



# Guide for Candidates and Agents

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Carrick Castle By-Election

18 October 2018

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# 1 Introduction

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## 1.1 Overview

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This Guide is produced by the Chief Electoral Officer (CEO). It provides practical advice for anyone who wants to stand as a candidate at the Carrick Castle by-election on 18 October 2018.

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

Electoral law sets deadlines by which certain actions must be taken during the election period. The election timetable which includes all the deadlines is shown in Section 3. It can also be viewed on [www.eoni.org.uk/Elections/Information-for-candidates-and-agents](http://www.eoni.org.uk/Elections/Information-for-candidates-and-agents).

## 1.2 Statutory references

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The law governing the election is set out principally in the Local Elections Rules (Schedule 5 to the Electoral Law Act (Northern Ireland) 1962.

These provisions can be viewed at [www.legislation.gov.uk](http://www.legislation.gov.uk). Please note that these provisions have been amended substantially since they came into effect and in some instances the online version of the legislation is not up-to-date.

## 1.3 Complaints

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If you are concerned about the standard of service provided to you, you should try to resolve it informally by speaking to the individual concerned or their manager. If you are not satisfied with the outcome you can submit a formal complaint. A copy of the EONI Complaints Procedure is available on request or can be downloaded from the EONI website <http://www.eoni.org.uk/Utility/About-EONI/Make-a-complaint>.

The Chief Electoral Officer, in her capacity as the Returning Officer, is a statutory office holder and is therefore not subject to the internal complaints mechanism. However, if you have a complaint in respect of any act or omission on the part of the Returning Officer you should write to:

The Secretary of State for Northern Ireland  
Constitutional and Political Group  
1 Horse Guards Road  
London  
SW1A 2HQ

The complaints process is without prejudice to your right to seek to challenge any decision, act or omission in the courts. You may wish to consider taking legal advice before instituting proceedings. Further information about election petitions can be found in Section 10.2.

Neither the Returning Officer nor the Deputy Returning Officer has any authority or responsibility for the investigation of any alleged criminal offences. If you believe that an offence under electoral or criminal law has been committed you should report the matter directly to the police.

## 2 Roles and responsibilities

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### 2.1 The Returning Officer

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The Returning Officer for all elections in Northern Ireland is Virginia McVea, the Chief Electoral Officer. The Chief Electoral Officer is also the Registration Officer for the whole of Northern Ireland, responsible for maintaining the register of electors and the absent voter list. She may be contacted as follows:

Chief Electoral Officer  
3<sup>rd</sup> Floor  
St Anne's House  
15 Church Street  
Belfast BT1 1ER

Tel: 028 9044 6663  
Email: [virginia.mcvea@eoni.org.uk](mailto:virginia.mcvea@eoni.org.uk)

### 2.2 The Electoral Office for Northern Ireland

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The Electoral Office for Northern Ireland (EONI) is the collective name for the staff who assist the Returning Officer in the performance of her statutory duties. These staff are based in five Area Electoral Offices throughout Northern Ireland and at EONI Headquarters in Belfast. The Area Electoral Officer for the Newtownabbey Area Office (A) (which is responsible for the Carrick Castle district electoral area) is Janet Goodall. She may be contacted as follows:

Janet Goodall  
Newtownabbey Area Electoral Office (A)  
1-3 Portland Avenue  
Glengormley  
Newtownabbey BT36 5EY

Tel: 028 9044 6630  
Email: [nab.carrickinfo@eoni.org.uk](mailto:nab.carrickinfo@eoni.org.uk)

### 2.3 Deputy Returning Officer (DRO)

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Local Council Chief Executives are Deputy Returning Officers (DROs) at local council elections. The DROs act with the authority of the Returning Officer. Their responsibilities include:

- receiving candidate nominations
- publishing the statement of persons nominated and notice of poll
- printing ballot papers and corresponding number lists
- managing the verification and count of ballot papers
- receiving returns and declarations of election expenses

As a candidate you (and your agent) should liaise directly with the DRO on these matters. The DRO for the Carrick Castle by-election is Anne Donaghy. She may be contacted as follows:

Anne Donaghy  
Chief Executive  
Mid & East Antrim Borough Council  
The Braid  
1-29 Bridge Street  
Ballymena BT43 5EJ

Tel: 028 2563 5034

Email: [anne.donaghy@midandeastantrim.gov.uk](mailto:anne.donaghy@midandeastantrim.gov.uk)

## 2.4 The Electoral Commission

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The Electoral Commission is an independent body set up by the UK Parliament. They regulate party and election finance and set standards for well-run elections. They are also responsible for promoting electoral registration and information for voters. Their contact details are as follows:

The Electoral Commission  
Ground Floor  
4 Cromac Place  
The Gasworks  
Belfast BT7 2JB

Tel: 0333 103 1928

Fax: 028 9031 4827

Email: [inforthernireland@electoralcommission.org.uk](mailto:inforthernireland@electoralcommission.org.uk)

Website: [www.electoralcommission.org.uk](http://www.electoralcommission.org.uk)

### 3 Election timetable

#### 3.1 Statutory election timetable

Polling day for the Carrick Castle by-election will be Thursday 18 October 2018. The election timetable is shown below. It is also available on the EONI website [www.eoni.org.uk/Elections/Information-for-candidates-and-agents](http://www.eoni.org.uk/Elections/Information-for-candidates-and-agents).

Please note that:

- neither the Returning Officer nor the DRO has any power to extend any statutory deadline;
- if no time is specified as the deadline for an event or requirement then the deadline is midnight on that day.

