

## ITEM NO: 4

<b>REPORT TO:</b>	<b>STANDARDS COMMITTEE</b>
<b>DATE:</b>	8 April 2014
<b>REPORT OF:</b>	Borough Solicitor (Monitoring Officer)
<b>SUBJECT MATTER:</b>	<b>MAINTAINING HIGH STANDARDS OF CONDUCT DURING THE ELECTIONS</b>
<b>REPORT:</b>	<p>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 ethical governance relating to the process 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. In addition all candidates and agents will be informed of the Council's policy that all Councillors are subject to DBS checks (the replacement for CRB checks).</p>
<b>RECOMMENDATION(S)</b>	<p>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.</p>
<b>FINANCIAL IMPLICATIONS:</b> (Authorised by Borough Treasurer)	<p>There are no significant financial issues arising from this Report.</p>
<b>LEGAL IMPLICATIONS:</b> (Authorised by Borough Solicitor)	<p>These are set out in the report.</p>
<b>RISK MANAGEMENT:</b>	<p>Standards Committees 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 in respect of setting and advising on local ethical and standard issues.</p>
<b>LINKS TO COMMUNITY PLAN:</b>	<p>Support the current arrangements for ethical and corporate governance of the Authority to ensure that the public can have confidence in local government.</p>

**ACCESS TO INFORMATION**

**NON-CONFIDENTIAL**

**This report does not contain information which warrants its consideration in the absence of the Press or members of the public.**

**REFERENCE DOCUMENTS:**

Further information can be obtained from the Council's Borough Solicitor and statutory Monitoring Officer by contacting 0161-342-3028 or by e-mail [Sandra.Stewart@tameside.gov.uk](mailto:Sandra.Stewart@tameside.gov.uk)

## **1. CODE OF CONDUCT**

- 1.1 Attached is a copy of the Code of Conduct for Campaigners: Postal Voting and Polling Stations which covers all those actively involved in the 2014 Local and European 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. 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 preferred 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.
- 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**

Campaigners should never touch or handle anyone else's ballot paper. If an elector asks for assistant 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.

- 1.4 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**

- 1.5 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.**

- 1.6 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.
- 1.7 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.
- 1.8 Concerns about breaches of the political finance rules should be raised directly with the Electoral Commission.

## **2. DISCLOSURE AND BARRING SERVICE**

- 2.1 In April 2008 Tameside Council agreed that all Elected Members would be subject to mandatory Enhanced Criminal Record Bureau checks. After each election since then the successful candidates have been subject to CRB checks. Criminal records checks are now administered by the Government's Disclosure and Barring Services (DBS) which took over responsibility from the Criminal Records Bureau on 1 December 2012.

2.2 There are now three types of DBS check, these can be summarised as:

**Standard DBS Check** – these checks involve a check on the police national computer and do not include a check for police information or the children's and Adults barred lists;

**Enhanced Check for Regulated Activity** – this check would be undertaken for anyone who undertakes a Regulated Activity. It checks whether the individual is barred from working with children and vulnerable adults;

**Enhanced DBS check** – this check would be carried out for anyone who meets the pre-September 2012 definition of Regulated Activity.

2.3 The definition of regulated activity is detailed but they are basically activities that the Disclosure and Barring Service can bar people from doing, this does not include being a Councillor. Councillors do not therefore carry out regulated activities, this is true of both pre- and post-September 2012.

2.4 In light of the above it is suggested that the Council policy of insisting on police checks should continue by ensuring that all successful candidates are subject to a Standards DBS check within 28 days of their election.

# Code of conduct for campaigners: postal voting, proxy voting and polling stations

Campaigners are an essential element of a healthy democracy, and their right to put their arguments to voters should be supported and protected. It is equally important, however, to ensure that the activities of campaigners do not bring into question the integrity of the electoral process.

This Code provides a guide for campaigners, electoral administrators and police forces to what is, and is not, considered acceptable behaviour at polling stations and in the community during the lead-up to polling day.

As a guiding principle, if there is any doubt about a particular activity, campaigners should ask themselves “What would a reasonable observer think?”

More detailed guidance about electoral offences can be found in the full guidance published jointly by the Electoral Commission and the UK’s Associations of Chief Police Officers, which is available on our website at:

<http://www.electoralcommission.org.uk/guidance/resources-for-electoral-administrators/integrity-guidance/electoral-events>

This Code has been agreed by the political parties represented on the House of Commons Parliamentary Parties Panel and the panels for the Scottish Parliament and the National Assembly for Wales, and is endorsed by the members of the Electoral Commission’s UK Electoral Advisory Board of senior Returning and Electoral Registration Officers and Electoral Integrity Roundtable.

The Code has been sent to all registered political parties in Great Britain, and Returning Officers will draw it to the attention of all candidates and parties contesting elections.

## Scope of this code

This code covers all those actively involved in campaigning in elections or referendums in Great Britain. All references to campaigners in this code include:

- Candidates standing at an election, their agents and their staff and supporters
- Political party officers, members and supporters campaigning at an election
- Other people and organisations campaigning for or against a candidate, a group of candidates or a party at an election
- People and organisations campaigning for or against a particular outcome at a referendum

# Compliance with this code

Any concerns that this code has been breached should be raised first with the candidate, political party or campaigner in question.

Any further concerns should be drawn to the attention of the Electoral Commission. The Commission will raise them with the relevant party or campaigner if appropriate, and will agree appropriate actions to remedy or prevent a reoccurrence of any breach.

