Borough Elections and Town Council/Parish Elections

Thursday 2 May 2019
Introductions

Mike Harden, Knowsley Council’s Chief Executive, is:

• the Returning Officer for the Borough of Knowsley and the Town/Parish Councils within its boundary
• the Electoral Registration Officer for the Borough of Knowsley

The Returning Officer (RO) is responsible for running the election and the Electoral Registration Officer (ERO) is responsible for maintaining the register of electors and absent voters lists

• Yvonne Ledgerton, Assistant Executive Director (Governance), is Deputy Returning Officer
• Cheryl Ryder, Elections Manager, is Deputy Returning Officer
• Lynn Cairns, Head of Committees and Elections
• AnnMarie Cockburn, Senior Elections Officer
• Lynn Torrie, Elections Officer
Merseyside Police
Electoral Guidance
2019
Economic Crime Unit – Fraud Investigations
Merseyside Police
DS Hawitt / DC Watson / DC McCoy / DC Baker
Merseyside Police will ensure a fair and democratic process is maintained.

1. Maintain public confidence in the electoral process
2. Prevention is better than Prosecution
3. Facilitation of Peaceful Voting
4. Elections should be fair and inclusive (ECHR)
5. Elections should be conducted in accordance with the law (RPA 1983) (Mainstream Criminal Offences)
6. Elections should be effectively Policed
Guidance For Candidates and Agents

available on-line @

www.electoralcommission.org.uk

Linked, bite-sized documents on the Electoral Commission website
Electoral Malpractice and Electoral Fraud

• No evidence that electoral malpractice is widespread in the UK

• Most cases that are reported relate to local elections

• Electoral malpractice tends to be committed by candidates or supporters not by voters

• However if there are practices which take place which undermine the police will and have taken action
Making trivial or unfounded allegations only serves to undermine confidence

Candidates / Agents must be aware of their responsibilities
Electoral Malpractice and Electoral Fraud

The representation of the peoples act (1983) defines most offences for UK elections. The act contains many offences which are split into two categories:

<table>
<thead>
<tr>
<th>CORRUPT PRACTICES</th>
<th>ILLEGAL PRACTICES</th>
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<tbody>
<tr>
<td>• Imprisonment up to 2 years</td>
<td>• Up to £5000 FINE</td>
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<tr>
<td>• Fine</td>
<td>• Eg, Multiple Voting &amp; proxy voting</td>
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<tr>
<td>• Eg, Bribery, Treating, Undue Influence, Personation, False application to vote by post or by proxy</td>
<td>• Secrecy, False registration Information</td>
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<tr>
<td>• Aid / Abet another in commission of these offences</td>
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</table>
Most Common Offence Allegations:

**Treating: S114(2) RPA 1983** – 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. **Offering tea and biscuits in general meetings is not this offence!**

**False Statements: S106 RPA 1983** – It is an offence 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.

**Imprinting: S110 RPA 1983** – An imprint **MUST** be added to printed election material (leaflets, posters or adverts) that can reasonably be regarded as intended to promote or procure the election of a political party, candidate or groups of candidates. **Though good practice, emails and websites are not covered under this offence.**

The material should contain:
- the name and address of the printer of the document
- the name and address of the person who has caused the material to be printed – the promoter or agent
- On behalf of – candidate’s name and address
- See template examples in your pack
Reporting allegations of Electoral Fraud / Misconduct - Process

1. If you are concerned that electoral fraud may have been committed, a pro-forma reporting form can be obtained from your Election Services Manager to send to police and your relevant ESM. If it is on polling day you can speak to Electoral Registration Officer or the Returning officer.

2. If there is an offence for the police to look at you will be given a pro-forma to fill out, and you must fill it out in its entirety, identifying the offence you believe has taken place.

3. NO STATEMENT EQUALS NO POLICE INVESTIGATION

4. If sufficient evidence for police to look at, Economic Crime Team will investigate. We will link in with Electoral Commission and Specialist CPS Prosecutors if required.

5. Any statement that is made and found to have been wilfully false or not true will be treated as a criminal offence and will be investigated and potentially prosecuted.

6. On polling day, uniform staff will be on duty and try and give attention to all polling stations. Returning Officers will have contact details for officers from Economic Crime Team if there are any issues on the day.

In any immediate danger or an emergency you can always ring 999 or 101.
**Election Complaints Form**

If you wish to make a complaint regarding an election that you feel needs to be investigated by the Police, please complete all of the information requested on this form.

If completing this form you must be willing to provide a formal statement of complaint and willing to attend court.