Event	Deadline
Publication of notice of election	Wednesday 12 September 2018
Delivery to the DRO of nomination papers	10.00am to 4.00pm on Thursday 13 September, Friday 14 September, Monday 17 September, Tuesday 18 September, Wednesday 19 September, Thursday 20 September and from 10.00am to 1.00pm on Friday 21 September.
Delivery to the DRO of notices of withdrawals of candidature	10.00am to 4.00pm on Thursday 13 September, Friday 14 September, Monday 17 September, Tuesday 18 September, Wednesday 19 September, Thursday 20 September and from 10.00am to 1.00pm on Friday 21 September.
Receipt by the DRO of notices of appointment of election agents	1.00pm on Friday 21 September.
The making of objections to nomination papers at the DRO's office	10.00am to 4.00pm on Thursday 13 September, Friday 14 September, Monday 17 September, Tuesday 18 September, Wednesday 19 September, Thursday 20 September and from 10.00am to 2.00pm on Friday 21 September.
Publication by the DRO of statements of persons nominated:  If no objections are made	  6.00pm on Friday 21 September (or as soon as practicable thereafter).

If any objections are made, after they have been disposed of but no later than 24 hours after the deadline for delivery of nomination papers	Midnight on Friday 21 September 2018.
Receipt of postal and proxy vote applications	5.00pm on Friday 28 September 2018.
Receipt of late registration applications	Tuesday 2 October 2018.
Receipt of additional information in relation to late registration applications	Monday 8 October 2018.
Receipt of late postal and proxy vote applications	5.00pm on Wednesday 10 October 2018.
Publication of notices of alteration as a result of late registration	Thursday 11 October 2018.
Receipt by the DRO of notices appointment of polling and counting agents	5.00pm on Thursday 11 October 2018.
Re-issue of spoilt postal votes	5.00pm on Wednesday 17 October 2018.
<b>Polling Day</b>	<b>7.00am to 10.00pm on Thursday 18 October 2018.</b>
Alterations to the register due to clerical error	7.00pm on Thursday 18 October 2018.
Verification of 'unused' ballot papers	As soon as practicable after 10.00pm on Thursday 18 October (completed overnight).
Verification of 'used' ballot papers (the opening of ballot boxes)	Friday 19 October 2018.
Count commences	Friday 19 October 2018 (as soon as practicable after the verification of used ballot papers has been completed).

**Note:** the above timetable excludes Saturdays and Sundays with the exception of the deadline for receipt of additional information in relation to late registration applications which is computed in accordance with Regulation 8 of the Representation of the People (Northern Ireland) Regulations 2008.



Receipt by candidates/agents of claims for election expenses	21 calendar days after the result of the election is declared
Payment by candidates/agents of claims for election expenses	28 calendar days after the result of the election is declared
Receipt by the Returning Officer of returns and declarations of election expenses by election agent	35 calendar days after the result of the election is declared
Receipt by the Returning Officer of candidates' declarations of election expenses	7 working days after receipt of the agents declaration and return (or at the same time that the election agent delivers the return)  (If the candidate is outside the United Kingdom when the agent's return is delivered, the declaration must be delivered 14 calendar days after their return)
Publication by the DRO in two or more newspapers circulating in the district electoral area for which the election was held, a summary of the returns accompanied by a notice of the time and place at which the return and declarations (including the accompanying documents) can be inspected	10 calendar days after the end of the time allowed for delivery of returns as to election expenses
Inspection of returns and declarations of election expenses	During the period of 12 months from the date of publication by the Returning Officer of the time and place for inspection.

## 4 Becoming a candidate

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### 4.1 When does a person officially become a candidate?

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You will officially become a candidate on the earlier of:

- the date you or another person declare your intention to stand
- the date when you are nominated

Once you have officially become a candidate, you are entitled to receive upon request a copy of the electoral register and absent voter list (see Section 6).

### 4.2 Qualification criteria

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To qualify as a candidate for election to a Local Council, you must:

- be at least 18 years old on the day of your nomination;
- be a British citizen, a citizen of the Republic of Ireland, a qualifying Commonwealth citizen or a citizen of any other state of the European Union;
- not be disqualified from being a councillor (see below);
- meet at least one of the following three qualifications:
  - (a) you are a local elector for the district of the Council in which you are standing on both the day you are nominated and on polling day;
  - (b) you have occupied as owner or tenant land in that district or have resided in that district during the whole of the period of twelve months immediately preceding the day of the poll;
  - (c) your principal or only place of work during that twelve months has been in that district.

### 4.3 Disqualification

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The law disqualifies certain people from being a councillor. The full range of disqualifications is set out in various statutory provisions. If you think you may be disqualified you should consider seeking legal advice.

The most common disqualifications are set out in section 4 of the Local Government Act (NI) 1972, a copy of which can be found in the Nomination Pack.

A person cannot be validly nominated as a candidate in more than one DEA within the same Council area.

### 4.4 Nomination process

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The Nomination Pack is available on the Council website. It includes the following documents:

1a	Nomination paper
1b	Consent to nomination
1c	Withdrawal of candidate
2	Request to use party description/emblem
3a	Appointment of election agent
3b	Appointment of polling agents and polling agent instructions
3c	Appointment of counting agents
3d	Appointment of postal vote agents
4	Electoral Register/AV list request
5	Candidate Checklist

You become a candidate by submitting a nomination paper and consent to nomination to the DRO within the period specified in the election timetable and no later than 1.00pm on Friday 21 September 2018.

It is good practice to submit your nomination papers in draft form so they can be checked. The DRO will tell you if there are any problems that need to be addressed before the formal submission of your nomination. If you need assistance the DRO can complete a nomination paper for your signature provided you give all the necessary information.

The formal submission of your nomination must be done in person to the DRO at the Council Office (see Appendix 2). The only people who can deliver it are:

- you; *or*
- your election agent; *or*
- your proposer or seconder

You should make an appointment with the DRO for the formal submission of your nomination papers, otherwise you may have to wait until they are available.

## 4.5 Completing the forms

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### Full name

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The nomination paper **must** include your surname, then other names **in full**.

If you are usually known by another name which you want to appear on the ballot paper you should provide this 'commonly used name' on the nomination paper (but you **must** also give your surname and all your other names in full). You have the option to stand under either your full name or any commonly used name you have.

The DRO will allow the use of the commonly used name(s) if satisfied that they are not likely to mislead or confuse electors, and are not obscene or offensive. If the name(s) are not

permissible, the DRO will write to you stating the reason for disallowing them and in that instance your full name will be used.

