 2019.
(e) Certificate of Authorisation

If a candidate is standing on behalf of a political party then their nomination paper must be accompanied by a certificate of authorisation. This form must be signed by the nominating officer of the political party or somebody authorised to sign on their behalf (often the election agent will be appointed to do so). The certificate of authorisation will state which, if any, of the party’s descriptions the candidate may use on the nomination paper.

Certificates of authorisation must be received by the deadline of 4pm on Wednesday 3 April. Without the form the candidate will not be able to use the party’s name or description.

(f) Request for a party emblem

Candidates representing a political party may have an emblem on the ballot paper next to their name. To do so their nomination paper must be accompanied by both a certificate of authorisation and a request for a party emblem. The request for a party emblem must be signed by the candidate themselves, not the election agent. The form should state the exact emblem they require. All emblems must be registered with the Electoral Commission and are given a description and a reference number. In order to ensure the correct emblem is used it is necessary to provide either the correct description or the reference number, or both.

Requests for a party emblem must be received by the deadline of 4pm on Wednesday 3 April. Without this form the candidate will not have an emblem against their name on the ballot paper.

Important note – some political parties produce their own versions of the certificate of authorisation and request for a party emblem. These forms will be accepted, as long as they meet the official requirements.

(g) Home Address Form

All candidates must also provide a home address form, which must be delivered by hand along with the nomination paper by 4pm on Wednesday 3 April.

The home address form must state the candidate’s name, home address, qualifying address(es), attester’s full name and home address. The attester must be the same person who signs the consent to nomination.

Usually the home address is printed on the ballot paper next to the candidate’s name, as well as on the statement of persons nominated. The candidate can choose not to have their home address published by completing part 2 of the home
address form. If completed, both the statement of persons nominated and the ballot paper will state the relevant area in which the candidate resides.

**(h) Candidate’s consent to nomination**

This form must be signed by the candidate themselves. All the details must be completed, including their name, date of birth and signature.

The consent to nomination includes an attestation that the candidate is aware of the various provisions and regulations relating to qualifications and disqualifications including the Local Government Acts 1972 and 2000, and the Localism Act 2011.

The consent to nomination must be signed by a witness in order to be valid. This must be the same person who attested the home address form. The election agent is permitted to be the witness. Consent to nomination forms must be submitted by the deadline of 4pm on Wednesday 3 April. Without this form the nomination will not be valid.

**(i) Notification of Election Agent**

Candidates do not have to appoint an election agent, but are entitled to do so. The election agent has several functions, but is mainly responsible for the return of election expenses and is authorised to act on behalf of the candidate in several capacities – for example at the count and in the production of election publicity materials. If a candidate does not appoint an election agent then they are considered to have appointed themselves as the election agent.

The election agent appointment must detail an office address which will be published by the Returning Officer. The appointment form must be signed by both the candidate and the election agent.

The deadline to appoint an election agent is 4pm on Wednesday 3 April.

There are other roles at the election such as counting agents and postal voting agents. You can find more information about their role later in this guidance. These appointments need not be made until after the nominations process has been completed.

**Disqualifications from Standing for Election as a Councillor**

The basic qualifications for standing for election are that at the point of nomination you must:

- be at least 18 years old
be a citizen of the UK, Republic of Ireland, an EU member state, or an eligible Commonwealth country

Disqualifications are slightly more complex. Candidates are advised to check this carefully before they consent to their nomination. Examples of disqualifications include:

- **Disqualifying offices**, e.g. civil servants, members of the police force or armed forces, judges, bishops of the Church of England
- **Incompatible offices**, e.g. members of the European Parliament
- **Bankruptcy**, if you are subject to a bankruptcy restrictions order or debt relief restrictions order, or your estate has been sequestrated by a court in Scotland and you have not been discharged
- **Imprisonment and court decisions**. If you have been imprisoned or detained for more than a year
- **Corrupt electoral practice**. If you have been convicted or reported guilty of a corrupt or illegal electoral practice or of an offence relating to donations
- **Working for the City**. If you are employed by or on behalf of the City you are disqualified from being nominated as a candidate. This includes those who work in schools within the City.

**What Happens Next?**

After the deadline for receipt of nominations (4pm on Wednesday 3 April) the Returning Officer will publish an official notice called the Statement of Persons Nominated. It will list all remaining valid nominations for each Ward which have been formally accepted and the candidates will be sent a notice of valid nomination. The notice will be published on Council noticeboards and the website. It will list the full details of each nomination including the names of the subscribers. A copy of the notice will be sent to election agents directly.

