

Guidance for Candidates and Agents

Local Elections – 2 May 2024

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Contents

Introduction	3
Combined Authority Mayoral and Police and Crime Commissioner Elections	3
The Statutory Timetable and Key Dates	4
Nomination process	7
Submitting a nomination paper	8
Election expenses	10
Access to registers and absent voters' lists	12
Registration, postal and proxy applications	12
Marked polling station registers and absent voter lists	13
Notice of Time and Place for Local Election Key Events	13
The verification and count	14
Postal vote opening	15
Polling stations and voting process	16
Secrecy Requirements	17
Guidance for Tellers at Elections	17
Protocol on use of Council facilities by political parties and election candidates	18
(a) Use of Council Services for Publicity Purposes	18
(b) Websites	19
(c) Council-generated publicity	19
(d) Use of Council property for public meetings	19
Protocol on Candidate Conduct	20
Personal safety	22

Introduction

Tim Johnson is the Returning Officer for the City of Wolverhampton Council Local Elections being held on Thursday 2 May 2024, where a third of Councillor seats are up for election (20).

A second candidates and agents briefing will be held on Wednesday 17 April 2024 after the close of nominations to provide more detail on polling day, postal vote opening and the count, so that we continue to keep you up to date. The Electoral Services team will help you with any queries you may have during the election process.

This guide is not intended as an authoritative interpretation of the law, and candidates and agents are advised to seek their own legal advice.

Candidates and agents are also encouraged to make reference to our webpage at www.wolverhampton.gov.uk/elections which will provide you with information throughout the election process. All relevant notices will be published on that page.

The Returning Officer urges all candidates, and their agents, to familiarise themselves with the Electoral Commission's guidance documents which can be found at www.electoralcommission.org.uk, by selecting the 'I am a candidate or agent' page.

Key contacts are provided below:

Electoral Services Team:

Contact details for candidates:

Tel: 01902 555050

E-mail: candidates@wolverhampton.gov.uk

Contact details for electors:

Tel: 01902 55 1177

Email: Electoral.Services@wolverhampton.gov.uk

Electoral Commission:

Tel: 0333 103 1928

Email: infoengland@electoralcommission.org.uk

Combination of elections - Combined Authority Mayoral and Police and Crime Commissioner Elections

The local elections will be combined with the election of a Mayor for the West Midlands Combined Authority on 2 May 2024. Tim Johnson is the Local Returning Officer for this election for the Wolverhampton area. The Regional Returning Officer for this election is Julie Newman, Coventry. If you wish to find out further information

about standing in these elections, please contact caro@coventry.gov.uk / 024 7697 1435. Subject to Parliamentary procedures, the West Midlands Police and Crime Commissioner functions are due to transfer to the Mayor of West Midlands Combined Authority, therefore the scheduled West Midlands PCC election will not take place.

The poll cards and postal vote packs for all elections will be combined. The verification for all elections will take place on Friday 3 May. The count for the local election will take place on Friday 3 May. The count for the Combined Authority Mayoral election will take place on Saturday 4 May.

The Statutory Timetable and Key Dates

The days which are disregarded in calculating the timetable are Saturday, Sunday, bank holidays and any day appointed for public thanksgiving or mourning.

Event	Election	Working days before poll (deadline if not midnight)	Date
Candidates and Agents Briefing	Local		5.30pm Thursday 29 February
Publication of notice of election	All	Not later than 25 days	9am Thursday 21 March
Delivery of nomination papers	All	From the date stated on the notice of election up to 4pm on the nineteenth working day before the election	10am – 4pm weekdays from Thursday 21 March – Friday 5 April.
Delivery of nomination papers	PCC/CAM	Between the hours of 10am and 4pm on any day after the publication of the notice of election until 4pm on the nineteenth day before polling day	Between 10am and 4pm on any working day after publication of notice of election and until 4pm on Friday 5 April
Deadline for withdrawals of nomination	All	19 days (4pm)	4pm on Friday 5 April