The exact wording of your name or commonly used name (if allowed) will appear on the statement of persons nominated and the ballot paper.

Titles or prefixes, such as Mr, Mrs or Dr must not be used. The format should be, for example: Miller, Andrew John. If this candidate is normally known by another name, such as the shortened first name of Andy, he has two options:

- (a) His first option would be to use his full name rather than his commonly used name. In this case, even though he may be widely known as Andy, he should write the following on his nomination paper:

Candidate's Details	
Candidate's surname	Miller
Other names in full	Andrew John
Commonly used surname (if any)	
Commonly used forenames (if any)	

The ballot paper would show:

**MILLER, Andrew John**

- (b) Alternatively, he can choose to use his commonly used name, in which case his nomination paper would read:

Candidate's Details	
Candidate's surname	Miller
Other names in full	Andrew John
Commonly used surname (if any)	
Commonly used forenames (if any)	Andy

The ballot paper would show:

**MILLER, Andy**

## Address

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You must state your home address in full including the postcode. You must not use any abbreviations. The address must be your current home address.

## Standing for a political party

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If you wish to stand for a registered political party you have to gain the party's permission. If you wish to register a new political party you must submit a completed application to the Electoral Commission. The Commission have advised that, whilst they will endeavour to process any registration applications received as quickly as possible, because of the short time frame they are unable to guarantee that you will receive a decision before the close of nominations in time for use on the ballot paper. If you do intend to submit a registration application ahead of the elections, please ensure you do so as a matter of urgency.

More information on registering a political party is available on the Commission's website <http://www.electoralcommission.org.uk/i-am-a/party-or-campaigner/guidance-for-political-parties/registering-and-maintaining-a-party>.

## Description

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If you are an independent candidate (i.e. not standing for a registered party) you can either leave the description part of the nomination paper blank or use the word 'Independent'. You cannot use any other description. If you leave this section blank no description will appear on the statement of persons nominated or the ballot paper.

If you are representing a registered political party the nominating officer, or a person appointed to act on their behalf, may authorise you to use either the registered name of that party or a particular description registered with the Electoral Commission in the Northern Ireland Register of Political Parties at <http://search.electoralcommission.org.uk/Search/Registrations?currentPage=1&rows=30&sort=RegulatedEntityName&order=asc&open=filter&et=pp&et=ppm&register=ni&regStatus=registered&optCols=EntityStatusName>.

You can only use precisely what has been authorised (i.e. the description on your nomination paper and the description on the authorisation must exactly match). If you modify the description and it differs from what has been authorised, your nomination will be rejected as invalid.

You will not be allowed to use a party name or description unless the DRO has received, before the close of nominations, authorisation signed by the party's nominating officer or a person appointed to act for them. Where the authorisation is not signed by the nominating officer, evidence of the appointment of the person who signs it will also be required. The Returning Officer has provided party nominating officers with a template schedule to be used. The candidate must also complete the request form in the Nomination Pack.

It would be beneficial if the authorisation could be submitted in advance of your nomination as the DRO cannot validate the nomination until all details have been checked.

If you are representing two or more parties, the nominating officers of each party, or person or persons appointed by them, must authorise in writing, use of the proposed joint description. The joint description must be registered with the Electoral Commission in the Northern Ireland Register of Political Parties.

It is a corrupt practice to fraudulently claim to be authorised to issue a certificate on behalf of a registered political party's nominating officer.

## Request to use an emblem on the ballot paper

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If you have been authorised to use a party name or description the nominating officer of that party (or a person authorised to act on their behalf) can also authorise the use of a registered emblem. The candidate must complete the request form in the Nomination Pack. Only registered emblems can be used and they cannot be modified in any way. The nominating officer should identify the emblem to be used by the unique number or description registered with the Electoral Commission in the Northern Ireland Register of Political Parties at <http://search.electoralcommission.org.uk/Search/Registrations?currentPage=1&rows=30&sort=RegulatedEntityName&order=asc&open=filter&et=pp&et=ppm&register=ni&regStatus=registered&optCols=EntityStatusName>.

If you are representing two or more parties, and the nominating officers of all of them request it in writing, a specified emblem of any one of the parties will appear next to your name on the ballot paper. The request must be signed by all the nominating officers (or persons acting on their behalf).

Requests to use emblems must reach the DRO before the close of nominations. Where the request is signed on behalf of the nominating officer, written evidence of the authorisation of that person by the nominating officer must be provided.

## Subscription of nomination paper

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Your nomination paper must be signed by a proposer, a seconder and eight other persons. These ten people, known as subscribers, must all be listed on the register as at 3 September 2018 (the 1 June register plus July, August and September addendums) for the Carrick Castle district electoral area and must all be at least 18 years of age on polling day. Each candidate is entitled to receive a copy of the register for the Carrick Castle district electoral area from the DRO.

Each elector may only subscribe one nomination paper at the election. If an elector does sign two or more nomination papers, the first nomination paper delivered to the DRO will be accepted and the rest will be invalid.

You must ensure that the full electoral number for each subscriber, as shown on the electoral register as at 3 September 2018, is entered against their name.

Your name and description (if applicable) should be written on the form before you ask any electors to subscribe your nomination. Your nomination form should not be altered after signatures have been added.

## Consent to nomination

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In order for your nomination as a candidate to be valid, you must formally give your consent to nomination in writing. The consent form is included in the Nomination Pack.

The consent form includes a statement that you are not, to the best of your knowledge and belief, disqualified from being elected under the provisions of Section 4 of the Local Government Act (Northern Ireland) 1972. It also includes a Declaration against Terrorism.

You must sign the consent to nomination between Tuesday 21 August 2018 and Friday 21 September 2018. Your signature must be witnessed, and the witness must also sign the form and give their full name and address. The form must be delivered to the DRO by 1.00pm on Friday 21 September 2018.

## False statements on nomination papers

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Any information you provide on your nomination papers must be true to the best of your knowledge. It is a corrupt practice to make a false statement in a nomination paper.

### 4.6 Deposit

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No deposit is required at this election.

