

# UK Parliamentary general election

# Guidance for candidates and agents

## Part 2a of 6 – Standing as an independent candidate

April 2017

This document applies to a UK Parliamentary general election in Great Britain.

Our guidance and resources for other elections in the UK, including for a UK Parliamentary by-election in Great Britain, can be accessed from our website at: [www.electoralcommission.org.uk/guidance/resources-for-those-we-regulate/candidates-and-agents](http://www.electoralcommission.org.uk/guidance/resources-for-those-we-regulate/candidates-and-agents).

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# Essential information

This section of the document contains our guidance on standing as an independent candidate at a UK Parliamentary general election in Great Britain.

Supplementary information, which may only be relevant to some candidates, is provided at the back of this document. You can also view this supplementary guidance by clicking on the links within this document or by clicking on the chapter heading on the contents page.

We are here to help, so please contact your local Commission team if you have any questions. See our [Overview document](#) for contact details.

In this document, we use 'you' to refer to the candidate. We use 'must' when we refer to a specific requirement. We use 'should' for items we consider to be minimum good practice, but which are not legal or regulatory requirements.

We have included generic deadlines throughout this document and you can also find a separate [election timetable](#), which shows all of the specific deadlines applicable to the 8 June 2017 general election on our website.

## Completing your nomination papers

1.1 To become nominated as a candidate at a UK Parliamentary general election in Great Britain, you need to submit a completed set of nomination papers to the place fixed by the (Acting) Returning Officer by 4pm on the 19th working day before the poll. This deadline is set out in law and cannot be changed for any reason.

The the notice of election will be published by 4pm on the second working day after the writ is received by the (Acting) Returning Officer

1.2 The start date from which you will be able to submit nomination papers, as well as the times and place for delivery, will be set out in the official notice of election published by the (Acting) Returning Officer.

1.3 There are three nomination papers that you must submit to make your nomination valid:

- the nomination form (the form to be used is prescribed in law)
- a home address form
- your consent to nomination

1.4 You can obtain nomination papers from the local elections office. In England and Wales, contact details can be obtained from [www.yourvotematters.co.uk](http://www.yourvotematters.co.uk). In Scotland, you can contact the elections office through the local council. Alternatively, the Commission has produced a set of [nomination papers](#) that you could use.

1.5 If you, your agent or someone you trust are unable to complete the nomination form, the (Acting) Returning Officer can help by preparing the form for your signature.

1.6 The (Acting) Returning Officer may also be able to offer informal checks of your completed nomination papers before you submit them. You should find out from the (Acting) Returning Officer whether they plan to offer informal checks.

1.7 Note that any information you provide on your nomination papers must be true to the best of your knowledge. It is an offence to provide a false statement on your nomination papers. Providing a false statement could invalidate your election, and is also punishable by a fine and/or imprisonment. In England and Wales, the fine is unlimited; in Scotland, it is up to £10,000 or unlimited if convicted on indictment.

## The nomination form

1.8 By law, a nomination form must be completed in English or, in Wales, in English or Welsh. The form must contain:

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- Your full name. This means your surname and other names in full. Using initials only could lead to your nomination form being rejected. Also, do not use prefixes such as Mr, Mrs, Dr or Cllr as part of your name. The same applies to suffixes. However, if you have a title, you can use this as your full name. For example, if your actual name is Joseph Smith but your hereditary title is Joseph Avon, you can use the name Joseph Avon as your full name.

To find out how to obtain the electoral register, see: [Part 4 – The campaign](#)

- Signatures of 10 registered electors (known as subscribers) from the constituency. Your subscribers must appear on the Parliamentary electoral register that is in force on the last day for publication of the notice of election (i.e. on the second day after the (Acting) Returning Officer has received the writ). For further information, see paragraph 1.84.

Your name and description (if you choose to use one) should be written on the nomination form **before** you ask subscribers to sign the form.

## 1.9 The following is optional:

- A commonly used name – if you commonly use a name that is different from any forename or surname that you have and you wish this to appear on the ballot paper, you need to state this on the nomination form. More details are provided in paragraph 1.76.
- A description – if you want the word ‘Independent’, and/or ‘Annibynol’ in Wales, to appear on the ballot paper underneath your name, 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. Alternatively, you may choose not to have a description at all by leaving this part of the form blank.

