

the **candidates** *guide*

The following notes are provided purely for the information and assistance of candidates for election as Parish Councillors. They do not purport to be a complete statement of law and practice relating to elections, and should not be relied upon as an authoritative interpretation of the law.

N.B. All references to candidates in this guide make use of the male gender (i.e. him, he etc). This is solely for the purpose of condensing the text as far as possible, and the guidance equally applies to female candidates.

Contents

1.	Roles and Responsibilities	2
2.	Qualifications for Candidature	2
3.	Nomination	3
4.	Candidates and Registered Parties	4
5.	Consent to Nomination	5
6.	Delivery of Nomination Papers	5
7.	Procedure after Nomination (including Withdrawal of Candidature)	5
8.	Uncontested Election	6
9.	Contested Election	6
10.	Eligibility to Vote	6
11.	Absent Voting	6
12.	Polling and Counting Agents	8
13.	Polling Stations and Count Locations	8
14.	Candidates Election Expenses	9
15.	Corrupt Practices	9
16.	Illegal Practices	10
17.	Acceptance of Office	11
18.	General	11

Appendix 1 – Requirement of Secrecy

Appendix 2 – Specimen Nomination Paper

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1. ROLES AND RESPONSIBILITIES

The Returning Officer

The Chief Executive of the Council is the Electoral Registration Officer (responsible for the compilation and maintenance of the Register of Electors and Absent Voting lists), and also the Returning Officer responsible for the organisation of the election. Deputy Returning Officers have been appointed to carry out any of his functions. While this guide refers to responsibilities carried out by the Returning Officer, it is likely that candidates will liaise directly with the Deputy Returning Officers and the authority's electoral services staff (see below). It is important to note that the Returning Officer and his staff must act impartially in their dealings with candidates and agents at all times during the conduct of the election.

At various stages of an election the Returning Officer may also appoint staff to help him run the election. Any staff appointed for the duration of the election period are under the direction and control of the Returning Officer, irrespective of their normal employment. The Returning Officer is required to appoint a presiding officer for each polling station in the parish (or parish ward), and may appoint as many of the following staff as are needed to assist him in the conduct of the election:

- staff for the issue and receipt of postal votes;
- poll clerks;
- counting assistants.

It is important to note that the Returning Officer and his staff are not responsible for monitoring the conduct of candidates and campaigners, and any concerns regarding their conduct should be brought to the attention of the police.

Electoral Services staff

The day-to-day administration of the election is likely to be carried out by the Council's electoral services team. This includes recruiting and training staff, arranging polling stations, delivering poll cards, processing postal and proxy voting applications and organising their issue and receipt, preparing polling stationery and equipment, and organising the counting of votes. These staff are likely to be the first and main point of contact for candidates during the election. Please see the contact details at section 18 of this guide.

2. QUALIFICATIONS FOR CANDIDATURE

To be qualified for election as a Parish Councillor a person must have attained the age of 18 years and be a British Citizen, a qualifying citizen of a Commonwealth country, a citizen of the Irish Republic or a citizen of another member state of the European Union.

The candidate must also meet at least one of the following four qualifications on the day they are nominated and on polling day:-

- (a) on the day of nomination and on the day of the election he is and thereafter he continues to be registered as a voter in the parish; or
- (b) for the whole of the twelve months before the day of nomination and the day of the election you have occupied any land or other premises as owner or tenant in the parish; or
- (c) for the whole of twelve months before the day of nomination and the day of the election your principal or only place of work has been in the parish; or
- (d) for the whole of twelve months before the day of nomination and the day of the election you have resided in the parish or within three miles of it.

Certain persons are **disqualified** from being elected or being a member of a Parish Council, e.g. persons subject to Bankruptcy Restriction Orders or Interim Orders, persons who have been sentenced to a term of imprisonment or who have committed a corrupt or illegal practice, or who hold paid office under the Parish Council (see extract from Local Government Act 1972 provided amongst the nomination documents).

3. NOMINATION

Carefully read the notes included on the form of Nomination Paper and ensure that the correct form is used.

The form must include the candidate's surname and other names in full; a candidate risks having his nomination paper rejected by the Returning Officer if he uses initials. It is possible that the use of a name that is not as it appears on the electoral register may also be challenged if it is entered in the "other names in full" section and not the "commonly used" sections of the form.

