



The 2021 local elections

# A guide for TUSC candidates and agents

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This document is a summary guide to the official regulations for candidates and election agents looking to contest the local council elections taking place in 2021 on Thursday May 6th.

The information it contains is based on the official guidance produced by the Electoral Commission, along with some tips and pointers drawn from the previous experience of TUSC election campaigners.

The guide explains the formal procedures that have to be followed to appear on the ballot paper in a local council election.

It also includes information on the procedures agreed by the Trade Unionist and Socialist Coalition national steering committee on how to become a TUSC candidate in the English and Welsh elections, contained in Part One in the section entitled, *Before the Elections*.

But on the official election regulations it is only a summary guide. For a full explanation of election law, applicable for all elections in England, Wales and Scotland, you should go to the Electoral Commission's website at: <http://www.electoralcommission.org.uk/i-am-a/candidate-or-agent>

TUSC's National Election Agent, the National Nominating Officer registered with the Electoral Commission, is Clive Heemskerk. He can be contacted for advice at [cliveheemskerk@socialistparty.org.uk](mailto:cliveheemskerk@socialistparty.org.uk) or, during the day, on 020-89888773.

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# Part One: Before the elections

## 1. The election battleground in 2021

**1.1** Local Elections will take place on Thursday May 6th 2021 for 149 councils and 13 directly elected mayors in England. There are also elections for the Scottish and Welsh parliaments and the Greater London Authority, the last in conjunction with the London mayoral election. The unusually high number this year is due to the postponement of the May 2020 elections due to the Covid-19 pandemic. New unitary authorities to replace the county and district councils in Northamptonshire and Buckinghamshire are due to hold their inaugural elections this year.

**1.2** The Coronavirus Act which postponed the May 2020 elections also deferred any by-elections which may arise in the normal course of events to May 2021. This means that there will also be elections in some areas which do not have scheduled contests – the London Borough councils, for example, or Birmingham city council – so it is worth checking out for vacancies on council websites to get a fully accurate picture in each authority.

**1.3** Of the 149 local councils in England with scheduled contests 24 are county councils with all seats up for election; 32 are Metropolitan Borough councils electing one third of the seats; three Metropolitan Boroughs have all-up elections; 13 Unitary Authorities are all up and 15 electing a third of seats; while six District Councils are all-up, six are electing half the seats, and 50 electing a third – a total of 8,379 seats.

**1.4** Of the 13 directly elected mayors seven are Combined Authority mayors – for Cambridgeshire and Peterborough; Greater Manchester ; Liverpool City region; Tees Valley; West Midlands; West of England; and West Yorkshire – while five are single authority mayoralties, for Bristol, Doncaster, Liverpool, North Tyneside, and Salford. The final mayoral election is that for London.

**1.5** This guide is for candidates and election agents looking to contest the local council elections. For an explanation of the election law as it applies to the other elections on May 6th, you should go to the Electoral Commission's website at: <http://www.electoralcommission.org.uk/i-am-a/candidate-or-agent>

## 2. Becoming a TUSC candidate in May

**2.1** The Trade Unionist and Socialist Coalition was set-up in 2010 to enable trade unionists, community campaigners and socialists to stand candidates under a common anti-austerity and socialist banner. The only provision is that candidates are expected to endorse the TUSC core policy platform for local elections.

**2.2** Election candidates who wish to appear on the ballot paper on behalf of a registered party have to submit to the returning officer, along with their nomination forms, a *Certificate of Authorisation to use a Party Description*, signed by the registered Nominating Officer of the party. TUSC has produced a form to process applications for a Certificate of Authorisation for local council elections, which is available on the TUSC website on the Candidates page. Submitting an application form will be taken as indicating a prospective candidate's agreement with the TUSC election platform.

**2.3** Many trade unionists, community campaigners, and individual socialists have appreciated the opportunity to stand under the TUSC banner, with the autonomy candidates have to run their own campaigns while being part of a national challenge to establishment politicians. Since 2010 over 2,000 candidates have appeared on the ballot paper under the TUSC umbrella and the national steering committee encourages anyone who signs up to the core policy platform and who wants to stand to do so in 2021.

## **Questions in the candidate application form**

**2.4** TUSC has varied its approach to elections as the political situation has developed. Most obviously, the election of Jeremy Corbyn as Labour leader on a clear anti-austerity platform in September 2015 changed the situation compared to the first five years of TUSC's existence. TUSC re-calibrated its electoral activity by not contesting the general elections fought under his leadership and, for other contests, pursued a rigorously selective approach so that TUSC candidates could only stand against candidates who opposed Jeremy and were continuing to implement austerity policies locally.