If you wish to stand as a party candidate, see [Part 2b – Standing as a party candidate](#) for further information.

## Home address form

1.10 The home address form must state your home address in full. If you do not want your address to be made public and to appear on the ballot paper, you must make a statement to this effect on the home address form and give the name of the constituency in which your home address is situated or, if you live outside the UK, the name of the country in which you reside.

#### 1.11 Your home address:

- must be completed in full
- must not contain abbreviations
- must be your current home address
- must not be a business address (unless you run a business from your home)

1.12 Your address does not need to be in the constituency in which you intend to stand.

### Consent to nomination

1.13 You must also formally [consent to your nomination](#) in writing. The content of the consent to nomination form is fixed by law. On the form you will be asked to state that you are qualified and not disqualified from standing. You must also state your date of birth.

1.14 You are not allowed to sign the consent form earlier than one calendar month before the deadline for submitting your nomination papers. Your signature must be witnessed, and the witness must sign the form and give their full name and address. There are no restrictions on who can be a witness to the consent to nomination.

## Submitting your nomination papers

1.15 All nomination papers, including the home address form and consent to nomination, must be delivered during the times and to the place specified on the notice of election and, in any case, by no later than 4pm on the 19th working day before the poll. It is your responsibility to ensure that all of your nomination papers are delivered in the correct manner and by the required deadlines.

The notice of election will be published by 4pm on the second working day after the writ is received by the (Acting) Returning Officer

## Who can deliver the nomination papers?

1.16 Only a limited number of persons may deliver your nomination form and home address form. The nomination form and home address form may only be delivered by yourself, your proposer or seconder, or by your election agent (if the (Acting) Returning Officer has previously received notification of their appointment).

1.17 There are no restrictions on who can deliver your consent to nomination, but you should ensure that you, your agent, your proposer or seconder, or someone you trust does this, so you can be sure the consent is delivered to the (Acting) Returning Officer in time.

## How must nomination papers be submitted?

1.18 The nomination form, home address form and the consent to nomination must be submitted by hand and cannot be submitted by post, fax, e-mail or other electronic means. The only exception to this is where a candidate is overseas, in which case their consent to nomination may be sent electronically.

1.19 The **original version** of each completed paper must be submitted. A consent to nomination which has been sent as an attachment to an e-mail to be printed out, for example, would make it a 'copy document' and not the original document.

## When must nomination papers be submitted?

1.20 You should submit your nomination papers as early as possible to give the (Acting) Returning Officer an opportunity to conduct an informal check and to give you sufficient time to submit new nomination papers should your first set contain any errors.

1.21 The (Acting) Returning Officer will confirm the exact details of when and where nomination papers can be delivered on the official notice of election. The notice of election will be published by 4pm on the second working day after the writ is received by the (Acting) Returning Officer. In most cases, the

notice of election will be published on the website of the local authority of the (Acting) Returning Officer.

1.22 You can submit nomination papers between the hours of 10am and 4pm from the day after the publication of the notice of election until 4pm on the 19th working day before the poll.

1.23 You should contact the (Acting) Returning Officer as soon as possible to find out what arrangements are in place for submitting nomination papers.

1.24 If, after you have submitted your nomination papers you change your mind and no longer want to stand for election, you can withdraw, provided you do so by the deadline for nominations, i.e. by 4pm on the 19th working day before the poll. For more details on withdrawing, see paragraph **1.40**.

## The deposit

1.25 For a candidate's nomination to be valid, the sum of £500 must be deposited with the (Acting) Returning Officer by the deadline for nominations, by 4pm on the 19<sup>th</sup> working day before the poll. The deposit can be made using:

- cash (British pounds only)
- a UK banker's draft

1.26 The (Acting) Returning Officer may also accept a deposit made by a building society cheque, a debit or credit card or an electronic funds transfer. However, they may refuse to do so. If you are considering paying the deposit in one of these ways, you should discuss with the (Acting) Returning Officer at the earliest opportunity whether the payment method is acceptable.

1.27 If the (Acting) Returning Officer allows the deposit to be paid by credit or debit card, there may be a fee charged by the bank or credit card company for the transaction, in which case you will be required to pay any additional fees as well as the £500 deposit.