"Commonly used" surname(s) and forename(s) are now permitted, as long as the Returning Officer is satisfied that they are not likely to mislead or confuse electors, and are not obscene or offensive. If the name is not permissible, the Returning Officer will write to the candidate stating the reason for disallowing the commonly used name, and the candidate's full names will be used instead.

Titles or prefixes, such as Mr, Mrs, Dr should not be used; the format should be, for example, Miller, Andrew John. If the candidate is normally known by another name, it can be included as follows: Miller, Andrew John and the "commonly used forenames" section would show "Andy". This would mean that the ballot paper will read "Miller, Andy".

The exact wording of the candidate's name, as entered on the nomination paper, will appear on any notices and on the ballot paper. If the "commonly used" surname and/or forename provision has been used, these details will be used instead.

Candidates need not include any description (i.e. of their rank, or occupation) in the nomination paper. However, if one is included it may be a political or personal description, but it must not exceed six words in length. (Please see Section 4 concerning use of political descriptions).

NB It is important to enter the candidate's name, address and description (if any) on the nomination paper **before** getting subscribers' signatures (see next paragraph). This aids transparency by ensuring that the people who subscribe the nomination paper are fully aware of who they are subscribing to and whether or not that person is standing for a party.

The Nomination Paper must be subscribed by two registered electors for the Parish or Ward of the Parish as the case may be, one as Proposer and one as Secunder. It is essential that the Electoral Number of the Proposer and Secunder must be entered. This number is shown in the current Register of Electors. The 'Distinctive Letters' appear at the top of each page of the Register. Where a candidate is standing for a Parish Ward, the proposer and secunder **MUST** be electors who are registered for that Ward – e.g. a person standing for Runton, East Ward may not use as a proposer or secunder electors who are registered for Runton, West Ward.

The Register to be used for nomination purposes is that which is in force on the latest date for publication of the Notice of Election (as detailed on the election timetable provided).

A copy of the Register of Electors may be inspected under supervision at the District Council Offices. From the date of the close of Notice of Election a candidate for election may obtain a copy of the Register of Electors free of charge from the Electoral Registration Officer, NNDC, Electoral Services, Holt Road, Cromer, Norfolk NR27 9EN but the use which the candidate may make of this Register is limited by statute to "electoral purposes" and "for the purpose of complying with the statutory controls on donations". When applying **in writing** he should state that he is a candidate for election as a Councillor for a particular Parish or Parish Ward.

A candidate may submit more than one Nomination Paper if he wishes, but no Proposer or Secunder may sign more than one Nomination Paper for the same candidate, nor may he sign more Nomination Papers than there are Councillors to be elected for the Parish or ward of the Parish as the case may be.

N.B. Nomination offence: A person is guilty of a corrupt practice if he causes or permits to be included in a document delivered or otherwise furnished to a returning officer for use in connection with the election –

(a) a statement of the name or home address of a candidate at the election which he knows to be false in any particular; or

(b) anything which purports to be the signature of an elector who proposes or seconds the nomination of such a candidate but which he knows-

- (i) was not written by the elector by whom it purports to have been written, or
- (ii) if written by that elector, was not written by him for the purpose of signifying that he was proposing or seconding that candidate's nomination.

See section 6 below in respect of the delivery of nomination papers to the Returning Officer.

N.B. A specimen nomination paper is reproduced at Appendix 2 of this guide

4. CANDIDATES AND REGISTERED PARTIES

A candidate representing a qualifying registered party can use a party description, but this may only be one of up to 12 possible descriptions registered with the Electoral Commission or the registered name of the party. A certificate of authorisation from that party's nominating officer (or a person appointed by him to act on his behalf) giving the candidate permission to use that description must be submitted to the Returning Officer before the close of nominations.

If a candidate has been authorised by a registered party to use a description on the ballot paper, he can also request that one of the party's official emblems is used on the ballot paper next to his name. Each registered party can register up to three emblems; these emblems can be viewed or downloaded from the Electoral Commission's website.

The request to use an emblem must be made **in writing** by the candidate and delivered to the Returning Officer, together with the other nomination papers, before the close of nominations deadline.