**SECTION 6: THE ELECTORAL REGISTER**

The Electoral Register is a list of all people entitled to vote at a specific election. For local elections this includes all residents who are at least 18 years old on polling day, and who are either citizens of the UK, the EU, the Commonwealth or the Republic of Ireland. British citizens living abroad are not eligible to vote in local elections.

The register is usually supplied in data format, compatible with Microsoft Excel, and lists names, addresses and electoral numbers in separate fields, for ease of use. Paper copies are available on request.

After the publication of the Notice of Election, a candidate, election agent or party
officer, may receive on request, free of charge, one copy of the Register of Electors for the ward in which they are standing, in data format unless he/she requests this in printed form. All recipients will also be sent the list of alterations to the register at least 2 further times during the course of the election period. Agents who do not receive the registers as a matter of course are asked to confirm in what format they wish the register to be supplied. All recipients of the electoral register must first complete and sign a disclaimer, and may also be required to produce an authorisation document from their party – usually completed by the nominating officer.

In addition to the register all recipients will also be provided with a list of the postal and proxy voters.

SECTION 7: THE POLL

Polling Stations
There will be very few changes from the polling stations used at the Parliamentary elections held on 8 June 2017. Our experience has shown that consistency in the provision of polling stations helps ensure voters know where to go to cast their vote. Where we have had to change the venue we will highlight the change on the poll cards. Any changes of polling places must be made with the approval of the council, and will be subject to discussion with local parties and agents where possible.

The official list of polling stations to be used at the May 2019 elections will be published by 24 April and distributed to all local political parties and interested persons, as well as displayed on Council noticeboards and the website. It will also be shared with local and national media. The Returning Officer intends to provide a confirmed list of polling places well in advance of this deadline and a working list by February 2019. Should there be any changes to that list we will communicate with agents, councillors and local parties directly.

The Poll
The Poll commences at 7am on Thursday 2 May, and closes at 10pm. To be issued with a ballot paper, electors must be either inside the polling station, or in the issuing queue, by the 10pm deadline. This means that, so long as a voter attends the polling station by the 10pm deadline they will still be assured a vote, regardless of the size of the queue.

Tellers
Tellers are people working on behalf of a candidate or a party to ascertain who has voted at the election. There are no specific legislative requirements regarding tellers, but we do ask all participants in the election to conform to the Electoral
Commission’s guidance regarding tellers and their activities. If electors do not know their electoral number, and have already disposed of their poll card, the polling station staff will not be able to assist. Polling station staff are only able to provide information to polling agents.

We will distribute guidance to election agents about the role of tellers and we ask that all election participants agree to abide by these guidelines. This will ensure the election is contested as fairly as possible and will also ensure the voters’ experience is not hindered or diminished by any disruptions. If there are any issues the Returning Officer will resolve them with the election agents.

SECTION 8: POLLING, POSTAL VOTING AND COUNT AGENTS

The candidate or election agent may appoint people to any of the roles above. We will provide forms that make the appointment process easier.

Polling Agents
Polling agents are appointed to attend a specific polling station(s). They are entitled to a copy of the polling station register. Their role is to mark the register as people vote in order to detect electoral fraud – specifically personation (where somebody assumes the identity of a voter in order to use their vote). Their copy of the register may not leave the polling station until the close of poll. Only 1 polling agent per party may be present in a polling station at any one time. The Returning Officer has the right to impose a limit on the number of polling agents admitted to any one station.

The deadline for appointing Polling Agents is Thursday 25 April. We request that before appointing any polling agents your election agent should have a discussion with the Deputy Returning Officer, Michael Appleford.

Postal Vote Agents
Postal vote agents are appointed to attend the opening of postal votes. At this election, the opening of postal votes will take place over several days. Postal vote agents are allowed to observe the opening process, adjudication of dates of birth and signatures, and the opening of the ballot paper envelopes. Postal vote agents can be appointed at any time, and may attend any opening session from the time of their appointment.

Count Agents
A count agent is authorised to attend the counting of the votes in order to observe and scrutinise the process. Each candidate will be entitled to appoint several counting agents. The exact number will be dependent on the final number of candidates in relation to the final number of counting staff.

In addition, the candidates and election agents are all entitled to attend the count.
Each candidate is also able to nominate a partner, spouse or guest to attend.

All count attendees must be officially appointed by the candidate or election agent, in writing. As for all agents, Electoral Services will provide appointment forms to facilitate this process.

The deadline for appointing Counting Agents is Thursday 25 April.