1.28 Candidates who poll more than 5% of the total valid votes cast in the constituency will have their deposit returned. Those candidates who have polled less than, or equal to, 5% of the total valid votes cast will lose their deposit.

## Inspecting other candidates' nomination papers

1.29 Only certain people are entitled to attend the delivery of nomination papers and to inspect and make any objections to the validity of a nomination form or home address form. After your nomination papers and deposit have been delivered and you stand validly nominated, the following can inspect and make objections to a nomination form or home address form:

- you
- your election agent
- your proposer or seconder

1.30 Nomination papers cannot be inspected by anybody else at any time.

1.31 Electoral Commission representatives and one other person chosen by a validly nominated candidate can also be present at the delivery of nomination papers, but they are not allowed to inspect or make any objections to nomination papers.

1.32 No other person, except the (Acting) Returning Officer and their staff, may attend the delivery of nomination papers.

## Objections to nominations

1.33 Objections to the validity of any nomination form or home address form can be made, in most circumstances, on the last day for the delivery of nomination papers, i.e. the 19<sup>th</sup> working day before the poll.

1.34 The time within which an objection can be made depends on when the nomination papers are delivered.

If you are your own election agent, you can appoint one other person to attend the delivery of nomination papers and make objections.

If you have submitted more than one nomination form, only the proposer and seconder from the nomination form you have selected will be entitled to attend. If none has been selected, it will be the proposer and seconder of the first submitted nomination form who will have that entitlement.

In one exceptional circumstance, where the objection is on the grounds that a candidate is disqualified because they are serving a prison sentence of a year or more, objections can be made on the 18<sup>th</sup> working day before the poll.

## Timetable for objections

### Nominations delivered up to 4pm on the day before the deadline for the delivery of nomination papers

1.35 Objections to any nomination form or home address form delivered up to and including 4pm on the day before the deadline for the delivery of nomination papers must be made **between 10 am and 12 noon** on the last day for the delivery of nomination papers.

### Nominations delivered after 4pm on the day before the deadline for the delivery of nomination papers

1.36 Objections to any nomination form delivered after 4pm on the day before the deadline for the delivery of nomination papers must be made **between 10am and 5pm** on the last day for the delivery of nomination papers. Any objection must be made at or immediately after the time of the delivery of the nomination.

### Objections on the grounds that a candidate is imprisoned for a year or more

1.37 In the rare case that the (Acting) Returning Officer considers that a candidate may be disqualified because they are imprisoned and serving a sentence of a year or more, they will publish a notice inviting objections on those grounds. Any such objection may be made **between 10am and 4pm** on the next working day following the deadline for the delivery of nomination papers.

## Decisions on objections

1.38 The (Acting) Returning Officer will consider any objections made, but is entitled to hold a nomination invalid only on the following grounds:

- that the particulars of the candidate or subscribers are not as required by law
- that the paper is not subscribed as required
- that the candidate is disqualified on the grounds that they are imprisoned and serving a sentence of a year or more

1.39 The (Acting) Returning Officer's decision that a nomination is valid is final and cannot be challenged during the election. The decision can only be challenged after an election through an election petition (see [Part 6 – After the declaration of results](#) for further information on election petitions).

## Withdrawing

1.40 You may withdraw as a candidate by signing and submitting a [withdrawal notice](#), which must be witnessed by one other person. There are no restrictions on who may submit the notice, but it must be delivered by hand. Your witness must also sign the notice. A notice of withdrawal can be obtained from the (Acting) Returning Officer or downloaded from our website.

1.41 The withdrawal notice must be submitted by the deadline for withdrawals (i.e. by 4pm on the 19th working day before the poll). After the withdrawal deadline it is not possible to withdraw from the election, and your name will appear on the ballot paper. If the election is uncontested, you will be declared elected.

1.42 If you withdraw as a candidate, your deposit will be returned.

If you are outside the UK your proposer can withdraw on your behalf as long as the withdrawal is accompanied by a written declaration signed by your proposer confirming your absence.

If you are outside the UK and stand nominated by more than one nomination form, you should speak to the (Acting) Returning Officer if you wish to withdraw as special rules apply in this instance.