Event	Election	Working days before poll (deadline if not midnight)	Date
Making objections to nomination papers	PCC/CAM	On 19 days (10am to 5pm), subject to the following: Between 10 am – 12 noon objections can be made to all delivered nominations Between 12 noon and 5pm objections can only be made to nominations delivered after 4pm, 20 days before the poll	Between 10 am and 12 noon on Friday 5 April objections can be made to all delivered nominations Between 12 noon and 5pm on Friday 5 April objections can only be made to nominations delivered after 4pm on Thursday 4 April
Deadline for the notification of appointment of election agent	All, excluding parish council	19 days (4pm)	4pm on Friday 5 April
Publication of first interim election notice of alteration	All	At 19 days	Friday 5 April
Publication of statement of persons nominated	All	Not later than 18 days (4pm)	Not later than 4pm on Monday 8 April
Deadline for receiving applications for registration	All	12 days	Tuesday 16 April
Deadline for receiving new postal vote and postal proxy applications, and for changes to existing postal or proxy votes	All	11 days (5pm)	5pm on Wednesday 17 April
Deadline for receiving new applications to vote by proxy (not postal proxy or emergency proxies)	All	6 days (5pm)	5pm on Wednesday 24 April
Deadline for receiving applications for Voter Authority Certificates	All	6 days (5pm)	5pm on Wednesday 24 April

Event	Election	Working days before poll (deadline if not midnight)	Date
Publication of second interim election notice of alteration	All	Between 18 days and 6 days	Thursday 18 April
Publication of notice of poll	All	Not later than 6 days	Not later than Wednesday 24 April
Publication of final election notice of alteration	All	5 days	Thursday 25 April
Deadline for notification of appointment of polling and counting agents	All	5 days	Thursday 25 April
Notification of appointment of sub-agents	PCC/CAM	5 days	Thursday 26 April
First date that electors can apply for replacements for lost postal votes	All	4 days	Friday 26 April
Polling day	All	0 (7am to 10pm)	7am to 10pm on Thursday 2 May
Last time that electors can apply for a replacement for spoilt or lost postal votes	All	0 (5pm)	5pm on Thursday 2 May
Deadline for emergency proxy applications	All	0 (5pm)	5pm on Thursday 2 May
Last time to alter the register due to clerical error or court appeal	All	0 (9pm)	9pm on Thursday 2 May
Deadline for production of temporary Voter Authority Certificates	All	0 (10pm)	10pm on Thursday 2 May
Delivery of return as to election expenses	All, excluding parish council	Not later than 35 calendar days* after the date the election result is declared	For results declared on 3 May – Friday 7 June. For results declared between 4 – 6 May – Monday 10 June.
Deadline for sending postal vote identifier rejection notices	All	Within 3 months from the date of the poll	By Friday 2 August

Nomination process

To be eligible to stand as a Councillor for City of Wolverhampton Council, you **must** be:

- be at least 18 years old¹
- be a British citizen, an eligible Commonwealth citizen or a citizen of any member state of the European Union,² and
- meet at least one of the following four qualifications:
 - You are, and will continue to be, registered as a local government elector for the local authority area in which you wish to stand from the day of your nomination onwards.
 - You have occupied as owner or tenant any land or other premises in the local authority area during the whole of the 12 months before the day of your nomination and the day of election.
 - Your main or only place of work during the 12 months prior to the day of your nomination and the day of election has been in the local authority area.
 - 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.

An eligible Commonwealth citizen is a Commonwealth citizen who either:

- does not need leave to enter or remain in the United Kingdom, or
- has indefinite leave to remain in the United Kingdom

When completing your home address form and consent to nomination form you will be asked to indicate which qualifications you meet. You should indicate on the forms all those qualifications that apply to you. If you qualify under more than one qualification, it is good practice to include all those which apply.

You will be **unable** to stand as a candidate if:

- You are employed by the local authority or hold a paid office under the authority (including joint boards or committees).
- You hold a politically restricted post.
- You are the subject of a bankruptcy restrictions order or interim order.
- You are the mayor for a combined authority area that the local authority is a part of. The only exception to this is where the combined authority mayoral election and the election of councillors falls on the same day. In that case, you may stand at both contests. However, if you are elected at both, a vacancy in the office of councillor will automatically arise.
- You have been sentenced to a term of imprisonment of three months or more (including a suspended sentence), without the option of a fine, during the five years before polling day, and the ordinary period allowed for making an appeal or applications in respect of the conviction has passed. A person who is in the process of making an appeal or application in relation to the conviction is not disqualified at any time before the end of the day on which

the appeal or application is disposed of, abandoned or fails by reason of non-prosecution.