SECTION 9: POSTAL VOTING

All electors are entitled to apply to vote by post at this election. If they have not already done so, they must complete and deliver a postal vote application by 5pm on Monday 15 April. It is intended for the majority of postal vote packs to be delivered by Royal Mail on Saturday 13 April, with the remainder delivered by Thursday 25 April. All candidates and agents will be notified of the exact arrangements for the opening of the postal votes as soon as these are confirmed. Candidates, election agents, and postal voting agents are all entitled to attend postal vote opening sessions. All Brighton & Hove postal vote opening sessions will take place in the Hove Town Hall Council Chamber, from 10am until 4.30pm, with the final session starting at 10pm on polling day and continuing until all postal votes have been opened and verified. Additional guidance will be released to cover the handling of postal vote applications and postal vote packs by campaigners.

SECTION 10: THE COUNT

The count for all wards within Brighton & Hove will take place on Friday 3 May at the Brighton Centre. We expect to have the final results declared as soon as practicable. All attendees entitled to be present at the count will be sent an official invitation in advance. More information regarding the venue and other arrangements will be disclosed as soon as they are confirmed.

SECTION 11: MEETINGS FOR CANDIDATES AND AGENTS

The Returning Officer will host a meeting for candidates and agents during the election period, the date of this will be disseminated prior to the meeting. The meeting will be used to provide information and updates on electoral processes such as registration, postal voting, polling station voting and the count.

Outside of this meeting, the Returning Officer, and the electoral services team, will be available to provide assistance. Election agents are encouraged to meet...
individually with Michael Appleford. Please contact him directly at any time requesting a meeting and he will accommodate you. These one on one meetings can be extremely useful as they allow election agents to ask any question about the process, the nominations, or the poll, and get an answer on the spot. The meetings will be treated confidentially and in the spirit of transparency and openness.

SECTION 12: ELECTION EXPENSES

The rules regarding election expenses are produced by the Electoral Commission. It is imperative that the election agent and the candidate familiarise themselves with the guidance and the rules regarding election expenses, donations and declarations.

The regulated period (the period when election expenses must be recorded and reported) starts from the date after someone officially becomes a candidate. The earliest someone can officially become a candidate is the last date for publication of the notice of election, which is Tuesday 26 March 2019. For some candidates the actual date will be later – please check the Electoral Commission guidance to be certain.

The Spending Limit
There is a strict spending limit for every candidate/group of candidates in each ward.
- Fixed amount = £740
- Variable amount = 6p per registered elector
The electorate at this point is not confirmed, but will be approximately 7-14,000 in each ward. Candidates and election agents will be given accurate electorate figures on the date of the notice of election and at the close of poll.

For parties fielding multiple candidates in a ward the spending limits are reduced slightly (e.g. if a party fields 3 candidates in a ward the spending limit for each candidate is reduced by a third). For exact guidance and information please read the Electoral Commission’s guidance carefully.

The Returning Officer is not authorised to give advice on specific election expenses, but is allowed to provide copies of the relevant documents and the Electoral Commission’s guidance. We would encourage all candidates and election agents to read the guidance carefully and to complete the expenses forms as expenses are incurred, rather than waiting until the end.

The election agent is responsible for completing and submitting the election expenses forms, although both the election agent and the candidate must sign and
submit their own Declaration of Expenses. These forms will be supplied by the Returning Officer and are also available on the Electoral Commission’s website.

Election expenses must be returned to the Returning Officer by the deadline of 35 days after the declaration of result. The result should be declared on Friday 3 May, the deadline will be Friday 7 June. We strongly advise you adhere to the expenses deadline. Any candidate or election agent failing to return the expenses documents or declarations on time must be reported publicly and to the Electoral Commission who may take action against them. These documents will be available for public inspection, so it is important that you get it right. If you are unclear about election expenses we advise you to contact the Electoral Commission’s dedicated expenses team who will be able to provide more information.
SECTION 13: CONTACT INFORMATION

The following people can be contacted with questions or concerns about the election. We recommend you contact the electoral services team in the first instance – Michael Appleford or Linda Griffiths

Michael Appleford, Deputy Returning Officer
Electoral Services and Local Land Charges Manager
Tel: 01273 291997
Email: michael.appleford@brighton-hove.gov.uk

Linda Griffiths
Assistant Electoral Services Manager
Email: linda.griffiths@brighton-hove.gov.uk
Tel: 01273 291917

Abraham Ghebre-Ghiorgis, Deputy Returning Officer
Monitoring Officer and Executive Lead Officer, Strategy Governance and Law
Email: Abraham.Ghebre-Ghiorgis@brighton-hove.gov.uk
Tel: 01273 291500

Geoff Raw, Returning Officer
Chief Executive, Brighton & Hove City Council
Email: geoff.raw@brighton-hove.gov.uk