A person will be guilty of a corrupt practice if he fraudulently purports to be authorised to issue a certificate on behalf of a registered political party's nominating officer.

5. CONSENT TO NOMINATION

Before the Nomination can be valid, a candidate must also sign a form consenting to his Nomination. His signature on this form must be attested by a witness. The form contains a statement that to the best of the candidate's belief he is, at the date on which he is nominated and on the day the election will be held, qualified to be elected as a Councillor (see Section 2). This must be delivered to the Returning Officer by not later than the deadline for the delivery of nomination papers (see section 6 below).

Candidates are urged to complete this form as fully as possible by completing all those alternative qualifications which apply in their individual circumstances. The first qualification listed (registration as a local government elector for the parish) would cease to be effective should the Councillor move out of the parish and subsequently not be included on the Register of Electors for the parish; all the remaining qualifications (residence, place of work, ownership/occupation of land/property) are ongoing and would not necessarily affect the right of the councillor to continue in office should his circumstances change before the next election for the parish for which he was elected.

6. DELIVERY OF NOMINATION PAPERS

The candidate's consent form duly signed together with the completed Nomination Paper(s) must be delivered to the Returning Officer at NNDC, Electoral Services, Holt Road, Cromer, NR27 9EN by not later than 12 noon on the date shown in the timetable for the election supplied by the Returning Officer. They may be delivered at any time after the Notice of Election is published, and there are advantages in delivering the papers at an early stage so that the Returning Officer may examine them and inform the candidate whether or not they are in order in time to rectify any omissions or errors.

7. PROCEDURE AFTER NOMINATION (INCLUDING WITHDRAWAL OF CANDIDATURE)

In accordance with the election timetable, the Returning Officer will publish a **Statement of Persons Nominated**. Any candidate may withdraw by giving notice to the Returning Officer by the time indicated in the timetable. Such notice must be signed by the candidate and attested by one witness.

8. UNCONTESTED ELECTION

Where the number of candidates standing for election does not exceed the number of Councillors to be elected, a poll will not be held, and a declaration of result of election will be published by the Returning Officer as soon as possible after the deadline for withdrawals.

Candidates elected in these circumstances will be advised accordingly.

9. CONTESTED ELECTION

Where more candidates are nominated than there are Councillors to be elected, a poll will be held (see election timetable). The poll commences at 7.00am and closes at 10.00pm.

10. ELIGIBILITY TO VOTE

In order to vote, a person must be included on the Register of Electors in force at the latest time for delivery of nomination papers (see section 6 above) for the electoral area (i.e. parish or ward of a parish) for which the election is to be held, or has applied to be registered under the 'rolling' registration process by not later than the 11th working day prior to polling day and his application has been allowed.

Against the names of persons who will reach the age of 18 on or after the date of publication of the Register is printed the date on which they will reach that age. If the date of the election is before that date, the elector will not be entitled to vote at the election.

If a person is under 18 years of age on polling day, even if his name is on the Register, it will be an offence for such a person to vote.

If a person's name is not on the Register he will not be able to vote.

In addition to under-age persons on the Register, there are two other classifications of electors whose names may appear on the Register, but who are not eligible to vote at Local Government elections. These are –

- (i) Overseas Electors – whose names are prefixed by the letters 'E' or 'F' on the Register; and
- (ii) Citizens of the European Union (other than British or Irish) who have ONLY registered to vote at European Parliamentary elections – such electors are prefixed by the letter 'U' against their names on the Register.

11. ABSENT VOTING

Any registered elector may apply to vote by post.

In addition, certain electors are entitled to apply for proxy voting arrangements where they are not able to vote in person at the polling stations. These persons may be disabled, persons whose work or studies regularly takes them away from home, on holiday, temporarily ill etc.

There are deadlines by which postal and proxy applications must be received in order to be effective at an election and these are specified in the election timetable.

Once these deadlines have been reached, the Returning Officer will publish the absent voters lists and, *where requested in writing*, will provide copies to each candidate. These will be made up of the following:-

POSTAL VOTERS – where the ballot papers are to be sent to the electors by post to their homes or other addresses;

PROXY VOTERS – where the electors have appointed other qualified persons to vote personally on their behalf (**N.B.** No person can act as proxy for more than two electors to whom he is not closely related); and

POSTAL PROXIES – where the appointed proxy is not able to vote in person and has applied to vote as proxy by post.

