

## SCHEDULE 3

### Mayoral Election (Combination of Polls) Rules

## PART 3

### Stages common to contested and uncontested elections

#### Notice of election

5.—(1) The returning officer shall publish notice of the election stating—

- (a) the place and times at which nomination papers are to be delivered, and
- (b) the date of the poll in the event of a contest,

and the notice must state that forms of nomination papers may be obtained at that place and those times.

(2) The notice of election must also state the arrangements which apply for the payment of the deposit required by rule 10 to be made by means of the electronic transfer of funds.

(3) The notice of election must state the date by which—

- (a) applications to vote by post or by proxy, and
- (b) other applications and notices about postal or proxy voting,

must reach the returning officer in order that they may be effective for the election.

#### Nomination of candidates

6.—(1) Each candidate must be nominated by a separate nomination paper.

(2) A nomination paper must be in the appropriate form in the Appendix or a form to the like effect and shall be delivered at the place fixed for the purpose by the returning officer, which shall be at the offices of the council of the county, county borough, district or London borough in which the electoral area wholly or mainly lies.

(3) A nomination paper must state the candidate's—

- (a) full names,
- (b) home address, in full, and
- (c) if desired, description,

and the surname must be placed first in the list of names.

(4) If a candidate commonly uses—

- (a) a surname which is different from any other surname he has, or
- (b) a forename which is different from any other forename he has,

the nomination paper may state the commonly used surname or forename in addition to the other name.

(5) The description, if any, which may not comprise more than six words, must consist of either—

- (a) that authorised as mentioned in paragraph rule 7(1) or (3); or
- (b) the word “Independent”.

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### **Nomination papers: name of registered political party**

7.—(1) A nomination paper may not include a description of a candidate which is likely to lead electors to associate the candidate with a registered political party unless the party is a qualifying party in relation to the electoral area and the description is authorised by a certificate—

- (a) issued by or on behalf of the registered nominating officer of the party, and
- (b) received by the returning officer before the last time for the delivery of nomination papers set out in the Timetable in rule 3.

(2) In paragraph (1) an authorised description may be either—

- (a) the name of the party registered under section 28 of the Political Parties, Elections and Referendums Act 2000(1), or
- (b) a description of the party registered under section 28A(2) of that Act.

(3) A nomination paper may not include a description of a candidate which is likely to lead electors to associate the candidate with two or more registered political parties unless the parties are each qualifying parties in relation to the electoral area and the description is a registered description authorised by a certificate—

- (a) issued by or on behalf of the registered nominating officer of each of the parties, and
- (b) received by the returning officer before the last time for the delivery of nomination papers set out in the Timetable in rule 3.

(4) For the purposes of paragraph (3), a description is a registered description if it is a description registered for use by the parties under section 28B of the Political Parties, Elections and Referendums Act 2000(3).

(5) A person shall be guilty of a corrupt practice if he fraudulently purports to be authorised to issue a certificate under paragraph (1) or (3) on behalf of a registered political party's nominating officer.

(6) For the purposes of the application of this rule in relation to an election—

- (a) “registered political party” means a party which was registered under Part 2 of the Political Parties, Elections and Referendums Act 2000 on the day (“the relevant day”) which is two days before the last day for the delivery of nomination papers at that election;
- (b) a registered political party is a qualifying party in relation to an electoral area if the electoral area is in England or Wales and the party was on the relevant day registered in respect of that part of Great Britain in the Great Britain register maintained under that Part of that Act.

(7) For the purposes of paragraph (6)(a), any day falling within rule 4(1) must be disregarded.

### **Subscription of nomination paper**

8.—(1) The nomination paper must be subscribed by two electors as proposer and seconder, and by twenty-eight other electors as assenting to the nomination.

(2) Where a nomination paper has the signatures of more than the required number of persons as proposing, seconding or assenting to the nomination of a candidate, the signature or signatures (up to the required number) appearing first on the paper in each category must be taken into account to the exclusion of any others in that category.

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(1) Section 28 of the Political Parties, Elections and Referendums Act 2000 (c.41) was amended by S.I. 2004/366 and by section 48 of the Electoral Administration Act 2006 (c.22).

(2) Section 28A of the Political Parties, Elections and Referendums Act 2000 (c.41) was inserted by section 49(1) of the Electoral Administration Act 2006 (c.22).

(3) Section 28B of the Political Parties, Elections and Referendums Act 2000 (c.41) was inserted by section 49(1) of the Electoral Administration Act 2006 (c.22).

(3) The nomination paper must give the electoral number of each person subscribing it.

(4) The returning officer—

(a) must supply any elector with as many forms of nomination paper and forms of consent to nomination as may be required at the place and during the time for delivery of nomination papers, and

(b) must at any elector's request prepare a nomination paper for signature,

but it is not necessary for a nomination or consent to nomination to be on a form supplied by the returning officer.

(5) In this rule “elector”—

(a) means a person who is registered in the register of local government electors for the electoral area in question on the last day for the publication of notice of the election; and

(b) includes a person then shown in the register as below voting age if (but only if) it appears from the register that he will be of voting age on the day fixed for the poll.

(6) But, in this rule, “elector” does not include a person who has an anonymous entry in the register.

### **Consent to nomination**

**9.** A person shall not be validly nominated unless his consent to nomination—

(a) is given in writing, on or within one month before the last day for the delivery of nomination papers,

(b) is in the appropriate form in the Appendix or a form to the like effect, and includes a copy of section 80 of the Local Government Act 1972(a) and section 79 of the Local Government Act 2000(b),

(c) is attested by one witness, and

(d) is delivered at the place and within the time for the delivery of nomination papers.