- You have been disqualified under the Representation of the People Act 1983
 - The disqualification for an illegal practice begins from the date a person has been reported guilty by an election court or convicted and lasts for three years.
 - The disqualification for a corrupt practice begins from the date a person has been reported guilty by an election court or convicted and lasts for five years.⁹
- You are subject to the notification requirement of or under Part 2 of the Sexual Offences Act 2003, and the ordinary period allowed for making an appeal or application in respect of the order or notification has passed. A disqualification set under s.81A of the Local Government Act 1972 will only apply to a person who is subject to any relevant notification requirements or relevant order made on or after 28 June 2022. A person who is in the process of making an appeal or application in relation to the disqualification is not disqualified at any time before the end of the day on which the appeal or application is disposed of, abandoned or fails by reason of non-prosecution.
- You have been convicted of an intimidatory criminal offence motivated by hostility towards a candidate, future candidate or campaigner or holder of a relevant elective office. The effect of a disqualification order is that the person will be disqualified from standing for, being elected to, and holding any relevant elective office for five years.
- A person may be disqualified from being or becoming a member of certain authorities following a conviction under the Localism Act 2011.

Full details can be obtained online in the local elections candidates and agents guidance from the Electoral Commission at www.electoralcommission.org.uk

Submitting a nomination paper

The first stage in running for election is to submit a nomination paper. The nomination period opens at 10am on Thursday 21 March and closes at 4pm on Friday 5 April. Nomination papers can be brought into the Civic Centre between 10am and 4pm on weekdays during the period 21 March – 5 April.

To be validly nominated, you must complete and submit the following forms:

- Nomination Paper
- Home Address Form
- Candidate's Consent to Nomination
- The Certificate of Authorisation and (if applicable) the Request for a Party Emblem, if standing for a political party
- Notification of Election Agent

Nomination packs have been emailed to everyone who attended the candidates and agents briefing, and can be downloaded here in the 'Candidates and Agents' section:

www.wolverhampton.gov.uk/elections

The correct ward name, council name and date of election must be entered at the top on the form. The candidate's full name must be written on the nomination paper (initials alone are not permitted).

If a candidate wishes to use a description, it can only be one of the following: -
(a) One certified as an authorised or registered description, or
(b) The word 'Independent'.

A candidate may not use a description/use an emblem which is likely to mislead voters into believing that they are associated with a political party, unless that description is authorised by a Certificate signed by or on behalf of the Party's Registered Nominating Officer. Any such request must be received by the Returning Officer not later than the latest time for the delivery of nomination papers.

Each nomination paper must be subscribed by a proposer and a seconder, who must be registered local government electors for the electoral ward and have their electoral numbers shown on the nomination paper.

No elector can subscribe to more nomination papers than there are vacancies for the ward and candidates should ensure that their name and description are added correctly **before** they seek a proposer and seconder. They should also offer the nomination paper for signature to each person, so that those details are clearly visible to avoid any confusion as to what they are being asked to sign.

Great care should be taken in the completion of nomination papers to ensure that they are not ruled to be invalid by the Returning Officer. Candidates are advised to ensure that nomination papers are free of errors and crossings out. Correction fluids (e.g. tippex) are not allowed by law and could result in a nomination paper being declared invalid.

Candidates can use names that they are commonly known by, rather than their given name and surname. 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.

On the home address, form, **all** candidates should complete Part 1, and then those candidates who want their home address to **not** be made public need to complete Part 2.

Informal checks

You are strongly advised to book an informal check of your papers before formally submitting them in order to prevent the rejection of your nomination if it is found to be incorrectly completed.

Informal checks can be booked in advance by calling 01902 55 5050 or emailing candidates@wolverhampton.gov.uk where an available slot will be agreed.

If the nomination paper does not need any corrections after the formal check it can be formally submitted at that point

Formal submission

Candidates and agents are strongly encouraged to make an appointment to formally submit their nomination papers by calling 01902 55 5050 or emailing candidates@wolverhampton.gov.uk where an available slot will be agreed.

For both informal checks and formal submissions please enter the Civic Centre via the rear entrance and ask for a member of Electoral Services.

Completed nominations must be received by the Returning Officer by 4pm on Friday 5 April to:

Electoral Services, (*in person*)
Ground Floor
Civic Centre
St Peter's Square
Wolverhampton
WV1 1RG

Withdrawal of candidacy

Any candidate wishing to withdraw their candidacy must do so in writing and deliver this to The Returning Officer, Electoral Services, First Floor, Civic Centre, St Peter's Square, Wolverhampton, WV1 1RG. It must be signed by the candidate and one witness and must be received no later than **4pm on Friday 5 April 2024**.

