



Guide for County Council Candidates and Agents Becoming a Candidate - The Nomination Process

Election of County Councillors - Thursday 6 May 2021

Kelly Angus
Returning Officer

elections@northumberland.gov.uk
01670 624811

Updated 01/03/2021

1.

Introduction

1.1

Overview

This Guide is produced by the Returning Officer (RO) for Northumberland County Council. It provides practical advice on the nomination process for anyone who wants to stand as a candidate at the local council elections.

The ordinary county elections (along with parish council elections) are scheduled to be held on 6 May 2021, when all 67 seats are offered for election. HM Parliament has also legislated that the Police and Crime Commissioner election scheduled for May 2020, will now also take place on 6 May 2021.

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

Existing councillors will remain in post until they all officially retire together on the fourth day after the next ordinary election and the newly elected councillors come into office on the day on which their predecessors retire. *(The computation of time counts calendar days but excludes bank holidays).*

Any existing county councillor who would like to continue to be a councillor must first seek re-election by completing and submitting the statutory nomination paper to the RO.

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

1.2

Statutory references

The law governing these elections is set out principally in the Local Elections (Principal Areas) (England and Wales) Rules 2006.

These provisions and other legislation about the conduct of elections can be viewed at www.legislation.gov.uk. Please note that all of these statutory provisions have been amended substantially since they came into effect and in some instances the online version may not be up to date.

2.

Roles and responsibilities

2.1

The Returning Officer (RO)

The RO for all elections in Northumberland is Kelly Angus, who is also the Registration Officer, responsible for maintaining the register of electors and the absent voters' lists.

2.2

Deputy Returning Officers (DRO's)

To help with the conduct of the election, the RO will appoint a number of Deputy Returning Officers (DROs) at the local council election to receive candidate nomination papers. While a DRO acts with the authority of the RO, any decision to reject a nomination paper will be taken by the RO.

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, providing information for voters and producing guidance for candidates and parties standing for election.

The Commission guidance gives detailed advice to potential candidates standing for election, so that they can be confident they meet all of the requirements which cover the qualifications and disqualifications.

Candidates and agents at local government elections must follow rules about how much they can spend, who they can accept donations from, and what they must report after the election. Failure to follow these rules could lead to you committing an offence and losing your seat, if elected.

Their contact details are as follows:

The Electoral Commission
3 Bunhill Row
London
EC1Y 8YZ

www.electoralcommission.org.uk

Telephone 020 7271 0500

info@electoralcommission.org.uk

3.

Timetable

STATUTORY EVENT		TIME	DATE
Publication of notice of election (Nominations accepted from this date)	-25		29 March
Deadline for delivery of nomination papers	-19	4pm	8 April
Deadline for notice in writing of appointment of election agent (county)	-19	4pm	8 April
Deadline for withdrawal from nomination	-19	4pm	8 April
Deadline for publication of statement of persons nominated	-18	4pm	9 April
Last day to register to vote	-12		19 April
Deadline for new postal vote applications and cancellation/amendment of existing postal and proxy applications	-11	5pm	20 April
Deadline publication of notice of poll	-6		27 April
Deadline for proxy applications (not proxy postal or emergency proxy)	-6	5pm	27 April
First day to apply for an emergency proxy (Emergency must have occurred from today after 5pm)	-6	After 5pm	27 April
Deadline for polling and counting agents	-5		28 April
First day to apply for a replacement due to a lost postal vote	-4		29 April
Polling day	0	7pm – 10pm	6 May
Deadline for Emergency proxy applications		5pm Polling day	6 May
Deadline to apply for a replacement for spoilt or lost postal vote	0	5pm	6 May
Deadline for the receipt of application to alter the register due to clerical error or by notice of the court following registration appeal	0	9pm	6 May
Deadline for return of expenses (parish) from ALL candidates, even if NIL! Of the declaration of result of election – unless last day falls on weekend/bank holiday – day moves to following day	+28		3 June
Deadline for return of expenses (county) from ALL candidates, even if NIL! Of the declaration of result of election – unless last day falls on weekend/bank holiday – day moves to following day	+35		10 June

INTERNAL EVENT	DATE	TIME	VENUE
Nomination briefing for County Agents	Wednesday 3 March	6pm	Virtual
County Agents/Candidates briefing	Thursday 15 April	6pm	Virtual
Postal vote opening	Tuesday 27 April (County votes only)	10am	Blyth Sports Centre Bolam Park Blyth NE24 5BT
	Wednesday 28 April (Parish votes only)	10am	
	Thursday 29 April	10am	
	Friday 30 April	10am	
	Tuesday 4 May	10am	
	Wednesday 5 May	10am	
	Thursday 6 May	10am and 7pm	
Verification of ballot boxes	Thursday 6 May (All)	10pm	Blyth Sports Centre Bolam Park Blyth NE24 5BT
Counting of votes	Thursday 6 May (County)	11pm	Blyth Sports Centre Bolam Park Blyth NE24 5BT
	Friday 7 May (PCC)	10am	
	Parishes	To confirm	
	Hexham NPR	To confirm	

4. The nomination process

4.1 Nomination pack

Paper copies will be available from **1 March 2021** and can be posted out or collected from County Hall, Morpeth. Blank forms will also be made available electronically by contacting the Elections Office. Nomination forms can also be downloaded to print from the Electoral Commissions website.