NO ELECTOR WHO APPEARS IN THE POSTAL VOTERS OR POSTAL PROXIES LISTS FOR THE ELECTION MAY SUBSEQUENTLY VOTE IN PERSON AT THEIR DULY APPOINTED POLLING STATION. An elector who appears on the proxy voters list may vote personally if he does so before his proxy votes on his behalf.

The dates on which postal votes are to be dispatched and opened will appear on the election timetable.

Every candidate may appoint one agent to attend the postal voting opening sessions for the purposes of overseeing these proceedings. Notice of these appointments must be given to the Returning Officer prior to the dates set for these proceedings. Postal Votes opening agents are required to maintain the secrecy of voting and are subject to the legal requirements relating to secrecy under Section 66 of the Representation of the People Act 1983, which are reproduced in Appendix 1.

N.B. Absent Voting Offences

In order to tighten the security of the absent voting process and tackle related fraudulent activities, the government created new offences in 2007. A person commits an offence if:

- *he engages in an act specified below, and*
- *intends, by so doing, to deprive another person of an opportunity to vote or to make for himself or another a gain of a vote to which he or another is not otherwise entitled or a gain of money or property.*

These acts are:

- *applying for a postal or proxy vote as some other person (whether that other person is living or dead or is a fictitious person)*

- *otherwise making a false statement in, or in connection with, an application for a postal or proxy vote*
- *inducing an Electoral Registration Officer or Returning Officer to send a postal ballot paper or any communication relating to a postal or proxy vote, to an address that has not been agreed to by the person entitled to the vote*
- *causing a communication relating to a postal or proxy vote or containing a postal ballot paper not to be delivered to the intended recipient*

A person who commits such an offence or who aids, abets, counsels or procures the commission of such an offence will be guilty of a corrupt practise.

12. POLLING AND COUNTING AGENTS

Any person, other than officials appointed by the Returning Officer, can be appointed to act as a polling or counting agent, and may act for more than one candidate. A candidate can also act as his or her own polling or counting agent.

Both polling agents and counting agents are required to maintain the secrecy of voting and are subject to the legal requirements relating to secrecy under Section 66 of the Representation of the People Act 1983, which are reproduced in Appendix 1.

Polling agent

The principal function of a polling agent is to aid in the detection of personation (attempting to vote as another person) in the polling station.

Up to four polling agents may be appointed to attend each polling station on behalf of a candidate, although only one polling agent will be admitted at the same time to a polling station on behalf of the same candidate. Polling agents may be appointed to attend more than one polling station.

The Returning Officer must be notified **in writing** of the appointment of any polling agents, giving the names and addresses of those appointed, by the deadline identified in the election timetable provided.

Counting agent

The principle function of a counting agent is to oversee the counting process on behalf of the candidate and see that it is undertaken in an orderly, accurate and correct manner. Counting agents do not participate directly in the counting process.

The maximum number of counting agents able to be appointed by each candidate will be determined by the Returning Officer, but will be not *less* than the total number of counting clerks employed at the count divided by the total number of candidates. The number permitted to be appointed will be the same for each candidate. The

Returning Officer will normally advise candidates of the maximum number of counting agents allowed soon after the close of nominations.

The Returning Officer should be notified by the candidate **in writing** of the appointment of any counting agents, giving the names and addresses of those appointed, no later than the deadline shown in the election timetable provided.

13. POLLING STATIONS AND COUNT LOCATIONS

Details of the location(s) of the premises appointed for polling station and counting purposes will be provided to each candidate if not specified in the election timetable provided. Further guidance in respect of the counting of the votes process will be provided to candidates at the appropriate time.

14. CANDIDATES ELECTION EXPENSES

No candidate may incur expenses before, during or after an election in support of his candidature in excess of the maximum laid down by the Representation of the People Acts.

The current maximum may be obtained from the Returning Officer, if not indicated on the election timetable provided.

This amount is reduced by a quarter if there are two joint candidates, and by one third if there are three or more joint candidates.

Within 28 days after the day of election is declared (whether the election is contested or uncontested) every candidate must deliver to the Returning Officer a Return and Declaration of his expenses in the prescribed form supported by bills or receipts.