Close of nominations

The nomination period will close at 4pm on Friday 5 April. Electoral Services will then go through the process of making the final checks before producing the Statement of Persons Nominated for each ward. This will then be published on the Council's website (www.wolverhampton.gov.uk/elections) as soon as it becomes available, and no later than 4pm on Monday 8 April 2024.

Election expenses

Comprehensive guidance and the election expenses forms can be accessed on the Electoral Commissions website (Part 3): <http://www.electoralcommission.org.uk/i-am-a/candidate-or-agent/local-elections-england>

Please note that election expenses are **not** reimbursed, however there are limits on the amount that can be spent and every candidate must submit an expenses return

within 35 after the declaration of results – even candidates who have spent nothing on their campaign. The regulated period for expenses begins on **Wednesday 27 March 2024**.

The spending limits are based on £960 + 8 pence per elector in ward, and the expenses limits are detailed below:

CAM, PCC and Local Elections
Thursday 2 May 2024

Electoral Area	Eligible Electors		Expenditure Per Eligible Elector	Base Expenditure	=	Expenses Limit
Bilston North	9,505	X	£0.08 +	£960.00	=	£1,720.40
Bilston South	10,241	X	£0.08 +	£960.00	=	£1,779.28
Blakenhall	8,710	X	£0.08 +	£960.00	=	£1,656.80
Bushbury North	9,615	X	£0.08 +	£960.00	=	£1,729.20
Bushbury South and Low Hill	9,509	X	£0.08 +	£960.00	=	£1,720.72
East Park	9,143	X	£0.08 +	£960.00	=	£1,691.44
Ettingshall North	9,789	X	£0.08 +	£960.00	=	£1,743.12
Ettingshall South and Spring Vale	9,586	X	£0.08 +	£960.00	=	£1,726.88
Fallings Park	8,949	X	£0.08 +	£960.00	=	£1,675.92
Graiseley	8,724	X	£0.08 +	£960.00	=	£1,657.92
Heath Town	8,662	X	£0.08 +	£960.00	=	£1,652.96
Merry Hill	9,077	X	£0.08 +	£960.00	=	£1,686.16
Oxley	10,324	X	£0.08 +	£960.00	=	£1,785.92
Park	9,532	X	£0.08 +	£960.00	=	£1,722.56
Penn	9,742	X	£0.08 +	£960.00	=	£1,739.36
St Peters	8,697	X	£0.08 +	£960.00	=	£1,655.76
Tettenhall Regis	9,183	X	£0.08 +	£960.00	=	£1,694.64
Tettenhall Wightwick	8,923	X	£0.08 +	£960.00	=	£1,673.84
Wednesfield North	8,422	X	£0.08 +	£960.00	=	£1,633.76
Wednesfield South	8,928	X	£0.08 +	£960.00	=	£1,674.24

Spending limits for joint candidates

You are a joint candidate if you stand in the same ward and:

- have the same election agent or
- use the same campaign rooms or
- publish joint material

Joint candidates have lower spending limits, as they are sharing some of the costs. You should calculate your spending limit as explained above, and then reduce it by:

Number of joint candidates	Reduction of spending limit
Two	25% - a quarter
Three or more	33% - a third

Candidates/agents at elections are required to send to the Returning Officer returns

and declarations of expenses within 35 days of the result (by Friday 7 June 2024). It is neither the role nor responsibility of the Returning Officer to provide guidance/advice on the completion of the returns and declarations. The submission of these forms is a legal requirement, and a record of all such returns and declarations are held by the Proper Office for public inspection for a period of two years. Copies of the returns and declarations may also be provided to the Electoral Commission on request to the Returning Officer.

Access to registers and absent voters' lists

The Representation of the People Act 1983 makes provision for the Electoral Registration Officer or for the Returning Officer to supply various documents or data to candidates and their agents in an election to support them in the conduct of their campaign.

Candidates are entitled to the register of electors and absent voters list for the ward they are standing in. Register and Absent Voter request forms can be downloaded on the council's website: [Candidates and Agents | City Of Wolverhampton Council](#). Please send completed application forms to: Candidates@wolverhampton.gov.uk

Some elected members and registered political parties have already received their copies of the Register following its publication on 2 January 2024, and the subsequent monthly updates. The register in force for nominations is 1 March 2024. The earliest candidates can receive this is on the last statutory day to publish the notice of election (Tuesday 26 March 2024).

There are three types of absent voter – postal voters, proxy voters and postal proxy voters. In the run up to an election, the list is constantly changing. The current list is as it stands at 9am on the day on which it is supplied. The *final list* is as it stands after 5pm on Wednesday 24 April 2024.