**2.5** In 2018 the steering committee decided to suspend all electoral activity until further notice. But at its meeting in September 2020, it recognised that a changed situation again required a changed response. Representatives from the biggest component organisation of TUSC, the RMT transport workers' union, reported that the union's national executive committee had agreed that, "in the new conditions of a Starmer leadership and the continued implementation of austerity cuts by many Labour-led authorities, we believe it is correct for TUSC to lift its suspension of electoral activity". And that is what the steering committee agreed.

**2.6** Although the situation has clearly shifted in relation to the Labour Party there still may be some worry amongst TUSC supporters and activists about standing against pro-Corbyn candidates.

**2.7** For this reason the application form asks about the number of seats up in the ward or county council division that it is proposed to contest. If there is concern about standing in the same ward or division as a particular candidate and there is more than one seat up for election this information helps the steering committee decide what impact standing may have on the success of the candidate in consideration.

**2.8** Secondly there is a question about the position of the Labour candidate in relation to Jeremy Corbyn's suspension and the campaign for his reinstatement. Again this helps provide information for the steering committee and for any questions or queries TUSC supporters and component organisations may have in terms of the seats TUSC hopes to challenge for.

**2.9** Lastly the questions in relation to the council Labour Groups budget proposals assist both the steering committee but also local TUSC activists and groups on ideas and initiatives for issues to campaign and fight on. Often these budget proposals are hundreds of pages long – which the steering committee does not require to know! – but an idea and indication of the key findings of what has been cut and what is planned to be cut is helpful.

## **What happens to candidate applications?**

**2.10** Applications are placed before the TUSC national steering committee, which reflects TUSC's character as a coalition. It includes official representatives of the RMT transport workers' union, and other leading trade unionists sitting in a personal capacity. The Socialist Party and the Resistance Movement also have committee places, along with representatives of individual TUSC members. The steering committee operates by consensus not majority voting – nothing is agreed if a committee member or constituent organisation has strong objections – and, as stated in the TUSC rules, ultimately has the final say on coalition seats and candidates.

**2.11** Once applications are approved by the steering committee they will be posted on the TUSC website and, before the official opening of nominations on March 27th – or as soon as possible for applications received after that date – a TUSC Certificate of Authorisation will be sent to the candidate's election agent (whose details should be included on the application form).

### 3. The election timetable – summary

**February-March** – The TUSC national steering committee will be processing candidate applications, with those approved posted up on the TUSC website. Certificates of authorisation will be sent out to agents from mid-March.

Check out the Events page on the TUSC website for dates of the steering committee meetings – candidate applications must be received at least two days before in order to be processed at the meeting.

**Monday March 1st (TBC)** – The first date on which local candidates can sign their official Consent to Nomination form (see paragraph **5.9**).

**Monday March 29th** – The official Notices of Election for the local authority elections are published. The first day of the ‘regulated period’ for local election candidates’ election spending (see paragraph **8.2**) begins. Local election candidate nomination papers can be handed in from this point.

**Thursday April 8th** – The deadline for the delivery of official nomination papers (**4pm**) for the local elections. This is also the deadline for the appointment of election agents.

**Friday April 9th** – The deadline (**4pm**) for the returning officer to publish a statement of persons nominated.

**Thursday May 6th** – Polling day (7am to 10pm)

**Friday June 11th** – Deadline for the delivery of election spending returns to the Returning Officer (see paragraph **8.8**) for local election candidates.

# Part Two: Local election regulations

## 4. Who can stand for election in May?

4.1 To be able to stand as a candidate at a local government election you must:

- be at least 18 years old on the day of your nomination
- be a British citizen, an eligible Commonwealth citizen or a citizen of any other member state of the European Union
- meet at least one of the following four qualifications:
  - (a) You are registered as a local government elector for the local authority area in which you wish to stand from the day of your nomination onwards.

Note: “Local authority area” here means the council, not necessarily the local ward in which you are standing. This is a common source of confusion. So to be clear – if you are registered in New Town council you can stand for a seat in any ward on that council.
  - (b) You have occupied as owner or tenant any land or other premises in the local authority area during the whole of the 12 months before the day of the election.
  - (c) Your main or only place of work during the 12 months prior to the day of your nomination and the day of election has been in the local authority area.
  - (d) You have lived in the local authority area during the whole of the 12 months before the election. You are **not** required to have lived at the same address for the whole of the 12 months, but you must have lived in the same local authority and you must be living in the local authority area from March 29th to polling day.