4.2 Register of Electors

A copy of the current relevant register of electors is available on written request from **1 March 2021**. You must ensure that you use the correct register to obtain information for nomination forms as older versions may not have the correct details and could invalidate a nomination. The register will be supplied on the understanding that it will only be used for electoral purposes and that its content will not be supplied or disclosed to any third party or

used for any other purpose. Any person doing so will be personally liable to a fine if this rule is contravened.

4.3

Appointment for an informal nomination paper check

An informal check of completed nomination papers is strongly advised before formal submission. Appointments for an informal check and submission of nominations can be made by contacting the elections office from **1 March 2021**. Each form should take about 15 minutes to check and process, although arising issues will slow this down.

4.4

Delivery of completed nomination papers

The publication of the notice of election will start the election period for checking and receiving nominations. Nomination papers should be submitted in good time and not later than the statutory deadline to the place and times fixed by the RO as set out on the notice.

Nomination papers must, by law, be hand delivered to the RO, although not necessarily by the candidate or his agent. However, there is no provision for the submission of completed nomination papers electronically or by post.

Venue	Dates	Time
County Nomination only at: County Hall Morpeth NE61 2EF	29 March 30 March 31 March 1 April 6 April 7 April 8 April	9am – 4pm

5.

Qualifications to be a councillor

5.1

Before starting the process of standing for election, potential candidates need to be confident that they meet all of the requirements and should read the comprehensive guidance for candidates provided by the Electoral Commission:

www.electoralcommission.org.uk

Candidates should seek their own legal advice or contact the Electoral Commission for assistance, as the RO will not be able to confirm if you are entitled to stand or whether or not you are disqualified.

5.2

You must:

- Be at least 18 years old.
- Be a British citizen, an eligible Commonwealth citizen or a citizen of any member of state of the European Union, and

meet at least one of the following qualifications:

- a. You are and will continue to be on the electoral register for the local authority area in which you wish to stand, from the day of your nomination and throughout your term of office. **Unlike the other qualifications that must only be satisfied on the day of your nomination and on polling day, this is an on-going qualification. It is recommended that if you meet any of the other qualifications as well, this is indicated on your consent to nomination.**
- b. You have occupied as owner or tenant, land or premises in the local authority area during the whole of the 12 months before the day of your nomination and the day of election.
- c. Your main or only place of work during the 12 months prior to the day of nomination and the day of election has been in the local authority area.
- d. You have lived in the local authority area during the whole of the 12 months before the day of your nomination and the day of election.

5.3

Disqualifications

The full range of disqualifications is complex. It is the candidate's responsibility to check that they are not disqualified before submitting nomination papers. You cannot be a candidate if at the time of your nomination and on polling day if you:

- a. Are employed by or hold a paid office under the local authority (including joint boards or committees). You may be employed by the local authority if, for example you work at certain schools, fire services, police or health services.
- b. Hold a politically restricted post.
- c. Are subject to bankruptcy restrictions.
- d. Are the mayor of a combined authority area that the local authority is a part of.
- e. Have been sentenced to a term of imprisonment of three months or more during the five years before polling day.
- f. Have been disqualified under the Representation of the People Act 1983.

6.

Nominations

6.1

Standing in more than one electoral division

If you are validly nominated in more than one division within the local authority, you must withdraw from all divisions but one before the deadline for withdrawals.

6.2

Delivery of nominations

To become nominated as a candidate, legislation requires that the following must be delivered by hand only and cannot be submitted by post, fax or electronically. The original version of each completed paper must be submitted, including the certificate of

authorisation (if standing on behalf of a registered political party). Anyone can complete the delivery.

- Nomination form
- Home address form
- Consent to nomination
- appointment of election agent (see 9 below)

6.3

Nomination form

The nomination form must contain:

- **Your full name.** This means your surname and other names in full. Using initials could lead to your nomination paper being rejected. Do not include prefixes as part of your name (Mr, Mrs, Dr, Cllr).
- **Signatures of ten registered electors** (subscribers). The form must be signed by ten electors on the electoral register in the division for which you are seeking election.

Subscribers can support as many candidates as there are vacancies to be filled in the division. Electors are not permitted to subscribe additional nomination forms for candidates standing in an election in any other division in the same principle area (Northumberland). All the county divisions in Northumberland will have one vacancy apart from Alnwick, which has two.

“Elector” means a person who is registered in the register of local government electors for the electoral area on the last date for the publication of the notice of election, and would include a person shown as below voting age (but only if) it appears from the register that they will be of voting age on polling day.

