

SCHEDULE 3

Combined Authority Mayoral Election (Combination of Polls) Rules

PART 3

Stages common to contested and uncontested elections

Notice of Election and provision of information to calculate election expense limits

5.—(1) The combined authority returning officer must 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 registration officer in order that they may be effective for the election.

(4) Paragraphs (5) and (6) apply for the purposes of enabling persons to calculate the limitation of election expenses in accordance with section 76 of the Representation of the People Act 1983 (as modified by paragraph 1(21) of Schedule 2 to this Order).

(5) The combined authority returning officer must calculate the total number of entries in the register of electors to be used at the election as it has effect on the last day for publication of notice of the election in accordance with rule 3 and must, on written request, provide that information together with the total number of constituent councils.

(6) The information referred to in paragraph (5) must be provided as soon as practicable after the written request is received.

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 combined authority returning officer.

(3) Subject to paragraph (7), 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 the candidate has, or
- (b) a forename which is different from any other forename the candidate has,

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

- (5) The description (if any) can only be—
- (a) one authorised as mentioned in rule 7(1) or (3), or
 - (b) the word “Independent”.

(6) Paragraph (7) applies where the mayor is to exercise functions of a police and crime commissioner in accordance with an order made under Schedule 5C(1) to the 2009 Act.

(7) Where this paragraph applies, the nomination paper, instead of stating the candidate’s home address—

- (a) may contain a statement made and signed by the candidate that he or she requires the home address not to be made public, and
- (b) if it does so, must state the name of the relevant local government electoral area.

(8) In this rule, “relevant local government electoral area” means—

- (a) where a candidate is registered in the register of local government electors at an address within the area of a constituent council, the area of that council;
- (b) where a candidate is not so-registered but is qualified to be elected as mayor(2) by virtue of residing, occupying land or other premises, or having his or her principal or only place of work, within the area of a constituent council, the area of that council.

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 combined authority 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(3), or
- (b) a description of the party registered under section 28A 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 combined authority 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.

(1) Schedule 5C was inserted by the Cities and Local Government Devolution Act 2016 (c. 1), section 4 and Schedule 2.

(2) See paragraph 8 of Schedule 5B to the Local Democracy, Economic Development and Construction Act 2009 for qualification requirements for mayoral candidates.

(3) 2000 c. 41. Section 28A was inserted by the Electoral Administration Act 2006, section 49(1).

(5) A person shall be guilty of a corrupt practice if that person 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 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) Subject to paragraphs (2) and (3), the nomination paper must be subscribed by two electors as proposer and seconder, and by at least ninety-eight other electors as assenting to the nomination.

(2) The subscribers referred to in paragraph (1) must include at least 10 local government electors in respect of each relevant constituent council.

(3) Where there are more than 10 relevant constituent councils, the minimum number of subscribers referred to in paragraph (1) shall be the number of relevant constituent councils multiplied by 10.

(4) 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.

(5) The nomination paper must give the electoral number⁽⁴⁾ of each person subscribing it.

(6) The combined authority 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 combined authority returning officer.

(7) In this rule—

“elector” means a person entitled to vote as elector at the combined authority mayoral election⁽⁵⁾;

“local government elector” means a person who is registered in the register of local government electors at an address within the constituent council's area;

“relevant constituent council” means a district council which is a constituent council, or in the case of an area for which there is no district council, the county council.

(8) But, in this rule, “elector” does not include a person who has an anonymous entry in the register of local government electors.

⁽⁴⁾ See section 9(3) of the Representation of the People Act 1983 (c. 2) for meaning of “electoral number”.

⁽⁵⁾ See paragraph 6 of Schedule 5B to the Local Democracy, Economic Development and Construction Act 2009 for entitlement to vote.

Consent to nomination

- 9.—(1) A person shall not be validly nominated unless their 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 paragraph 9 of Schedule 5B to the 2009 Act, section 34 of the Localism Act 2011⁽⁶⁾ and, where the combined authority mayor is to exercise functions of a police and crime commissioner in accordance with an order made under Schedule 5C to the 2009 Act, sections 64 to 68 of the Police Reform and Social Responsibility Act 2011,
 - (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 £5000 is deposited by that person or on that person's behalf, with the combined authority 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 combined authority returning officer may refuse to accept a deposit sought to be made by means of a banker's draft if the combined authority returning officer 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 it is made give his or her name and address to the combined authority returning officer (unless they have previously been given to the combined authority returning officer under section 67 (appointment of election agent) of the 1983 Act).