### 4.7 Right to attend nomination

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Other than the DRO and those assisting in the nomination process only the following can be present at the delivery of nomination papers:

- the person delivering nomination papers
- a person standing nominated as a candidate
- the election agent, proposer or seconder of a candidate (or if a candidate is acting as their own election agent one other person chosen by them)
- Electoral Commission representatives
- one other person chosen by each candidate

Those present at the delivery of nomination papers (apart from Electoral Commission representatives and the one other person chosen by each candidate) have the right to inspect and object to the validity of the nomination papers.

The DRO will decide the process for dealing with any objection. The DRO's decision on any objection can only be challenged by way of an election petition.

## 4.8 Correction of minor errors

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The DRO has power to correct minor errors made on a nomination paper, including errors of spelling in relation to the details of a candidate or a description. It is likely that this power will be used only where there is no doubt whatsoever that an error has been made. It is your responsibility to ensure that your nomination papers are correct.

## 4.9 Withdrawal of candidates

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Once the DRO has accepted your nomination paper, you can still withdraw from the election if you deliver a written notice to the DRO before the close of nominations. The notice must be signed by you and witnessed by one other person. A form for this purpose is provided in the Nomination Pack.

If you are outside the United Kingdom, a notice of withdrawal and declaration of your absence signed by your proposer will have the same effect.

## 4.10 Statement of persons nominated and notice of poll

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Provided there are no objections to the nominations, the DRO will publish the statement of persons nominated at 6.00pm on Friday 21 September 2018 (or as soon as practical thereafter). If there are objections the statement will be published after they have been disposed of but no later than midnight on Friday 21 September 2018.

The statement will show the names, addresses and descriptions (if any) of the persons standing for election and the names of those who subscribed their nomination papers.

The statement will include the notice of poll, giving the date and hours during which the poll will be taken. The DRO will also publish the list of polling stations and electors entitled to vote at each station on polling day (the polling station scheme) on the Council website. A copy will be provided to election agents.

## 4.11 Uncontested election

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If only one candidate is nominated they will be declared elected without a poll.



## 5 Your election agent

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### 5.1 Role of the election agent

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Your election agent is the person responsible in law for the proper management of your election campaign. In particular, your election agent is responsible for the financial management of your campaign and for ensuring that declarations and returns of election expenses are properly completed and delivered to the DRO within the statutory deadlines.

You are required to have an election agent. If you do not appoint one, you are deemed to be your own agent. In this Guide where a reference is made to an election agent, it applies to you if you have not appointed an election agent.

The role of election agent is very important therefore the appointment of your agent should be carefully considered. Your election may be invalidated if your election agent does not promptly and correctly perform their duties, and in some cases there could be criminal sanctions for both you and your agent.

### 5.2 Who can be an election agent?

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Anyone can be appointed as an election agent except:

- the Returning Officer or any officer or clerk appointed by them under the rules
- any partner or clerk to the above individuals
- anyone not entitled to vote in the election as a result of the report of an election court or a conviction for a corrupt or illegal practice.

### 5.3 Appointment of election agent

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The name, address and office address of the election agent must be provided in writing to the DRO by 1.00pm on Friday 21 September 2018. The declaration must be signed by the candidate or a person authorised to act on their behalf, and also by the election agent to show acceptance of the post. The relevant form is included in the Nomination Pack.

If before, during or after the election you revoke the appointment of your election agent, a new appointment can be made by the same process. Similarly, if you are acting as your own election agent you can also revoke that 'appointment' and appoint a new agent.

The names, addresses and office addresses of the election agent will be published on the Council website.

### 5.4 Office of election agent

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Any election agent you appoint must have an office address within the Council area (this may be their home address). The address must be provided on the appointment form.

If you are acting as your own agent, the office address is deemed to be your home address as published on the statement of persons nominated.

It is good practice to provide a contact telephone number and email address for your election agent as well as their postal address. If these details are not available this may hinder the DRO from conveying important information to them or seeking clarification on any issues.

## 6 Your campaign

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### 6.1 Supply and use of electoral register and absent voter list

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When you officially become a candidate (see Section 4.1) you are entitled, on request, to a copy of the electoral register and absent voter list (see Section 7) for the Carrick Castle district electoral area. The Nomination Pack includes a form that can be used to request these documents.

The register must be collected from the Newtownabbey Area Electoral Office (A) as it contains personal data. You will need to obtain a copy of the register prior to nominations in order to be able to provide the electoral numbers of your subscribers on the nomination paper.

Electoral register and absent voter data may only be used for electoral purposes or for checking the validity of donations. If you or any of your campaign workers use them for any other purpose you will be breaking the law. If convicted you could be fined up to £5,000. In the event that you do not complete the nomination process, or should you withdraw your nomination, you will be required to return the register/absent voter list.

Unless you specifically request a paper copy, the documents will be supplied to you in data format (a comma separated values (CSV) file). CSV files can be opened using a number of applications including Microsoft Excel, Access and Notepad, and may be used to create mailing labels or merged letters.

### 6.2 Campaign materials

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Any leaflets, notices or other documents you issue are subject to certain restrictions under electoral law (see Section 11). In addition, under the Public Order Act 1986, it is an offence to publish or distribute threatening, abusive or insulting material that is intended to or likely to stir up racial hatred.

### 6.3 Details to appear on election publications

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All documents you produce to promote your election (including leaflets, advertisements and posters) must bear:

- the name and address of the printer of the material;
- the name and address of the publisher of the material.

This is known as the 'imprint'.

### 6.4 Display and removal of election posters

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The law relating to the display and removal of election posters is the Planning (Control of Advertisements) Regulations (Northern Ireland) 2015.

As a candidate you must ensure that you comply with any planning rules relating to the display of election posters. You must also ensure that any posters are removed within two weeks of polling day. If you have any queries relating to these issues you should contact the Local Planning Office in Mid and East Antrim Borough Council.

Under electoral law it is illegal to pay anyone for displaying a poster, unless that is their normal business (e.g. an advertising agent).

## 6.5 Right to send campaign material free of postage

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As a candidate you are entitled to send an item of campaign material to electors free of charge for postage. You must send your item to every registered elector in the Carrick Castle district electoral area and you must include the elector's full postal address on the item.