Postal and proxy applications

Electors can now apply online at www.gov.uk/apply-postal-vote or www.gov.uk/apply-proxy-vote

Candidates and agents are encouraged to refer any electors requiring a registration, postal or proxy paper form to Electoral Services. The deadlines are provided in the timetable at the beginning of this guidance. Further information can also be found on the council's website and the Electoral Commission.

The Electoral Commission code of conduct for campaigners can be found here: [Code of Conduct for Campaigners at UK Parliamentary general elections in Great Britain, local elections in England and Police and Crime Commissioner Elections | Electoral Commission](#)

Absent voting applications need to include two personal identifiers – a signature and the date of birth for the elector. Electors who are unable to sign can apply for a "waiver" which will require a form of attestation/declaration of assistance. The

personal identifiers are stored electronically and will be used to check postal votes when they are opened to prevent and detect postal voting fraud.

A person may not have more than one appointed proxy at any time.

A person is not entitled to vote as proxy at the same local government election in any particular ward on behalf of more than two electors who are not close relatives.

A person can additionally act as proxy for any number of the following close relatives: spouse, civil partner, parent, grandparent, brother, sister, child or grandchild.

A proxy would be committing an offence if they voted on behalf of more than two electors who are not close relatives at the election.

A proxy may be appointed in the case of a medical condition, work placement or lost voter ID arising after the deadline for ordinary proxy applications, subject to the appropriate attestation being provided.

Marked polling station registers and absent voter lists

After the poll has taken place, copies of the marked polling station register and marked absent voter list can be requested. Applications for the receipt of the Marked Register/List must be made in writing. Fees for the supply of these documents are laid down in The Representation of the People (Amendment) Regulations 2008 and are a £10 administration fee, plus £2.00 for each 1,000 entries or part thereof.

Notice of Time and Place for Local Election Key Events

Event	Notice Given in Accordance with	Time and Place	Number of Agents that may attend
Polling Agents	Schedule 1, Rule 30	Various (126 polling stations)	Not more than one polling agent may be admitted at the same time to a polling station on behalf of the same candidate. Notice of appointment to be given to the Returning Officer by

			Thursday 26 April
Opening of the Postal Votes	Schedule 2, Rules 45, 56	<p>Third Floor, City Suite Civic Centre, St Peter's Square, Wolverhampton, WV1 1RG</p> <p>Opening sessions prior to polling day: Daily on each working day from Tuesday 23 April – Wednesday 1 May from 10am – 5pm with a break at 1pm. Opening sessions may finish sooner if all the postal votes have been processed for that day.</p> <p>Opening sessions on polling day at Aldersley Leisure Centre: There will be an opening session on 2 May at 2pm – 6pm and the final opening session will start at 8pm.</p>	<p>Notice of appointment to be given to the Returning Officer before the start of the opening session – ideally 24 hours in advance.</p>
Count Agents	Schedule 1, Rule 30	WV Active Aldersley, Aldersley Leisure Centre, Aldersley Road, Wolverhampton, WV6 9NW	<p>TO BE CONFIRMED AT CLOSE OF NOMINATIONS</p> <p>Notice of appointment to be given to the Returning Officer by Thursday 25 April</p>

The verification and count

The verification and count will be held at **WV Active Aldersley Leisure Centre, Aldersley Road, Wolverhampton, WV6 9NW**

Receipt of ballot boxes and final postal vote opening session on Thursday 2 May 2024, from 8pm for postal opening and 10pm until midnight for ballot boxes.

Count venue will open to candidates and agents from 9.30am on Friday 3 May 2024. The verification will commence from 10am.

It is anticipated that verification for all wards will be finished by 1pm.

The count for each ward will start as soon as each ward verification is complete. We estimate the count will be finished by 7pm at the latest.

A letter inviting you to the count will be sent out a week to two weeks before the election. **A lanyard will be issued on arrival and must be visible at all times.**

The count for the Combined Authority Mayoral election will take place from 10am on Saturday 4 May.

Count venue will open to candidates and agents from 9.30am on Saturday 3 May 2024.

Those people attending **must** present their letter of admittance prior to gaining entry to the hall(s) where the verification/count is taking place. Movements of candidates and their agents will be restricted to certain areas only within the hall.

Further information will be provided at the next candidate and agent briefing.