Return the form immediately to both emails: 
Electoral.Fraud.Team@merseyside.police.uk and Elections@relevantauthority.gov.uk

The Police will review the details of the complaint and advise you if they are investigating the matter further. Please note that this is the first step in the complaints process and that by completing and returning this form you understand that you may be required to provide a statement to Merseyside Police and to attend Court to support any allegations made, if required to do so.

Please note, the Returning Officer has no powers to investigate complaints regarding potential election offences and the information provided to the Returning Officer is for their records only.

<table>
<thead>
<tr>
<th>Your Name</th>
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<tr>
<th>Your contact address</th>
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<table>
<thead>
<tr>
<th>Political Party [if appropriate]</th>
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<table>
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<tr>
<th>Your telephone number:</th>
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<tbody>
<tr>
<td>Home</td>
<td></td>
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<tr>
<td>Work</td>
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<tr>
<td>Mobile</td>
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<table>
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<tr>
<th>Your email address</th>
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<table>
<thead>
<tr>
<th>The election that the complaint relates to (e.g. Local Government Election on date/month/year).</th>
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<table>
<thead>
<tr>
<th>Nature of offence alleged (if possible include legislation referring to)</th>
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Full known details of any individual and/or parties that have caused the breach to arise.

<table>
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<tr>
<th>Any background information available, including a summary of the circumstances of the discovery of the alleged breach, including:</th>
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</table>
- Dated(s) and time(s)                                                                                                           |
- Location                                                                                                                      |

Please complete this form and return to 

Email to Electoral.Fraud.Team@merseyside.police.uk and Elections@relevantauthority.gov.uk
Merseyside Police will investigate allegations of offences made out under electoral law & criminal law if the process is adhered to. If offences are made out it can range from advice and guidance all the way up to a formal criminal prosecution.

This is not the responsibility of Returning or Counting Officer or Electoral Commission, but reports unless an emergency should come through the new pro-forma process.
Good Luck!

Any Questions?
## Key Dates

<table>
<thead>
<tr>
<th>Event</th>
<th>Date</th>
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</thead>
<tbody>
<tr>
<td>Nomination Packs available from the Elections Office</td>
<td>15 March</td>
</tr>
<tr>
<td>Publication of Notice of Election</td>
<td>22 March</td>
</tr>
<tr>
<td>poll/postal poll/empty property cards may start to be delivered from this date until 6 April</td>
<td>22 March</td>
</tr>
<tr>
<td>Nominations commence</td>
<td>25 March</td>
</tr>
<tr>
<td>(your pack will contain the March Electoral Register which you will need to sign for)</td>
<td>25 March (10am – 4pm)</td>
</tr>
<tr>
<td>Close of nominations and notice of appointment of election agents</td>
<td>4pm - 3 April</td>
</tr>
<tr>
<td>Publication of statement of persons nominated</td>
<td>4pm - 3 April</td>
</tr>
<tr>
<td>Deadline for applications to register to vote</td>
<td>12 April</td>
</tr>
<tr>
<td>(Electors can register online. It is the quickest method <a href="http://www.gov.uk/register-to-vote">www.gov.uk/register-to-vote</a> - electors will need their date of birth and National Insurance number. Alternatively, we can send out an application form)</td>
<td>12 April</td>
</tr>
<tr>
<td>Deadline for new postal vote applications/ changes to existing postal or proxy vote arrangements.</td>
<td>15 April</td>
</tr>
<tr>
<td>(ring 443 3583/3602 or email Lynn Torrie and we will send application forms out)</td>
<td>15 April</td>
</tr>
<tr>
<td>Postal Votes delivered</td>
<td>From 18 April</td>
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<tr>
<td>(list of postal voters per ward available to candidates upon written request)</td>
<td>From 18 April</td>
</tr>
<tr>
<td>Event</td>
<td>Date</td>
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<td>----------------------------------------------------------------------</td>
<td>--------------------</td>
</tr>
<tr>
<td>Publish Notices of Poll</td>
<td>24 April</td>
</tr>
<tr>
<td>Deadline for applications for new proxy votes</td>
<td>5pm 24 April</td>
</tr>
<tr>
<td>(ring 443 3583/3602 or email Lynn Torrie and we will send application forms out)</td>
<td></td>
</tr>
<tr>
<td>Appointment of polling and counting agents</td>
<td>25 April</td>
</tr>
<tr>
<td>Polling day</td>
<td>7am to 10pm - 2 May</td>
</tr>
<tr>
<td>Deadline to apply to vote by proxy on grounds of medical emergency or if unexpectedly called away because of employment or service</td>
<td>5pm - 2 May</td>
</tr>
<tr>
<td>Replacement for lost/spoilt postal votes ends</td>
<td>5pm - 2 May</td>
</tr>
<tr>
<td>Verification and counting of votes</td>
<td>9.30am - 3 May</td>
</tr>
<tr>
<td>Return of election expenses:</td>
<td></td>
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<tr>
<td>Town Council/Parish</td>
<td>31 May</td>
</tr>
<tr>
<td>Borough</td>
<td>7 June</td>
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</tbody>
</table>
General Information