Your item may contain only material relating to the election and must weigh no more than 60g. Royal Mail, who have responsibility for distributing the material, have produced guidance for candidates on their website: <http://www.royalmail.com/specialist-services/candidate-mailing>.

If you wish to use this service before the close of nominations you will have to sign off and agree with Royal Mail to pay for the costs involved if you do not stand as a candidate. For further details of this service you should contact:

Royal Mail Election Support Team  
Tel: 0845 6076 416  
Email: [election.support@royalmail.com](mailto:election.support@royalmail.com)

## 6.6 Election expenses and donations

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The maximum amount that you can spend on your election campaign is fixed by law. The Electoral Commission's guidance can be found on [www.electoralcommission.org.uk](http://www.electoralcommission.org.uk).

Any queries relating to election spending and donations should be referred to the Commission:

The Electoral Commission  
Ground Floor  
4 Cromac Place  
The Gasworks  
Belfast BT7 2JB

Tel: 0333 103 1928  
Email: [infonorthernireland@electoralcommission.org.uk](mailto:infonorthernireland@electoralcommission.org.uk)  
Website: [www.electoralcommission.org.uk](http://www.electoralcommission.org.uk)

## 7 Absent voting

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### 7.1 Absent voting overview

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In certain circumstances an elector is entitled to an absent vote either for an indefinite period or for a particular election.

There are two main types of absent vote:

- postal vote – where a ballot paper is sent to the elector for completion and return
- proxy vote – where the elector nominates someone (“a proxy”) to vote on their behalf

A proxy can apply to vote by post. This is known as a “proxy postal vote”.

In Northern Ireland there is no general right to an absent vote. Absent votes are only allowed when all the statutory criteria are met.

There are strict deadlines for the receipt of absent vote applications (see Section 3 - Election timetable) and any received after the deadlines will not be processed.

Completed postal ballot papers must be returned to the **Area Electoral Office** that issued them by 10pm on polling day. They **cannot be** handed in at a polling station or Council office.

### 7.2 Application forms

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Any elector who wishes to apply for an absent vote should be advised to download a form from [www.eoni.org.uk/Vote/Voting-by-post-or-proxy](http://www.eoni.org.uk/Vote/Voting-by-post-or-proxy) or to contact their local Area Electoral Office.

It is important that all applications are completed in strict accordance with the guidance notes. Incorrectly completed applications will not be granted and there may be insufficient time before the deadline to return them to the applicant. You should advise all applicants to return their completed form as early as possible so that, if staff are available, they can be checked before the deadline and returned for correction.

### 7.3 Issue and opening of postal votes

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The DRO will give notice to your election agent of when and where postal votes will be issued and opened and of the number of agents you can appoint to represent you at these events. The issue and opening dates will also be published on the Council and EONI website.

You must notify the DRO in writing, before the time fixed for the issue/opening, of the names and addresses of any agents you wish to be present. A form which you may use for this purpose is included in the Nomination Pack. You and your election agent may also attend, or you can appoint someone to attend on your election agent’s behalf.

You and your agents will have to produce one of the forms of photographic identification required to be produced at polling stations before being allowed to attend the proceedings (see Section 8.1).

Anyone attending the proceedings will be bound by the statutory Requirement of Secrecy (Appendix 2), a copy of which will be provided by the Area Electoral Officer.

It is likely that the last opening of postal ballot paper envelopes will take place on polling day. The ballot box in use after that will be taken unopened to the count where any envelopes in it will be opened and any valid votes mixed with the contents of a ballot box from a polling station before the count commences.

## 8 Polling day

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### 8.1 Voting at polling stations

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A 'polling station' is the room or part of a room in which the poll is taken under the supervision of a Presiding Officer. It is not the building in which there are one or more polling stations. That building is called the 'polling place'.

Polling stations will be open between 7am and 10pm on Thursday 18 October 2018. Voters will vote using the Single Transferable Vote (STV) system i.e. placing a '1' beside their first preference on the ballot paper, a '2' beside their second preference and so on.

At the polling station, voters will need to produce one of the following documents in order to prove their identity:

- a UK, Irish or EEA Driving Licence (photographic part, provisional accepted)
- a UK, Irish or EU Passport
- an Electoral Identity Card
- a Translink Senior SmartPass
- a Translink 60+ SmartPass
- a Translink War Disabled SmartPass
- a Translink Blind Person's SmartPass

These documents are listed in legislation and no other forms of identity can be accepted.

The identification document does not need to be current, but the photograph must be of a good enough likeness to allow polling station staff to confirm the identity of the holder.

### 8.2 Who can enter a polling station

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The only persons who can enter a polling station are:

- voters allotted to vote there
- persons under 18 years of age accompanying voters
- companions of voters who have a disability
- candidates and their election agents
- polling agents appointed to that polling station
- the Returning Officer, the DRO and their staff
- the Presiding Officer and clerks appointed to that station
- constables on duty
- Electoral Commission representatives
- observers accredited by the Electoral Commission

### 8.3 Keeping order in the polling station

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The Presiding Officer has a duty to keep order in the polling station. They may require any person who misconducts themselves to leave the station. If that person does not do so immediately, the Presiding Officer will call the police to have them removed.

The Presiding Officer may restrict the number of voters in the polling station and persons under the age of 18 who accompany them.

### 8.4 Requirement of secrecy

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All those present in the polling station are bound by the statutory Requirement of Secrecy (Appendix 3). Breaching that requirement is a criminal offence with a maximum penalty of imprisonment of up to 6 months or a fine of up to £5,000. All such persons will be given a copy of the relevant statutory provisions upon entering a polling station.

### 8.5 Polling agents

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You (or your election agent) may appoint polling agents to be present at any polling station (ballot box). Written notice must be given to the DRO by 5.00pm on Thursday 11 October 2018 of the full names and addresses of your polling agents allocated to **each** ballot box. A form which you may use for this purpose is included in the Nomination Pack.