4.2 Apart from meeting the qualifications for standing for election, you must also not be disqualified from standing. You cannot be a local council candidate if at the time of your nomination and on the day of the election:

- (i) You are employed by the local authority or hold a paid office where your appointment has been made, or could be made, by the local authority itself or by any joint committee where the local authority is represented. This means that you may be ‘employed by the local authority’, for example, if you work at a school maintained by a county council, fire services, police or health services.
- (ii) You hold a politically restricted post such as a local authority statutory chief officer (for example, chief education officer, chief officer at certain fire brigades, or the director of social services).
- (iii) You are the subject of a currently operative bankruptcy restrictions order or interim order.
- (iv) You have been sentenced to a term of imprisonment of three months or more (including a suspended sentence), without the option of a fine, during the five years before polling day.

Remember: the council’s Returning Officer (to whom your nomination papers are submitted) will not be able to confirm whether or not you are disqualified so if you are in any doubt, you should seek advice.

## 5. The official nomination papers

**5.1** To appear on the ballot paper as a candidate you will need to submit a completed set of nomination papers to the local council's Returning Officer by no later than **4pm on Tuesday 8th April**. This deadline is set out in law and cannot be changed for any reason. The start date from which the candidate or the local election agent will be able to submit nomination papers, as well as the times and place for delivery, will be set out in the official notice of election published by the council's Returning Officer no later than Monday 27th March.

Once you have completed your forms many councils will prefer if you book an appointment with the elections office to hand in the forms and have them checked and provisionally authorised. But allow ample time before the deadline!

**5.2** Candidates or agents can obtain nomination papers from a council's local Electoral Services office. Alternatively, the national Electoral Commission has produced a set of nomination papers that can be used, available from its website at <http://www.electoralcommission.org.uk/i-am-a/candidate-or-agent/local-elections-england>

**5.3** To appear on the ballot paper as a TUSC candidate in a local election the following papers must be submitted to make a nomination valid:

- (i) The nomination form.
- (ii) A candidate's Consent to Nomination form.
- (iii) The TUSC 'Certificate of Authorisation' giving the candidate permission to use the TUSC party name or a registered description on the ballot paper, signed by the TUSC National Nominating Officer.
- (iv) A written request to use one of the three TUSC emblems registered with the Electoral Commission, signed by the candidate.

**5.4.** The nomination form must include:

- The candidate's full name. This means their surname and other names in full. Using initials only could lead to the nomination paper being rejected.

Note: There is space on the form to include a commonly used name if the candidate is usually known by a name that is different from their actual name and they wish this to appear on the ballot paper – for example, Liz instead of Elizabeth. But for this to appear on the ballot paper it must be stated on the nomination form. If the commonly used name box on the nomination paper is left blank, then the candidate's actual name will be used.

- The candidate's home address. This must be completed in full and must not contain abbreviations and it must be their current home address – which, remember, does not need to be in the ward.
- The signatures of ten registered electors (known as subscribers) in the ward where the candidate is standing, who must appear on the register that is in force on March 29th.
- A description. The candidate can ask for either the party's name as registered with the Commission (Trade Unionist and Socialist Coalition) or one of the registered descriptions to appear on the ballot paper underneath the candidate's name.

**5.5** Each candidate's nomination form needs to be signed ('subscribed' in the jargon) by ten electors registered in the ward. The first two electors sign and print their names as proposer and seconder, and the remaining eight as 'assenters'.

**5.6** The elector number of each subscriber as it appears on the electoral register, including the numbers or letters of the polling district, must be entered on the nomination form.

**5.7** Each elector may not subscribe more nomination forms than there are vacancies. For example, if there are two vacancies in a ward, an elector may subscribe up to two candidates' nomination forms in that ward. If three candidates submit nomination forms signed by the same person, the two that were submitted first will be accepted, but the third will be invalid. It is advisable therefore to enquire, before asking a subscriber to sign the nomination form, if they have already signed someone else's form.

**5.8** The candidate's Consent to Nomination form must be completed in order for the nomination to be valid. The candidate must meet at least one of the qualifications to stand for election and it is advisable to state on the form as many of the qualifications as apply.

**5.9** Candidates are not allowed to sign the consent form earlier than one calendar month before the deadline for submitting nomination papers, ie **March 1st**. The signature must be witnessed, and the witness must sign the form and give their full name and address. There are no restrictions on who can be a witness to the consent to nomination.

