

Election Campaigning and Publicity



The following document sets out guidance for candidates and agents relating to the election campaign and publicity. This includes extracts from Electoral Commission guidance and information from the Returning Officer.

The guidance covers the following issues:

- campaign publicity materials
- campaigning outside polling places
- polling day activity
- electoral offences

More information from the Electoral Commission is available at https://www.electoralcommission.org.uk/_data/assets/pdf_file/0011/141788/Part-4-The-campaign-LGEW.pdf

Campaign Publicity Materials

Electoral Commission Guidance

You must:

- Use imprints on all your printed campaign material and any electronic campaign material that is designed to be printed off locally. You should ensure the imprint is clear and visible.
- Comply with planning rules relating to advertising hoardings and large banners.
- Make sure that outdoor posters are removed promptly after the election – you must do this within two weeks of the election.

You should:

- Include an imprint on all non-printed campaign material, including websites.

You must not:

- Produce material that looks like the poll cards sent to voters by the Returning Officer.
- Pay people to display your adverts (unless they display adverts as part of their normal business).

Where do you put the imprint?

If your material is single-sided – such as a window poster – you must put the imprint on the face of the document. If it is multi-sided, you must put it on the first or last page.

Social media

You should display your full imprint details prominently on your profile. You can include a shortened link to your imprint in your tweet or post. If it is impractical to place a full imprint on to an image, you should include the text of a link, or a hyperlinked logo or emblem that leads to your full imprint.

We also suggest that if you use online discussion forums you make your identity as a candidate clear where possible.

Websites and other electronic material

You should also put an imprint on electronic material, such as websites and emails. The imprint should include the name and address of the promoter and the person or organisation on whose behalf it has been produced.

Woking Borough Council Guidance

If you are using double sided material as a poster, best practice would be to ensure the imprint is visible on the side being shown and not the reverse.

Displaying Election Posters/Flyers

Lamp posts and telegraph poles

- Lamp posts are the property of Surrey County Council (SCC) as the Highway Authority (as is other furniture). Permission must be obtained from SCC before posters can be displayed on them.
- The owners of the telegraph poles need to be contacted to obtain their permission to display posters on them.
- As these consents are unlikely to be given, election posters, flyers and similar material should not be displayed on lamp posts, telegraph poles and other street furniture.

Buildings and Trees

Permission must be sought from the owner of the building/tree before any advertising material can be put up.

Control of Advertisement Regulations

Displaying election material without the necessary consents would constitute a breach of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, and could result in action being taken by the local planning authority.

Use of the WBC Emblem

Candidates and agents should ensure that the WBC emblem is not included as part of campaign materials. This does not include the inclusion of photos of candidate taken outside, which may include the WBC name or emblem which are displayed in the public realm.

Campaigning outside polling places

Electoral Commission Guidance

Campaigners should be allowed to put their messages to voters on polling day, including in public spaces outside polling places.

Polling station staff and police officers should not seek to discourage or remove campaigners who are otherwise peacefully communicating with voters, as long as they are not within or impeding access to the grounds of the polling place. You should be careful, however, to ensure that your approach is proportionate and should recognise that groups of supporters may be perceived as intimidating by voters.

Campaigners should keep access to polling places and the pavements around polling places clear to allow voters to enter.

The Presiding Officer is responsible for maintaining order in the polling place, and you may be asked to move by polling station staff or police officers if you are impeding access by voters to a polling place.

Woking Borough Council Guidance

Publicity in the vicinity of a polling station

The Returning Officer has requested that there should be a distance of 100m from a polling place of any such materials. This is a guide for parties and candidates. All attempts should be made to ensure any publicity near polling places should be reasonable and not be seen to cause undue influence.

Temporary campaign headquarters, where located in the immediate vicinity of the polling place, should ensure that any publicity materials at the site are not overly visible. This does not apply to permanent party offices.

Polling day activity

Electoral Commission Guidance

You should:

- Make sure that any tellers working for you follow Electoral Commission's tellers' dos and don'ts and any guidance issued by the Returning Officer.
- Make sure your campaigners follow the Code of conduct for campaigners in Great Britain which sets out what is, and is not, considered acceptable behaviour at polling stations and in the community.
- Comply with requests by polling station staff or the Returning Officer about campaigning near polling stations. You should, however, be allowed to put your message to voters on polling day, including in public spaces outside polling places.
- Make sure that any agents who are attending polling stations, postal vote opening sessions or the count understand the rules about the secrecy of the ballot.

You must not:

- Campaign near polling stations in a way that could be seen by voters as aggressive or intimidating (for example, large groups of supporters carrying banners, or vehicles with loudspeakers or heavily branded with campaign material).
- Breach the requirements on secrecy of the ballot. This is an essential part of any modern democracy and breaches are taken seriously.
- In particular, if you (or your agents) are attending postal vote opening sessions, you must not seek to identify and publicise how votes have been marked on individual ballot papers.
- Before the close of poll, publish exit polls or any other data based on information given by people about how they voted after they have cast their vote, including a postal vote.