To ensure your polling agent is not delayed or refused entry at the polling station the polling agent list for each ballot box should be fully completed and each entry must be legible. You should provide the DRO with a list of polling agents per ballot box in ballot box number order within the district electoral area. You should provide two sets of these lists.

Only one polling agent for each candidate may be present at any ballot box at the same time. The primary role of a polling agent is to detect personation (when an individual votes as someone else - whether that person is living or dead, or is a fictitious person).

Additional duties which an agent may undertake include:

- checking that the ballot box is empty at 7am
- being present when the Presiding Officer marks a ballot paper on behalf of a voter
- being present at the close of poll to observe the sealing up of the ballot box and other packages. The agent can affix their own seal to the box or any packet in addition to the official seal.

Polling agents must observe the requirement of secrecy (Appendix 3). In particular they **must not**, before the close of poll, pass any information to anyone about:

- the name of anyone who has voted
- the electoral number of anyone who has voted
- the official mark



Polling agents must comply with all lawful instructions of the Presiding Officer and staff and with those set out in the “Polling Agents Instructions”, a copy of which is included in the Nomination Pack. You should provide a copy of the instructions to all of your polling agents.

To gain access to the polling station all polling agents will have their name checked against a list of those entitled to be present. Attendees will also have to produce one of the forms of photographic identification required to be produced at polling stations before being allowed to attend the proceedings (see Section 8.1).

## 8.6 Canvassing in the vicinity of the polling station

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All political parties have agreed to the voluntary Code of Conduct for Canvassers in the vicinity of the polling station which can be found at Appendix 4. You should ensure that a copy of this is distributed to all your canvassers.

## 9 The Count

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### 9.1 Count venues

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After the close of poll the number of unused, spoilt and tendered ballot papers returned from polling stations will be reconciled overnight in the count venue below. Counting agents are entitled to observe this process.

Carrickfergus Leisure Centre  
Prince William Way  
Carrickfergus  
BT38 7HP

The verification of used ballot papers will begin on Friday 19 October. The count of ballot papers will begin after the verification has been completed and will continue until the result is declared (unless it is necessary to suspend the count due to the lateness of the hour). The result will be published on the Council website.

The DRO will issue a Count Information Pack during the nomination process. This will outline the arrangements for the count.

### 9.2 Who can be present

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The only persons who can be present at the verification and count are:

- the Returning Officer, DRO and their staff
- candidates and one other person chosen by them
- election agents
- counting agents
- Electoral Commission representatives
- observers accredited by the Electoral Commission
- other persons permitted by the Returning Officer or DRO

To gain access to the count all persons will have their name checked against a list of those entitled to be present. Attendees will also have to produce one of the forms of photographic identification required to be produced at polling stations (see Section 8.1).

Under no circumstances must you, your representatives or any accredited observers attempt to enter the restricted area where staff count the votes. The right to be present is only to observe the process from immediately outside the restricted area. The restricted area will be clearly defined.

### 9.3 Counting agents

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You (or your agent) may appoint counting agents to attend at the verification and count of votes. The DRO will give notice of the maximum number of agents that you can appoint. All candidates will be allowed the same number of counting agents.

If you wish to appoint counting agents you must give the DRO written notice of their full names and addresses **5.00pm on Thursday 11 October 2018**. A form which you may use for this purpose is included in the Nomination Pack.

Please note that if an agent becomes incapable of acting, you may appoint another agent in their place; you must give the DRO notice in writing of the name and address of the new agent appointed.

#### 9.4 Requirement of secrecy

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All those present at the count are bound by the statutory Requirement of Secrecy (Appendix 3), a copy of which will be provided.

#### 9.5 Verification

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The ballot boxes will be opened on Friday 19 October. The ballot paper account for each ballot box will be verified by comparing it with the number of ballot papers found in each box.

If the number of ballot papers according to the ballot paper account and the physical checks correspond, the verification of that box is complete. If they do not, the ballot papers will be recounted and the documentation checked until the DRO is satisfied as to the actual number of ballot papers to be included in the count. The results for each box will be recorded on the verification statement, a copy of which will be available to election agents.

The count of ballot papers will begin once the verification stage has been completed.

#### 9.6 The count

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During the count the DRO will make important announcements. You must ensure that you are present or represented throughout the count process so that you do not miss any announcement. If you do not understand any announcement made you should seek clarification from the DRO.

Throughout the count process the ballot papers will be kept face up so that no one can see the ballot paper number or unique identifying mark. You should make sure that all your representatives know that they must not attempt to see the back of any ballot paper.

Ballot papers will be sorted into piles for each candidate according to the first preference marked. Any 'doubtful ballot papers' (see Section 9.7) will be put aside for adjudication.

The number of votes for each candidate will be counted and the total number of valid votes calculated.

The quota will then be calculated using the following formula:

$$Q = \left\{ \frac{\text{total valid votes}}{\text{total number of seats in the DEA} + 1} \right\} \text{ ignore any fraction and add 1}$$

Where the total number of votes for a candidate at any stage of the count is equal to or exceeds the quota that candidate shall be deemed to be elected.

Candidates are advised to consult the relevant legislation for more detail about the single transferable vote system.

## 9.7 Ballot papers requiring adjudication

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A ballot paper is deemed to be invalid if:

- it does not bear the official mark; or
- the figure “1” standing alone is not placed so as to indicate a first preference vote for any candidate; or
- the figure “1” standing alone indicating a first preference is set opposite the name of more than one candidate; or
- anything (other than the printed number and other unique identifying mark on the back) is written or marked by which the voter can be identified; or
- it is unmarked or void for uncertainty

Before any decision is taken on whether a ballot paper is invalid it will be assessed by the Doubtful Votes Adjudicator in the presence of candidates and agents.

An announcement will be made over the public address system telling candidates and agents that an adjudication on doubtful ballot papers is about to be made. You can attend the adjudication or nominate one person to represent you. The adjudication will not be delayed if you are not present or represented.

The adjudicator will inform those present of the decision on the validity of each ballot paper and the reason for it. That decision is final and can be challenged only by way of an election petition. If you do not agree with any decision to reject a ballot paper as invalid, you must tell the adjudicator who will stamp the paper ‘rejection objected to’.