## What happens after the close of nominations?

1.43 Provided no objections have been made, the (Acting) Returning Officer will publish a statement of persons nominated by 5pm on the 19<sup>th</sup> working day before the poll. The statement will include:

- the full or commonly used names, as the case may be, of all candidates validly nominated
- the names of candidates who no longer stand nominated, if any (i.e. invalid and withdrawn candidates), with the reason why they are no longer standing

- the home address of each candidate, or if they have requested not to make their home address public, the constituency in which their home address is situated (or the country if their address is outside the UK)
- each candidate's description (if any)

1.44 If objections have been made, the (Acting) Returning Officer will publish the statement of persons nominated by 4pm on the day following the deadline for the delivery of nomination papers, i.e. by 4pm on the 18<sup>th</sup> working day before the poll.

## Appointing your election agent and other agents

1.45 The election agent is the person responsible for the proper management of your election campaign and, in particular, for its financial management. You must have an election agent. If you do not appoint an agent, you will become your own agent by default.

1.46 Once appointed, only the election agent can make payments for election expenses.

1.47 You can also appoint other agents to observe the following electoral processes, which both you and your election agent are also entitled to observe:

- the opening of postal votes
- the poll
- the count

### Who can be an election agent?

1.48 There are no particular qualifications needed to be an election agent and you can be your own agent if you wish.

1.49 However, the following people are not allowed by law to be election agents:

- the (Acting) Returning Officer or a member of their staff

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- a partner or clerk of the (Acting) Returning Officer or a member of their staff
- anyone not entitled to vote at the election as a result of the report of an election court or a conviction for a corrupt or illegal practice under the Representation of the People Act 1983

## Appointing an election agent

1.50 Because of the responsibilities attached to the role of an election agent you should consider carefully who you are going to appoint and make sure that they understand their obligations. You can also be your own agent if you wish.

1.51 You must declare in writing the name, address and office address of your election agent to the (Acting) Returning Officer by the deadline for nominations, i.e. by 4pm on the 19<sup>th</sup> working day before the poll. The declaration should be signed by you and by the agent to show their acceptance of the appointment.

1.52 The (Acting) Returning Officer may provide a declaration form, or you could use the [form](#) produced by the Commission. If you do not appoint someone else as your agent by the deadline, you will automatically become your own agent.

It is helpful to also provide a contact telephone number and email address for your election agent so that the (Acting) Returning Officer can easily contact them.

1.53 Your agent's office address must be:

- within the parliamentary constituency where you are standing, or
- within a constituency which adjoins the constituency where you are standing, or
- within Wales, within a Welsh county or county borough which is part of, or adjoins, the constituency, or
- within London, within a London borough which is part of, or adjoins, the constituency

1.54 The agent's office address will often be their home address, but it could be an office set up for the election.

1.55 The office address declared to the (Acting) Returning Officer must be an address to which any legal notices can be delivered and therefore must be a physical address – PO boxes or similar mailboxes cannot be used.

1.56 If you act as your own election agent, the office address is deemed to be the address you provided on your home address form. If that address is outside the permitted area, the office address is deemed to be the qualifying address of your proposer (i.e. the first subscriber on your nomination form).

## Revoking an election agent's appointment

1.57 You can revoke the appointment of your election agent at any time, including after polling day, and a new appointment can be made in the same manner as outlined above. If you revoke your election agent's appointment and do not appoint anyone else, you will be deemed to be your own election agent.

1.58 If you are acting as your own agent you can revoke your own appointment and appoint someone else as your agent.

1.59 Once an agent has signed their acceptance, they cannot resign and must fulfil the duties required of them unless you revoke their appointment.

## Sub-agents

1.60 An election agent in a county constituency may appoint sub-agents to act on their behalf. No sub-agents can be appointed in a borough (or burgh) constituency.

1.61 Election agents may appoint sub-agents for particular parts of the constituency, as long as those parts do not overlap. The agent can determine the parts into which they wish to sub-divide the constituency.

1.62 The office of the sub-agent must be in the area within they are appointed to act.

1.63 A sub-agent can do anything that the election agent is entitled to do within the area to which they are appointed.

1.64 The election agent should ensure that whoever they decide to appoint as a sub-agent is aware of the election and spending rules. Anything done by the sub-agent will be treated as if it had been done by the election agent.

There are two types of constituency: borough and county.