Ballot Paper colours:
- Borough - White
- Town Council/Parish – Yellow

Seats:
- Borough seats – one seat in each of the 15 Wards
- New Town Council/Parish arrangements:
  - Halewood Town Council - Halewood North Ward = 6 seats
    Halewood South Ward = 6 seats
  - Knowsley Town Council - Knowsley Park Ward = 3 Seats
    Stockbridge Ward = 9 seats
  - Prescot Town Council - Prescot North Ward = 7 seats
    Prescot South Ward = 5 seats
  - Whiston Town Council - Whiston North Ward = 4 seats
    Whiston South Ward = 8 seats
- Cronton Parish Council = 8 seats
Postal Vote Opening Sessions

• All Postal Vote opening sessions will take place in The Boardroom, The Venue, Poplar Bank, Huyton

• Please confirm timings prior to attending – 443 3602

- Friday 26 April 9.30am – 7pm
- Saturday 27 April (if req’d) 9.30am – 4pm
- Monday 29 April 9.30am – 7pm
- Tuesday 30 April 9.30am – 7pm
- Wednesday 1 May 9.30am – 7pm
- Thursday 2 May 9.30am – midnight (approx)
Polling day

- Polling stations open from 7am to 10pm.

- Office open 6am until 10.00pm approx for queries or problems relating to the administration of the election.

- Polling stations appropriately manned and staff trained to advise electors on how to cast their votes on the two ballot papers, where applicable (only one ballot box for each polling station).

- Voters in the polling station or in a queue outside the polling station before 10pm can apply for a ballot paper.

- Knowsley postal votes can be handed into any polling stations within Knowsley or delivered to the elections office until 10pm.

- A person in a queue at a polling station at 10pm waiting to hand in postal vote can do so after 10pm.
Counting of the Votes

• The Count will commence at 9.30am on Friday 3 May at Knowsley Leisure and Culture Park, Longview Drive, Huyton

• Candidates, election agents, counting agents appointed by the candidate are entitled to attend both the verification and count:

  ➢ limits to counting agent numbers will be confirmed at close of nomination when the number of potential attendees is determined in line with legal requirements and health and safety considerations.

  ➢ candidates and agents are asked to be mindful of the count attendance protocol regarding acceptable behaviour and recording/filming during the count process. This will be included in the election agent pack despatched following Close of Nomination.

  ➢ the Borough count may take longer given the simultaneous Town Council/Parish verification. The Returning Officer is currently reviewing options for the conduct of the combined count to ensure an efficient and timely outcome.
Submitting nomination papers

• WE CAN PREPARE THESE FOR YOU (see sample provided)

• Further guidance available at the end of the session or on collection of your nomination pack

• All candidates must submit by 4pm on 3 April by hand:
  – their nomination form
  – their home address form (new)
  – their consent to nomination
  – also for Borough elections – the appointment of an election agent (or the candidate will be deemed to be their own election agent)

• Party candidates will also need to submit by that time:
  – A Certificate of Authorisation which allows a party name/registered description to be included on the ballot paper (original required)
  – a written request by the candidate to use one of the party’s emblems on the ballot paper

Nomination Packs available from Friday 15 March
Submitting nomination papers contd....

• Informal Check - make an appointment
• If you make a mistake - do not use tippex just cross through and write correction alongside (within the defined area)
• Must sign (normal signature) with names printed alongside. Must be on the 1 March 2019 register (or 1 April version if nomination paper handed in between 1-3 April). If they are not on the register, they can’t subscribe your nomination
• Only ask subscribers to sign after completing the name and description fields on the form. See guidance regarding new Data Protection regs.
• When you sign the consent you are confirming you are not disqualified to stand and you meet at least one of the qualifications (see notes attached to the nomination paper) and it should not be signed before 3 March 2019
• Nomination Papers can be inspected between close of nomination at 4pm on 3 April until 1 May 2019 (with restrictions applying to home address forms)
Home Address Form

• New legislation removes the requirement for candidates to have their home address appear on the ballot paper, statement of persons nominated and notice of poll

• Candidates are no longer required to provide their home address on the nomination form. This information is provided instead on the separate home address form

• If you **do not want** your home address to appear on statutory notices and the ballot paper, complete part 2 of the form

• The alternative relevant area description is Knowsley

• The person attesting your home address form must be the same person who has signed your consent to nomination form

• If elected, you will be required to declare your home address as a “land interest” unless you can demonstrate that this could lead to you, or someone connected to you, being subject to violence or intimidation
Agents

- The election agent is responsible for the proper management of the electoral campaign; in accordance with the law, this includes financial management and compliance.