## 9.8 Recount

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You or your election agent may, at the end of any stage of the count but before the next stage proceeds, request a recount or a further recount. Only the most recent completed stage can be re-counted.

The DRO may refuse your request if they are of the opinion that it is unreasonable.

The DRO will call all candidates together at the end of the counting or any recounting of votes for any stage to give you a reasonable opportunity to request a recount or a further recount. Neither the start of the next stage nor the declaration of the result will be delayed if you fail to attend promptly.

## 9.9 Declaration of result

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Once the seat in the district electoral area has been filled the DRO will declare the name of the candidate who has been elected. They will also give public notice of:

- (a) the number of first preference votes for each candidate;
- (b) any transfer of votes;
- (c) the total number of votes for each candidate at each stage of the count at which such transfer took place; and
- (d) the order in which the successful candidate was elected.

## 10 After the election

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### 10.1 Successful candidates

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Successful candidates must sign a declaration of acceptance of office before acting as a councillor.

### 10.2 Election petition

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The outcome of an election can be challenged only by way of an election petition. You are advised to seek legal advice if you wish to initiate proceedings. The procedure for presenting an election petition is outlined below.

An election petition can be presented by:

- a person who voted as an elector at the election or had a right to vote
- a person claiming to have had a right to be elected or returned at the election
- a person alleging to have been a candidate at the election

The only grounds for a petition are:

- undue election or
- undue return

The councillor whose election or return is complained about must be a respondent to the petition, and if the petition complains about the conduct of the Returning Officer or her staff during the election, the Returning Officer is deemed to be a respondent.

The petition must be presented within 21 days after the day the result of the election is declared. The only exception is if the petition complains of corrupt or illegal practices involving the payment of money or other reward that has taken place since the election, or an illegal practice relating to election expenses, in which case more time may be allowed.

The petition must be in the form prescribed by the Election Petitions Rules 1964, and must include the following information:

- the capacity in which the petitioner or petitioners are acting
- the date and result of the election in question
- the grounds on which relief is sought
- the relief claimed.

The petition must be presented to the Clerk of the Crown at the Royal Courts of Justice, Chichester Street, Belfast. In addition to the court fees, security for costs must be agreed and lodged. Legal aid is not available.

For more detailed information on the processes to be followed in issuing an election petition, petitioners should consult the relevant legislation and contact:

The Clerk of the Crown  
Royal Courts of Justice  
Chichester Street  
Belfast  
BT1 3JF

Tel: 028 9072 4699

### 10.3 Election expenses return

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Within 35 calendar days of the declaration of the result, your election agent must submit an election expenses return, supporting documentation and the election agent's declaration as to election expenses (these documents must be submitted at the same time) to the DRO.

Within 7 working days of submission of these documents the candidate's declaration of expenses must be submitted to the DRO. If you are outside the United Kingdom when the agent's return is delivered, your declaration must be delivered 14 calendar days after your return). The DRO has no power to extend any of the statutory deadlines.

If a candidate or election agent fails to deliver the required return and declarations to the DRO within the 35 day deadline they will be prohibited from sitting and voting in the relevant local council until they have either submitted the return and declarations or the High Court grants an authorised 'excuse'. If the person sits and votes in contravention of the prohibition they must forfeit £50 for every day that they sit or vote in the Council. If the person fails to pay that money summary proceedings may be taken in the criminal courts. The person will be convicted of an offence and liable to a fine of the accumulated amount.

In addition, failure to submit any document on time is an illegal practice and will be referred to the Public Prosecution Service for investigation. An illegal practice is a summary criminal offence with a penalty of up to £5,000.

Guidance on the forms to be used and their completion is available on the Electoral Commission website [www.electoralcommission.org.uk](http://www.electoralcommission.org.uk). You should read their guidance and contact the Electoral Commission (not the Electoral Office) if you have any queries about election expenses.

Election expenses may be inspected by any person at the office of the DRO. A fee of 20p per side is payable for any copy supplied. Expenses documents are retained for one year after which you can have them returned to you or your agent, or they will be destroyed.

### 10.4 Inspection and supply of marked registers and absent voter lists

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The marked electoral registers and absent voter lists show who has been issued with a ballot paper, who has returned their postal ballot paper, and who has had a proxy vote cast on their behalf.

If you wish to inspect or obtain copies of the marked register and absent voter lists after the election you should email [info@eoni.org.uk](mailto:info@eoni.org.uk). Information obtained from the marked register may only be used for research or electoral purposes.

The request for **inspection** must specify:

- which documents are requested
- the purposes for which the information in any document will be used
- where the request is to inspect the marked register or lists, any reason why inspecting the full register or unmarked lists would not be sufficient to achieve that purpose
- who will inspect the documents
- the date on which they wish to inspect the documents, and
- whether they would prefer to inspect the documents in a printed or data form

Inspection is under supervision and will be free of charge. You won't be able to take copies, but may make handwritten notes.

The request for **supply** must specify:

- which of the marked register or lists (or the relevant part of the register or lists) are requested
- whether a printed copy of the records or lists is requested or a copy in data form
- the purposes for which the marked register or lists will be used and why the supply or purchase of a copy of the full register or unmarked lists would not be sufficient to achieve that purpose.

The requested document will be supplied for a fee based on the number of entries:

- In data form: £20 + £1.50 for each 1,000 entries or remaining part of 1,000 entries
- In printed form: £10 + £5.00 for each 1,000 entries or remaining part of 1,000 entries

After one year these documents will be destroyed, unless a court order directs otherwise.



## 11 Electoral offences

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### 11.1 Summary of electoral offences

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The following list provides a summary of electoral offences. This list is not exhaustive and candidates are advised to consult the relevant legislation. It does not include offences relating to party and election finance, advice on which may be sought from the Electoral Commission.

If you think that an offence may have been committed, you should refer the matter to the police. Neither the Chief Electoral Officer nor the DRO have any investigatory role and cannot report offences on behalf of any other person.