Postal vote opening

The process of dealing with the returned postal vote packs will be dealt with in various stages. Opening/top-slitting of the outer envelopes will commence prior to the 10am start time each day, and these will be banded into batches of 20 envelopes. The contents will be left intact, and the envelopes placed in a sealed container until the appointed opening session. Ballot papers will be handled **face down**. No decision as to the validity of the ballot paper will be made at this time and they will then be sealed in ballot boxes ready for the count. There will be two ballot papers in each postal pack so the process may take longer than usual.

A brief summary of the postal vote opening process is provided below:

Stage 1:

- The sealed container is opened and a bundle of 20 envelopes is collected.
- The Postal Vote Statement (PVS) and Envelope A's (containing the ballot papers) are extracted, and two piles are made, ensuring that the piles are kept in the same order, with the discarded outer Envelope B's placed in a bag marked with the date and ward.
- The personal identifier information is checked (date of birth and signature). If the date of birth and/or signature is missing, a docket is attached, and the items are placed in a tray to be dealt with later.

- A check is made to ensure that the ballot paper number at the top of the PVS matches the number on the 'A' envelope. If the numbers do not match, a docket is attached, and the items placed in a tray to be dealt with later.
- All successful applications are then passed on to next stage of the process.

Stage 2:

- Each statement will be scanned to check that the date of birth and signature match those provided with the elector's original application.
- If correct, the papers are clipped together with the appropriate batch header sheets and returned to the table, together with the corresponding batch of postal voting statements, for the next stage in the process.
- If a postal voting statement is found to be incorrect, the corresponding envelope 'A' is removed from the bundle and dealt with separately. The remaining statements and the ballot paper envelopes are then returned to the table for processing.

Stage 3:

- Ballot papers are extracted from the remaining envelopes marked 'A' and are kept face down.
- A summary sheet of the number of ballot papers to be included in the count is completed.
- A record is kept of all rejected and provisionally rejected ballot papers/statements.
- The provisionally rejected ballot papers are retained for cross reference purposes, as they may be able to be 'matched' before the end of the Count.
- The rejected ballot papers (those which have incorrect or missing personal data on the postal voting statements) are recorded and placed in a separate sealed container.
- The postal votes which have successfully been received are placed in a ballot box to be included in the final count.

Polling stations and voting process

- The elector will give their name and address to polling station staff and show their photo ID. If they do not have an acceptable form of ID, they will be asked to leave and return by 10pm with an acceptable form of ID.
- They will be marked on the register, and their elector number will be entered on the corresponding numbers list, and then a ballot paper will be issued.
- Ballot papers will have a pre-printed official security mark.
- Election staff will collect postal votes handed into polling stations during polling day.
- The Returning Officer will provide a large print version of the ballot paper, as well as other aids, for those electors who may find it difficult to read smaller print.

- Children accompanying parents/guardians attending to vote may come into the polling station.
- Persons purporting not to have applied for or not having received a postal ballot paper may be issued with a tendered vote although they will be encouraged to contact the elections office for a replacement (before 5pm on polling day).
- **You are reminded that Councillors and other persons are not permitted to enter polling stations except to cast a vote, unless they are a candidate or have been appointed as an election or polling agent relating to that particular ward.**

Secrecy Requirements

The requirements in Section 66 of the Representation of the People Act 1983 help to maintain the secrecy of the ballot. The requirements apply to all candidates, election agents and campaigners. They also apply to every person attending a polling station, the issue and opening of postal of postal votes and the verification and count.

Any person found in breach of Section 66 may be liable to a fine of up to £5,000 and/or imprisonment for up to six months.

Every candidate and agent will be issued with a copy of these requirements, as well as any Returning Officer staff attending any of the above events.

Guidance for Tellers at Elections

This is a summary of guidance issued by the Electoral Commission, drawn up following consultation with the main political parties.

Tellers have no legal status and voters have the right to refuse to give them any information.

Tellers are not allowed inside the polling place, the building the polling station is in. They can record the elector numbers of people who come to vote. Doing this can help identify potential supporters who have not yet voted so they can be encouraged to vote.

They have **no legal status** and voters can refuse to give information to them. Tellers cannot impede or interfere with the administration of the election and must comply with instructions issued by the Returning Officer or Presiding Officer.

Tellers may remind voters as they approach the polling station that they will need to provide photo ID in order to be issued with a ballot paper. However, tellers must not ask to see or check any voter's photo ID themselves.

There should be no more than one teller at a polling station for each candidate at a time. Tellers can wear rosettes or badges of a reasonable size showing the candidate or party name. They should not wear anything else related to any candidate or party.