This return is required for the purpose of public deposit (and for checking that the expenses incurred do not exceed the authorised amount), and **does not, of course, entitle a candidate to any refund of such expenses from the Council.**

Non-submission of these returns and declarations constitutes an electoral offence for which penalties are imposed under the Representation of the People Act 1983. Furthermore, unopposed or successful candidates will be prohibited from sitting or voting at any meeting of the Parish Councils to which they have been elected at any time after the deadline (28 days after the election date) until such time as their returns and declarations have been received by the Returning Officer.

The relevant forms and detailed guidance notes in connection with the Election Expenses will be forwarded to candidates during the election.

15. CORRUPT PRACTICES

A person found guilty of a corrupt practice is liable to penalties prescribed under the Representation of the People Act 1983. If an elected candidate is reported guilty of a corrupt practice by an election court, his election will be void.

It is corrupt practice to influence, or attempt to influence, a person in the way he votes by:

- (a) bribery, i.e. giving any gift, or procuring any office;
- (b) treating, i.e. providing food, drink or entertainment;

- (c) undue influence, i.e. using or threatening any kind of force, violence or duress.

There are also corrupt practices relating to the nominations and absent voting processes - see Sections 3, 4, and 11 above.

16. ILLEGAL PRACTICES

A person convicted of an illegal practice is liable to penalties prescribed under the Representation of People Act 1983. If any elected candidate is reported guilty of an illegal practice by an election court, his election will be void.

A candidate may be convicted of an illegal practice if he:

- (a) makes or publishes any false statement of fact about the personal character or conduct of a candidate unless he can show that he had reasonable grounds for believing and did believe the statement to be true;
- (b) induces or procures the withdrawal of another person in consideration of a payment or promise of a payment; this offence also applies to the person who withdraws;
- (c) publishes a false statement of the withdrawal of a candidate for the purpose of procuring the election of another candidate;
- (d) pays any voter for the exhibition of any election address, bill or notice unless the voter's ordinary business is that of an advertising agent;
- (e) prints, publishes, posts or distributes any bill, placard or poster referring to the election, or any document distributed for the purpose of promoting or procuring the election of a candidate, unless it bears on the face of it the name and address of the printer and publisher;

For the purposes of the legal requirement, 'promoting or procuring' the election of a candidate includes material criticising or disparaging another candidate at the election.

(Note: Care must also be taken to comply with the provisions of the Town and Country Planning (Control of Advertisement) Regulations regarding the display and removal of election notices, etc.)

- (f) employs or engages a canvasser for payment;
- (g) with intent to influence the voting makes use of any television or other wireless transmitting station outside the United Kingdom otherwise than under arrangements for a broadcast by the BBC, or the holder of any license granted by the Independent Television Commission or the Radio Authority;
- (h) publishes before the poll is closed, any statement as to the way in which the voters have voted, or any forecast as to the result of the election, based on information given by voters after they have voted ("exit polls").

NB The details of offences outlined in sections 15 and 16 above do not purport to represent the entire range of election offences laid down under electoral legislation. These are considered to be those of which the candidates should be most aware.

17. ACCEPTANCE OF OFFICE

A person elected to the office of Parish Councillor must make a declaration of acceptance of office before or at the first meeting of the Parish Council after his election, or, if the Council at that meeting so permit, before or at a later meeting fixed by the Parish Council. If he fails to do so, his office will become vacant. In addition, a person elected must also register his financial and other interests within 28 days of his election, as required under Section 81 of the Local Government Act 2000.

18. GENERAL

The Returning Officer's staff will be pleased to answer candidates' and prospective candidates' questions. Telephone us on Cromer (01263) 516046 or 516317, or fax us on 01263 515042, or Email us on elections@north-norfolk.gov.uk or call at the Council Offices, Holt Road, Cromer and ask for Electoral Services.

Appendix 1 - Secrecy requirements

The requirements in Section 66 of the representation of the People Act 1983 help to maintain the secrecy of the ballot. They apply to all candidates, election agents and polling agents, and to every person attending at the polling stations, the issue and receipt of postal ballot papers and the count. Section 66 is reproduced below in full, for use by candidates, election agents, polling and counting agents.

