



Report To:	STANDARDS COMMITTEE
Date:	4 April 2017
Report Of:	Sandra Stewart Monitoring Officer
Subject Matter:	CODE OF CONDUCT FOR CAMPAIGNERS: ELECTORAL REGISTRATION, POSTAL VOTING, PROXY VOTING AND POLLING STATIONS
Report:	The Chief Executive as Returning Officer and Electoral Registration Officer has been assessed by the Electoral Commission as achieving the highest standards in respect of all areas of performance. This compares very favourably with other Returning Officers within the Northwest region. The Council wishes to maintain its reputation for high standards and it is important, therefore, that whilst the Returning Officers continues to comply with legislation that the integrity of the elections is also maintained in order that the public can have confidence in the integrity of elections. With that end in mind all candidates and agents will be asked to sign up to the Code of Conduct for political parties, candidates and canvassers on the handling of postal vote applications and postal ballot papers which has been agreed by the main political parties. A copy of the latest version of the Code is appended.
Recommendation(S)	The Committee are advised to note the position adopted by the Returning Officer and the advice to be given to all candidates for the Local Council elections that this Committee expects to be complied with to maintain the high standards of Electoral conduct
Financial Implications: (Authorised By Section 151 Officer)	There are no significant financial issues arising from this Report.
Legal Implications: (Authorised By Borough Solicitor)	These are set out in the report.
Risk Management:	Members should be aware of the Legal framework and advice being given by the national regulatory body for elections in order that consistency of approach is taken.
Links To Community Plan:	Support the current arrangements for ethical and corporate governance of the Authority to ensure that the public can have confidence in local government.
Access to Information	The background papers relating to this report can be inspected by contacting the Report Writer Robert Landon, Head of Democratic Services by:  Telephone:0161 342 2146  e-mail: robert.landon@tameside.gov.uk

1. CODE OF CONDUCT

- 1.1 Attached at **Appendix 1** is a copy of the Code of Conduct for Campaigners: Postal Voting and Polling Stations which covers all those actively involved in the 2017 Elections. All the major parties represented in Parliament have signed up to the Code on behalf of their campaigners. The Code will be included in the packs that candidates receive with nomination papers and candidates and agents will be asked to sign a commitment to abide by the Code. The Code covers the following areas a number of which are re-iterated in other communications from the Returning Officer.

Postal and Proxy Vote Applications

- 1.2 Campaigners should not encourage electors to have their postal ballot paper pack re-directed to anywhere other than the address where the elector is registered to vote. In addition campaigners should ensure that the Electoral Registration Officer's address is provided as the address for the return of absent vote application forms. Campaigners should forward unaltered any completed application forms given to them to the Electoral Registration Officer within two working days of receipt. It is clearly essential that postal vote applications are received in a timely way to ensure that the deadline for registration is not missed and the elections team are able to process what could be a large number of applications.
- 1.3 With regard to proxy vote applications electors should be encourage to explore other options for people to act as a proxy, including relatives or neighbours for example, before a campaigner agrees to be a proxy.

Postal Voting Ballot Papers

- 1.4 Campaigners should never touch or handle anyone else's ballot paper. If an elector asks for assistance they should be referred to the Elections Office who may be able to arrange a home visit. Campaigners should never observe voters completing their ballot paper.
- 1.5 Campaigners should not ask or encourage voters to give them any completed ballot paper or ballot paper envelope. If asked by a voter to take a completed postal ballot pack on their behalf, campaigners should immediately post it or take it directly to the Elections Office.

Campaigning Outside Polling Stations

- 1.6 Campaigners should be allowed to put their messages to voters on polling day, including in public spaces outside polling places as long as they are not within or impeding access to the grounds of the polling place. Campaigners should also recognise that groups of supporters outside polling stations may be seen as intimidating by voters.

Complaints and Allegations about Electoral fraud.

- 1.7 Campaigners should be prepared to give the police a statement and substantiate any allegations of electoral fraud they make. Campaigners should ensure that they are confident that evidence can be provided to the police before considering whether it is appropriate to publicise any specific allegation.
- 1.8 Campaigners who are concerned or think that electoral fraud may have taken place should raise the matter with their election agent or local party, or with the Returning Officer. They may be able to explain whether or not an election-related crime has been committed.
- 1.9 Concerns about breaches of the political finance rules should be raised directly with the Electoral Commission.

Draft Guidance on publicity

- 1.10 A draft Guidance on publicity has been produced at **Appendix 2** covering both considerations for RO and their staff. It is intended that this guidance is issued to staff and Candidates and Agents.

Duty to maintain secrecy

- 1.10 Anyone attending a postal vote opening session, including your staff, must be provided with a copy of the UK Parliamentary and/or local government secrecy requirements as appropriate. There may be occasions when the front of a ballot paper becomes visible. However, it is an offence for anyone to attempt to ascertain the candidate(s) for whom any vote is given on any particular ballot paper or communicate any such information obtained at those proceedings. Anyone attending an opening session must not attempt to see how individual ballot papers have been marked. Anyone attending the opening of postal votes, which include staff working at the opening session, must maintain the secrecy of voting.
- 1.11 In addition, anyone attending a postal vote opening must not attempt to look at identifying marks or numbers on ballot papers, disclose how any particular ballot paper has been marked or pass on any such information gained from the session. Anyone found guilty of breaching these requirements can face a fine of up to £5,000, or may be imprisoned for up to six months in England and Wales.
- 1.12 It is very important that the electorate can have confidence that they can vote without anyone being able to identify how they as an individual have voted.
- 1.13 The Tameside Returning Officer maintains this secrecy by:
- a) Ensuring all staff and candidates and their agents are fully aware of the secrecy requirements by providing them with a copy; and
 - b) By ensuring the opening of ballot papers are separated from the process of checking and scanning the Postal Vote Statement which provides the verification data of the signature and date of birth that enables an envelope containing the secret vote to remain secret and go into the ballot.
- 1.14 It is intended this year as an additional precaution that counting agents will not be able to attend the opening of postal votes until such time as they have met with one of the Deputy Returning Officers, who are the Borough Solicitor and Head of Democratic Services and signed a copy of the secrecy requirements set out below confirming they understand their obligations.

Notification of secrecy requirements – postal voting

Section 66 of the Representation of the People Act 1983 (as amended)

(4) Every person attending the proceedings in connection with the issue or the receipt of ballot papers for persons voting by post shall maintain and aid in maintaining the secrecy of the voting and shall not –

(a) except for some purpose authorised by law, communicate, 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, communicate 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, attempt to ascertain at the proceedings in connection with the receipt of ballot papers the number or other

Section 66 of the Representation of the People Act 1983 (as amended)

[...]

(2) Every person attending at the counting of the votes shall maintain and aid in maintaining the secrecy of voting and shall not –

(a) ascertain or attempt to ascertain at the counting of the votes the number or other unique identifying mark on the back of any ballot paper;

(b) communicate any information obtained at the counting of the votes as to the candidate for whom any vote is given on any particular ballot paper.

[...]

(6) If a person acts in contravention of this section he shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a

1. RECOMMENDATIONS

2.1 As set out at front of report.