If tellers are failing to comply with instructions, polling station staff will remind them of the rules. If a Teller is being unlawful the police will be contacted.

Protocol on use of Council facilities by political parties and election candidates

This protocol has been prepared by the Chief Executive of the City of Wolverhampton Council drawing on advice from the Council's Monitoring Officer.

The protocol clarifies the legal position regarding the use of Council facilities – premises, equipment, property and employee time for political purposes. In particular it provides guidance on handling requests to film or photograph Council services for use in any promotional material including leaflets and videos.

The protocol is based on Section 2 of the Local Government Act 1986 which prohibits a local authority from publishing any material designed to affect public support for a political party. This includes any communication in whatever form addressed to the public at large or a section of the public. The local authority is prohibited from giving financial or other assistance to a person for publication of such material.

(a) Use of Council Services for Publicity Purposes

- All requests from political parties (including elected members of the City of Wolverhampton City, election candidates and their agents or representatives) which may involve the use of Council facilities and staff time must be made to the Monitoring Officer (the Chief Operating Officer) or, in his absence, directly to the Chief Executive.
- All Council employees who receive such requests must refer these immediately to the Principal Communications Officer or, in his absence, directly to the Chief Executive. No member of staff other than the Chief Executive (or his authorised deputy) is permitted to agree to such requests.
- Local authorities are barred from assisting any Councillor, candidate, or agent in publishing publicity material. Council printing facilities must therefore not be used for the printing of political publicity.
- Filming or photography of Council services that are publicly and freely available may be permitted, subject to certain conditions to prevent the filming or photography of employees and Council customers, and to avoid disruption to services. As a rule of thumb, the filming or photography of the outside of Council premises or facilities in a public space (e.g. on the street where the Council has no control over public access) is not a problem in principle. Filming inside Council premises or on Council land is not acceptable as this would be in contravention of

Section 2 of the Local Government Act 1986. **Any filming or photography, including the conditions to be applied, must still be agreed in advance by the Chief Executive.**

- If requests for photography or filming are granted, Council services must continue to run as normal. In no circumstances will special provision be made.

(b) Websites

- As part of the promotion of the electoral process and local democracy, the council website <http://www.wolverhampton.gov.uk/elections> will host internet pages providing information about the elections.
- Except as outlined above, publicity material of a political nature will not be permitted on the Council's website or intranet. Links to other websites containing political material will not be permitted.
- The Customer Services team is responsible for ensuring that the Council's website is kept free of political publicity and that any links provided are to websites that are free of political material.

(c) Council-generated publicity

The Council will be bound by the Code of Recommended Practice on local authority publicity to which all local authorities are required to have regard. Paragraph 33 of the Code requires that particular care is taken when publicity is issued immediately prior to an election to ensure that this could not be perceived as seeking to influence public opinion, or to promote the public image of a particular candidate or group of candidates. Between the time of publication of a notice of election and polling day, proactive publicity will not be issued that deals with controversial issues or reports views or policies in a way that identifies them with individual candidates or political parties.

These constraints do not mean that there will be a blanket ban on all Council publicity during any pre-election period. Normal publicity generated by the Council via press releases issued by the Communications Team will continue, with all press releases to be approved by the relevant Head of Service, or Service/Strategic Director, however they will all be checked carefully to ensure compliance with the rules. The Communications Team will also continue to respond to media enquiries including those relating to issues of a controversial nature.

(d) Use of Council property for public meetings

There is provision within the Representation of the People Act 1983 for candidates in an election to have free use of certain rooms for holding public meetings. A candidate is entitled – for the purpose of holding public meetings in furtherance of his/her candidature – to use, free of charge, at reasonable times (up to the day before the poll), a suitable room in schools or other Council buildings (s.95). The person using the room must pay the costs of preparing the room, heating, lighting and cleaning. Permitting use of these

facilities will not breach this protocol provided the local authority does not publicise the meeting. This provision does not allow a candidate to hold surgery-type meetings or meetings of particular political groups.

In accordance with this protocol, all such requests for public meetings within schools and other Council buildings must be reported in advance of the meeting to the Principal Communications Officer. Prior permission does not need to be sought, subject to the provisions outlined above being followed.

This protocol takes effect from the last date for publication of the notice of election (23 March 2023) and will remain in force until the polls close.