Representation of the People Act 1983

Requirement of secrecy

66 (1) The following persons:-

- (a) every Returning Officer and every Presiding Officer or clerk attending at a polling station;
- (b) every candidate or election agent or polling agent so attending,
- (c) every person so attending by virtue of any of sections 6A to 6D of the Political Parties, Elections and Referendums Act 2000,

shall maintain and aid in maintaining the secrecy of voting and shall not, except for some purpose authorised by law, communicate to any person before the poll is closed any information as to -

- (i) the name of any elector or proxy for an elector who has or has not applied for a ballot paper or voted at a polling station;
- (ii) the number on the register of electors of any elector who, or whose proxy, has or has not applied for a ballot paper or voted at a polling station; or
- (iii) the official mark.

(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.

(3) No person shall -

- (a) interfere with or attempt to interfere with a voter when recording his vote;
- (b) otherwise obtain or attempt to obtain in a polling station information as to the candidate for whom a voter in that station is about to vote or has voted;
- (c) communicate at any time to any person any information obtained in a polling station as to the candidate for whom a voter in that station is about to vote or has voted, or as to the number or other unique identifying mark on the back of the ballot paper given to a voter at that station;
- (d) directly or indirectly induce a voter to display his ballot paper after he has marked it so as to make known to any person the name of the candidate for whom he has or has not voted.

- (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 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 unique identifying mark on the back of any ballot paper; or
 - (d) attempt to ascertain at the proceedings in connection with the receipt of the ballot papers the candidate for whom any vote is given in any particular ballot paper or communicate any information with respect thereto obtained at those proceedings.
- (5) No person having undertaken to assist a blind voter to vote shall communicate at any time to any person any information as to the candidate for whom that voter intends to vote or has voted or as to the number or other unique identifying mark on the back of the ballot paper given for the use of that voter.
- (6) If any 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 imprisonment for a term not exceeding six months.
- (7) In their application in relation to an election of the London members of the London Assembly at an ordinary election, the preceding provisions of this section shall have effect with the insertion, after the words ‘the candidate for whom’, in each place where they occur, of ‘, or the registered political party towards the return of whose candidates,’.
- (8) In relation to an election of the London members of the London Assembly at an ordinary election, any reference in this section to the return of a registered political party’s candidates is a reference to the return of candidates included in the list of candidates submitted by the registered political party for the purposes of the election.

Appendix 2 – Example Nomination Paper

Office Use Only

North Norfolk District Council

Time delivered	Date delivered	No of Nomination Paper in order of delivery	Initials

ELECTION OF A COUNCILLOR

for

.....Parish (please complete)

Date of Election:

We the undersigned, being local government electors for the said,
do hereby nominate the under-mentioned person as a candidate at the said election.

PLEASE COMPLETE IN CAPITALS (except where a signature is required)

Candidate's surname	Other forename(s) in full	Commonly used surname (if any)	Commonly used forenames (if any)	Description (if any) use no more than 6 words	Home Address in full
EXAMPLE	NOMINATION	PAPER	FOR	INFORMATION	ONLY
Title	Email Address			Telephone	
Signature			Print Name as Signed		Electoral Number
					Polling District Letters
					Number
Proposer					
Seconder					

Notes

- The attention of candidates and electors is drawn to the rules for filling up nomination papers and provisions relating to nomination papers contained the election rules in Schedule 2 to the Local Election (Parishes and Communities) Rules 2006.
- Where a candidate is commonly known by some title they may be described by their title as if it were their surname.
- Where a candidate commonly uses a name which is different from any other name they have, the commonly used name may also appear on the nomination paper, but if it does so, the commonly used name (instead of any other name) will appear on the ballot paper.
- However, the ballot paper will show the other name if the Returning Officer thinks that the use of the commonly used name may
 - be likely to mislead or confuse electors, or
 - that the commonly used name is obscene or offensive.
- An elector may not -
 - subscribe more nomination papers than there are vacancies to be filled in the electoral area in which the election is held; or
 - subscribe a nomination paper for more than one ward in a parish or community divided into wards.
- In this form 'elector' -
 - means a person who is registered in the register of local government electors for the in question on the last day for the publication of notice of election; and
 - 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.
- However, a person who has an anonymous entry in the register of local government electors cannot nominate a candidate for election.