## 1 Postal and proxy vote applications

- 1.1 Campaigners should ensure that any bespoke postal or proxy voting application forms conform fully to the requirements of electoral law, including all the necessary questions and the options open to electors.**

Campaigners can download a template form from our website at:

[https://www.aboutmyvote.co.uk/register\\_to\\_vote/postal\\_vote\\_application/blank\\_postal.aspx](https://www.aboutmyvote.co.uk/register_to_vote/postal_vote_application/blank_postal.aspx)

- 1.2 Campaigners should always explain to electors the implications of applying to vote by post or appointing a proxy.**

It is important that electors understand that they will not be able to vote in person on polling day if they or their proxy apply for and are granted a postal vote, and will not be able to vote in person if their appointed proxy has already voted on their behalf. To avoid duplication and unnecessary administrative pressures for Electoral Registration Officers, campaigners should try to ensure that electors who are included in current postal or proxy voter lists, or have already applied for a postal or proxy vote for a particular poll, do not submit an additional application.

### Postal vote applications

- 1.3 Campaigners should not encourage electors to have their postal ballot pack redirected to anywhere other than the address where they are registered to vote.**

Electors should take care to protect their ballot paper and postal ballot pack, and they will be best able to do so at their home address unless there are compelling reasons why receiving the postal ballot pack at the address where they are registered to vote would be impractical. Electors must state on the application form the reason why they need their postal ballot pack sent to another address.

- 1.4 Campaigners should ensure that the local Electoral Registration Officer's address is provided as the preferred address for the return of absent vote application forms.**

To minimise the risk of suspicions that completed applications could be altered or destroyed, campaigners should always provide the relevant Electoral Registration Officer's address as the preferred return address, even if an alternative address is also given.

**1.5 Campaigners should send on unaltered any completed application forms given to them to the relevant Electoral Registration Officer's address within two working days of receipt.**

To minimise the risk of absent vote applications being refused because completed forms arrive with the Electoral Registration Officer after the statutory deadline before a poll, campaigners must ensure that there is no unnecessary delay in forwarding on application forms which have been received directly.

## Proxy vote applications

**1.6 Electors should be encouraged to explore other options for people to act as a proxy – including relatives or neighbours, for example – before a campaigner agrees to be appointed as a proxy.**

To minimise the risk of suspicions that campaigners may be seeking to place undue pressure on electors, electors should not be encouraged to appoint a campaigner as their proxy.

## 2 Postal voting ballot papers

**2.1 Campaigners should never touch or handle anyone else's ballot paper.**

If you are asked for assistance in completing a ballot paper, you should always refer the voter to the Returning Officer's staff at the elections office who may be able to arrange a home visit if necessary. Assistance will also be available for electors at polling stations.

**2.2 Campaigners should never observe voters completing their ballot paper. If you are with a voter when they complete their ballot paper, remember they should always complete it in secret.**

Equally, you should ensure that the voter seals both envelopes personally and immediately after completing their ballot paper and postal voting statement. If you are asked to give advice, it is acceptable and often helpful to explain the voting process, but do not offer to help anyone to complete their ballot paper.

**2.3 Campaigners should not ask or encourage voters to give them any completed ballot paper or ballot paper envelope.**

Wherever practical, the voter should be encouraged to post or deliver the completed ballot paper themselves. While campaigners may be approached for help by a voter who is unable to post their ballot paper or make arrangements for it to be returned in time, other options for delivering the postal ballot pack – including relatives or

neighbours, for example – should be explored before a campaigner agrees to deliver a postal ballot pack.

- 2.4 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 office of the Returning Officer or to a polling station.**

To ensure completed postal ballot papers are received by the Returning Officer before the close of poll, and to minimise the risk of suspicions that they could be altered or destroyed, campaigners should ensure that there is no delay in forwarding on postal ballot packs which have been given directly to them. Campaigners should not allow large numbers of completed postal ballots to accumulate before forwarding them to the Returning Officer or handing them in at an appropriate polling station.

## 3 Campaigning outside polling places

- 3.1 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. Campaigners should be careful, however, to ensure that their approach is proportionate and should recognise that groups of supporters may be perceived as intimidating by voters.

- 3.2 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 campaigners who appear to be impeding access by voters to a polling place may be asked to move by polling station staff or police officers.

## 4 Complaints and allegations about electoral fraud

- 4.1 Campaigners should be prepared to give the police a statement and substantiate any allegations of electoral fraud they make.**

The police will investigate allegations where someone is prepared to provide evidence or a statement in support of the complaint, but unsubstantiated claims about electoral fraud have the potential to damage confidence in the integrity of the electoral process. Campaigners should ensure they are confident that evidence can be provided to the police before considering whether it is appropriate to publicise any specific allegation.



**4.2 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 relevant Electoral Registration Officer or Returning Officer for the area.**

They may be able to explain whether or not an election-related crime has been committed, and refer it to the police if appropriate or provide details of the police contact for the relevant area so that campaigners can report their allegation. Concerns about breaches of the political finance rules should be raised directly with the Electoral Commission.

**4.3 Any campaigner who has actual evidence of an electoral offence having been committed should report it directly and without delay to the police.**

If appropriate, the police will investigate the matter. Every police force has designated a Single Point of Contact (known as a SPOC) to lead on election matters and who will deal directly with the matter or give advice to local police officers. The Electoral Commission can help provide contact details for local police force SPOCs.

**Agreed and effective from March 2013**