Typically, borough (burgh in Scotland) constituencies are mainly urban while county constituencies are mainly rural.

If you do not know which type of constituency you are standing in, you can obtain this information from the (Acting) Returning Officer.

1.65 By the second working day before the poll the election agent must declare in writing to the (Acting) Returning Officer the name, address and office address of any sub-agents and the area in which they are each appointed to act. The (Acting) Returning Officer will provide a form you can use. Alternatively, you can use the form included for this purpose in the Commission's [nomination pack](#).

1.66 The election agent can revoke the appointment of a sub-agent at any time and another sub-agent may be appointed. If another sub-agent is appointed, the election agent must declare in writing the name, address, office address and area of appointment of the new sub-agent to the (Acting) Returning Officer.

## Appointing postal voting, polling and counting agents

1.67 You may appoint other people as agents to attend the opening of postal votes, the poll and the verification and count.

1.68 Anyone, apart from those listed in paragraph **1.49**, can be appointed as a postal vote, polling or counting agent. Both you and your election agent can also automatically act as one of those agents without the need of an official appointment.

1.69 You can appoint any number of polling agents to attend each polling station, but 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.

1.70 The (Acting) Returning Officer will tell you the maximum number of postal voting and counting agents you can appoint. All candidates will be allowed to appoint exactly the same number. At the count, unless there are special circumstances, the number of counting agents allowed for each candidate will not be less than the number obtained by dividing the number of counting assistants (i.e. those staff employed on the counting) by the number of candidates.

1.71 The request to appoint these agents must be made in writing to the (Acting) Returning Officer. It must contain the names and addresses of the people being appointed. The

(Acting) Returning Officer will provide the relevant forms for this, or you can find [postal voting](#), [polling](#) and [counting agent](#) appointment forms on our website.

1.72 The deadline for appointing these agents will depend on the process they are to attend. Polling and counting agents must be appointed by not later than the fifth working day before the poll. However, appointment forms for postal voting agents only need to be submitted to the (Acting) Returning Officer by the time fixed for the opening of postal votes they want to attend. The (Acting) Returning Officer will give you at least 48 hours' notice before the scheduled start of each postal vote opening session.

1.73 If an agent dies or becomes incapable of acting, you may appoint another agent in their place by submitting the relevant appointment form to the (Acting) Returning Officer. Any new appointment in these circumstances must be made without delay.

1.74 More information on what agents can and cannot do and what they can expect to see at postal vote opening sessions, polling stations and the count, can be found in [Part 5 – Your right to attend key electoral events](#).

## Death of a candidate

1.75 If a candidate dies during the election period, see paragraph **1.91** for further information on how this will affect the election.

# Supplementary information

## Commonly used name(s)

1.76 If you commonly use a different name from your actual name, you can ask for your commonly used name(s) to be used instead of your actual name. For example, you may be known by your abbreviated name 'Andy', rather than your full first name 'Andrew'. In that case, you can write 'Andy' into the commonly used forename box on the nomination paper if you would rather that name appear on the ballot paper.

1.77 However, you cannot use your first name as a commonly used name so that only your first name and surname appear on a ballot paper, thus excluding your middle name. The legislation makes it clear that a commonly used name is one which is different from any other forename or surname. This means that a forename in its original format cannot be used as a commonly used name. If you wish to use a commonly used forename and/or surname then these must be different from your full name as it appears on the nomination form. For example, in the case of Andrew John Smith, he could not use Andrew Smith as his commonly used name, although he would be able to use Andy Smith (if Andy was the name by which he is commonly known).

1.78 You can request to use a commonly used forename, surname or both.

1.79 You may also use initials as part of your commonly used name if you are commonly known by them.

1.80 Any commonly used name(s) would then appear on:

- the statement of persons nominated and the notice of poll, and
- the ballot papers

1.81 The (Acting) Returning Officer will disallow commonly used names that are likely to mislead or confuse electors, or are obscene or offensive. If the name(s) are not permissible, the (Acting) Returning Officer will write to you stating the reason for rejection. In those cases, your actual name will be used instead.

1.82 If either the commonly used forename or surname box on the nomination paper is left blank, then your actual forename or surname, depending on which commonly used name box has been left blank, will be used.

1.83 It is an offence to give a false statement on your nomination paper. Therefore if you choose to provide a commonly used name you must ensure that it is a forename or surname which you commonly use.