- You can also appoint polling and counting agents – you must notify the Returning Officer, in writing, of anyone appointed by the deadline - 25 April 2019.

- Appointment of postal vote agents attending a particular opening session must be made before the start of the session. The first postal vote opening session is on 26 April 2019.

- Forms for the appointment of polling, counting and postal vote agents will be supplied to you or your election agent after the close of nominations.

- The Electoral Commission website has detailed information regarding the responsibilities of these roles.
Electoral Commission Social Media Imprint Guidance

Websites and other electronic material

• As good practice, we recommend that you should put an imprint on electronic material, such as websites and emails. The imprint should include the name and address of the promoter and the organisation on whose behalf it has been produced. You should include an imprint unless the size or format of the election material would mean that the imprint is not legible.
• Where it is impractical to place the full imprint on the election material you should consider how to provide some other means for the material to be associated with you.

Tweeting and posting on social media sites

• You should display your full imprint details prominently on your profile.
• You can include a shortened link to your imprint in your tweet or post.

Images and cartoons

• If it is impractical to place a full imprint on to an image, you should include the text of a link, or a hyperlinked logo or emblem that leads to your full imprint.
• Sometimes campaigners have emblems or logos that voters will readily associate with an individual or organisation. If you are confident this is the case, these emblems or logos can be used as a substitute if it is not practicable to place the full imprint on material.

Comments

• Individual comments posted onto discussion forums are unlikely to be covered by the rules on imprints or the rules on non-party campaigning.
• But as good practice, we suggest that if you use these forums you make your identity clear where possible.
Election Expenses

• To be completed by the *election agent* and include any expenditure between 22 March and 2 May 2019
• Spending limit is **£740** plus 6p per local government elector registered to vote in the ward on the 1 March 2019. Section 75 expenditure limit is £50 plus 0.05p per elector per ward. Details will be forwarded to you with your validity letter
• Spending limits are reduced for joint candidates in the same ward (who may employ the same election agent, or use the same campaign rooms, or publish joint material at an election). Where there are *two* joint candidates the limit is reduced by a quarter, and where there are *three or more* joint candidates the limit is reduced by a third
• Invoice or receipts required for anything over £20 (£10 for Town Council/Parish elections)
• Leaflets are classed as unsolicited material to electors
• For the Borough election, the deadline to receive invoices is 21 days after the result and they must be paid by no later than 28 days after the result. For Town Council/Parish elections the deadline to receive invoices is 21 days after the election result and they must be paid by no later than 21 days after the election (if deadlines fall on a non working day, the deadline will be the first working day after)
• The donations section on Borough forms must detail where the money for your expenses has come from –candidate or other (if more than £50 donation - details must be completed on the form)
• Notional Spending is the difference in value between the commercial rate and the price you pay. Notional spending of over £50 must be recorded (and also treated as a donation for Borough elections).
• Failure to submit a spending return (even a nil return) is a criminal offence enforceable by Police
Code of conduct for campaigners

- Campaigners are an essential element of a healthy democracy, but their activities should not bring into question the integrity of the electoral process.

- Postal ballot packs:
  - Never touch a postal ballot paper
  - Never observe electors completing their postal vote
  - Never handle or take any completed ballot paper or postal ballot pack from voters

- Polling Stations:
  - You are allowed to put your messages to voters on polling day, including in public spaces outside polling places
  - Keep access to polling places and the pavements around polling places clear to allow voters to enter
  - The behaviour or congregation of supporters in the vicinity of the polling place should not lead electors to feel intimidated or obstructed in casting their vote.
Maintaining the integrity of the election

The Returning Officer is asking that candidates standing for election in Knowsley and their agents/supporters agree to:

• Conduct campaigning activities with acceptable standards of personal responsibility and upmost integrity
• Act in a respectful manner towards other candidates and their agents/supporters, the Returning Officer and his staff
• discourage any behaviour that is disrespectful, offensive and could potentially affect the integrity of the election process
• Conduct campaigning activities fairly and free of racial, national or religious hatred or prejudice
• Ensure electors can participate freely and unhindered in the elections
• Consider the impact on public trust and confidence when making false or unsubstantiated allegations about the conduct of other campaigners, particularly on social media
• Promote these high standards with all those involved in the election
Contacts and Information

- Elector Enquiries – 0151 443 2222
- Email – elections@knowsley.gov.uk

- The Electoral Commission have produced guidance for candidates and agents:
  
  https://www.electoralcommission.org.uk/i-am-a/candidate-or-agent/local-elections-in-england

- Electoral Commission - 0333 103 1928