Woking Borough Council Guidance

Tellers

Only one teller is allowed, per party/independent candidate, per polling place. Whilst it is acknowledged that time will be required for a handover between tellers, this should be kept to a minimum to limit the impact on access into the polling place.

Tellers may display a coloured rosette identifying the party name/candidate description (e.g. independent).

Tellers should approach electors **after** they have voted to ascertain their elector number. Tellers should not engage in conversations with electors at the polling place prior to them voting.

Candidates

When attending the polling place to observe proceedings in the polling station. Candidates may wear a rosette identifying them as the candidate.

Candidates are requested to limit their visits to polling stations to 15 minutes, and should not return within a reasonable period.

Candidates should not engage in conversations with electors at the polling place prior to them voting.

Candidates acting as tellers

Candidates can act as a teller, however to make the distinction clear, they should only wear a rosette identifying the party/candidate description. When acting as a teller, Candidates are not entitled to enter the polling station.

Elected Members

Elected members are not entitled to enter the polling station unless they are voting themselves or acting as a proxy for someone else at the polling station. Once they have cast their vote, elected Members should leave the polling station and not engage in conversations with either other electors or polling station staff.

Electoral Offences

Electoral Commission Guidance

Bribery

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

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

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

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

About a candidate's personal character or conduct

It is an offence to make or publish a false statement of fact about the personal character or conduct of a candidate in order to affect the return of a candidate at an election.

False statements that are not about a 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 in order to promote or procure the election of another candidate.

In nomination papers

It is an offence to provide a statement on a nomination paper, which you know to be false. 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 application

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

False application to vote by post or by proxy

A person is guilty of an offence if they apply to vote by post or proxy to gain a vote to which they are not entitled or to deprive someone else of their vote.

Multiple voting and proxy voting offences

There are various offences regarding multiple voting and proxy voting, including voting by post as an elector or proxy when subject to a legal incapacity to vote and inducing or procuring another to commit the offence.

Breaches of the secrecy of the ballot

Everyone involved in the election process or attending certain proceedings must maintain the secrecy of the ballot. The Returning Officer will give a copy of the official secrecy requirements to everyone who attends the opening of postal votes or the counting of ballot papers and to polling agents.

Campaign publicity material

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

Racial hatred

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.

Woking Borough Council Guidance

To act as a proxy, the proxy must be on the electoral register.

A person is only entitled to act as a proxy for **two** people in the same electoral area. The only circumstances in which a person can act as proxy for more than two electors is if they are the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of the elector. There is no limit to the number of these close relatives on whose behalf a proxy may vote.

Whilst candidates must not include any materials in their publicity that resembles a poll card, it is common practice to include depictions of the candidate's details on the ballot paper.

The Returning Officer cannot control what information candidates/parties include in their campaign materials, and can only investigate if an electoral offence is alleged to have been committed, i.e. include false statements about a candidate's personal character or conduct.

Complaints regarding other content of election material, which does not constitute a false statement about a candidate's personal character or conduct, are not a matter for the Returning Officer.

Complaints regarding the conduct of sitting Woking Borough Councillors, acting in their capacity as a Borough Councillor, should be referred to Woking Borough Council's Monitoring Officer.

All candidates must submit an election expenses return, 35 days after the announcement of the result. This applies to all candidates, not just successful candidates. Nil returns must be submitted where no expenditure has been incurred. Accompanying the returns there must be the candidate's declaration and, where applicable, the agent's return.

Electoral Commission Guidance on Tellers

Tellers have no legal status and voters have the right to refuse to give them any information. The Returning Officer or their staff may provide further guidance on the activities of tellers.

Tellers must:

- always remain outside the polling station
- only enter the polling station to cast their own vote, to vote as a proxy or to assist a disabled voter
- always comply with the instructions of the Returning Officer and Presiding Officer

Tellers must not:

- be able to see or hear what is happening inside the polling station
- impede, obstruct or intimidate voters on their way in or out of the polling station
- demand any information relating to a voter's elector number, name or address
- ask voters to re-enter the polling station to ascertain their elector number
- have discussions with voters that may give rise to allegations of undue influence (e.g. voting intentions or party affiliations)
- display any campaign material in support of or against any particular political party or candidate other than a rosette or badge

Tellers must not attempt to induce, influence or persuade an elector how or whether to vote. Tellers cannot promote particular candidates or political parties. Their conduct must not give rise to allegations of undue influence, e.g. discussing voting intentions, party affiliations, a candidate's history, election campaigns, or undertaking any other activity particularly associated with one particular party or candidate. Any queries that relate to the electoral process must be directed to the Presiding Officer.

Tellers should not display or distribute election material (e.g. billboards, posters, placards or pamphlets) on walls or around the polling place.

Voters must never be asked to re-enter the polling station to ascertain their elector number or retrieve a poll card. Voters are not obliged to comply with any request for information. Tellers must not press voters if their initial request for information is declined.