## Signatures of subscribers

1.84 Each nomination form needs to be signed (subscribed) by 10 electors on the register of parliamentary electors in the constituency.

1.85 The first two electors will sign and print their names as proposer and seconder, and the remaining eight as assenters.

1.86 The elector number of each subscriber as it appears on the electoral register, including the distinctive numbers or letters of the polling district, must be entered on the nomination form. The distinctive numbers/letters of the polling district can usually be found at the front of the register. Both the (Acting) Returning Officer and Electoral Registration Officer will be able to advise you how the register is laid out.

1.87 You will be entitled to a free copy of the electoral register once you become a candidate. You should use it to ensure that your nomination form is properly subscribed.

To find out how to obtain the electoral register, see:

[Part 4 – The campaign](#)

1.88 Each elector may only subscribe one nomination form at the election. If an elector does sign two or more nomination forms, the first nomination form delivered to the (Acting) Returning Officer will be accepted and the rest will be invalid. You should therefore always enquire, before asking a subscriber to sign your form, if they have already signed someone else's.

1.89 If a nomination form contains more than ten subscribers' signatures, only the first ten will be accepted. If any of the first ten subscribers is invalid, the (Acting) Returning Officer must hold the nomination form invalid, regardless of whether the form contains more than ten.

1.90 Nomination forms should not be altered once they are subscribed. All of your details should be completed before you invite anyone to subscribe your nomination. Once the (Acting) Returning Officer has formally accepted a nomination form, signatures cannot be withdrawn.

There may be some electors on the register who have registered anonymously because of risks to their safety.

Anonymously registered electors may not subscribe nomination forms.

Anonymous electors are shown on the register with just their poll number and the letter 'N' (rather than with their name and address).

## Death of a candidate

1.91 The impact of the death of a candidate before the declaration of the result depends on whether or not the deceased candidate was standing on behalf of a registered political party.

It is the time at which the (Acting) Returning Officer receives proof of the candidate's death that is the relevant factor, not the actual time of death.

### Death of an independent candidate

1.92 If a candidate not standing on behalf of a political party dies, the election continues as normal. If the deceased candidate receives the most votes, they are not elected and the election is re-run. No new nominations are required: all of the existing candidates remain nominated for the new election and retention or return of the deposit is determined by the re-run election result. No new nominations are allowed for the re-run election, although candidates may withdraw.

1.93 If the independent candidate who died did not receive the most votes at the original poll, the candidate who did is declared elected and the election is not affected. If the candidate who died came joint first with the same number of

votes as any other candidate, the other candidate is declared elected.

1.94 If only two persons are standing nominated and an independent candidate dies, the election is treated as an uncontested election and the other candidate is declared elected.

1.95 In all circumstances, the deposit of the deceased candidate will be returned

### Death of a party candidate

1.96 If the (Acting) Returning Officer receives proof and is satisfied before the declaration of result that a candidate standing on behalf of a political party (or as a joint candidate standing on behalf of two or more parties) has died, the election is stopped immediately. If the poll is under way or the count is being undertaken, that process stops. There will be a new election.

1.97 No new nominations are required: all the existing candidates remain nominated for the new election and retention or return of the deposit is determined by the result at the new election. No new nominations are allowed for the new election, except that a new candidate can be nominated to stand on behalf of the same party (or parties) of the candidate who died. Any existing candidates may withdraw by the deadline for withdrawals for the new election. The nomination papers for the candidate standing for the party (or parties) whose candidate died must be submitted by the close of nominations based on the new timetable.

### Death of the Speaker of the House of Commons

1.98 If the (Acting) Returning Officer receives proof and is satisfied before the declaration of result that a candidate who was the Speaker of the House of Commons seeking re-election has died, the election is stopped immediately. If the poll is under way or the count is being undertaken, that process stops. There will be a new election.

1.99 In the case of the death of the Speaker new nominations are allowed for the new election, and these must be submitted in the usual way and by the deadline for nominations based on the new timetable.

## New election

1.100 The timetable for any new election will be prepared as if the writ was received seven working days after the proof of the death was received by the (Acting) Returning Officer. The (Acting) Returning Officer will set a new polling day and provide you with details of the new election timetable.