## 6. The certificate of authorisation & emblems

**6.1** The certificate of authorisation will be sent out to the candidate's agent by the TUSC National Nominating Officer. It states that the named candidate can stand on behalf of TUSC and allow them to use one of the following:

- The exact party name as registered with the Commission, Trade Unionist and Socialist Coalition. This is the name the TUSC national steering committee is recommending that candidates in England use for the 2021 elections; or
- One of the party's registered descriptions. These include Trade Unionists and Socialists Against Cuts (and Scottish and Welsh descriptions).

Note: candidates do **not** need to choose the description Trade Unionists and Socialists Against Cuts to use the TUSC AGAINST CUTS emblem No.3 (see below). This is a common source of confusion. You can use that emblem while appearing on the ballot paper as Trade Unionist and Socialist Coalition.

**6.2** The other form in the nomination pack to complete is the Request to Use an Emblem on the Ballot Paper form. TUSC has two registered emblems available to use in England and Wales, as below, and the TUSC national steering committee is recommending that candidates use Emblem No.3.



Emblem  
No.1



Emblem  
No.3

**6.3** But it's your choice. (Emblem No.2, in case you're wondering, is a Scottish version of Emblem No.1). The Request to Use an Emblem on the Ballot Paper form must be **signed by the candidate**, not the local agent or the TUSC National Nominating Officer. Again, this is a common source of confusion. But once a candidate has received a Certificate of Authorisation from TUSC, they are responsible for their campaign, including choosing which emblem they want to appear on the ballot paper.

**6.4** After nomination papers have been submitted candidates will be sent a notice by the Returning Officer to let them know whether or not their nomination is valid.



## 7. The election agent

**7.1** The election agent is the person responsible for the proper management of the candidate's election campaign and, in particular, for its financial management. There are no particular qualifications needed to be an election agent and candidates can be their own agent if they wish. But a candidate must have an election agent. If they do not appoint an agent, they will become their own agent by default.

**7.2** The nomination pack from the council's Returning Officer should include a declaration form to appoint an agent, which should be signed by the candidate and by the agent to show their acceptance of the appointment.

**7.3** The form asks for the name, address and office address of the election agent. The agent can actually live anywhere but the office address – which can be someone's home address (the agent, the candidate, or another TUSC member) – must be within the same council area where the election is being held, or within a district (or a London borough) which adjoins the council.

**7.4** It makes administrative sense to have one election agent for each local council, not least as a point of contact with the TUSC national election agent. But TUSC is a coalition of different political forces and it is totally acceptable for candidates from one political party in a council area, for example, to have one agent, while candidates from another party have their own. But there must be co-ordination – which is another reason why the TUSC rules call for local steering committees or branches to “be established, where possible, for local government areas where it is planned to contest seats” (see *How TUSC Functions*, at <http://www.tusc.org.uk/txt/384.pdf>).

## 8. Rules on election spending

**8.1** Candidates and their agents must follow certain rules about how much they can spend, who they can accept donations from, and what they must report after the election. The election agent has the main responsibility for complying with these rules. However after the election both the candidate and the agent must sign declarations to say that their spending and donation return is complete and correct to the best of their knowledge.

**8.2** Candidate spending is expenditure on activities to promote a candidacy, or to criticise other candidates, during a particular period in the run-up to the election, the 'regulated period'. The regulated period begins on the date someone officially becomes a candidate, which is when the official notice of election is published (**March 29th**). Someone officially becomes a candidate on that date if on or before then they have already declared themselves a candidate at the election (or another person has declared that they are a candidate – for example, on the TUSC website).

**8.3** The spending limit for the local elections for the regulated period is £740, plus 6p per local government elector in the ward. The local electoral registration officer will be able to provide the number of electors in the ward to make this calculation.

**8.4** There are lower spending limits for joint candidates, ie where there are two or three TUSC candidates in the same ward. These are calculated by using the spending limit as explained above, and then reducing it by 25% – a quarter – if there are two joint candidates, or 33% – a third – if there are three or more joint candidates.

**8.5** The costs of most campaigning activities count towards the spending limit, including leaflets, posters, newspaper adverts, websites or YouTube videos, mail-outs, offices and meetings. But meetings that are held mainly for purposes other than the candidate's election campaign, where the candidate's attendance is incidental – for example, a regular TUSC group meeting – do not need to be included.

**8.6** Costs can include items only partly used for an individual candidate's election campaign, such as leaflets used both before and during the regulated period or shared leaflets with a candidate in another election taking place at the same time. These can be legitimately split between activities that count as the individual candidate's spending and those that don't but, unless a candidate's expenditure is going to be near the spending limit, it can be easier to include the total cost of most 'split items' in the spending returns.