- **The elector numbers of the subscribers.** These are the polling district letters and elector number (see example below). A copy of the relevant register of electors is available on request (*see Register of electors 4.2*).

Elector Number	
Polling District	Number (<i>electors number on register</i>)
WTA1	56

- **Commonly used surname or forename.** This is optional and can be left blank. If you use a name that is different from any forename or surname that you have and you wish this to appear on the ballot paper and notices you can give this. For example:

Full name = Stephen Peter Smith	
Stephen Smith	Not allowed
Peter Smith	Not allowed
Steve Smith	Allowed
Pete Smith	Allowed

- **A description.** The description of a candidate is optional and can be left blank. If you want the word “Independent” to appear on the ballot paper, you need to state this on the nomination form. No other descriptions are allowed for candidates who are not standing on behalf of a registered political party.

If you wish to stand as a candidate for a registered political party, or the candidate wants to include a registered party emblem on the ballot paper, you will need to submit the following documents in addition to your nomination forms:

- a. Certificate of authorisation, signed by an authorised officer of the registered political party, allowing the use of the party name or registered description on the ballot paper. (Please note that the party name or description as given on the nomination form must match exactly with that registered with the Electoral Commission)
- b. Request to use the party emblem, signed by the candidate. If the party has more than one registered emblem, the candidate should specify which one to use.

A candidate standing on behalf of more than one registered party may use a joint description registered with the Electoral Commission and will need to submit a certificate of authorisation issued by each of the parties.

7.

Home address form

7.1

Legislation removing the requirement for candidates to have their home address published on the ballot paper, statement of persons nominated and notice of poll now applies at all local government elections.

Part 1 – must be completed by all candidates and include:

- your full name
- your home address in full
- your qualifying address in full, or where you have declared on your consent to nomination that you meet more than one qualification, your qualifying addresses in full
- The full name and home address of the person attesting the form – **this must be the same person who signs your consent to nomination.**
- Signed and dated by you

Part 2 – this part is optional and should only be completed if you do not wish your home address to appear on the statement of persons nominated, notice of poll and ballot paper.

- If your home address is in the county, complete the relevant area as **“Northumberland”**
- If you live outside the county, the name of the relevant area in which your home address is situated
- If you live outside the UK, the name of the country in which your home address is situated.
- Signed and dated by you

8.

Consent to nomination

8.1

You must formally consent to your nomination in writing by completing a consent to nomination form. The consent must:

- include the candidate's date of birth.
- state the candidate is not disqualified from election and that they meet at least at least one or more of the qualifications for standing.
- be signed and dated by the candidate no earlier than 1 calendar month of close of nominations.
- include a witness signature and their full name (there are no restrictions on who can be a witness). **The same witness's full name and address must also be provided on the home address form.**
- include a copy of the extracts from Sections 80 of The Local Government Act 1972 and Section 34 of the Localism Act 2011 (as amended).

9.

Appointment of Election Agent

9.1

The election agent is responsible for the proper management of a candidate's election campaign and financial management. Each candidate must have an election agent, and notice of the appointment must be delivered to the RO by the latest time for the delivery of notices of withdrawal. If you do not appoint an election agent, you will become your own agent by default.

9.2

The election agent must have an office address to which all claims, notices, legal process and other documents may be sent. The office address must be within the local government area of Northumberland and cannot be a PO Box or similar. The office address may be the same as the agent's home address.

9.3

Following the close of nominations, the RO will publish a list of Election Agent's names and addresses, together with the name of the candidate they are acting for.

10.

Withdrawal of nomination

10.1

A validly nominated candidate may withdraw their candidature by notice of withdrawal, signed by them and witnessed by one other person and delivered to the RO. The deadline for withdrawal is the same day and time as the close of nominations (4pm day -19) and there is no option for withdrawal beyond this time.

10.2

A candidate who is validly nominated for more than one division of the same local government area must withdraw their candidature in all those divisions except one, and if

they do not withdraw, they shall be deemed to have withdrawn from their candidature in all those divisions.

11.

Notice of validity

11.1

After the nomination paper has been formally received and checked, the RO will send a notice of their decision that the nomination is valid or invalid to the candidate at their home address. Any subsequent notices will be sent to the appointed Election Agent.

12.

Other Agents

12.1

You may appoint agents to observe the following (*see Timetable for deadlines when names and addresses need to be delivered to the RO*)

- **Opening of postal votes** – The RO will give information on where and when the opening of postal vote envelopes will take place and the maximum number of postal voting agents that can be appointed to observe.
- **The poll** – The number of agents who may be appointed to any particular polling station is limited to four. Only one polling agent for each candidate can be present in a polling station at any time. A polling agent can be appointed to attend multiple polling stations.
- **The count** - The RO will give information on the maximum number of counting agents that can be appointed for the verification and counting of votes.