Protocol on Candidate Conduct

Expectations

- All candidates or their agents will be supplied, on written request, with one full copy of the electoral register for the ward they are contesting. These will be supplied in accordance with the Representation of the People Act on the basis that they are used for 'electoral purposes' only. Any supplying or copying of information from the register(s) to third parties would be in breach of the latest Regulations relating to the publication of the register.
- There must be no enquiries from candidates and agents made to Electoral Services' employees seeking specific information about electors on the register. Electoral Services will only answer enquiries from the public in relation to their own registration, subject to data protection limitations and employees being satisfied as to the identity of the person making the enquiry.
- Any complaints about the conduct of the election should be directed to the Returning Officer, Tim Johnson or the Monitoring Officer, David Pattison, and not directly to Electoral Services.
- There should be no attempt by candidates and/or agents to influence the organisation of the election or any matters relating to the internal planning process by the Returning Officer and his team. It would not be appropriate for any political party to discuss the organisation of the election process in any meeting between officers and Councillors.
- Candidates and their agents are strongly advised to adhere to the guidance of the Electoral Commission with regard to absent voting. In particular, they are advised not to act as the means of returning completed postal votes to the Council. Handling of postal votes inevitably raises suspicions of fraud and malpractice which could undermine public confidence in the electoral process and could lead to a formal investigation.

- From the period of the close of nominations on Thursday 8 April, there should be no approaches made to the Council's Communications Team, or other employees, to provide any publicity (or facilitate favourable publicity by any means). That would be contrary to existing legislation and associated regulations.
- The use of Council facilities and resources available to a Councillor are provided solely to support his/her work on the Council (e.g. secretarial services, printing and copying, telephones, etc.). They must not be used or harnessed in any way to support any candidate's campaign for election or re-election nor for any political purpose in connection with the election. Candidates should use their own facilities and resources or the support of their own party-political machinery.
- The secrecy rules in Section 66 of the Representation of the People Act 1983 will be posted at both postal vote opening sessions and the count. Candidates and agents are reminded of their obligations to adhere to those rules.
- Candidates are encouraged to submit their nomination papers to the Returning Officer as early as possible to allow for processing and checking. Informal checks can be made on request, prior to formal submission. The Returning Officer cannot be held responsible for any late/incorrect nominations.
- Candidates' or agents' activities at polling stations are a regular source of complaint from electors. Candidates and agents are entitled to be present at polling stations in the ward in which they are standing, to ensure that the election is being conducted in accordance with law and to check that no personation is taking place. However, the polling station is a wholly inappropriate place for the canvassing of electors. Candidates and agents should adhere to the reasonable requests of the polling station staff.

Candidates and agents are reminded that the City of Wolverhampton Council has prohibited election posters being displayed on council property or the highway since 2009, excluding paid for billboards. You are further reminded that it is an offence under the Town and Country Planning Acts to display fly-posters and it is also illegal to deface road-signs which are the property of the Highways Authority. This means that publicity can only be displayed with the building or property owners consent. Where consent has been given posters must be removed within 14 days of the election. Posters are also not allowed within polling station sites or on cars parked outside polling stations, for any extended periods. If material is put onto Council property or street furniture, the Council will ask the relevant candidate to remove it the same day. If they do not remove it promptly, the Council will arrange to have it removed and the candidate and/or agent will be billed for the costs incurred.

All Councillors are subject to the Council's Code of Conduct and any breach of the Code could leave that individual liable for report to the Council's Monitoring Officer for misconduct and ultimately to the Council's Standards Committee.

Personal safety

As a candidate you will be able to choose whether your home address is published on the ballot paper and official notices. For candidates who do not want their home address to be made public, they will need to complete part 2 of the home address form on the nomination paper. Instead of your home address it will say 'address in Wolverhampton' (or equivalent borough level) on the official documents. The Returning Officer will provide the nomination forms and associated guidance to all prospective candidates ahead of each election in the candidates and agents briefing.

There is no provision in the legislation for the same option to apply for election agents. The agent must provide an office address so that all documents can be sent to it. In the majority of cases the office address is often the home address. Agents may wish to consider using a local political party office or an office especially set up for the election to get around this if they do not want their home address to be made public. It is important to note that if a candidate does not appoint an election agent, they will automatically become their own election agent. In this scenario even if the candidate has confirmed that they do not want their home address disclosed, their home address will be disclosed on the notification of election agents.

There is also the issue to consider around imprints on campaign material as the name and address of the printer/promoter has to be published. If this is yourself as the candidate then you legally need to include your name and address. This can be a home address, office or business address. It is possible for the candidate to use a PO box address.