#### Bribery

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The offence of bribery includes where someone directly or indirectly gives any money or procures any office to or for any voter, in order to induce any voter to vote or not vote.

#### Treating

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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. Treating requires a corrupt intent - it does not apply to ordinary hospitality.

#### Undue influence

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A person is guilty of undue influence if they directly or indirectly make use of or threaten to make use of force, violence or restraint, or inflict or threaten to inflict injury, damage or harm in order to induce or compel that person to vote or refrain from voting. A person may also be guilty of undue influence if they impede or prevent any voter from freely exercising their right to vote – even where the attempt is unsuccessful.

Undue influence doesn't exclusively relate to physical access to the polling station. For example, a leaflet that threatens to make use of force in order to induce a voter to vote in a particular way could also be undue influence.

#### Personation

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Personation is where an individual votes as someone else either by post or in person at a polling station, as an elector or as a proxy. This offence applies if the person that is being personated is living, dead or fictitious. Aiding, abetting, counselling or procuring the offence of personation is also an offence.

#### False statements as to candidates

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It is an illegal practice 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.

False statements that are not about another candidate's personal character or conduct are not illegal under electoral law, but could be considered as libel or slander. It is also an illegal practice to make a false statement of a candidate's withdrawal.

### False statements in nomination papers

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It is an offence to knowingly provide a false statement on a nomination paper. For example, if you know you are disqualified from election you must not sign the consent to nomination.

### False registration information and false postal/proxy voting applications

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It is an offence to supply false information on a registration, postal vote or proxy vote application form. False information includes a false signature.

### Breaches of the secrecy of the ballot

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Everyone involved in the election process or attending certain proceedings must maintain the secrecy of the ballot. The Requirement of Secrecy is at Appendix 2.

### Campaign publicity material

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Certain offences relate specifically to election campaign publicity material. Election campaign publicity material must contain an imprint, not resemble a poll card and not contain a false statement as to the personal character or conduct of another candidate.

### Racial hatred

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Under the Public Order Act 1986, it is an offence to publish or distribute threatening, abusive or insulting material that is intended to stir up racial hatred or which is likely to stir up racial hatred.

Your attention is drawn to the relevant provisions of paragraph 27 of Schedule 9 to the Electoral Law Act (Northern Ireland) 1962 which apply to this election, and in particular to the maximum penalty for anyone guilty of an electoral offence. Level 5 is currently set at £5,000. It is the policy of the Chief Electoral Officer to report to the police any person suspected of breaking any of these provisions.

- (1) A person attending at or admitted to a polling station in any capacity at an election shall be guilty of an electoral offence if before the poll is closed he communicates to any other person any information as to –
  - (a) the name of any elector or proxy who has or has not applied for a ballot paper or voted at a polling station; or
  - (b) the number on the register of any elector who, or whose proxy, has or has not applied for a ballot paper or voted at a polling station; or
  - (c) the official mark.
- (2) Any person attending in any capacity at the count at any election shall be guilty of an electoral offence if he –
  - (a) ascertains or attempts to ascertain at the count the number or other unique identifying mark on the back of any ballot paper; or
  - (b) at any time communicates any information obtained at the count as to the candidate for whom any vote is given on any particular ballot paper.
- (3) A person shall be guilty of an electoral offence if he –
  - (a) interferes with or attempts to interfere with a voter when recording his vote; or
  - (b) otherwise obtains or attempts to obtain in a polling station information as to the candidate for whom a voter in that station is about to vote or has voted; or
  - (c) communicates at any time to any person any information obtained in a polling station as to the candidate for whom a voter in that station is about to vote or has voted, or as to the number or other unique identifying mark on the back of the ballot paper issued to a voter at that station; or
  - (d) directly or indirectly induces a voter to display his ballot paper after he has marked it so as to make known to any person the name of the candidate for whom he has or has not voted; or
  - (e) being a person permitted, on making the declaration made by the companion of a voter with disabilities, to remain with a voter with disabilities while the presiding officer records his vote, communicates at any time to any person any information as to the candidate for whom that voter intends to vote or has voted, or as to the number or other unique identifying mark on the back of the ballot paper issued for use of that voter.
- (4) Any person attending the proceedings in connection with the issue or receipt of ballot papers for persons voting by post shall be guilty of an electoral offence if he –
  - (a) communicates, before the poll is closed, to any person any information obtained at those proceedings as to the official mark; or
  - (b) except for some purpose authorised by law, communicates to any person at any time any information obtained at those proceedings as to the number or other unique identifying mark on the back of the ballot paper sent to any person; or
  - (c) except for some purpose authorised by law, attempts to ascertain at the proceedings in connection with the receipt of ballot papers the number or other unique identifying mark on the back of any ballot paper; or
  - (d) attempts to ascertain at the proceedings in connection with the receipt of the ballot papers the candidate for whom any vote is given in any particular ballot paper or communicates any information with respect thereto obtained at those proceedings.

Section 111 (2A) (d) in the case of an offence under paragraph 27 of Schedule 9, a person guilty of an electoral offence at a local election shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding 6 months.



## CODE OF CONDUCT

### CANVASSING IN THE VICINITY OF POLLING PLACES

The following principles are intended to guide the conduct of canvassers in the vicinity of polling places:

- Canvassers shall be polite and courteous at all times when speaking to members of the public. They should be careful to avoid any behaviour which may leave them open to complaints of harassment or intimidation.
- Canvassers will not engage in canvassing activities inside the grounds of a polling place.
- Canvassers should not stop, or in any way impede, the free flow of vehicular traffic entering or leaving the grounds of a polling place.
- Canvassers should not restrict or in any way impede pedestrian access to any entrance of a polling place.
- Canvassers shall not attach flags, emblems, banners, posters or any other item used in connection with canvassing to a polling place or to any part of its perimeter wall or fence.

This Code of Conduct has been agreed with political parties.

NB: The term 'polling place' is referred to in Section 18B of the Representation of the People Act 1983 but the actual meaning of the term is not defined in law. For the purposes of the Electoral Petition Hearing in September 2010 it was described as 'The building inside which one or more polling stations are located.'