### **Deposits**

**10.—(1)** A person shall not be validly nominated unless the sum of £500 is deposited by him or on his behalf, with the returning officer at the place and within the time for delivery of nomination papers.

(2) The deposit may be made either—

(a) by the deposit of any legal tender, or

(b) by means of a banker's draft, or

(c) with the returning officer's consent, in any other manner (including by means of a debit or credit card or the electronic transfer of funds),

but the returning officer may refuse to accept a deposit sought to be made by means of a banker's draft if he does not know that the drawer carries on business as a banker in the United Kingdom.

(3) Where the deposit is made on behalf of the candidate, the person making the deposit must at the time he makes it give his name and address to the returning officer (unless they have previously been given to him under section 67 (appointment of election agent) of the 1983 Act).

### **Decisions as to validity of nomination papers**

**11.—(1)** Where a nomination paper and the candidate's consent to nomination are delivered in accordance with these Rules, the candidate shall be deemed to stand nominated unless and until—

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- (a) the returning officer decides that the nomination paper is invalid, or
  - (b) proof is given to the returning officer's satisfaction of the candidate's death, or
  - (c) the candidate withdraws.
- (2) The returning officer is entitled to hold the nomination paper of a person invalid only on one of the following grounds—
- (a) that the particulars of the candidate or of the persons subscribing the paper are not as required by law; and
  - (b) that the paper is not subscribed as so required.
- (3) Subject to paragraph (4), the returning officer must, as soon as practicable after each nomination paper has been delivered, examine it and decide whether the candidate has been validly nominated.
- (4) If in the returning officer's opinion a nomination paper breaks rule 7(1) or (3), he must give a decision to that effect—
- (a) as soon as practicable after the delivery of the nomination paper, and
  - (b) in any event, before the end of the period of 24 hours starting with the close of the period for delivery of nomination papers set out in the Timetable in rule 3.
- (5) Where the returning officer decides that a nomination paper is invalid, he must endorse and sign on the paper the fact and the reasons for his decision.
- (6) The returning officer must send notice of his decision that a nomination paper is valid or invalid to each candidate at his home address as given in his nomination paper.
- (7) The returning officer's decision that a nomination paper is valid shall be final and shall not be questioned in any proceeding whatsoever.
- (8) Subject to paragraph (7), nothing in this rule prevents the validity of a nomination being questioned on an election petition.

### **Publication of statement of persons nominated**

- 12.**—(1) The returning officer must prepare and publish a statement showing the persons who have been and stand nominated and any other persons who have been nominated, with the reason why they no longer stand nominated.
- (2) The statement must show the names, addresses and descriptions of the persons nominated as given in their nomination papers.
- (3) If a person's nomination paper gives a commonly used surname or forename in addition to another name, the statement must show the person's commonly used surname or forename (as the case may be) instead of any other name.
- (4) Paragraph (3) does not apply if the returning officer thinks—
- (a) that the use of the person's commonly used name may be likely to mislead or confuse electors, or
  - (b) that the commonly used name is obscene or offensive.
- (5) If paragraph (4) applies, the returning officer must give notice in writing to the candidate of his reasons for refusing to allow the use of a commonly used name.
- (6) The statement must show the persons standing nominated arranged alphabetically in the order of their surnames, and if there are two or more of them with the same surname, of their other names.
- (7) In the case of a person nominated by more than one nomination paper, the returning officer must take the particulars required by the foregoing provisions of this rule from such one of the papers as the candidate (or the returning officer in default of the candidate) may select.

### **Inspection of nomination papers and consent to nomination**

**13.** During ordinary office hours on any day, other than a day specified in rule 4(1), after the latest time for delivery of nomination papers and before the date of the poll, any person may inspect and take copies of, or extracts from, nomination papers and consents to nomination.

### **Correction of minor errors**

**14.—(1)** A returning officer may, if he thinks fit, at any time before the publication under rule 12 of the statement of persons nominated, correct minor errors in a nomination paper.

(2) Errors which may be corrected include—

- (a) errors as to a person's electoral number;
- (b) obvious errors of spelling in relation to the details of a candidate.

(3) Anything done by a returning officer in pursuance of this rule shall not be questioned in any proceedings other than proceedings on an election petition.

(4) A returning officer must have regard to any guidance issued by the Electoral Commission for the purposes of this rule.

### **Withdrawal of candidature**

**15.—(1)** A candidate may withdraw his candidature by notice of withdrawal—

- (a) signed by him and attested by one witness; and
- (b) delivered to the returning officer at the place for delivery of nomination papers.

(2) Where a candidate is outside the United Kingdom, a notice of withdrawal signed by his election proposer and accompanied by a written declaration also so signed of the candidate's absence from the United Kingdom shall be of the same effect as a notice of withdrawal signed by the candidate; but where the candidate stands nominated by more than one nomination paper a notice of withdrawal under this paragraph shall be effective if, and only if—

- (a) it and the accompanying declaration are signed by all the proposers except any who is, and is stated in that declaration to be, outside the United Kingdom; or
- (b) it is accompanied, in addition to that declaration, by a written statement signed by the candidate that the proposer giving the notice is authorised to do so on the candidate's behalf during his absence from the United Kingdom

### **Method of election**

**16.** If, after any withdrawals under rule 15—

- (a) more than two candidates remain validly nominated, a poll shall be taken in accordance with Parts 4 and 5 of these Rules,
- (b) only two candidates remain validly nominated, a poll shall be taken in accordance with Part 4;
- (c) only one candidate remains validly nominated, that person shall be declared to be elected in accordance with Part 6.