Place for delivery of nomination papers and right to attend nomination

11.—(1) The combined area returning officer must fix the place in the area of the combined authority at which nomination papers are to be delivered to that officer, and must attend there during the time for their delivery and for the making of objections to them.

(2) Except for the purpose of delivering a nomination paper or of assisting the combined authority returning officer, no other person is entitled to attend the proceedings during the time for delivery of nomination papers or for making objections to them unless that person is—

- (a) a person standing nominated as a candidate, or
- (b) the election agent, proposer or seconder of such a person, or
- (c) a person who is entitled to attend by virtue of section 6A or 6B of the Political Parties and Referendums Act 2000 Act⁽⁷⁾.

⁽⁶⁾ 2011 c. 20.

⁽⁷⁾ 2000 c. 41. Section 6A and 6B were inserted by section 29 of the Electoral Administration Act 2006 (c.22). Section 6A(5) was amended by paragraph 10 of Schedule 10 to the Police Reform and Social Responsibility Act 2011 (c.13) and by S.I. 2007/1388.

(3) Where a candidate is the candidate's own election agent, the candidate may name one other person and that person is entitled to attend in place of the election agent.

(4) Where a person stands nominated by more than one nomination paper, only the persons subscribing as proposer and seconder—

(a) to such one of those papers as the candidate may select, or

(b) in default of such a selection, to that one of those papers which is first delivered,

are entitled to attend as the person's proposer and seconder.

(5) The right to attend conferred by this rule includes the right—

(a) to inspect, and

(b) to object to the validity of,

any nomination paper.

(6) Paragraph (5) does not apply to a person mentioned in paragraph (2)(c).

(7) One other person chosen by each candidate is entitled to be present at the delivery of the candidate's nomination, and may afterwards (so long as the candidate stands nominated) attend the proceedings referred to in paragraph (2) but without the right referred to in paragraph (5).

Decisions as to validity of nomination papers

12.—(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—

(a) the combined authority returning officer decides that the nomination paper is invalid, or

(b) where it applies, the combined authority returning officer decides that rule 6(7) has not been complied with, or

(c) proof is given to the combined authority returning officer's satisfaction of the candidate's death, or

(d) the candidate withdraws.

(2) The combined authority 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 combined authority 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 combined authority returning officer's opinion a nomination paper breaks rule 7(1) or (3), the combined authority returning officer 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 last time for delivery of nomination papers set out in the Timetable in rule 3.

(5) Where the combined authority returning officer decides that a nomination paper is invalid, the combined authority returning officer must endorse and sign on the paper the fact and the reasons for that decision.

(6) The combined authority returning officer must send notice of the decision that a nomination paper is valid or invalid to each candidate at the candidate's home address as given in the nomination paper.

(7) The combined authority 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

13.—(1) The combined authority 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 combined authority 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 combined authority returning officer must give notice in writing to the candidate of the combined authority returning officer's 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 combined authority 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 combined authority returning officer in default of the candidate) may select.

(8) In relation to a nominated person in whose case the nomination (or, if the person is nominated by more than one nomination paper, any of the nominations) contains—

(a) the statement mentioned in rule 6(7)(a), and

(b) the information mentioned in rule 6(7)(b),

the reference in paragraph (2) to the person's address shall be read as a reference to the information mentioned in rule 6(7)(b).

(9) Where—

(a) two or more of the names shown on the statement are the same or so similar as to be likely to cause confusion,

(b) the statement mentioned in rule 6(7)(a) has been made in relation to each of the persons in question, and

(c) the information mentioned in rule 6(7)(b) is the same for each of them,

the combined authority returning officer may cause any of their particulars to be shown on the statement with such amendments or additions as the officer thinks appropriate in order to reduce the likelihood of confusion.

Correction of minor errors

14.—(1) The combined authority returning officer may, if he or she thinks fit, at any time before the publication under rule 13 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 the combined authority returning officer in pursuance of this rule shall not be questioned in any proceedings other than proceedings on an election petition.

(4) The 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 their candidature by notice of withdrawal—

- (a) signed by the candidate and attested by one witness, and
- (b) delivered to the combined authority 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 the candidate's 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) three or more 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.