**8.7** The election agent must record all election spending, and must keep invoices or receipts for any payments **over £20**. This means recording what the spending was for – for example, leaflets or a public meeting – the name and address of the supplier, the amount, and the date that the agent spent the money.

**8.8** After the election, the agent must deliver a spending and donations return to the local returning officer by no later than **Friday 11th June**. Both the agent and the candidate must also submit declarations that the return is complete and accurate. A return and declarations must still be submitted even if the candidate hasn't spent any money. This is called a 'nil return'.

## 9. Rules on donations to your campaign

**9.1** Candidates can only accept contributions ('donations') of money, items or services towards their campaign spending from certain sources, known as 'permissible donors', and must report them to the local Returning Officer after the election. These include contributions towards a candidate's campaign spending from TUSC nationally, a local trade union branch, or constituent organisations of TUSC. Anything with a value of £50 or less does not count as a donation.

**9.2** 'Permissible donors' include:

- An individual registered on a UK electoral register, including overseas electors;
- A registered political party – such as TUSC;
- A UK-registered trade union or one of its branches;
- A UK-based unincorporated association that carries on activities in the UK – such as the TUSC constituent organisations

**9.3** When an agent receives any donation of **more than £50**, the following information must be recorded:

- The donor's name and address.
- The amount of the donation.
- The date on which the donation was accepted

The donor's address must be recorded as it is shown on the relevant statutory register (this is the electoral register for an individual, the register of trade unions for a union branch etc). If the donor is an unincorporated association the main office address must be put (as there is no register of unincorporated associations).

**9.4** If the donation isn't from a permissible donor, it must be returned within 30 days (with the dates of the receipt and return of the donation recorded). If the donation isn't returned, the agent will be deemed to have accepted it and the Electoral Commission may apply to the courts for it to be forfeited.

**9.5** After the election the agent will need to report these details in the spending and donations return. A form for use for returns, and forms for the agent's and candidate's declarations, are usually included in the original nominations pack or, sometimes, sent out separately by the Returning Officer. They cover all the information that must be included.

## 10. Getting the register of electors

**10.1** A candidate can start campaigning at any time. They do not have to wait until they are validly nominated to declare that they will run for election, publish campaign material, or canvass people for support. Doing the latter means getting hold of a copy of the electoral register.

**10.2** Once someone has officially become a candidate, they are entitled to a copy of the register of electors and absent voters' lists for the ward they are standing in to complete their nomination form and for canvassing purposes. But the earliest someone officially becomes a candidate is when the official notice of election is published (**March 29th**).

**10.3** Most council electoral services departments will release a copy of the electoral register to someone declaring themselves as a candidate or election agent before the official notice of election, once they have signed a legal assent form stating that the register will only be used for electoral purposes. But there have been cases of Returning Officers not giving the same leeway to local TUSC candidates and agents as they do the establishment parties. They cannot do the same nationally however. Registered political parties are entitled to receive a copy of the full electoral register at any time so a local election agent designated by the TUSC National Nominating Officer is able to collect registers on behalf of prospective candidates before March 29th – another reason for sorting out who the local agent will be as soon as possible!

**10.4** The register will be supplied in electronic format unless a specific request is made for a paper copy.

## 11. Using council buildings for public meetings

**11.1** Election candidates are allowed to use schools and council maintained rooms for public meetings. The Electoral Registration Officer should keep a list of all suitable meeting rooms in their area and their availability, and should make this available for candidates and agents to inspect from the day of the notice of election.

**11.2** To use this facility you will need to contact the owner of the premises to make a booking, giving reasonable notice to reduce the risk of the request being refused.

**11.3** There is no hire charge for using these rooms, but you must pay for any expenses incurred, such as heating, lighting and cleaning and for any damage to the premises. Candidates' right to use rooms does not include hours during which a school is used for educational purposes. Equally, any prior letting of a meeting room takes precedence.

## 12. Imprints on campaign material

**12.1** All campaign material must, by law, include an imprint to show who is responsible for its production. This means leaflets, posters, and also websites.

**12.2** On printed material such as leaflets and posters you must include the name and address of:

- the printer
- the 'promoter' (the agent)
- the candidate – or the organisation (TUSC) if the leaflet is promoting a number of candidates – on behalf of whom the material is being published

**12.3** An example of an imprint for a leaflet promoting an individual candidate would be:

Printed by [printer's name and address]. Promoted by [agent's name] of [agent's address], on behalf of [candidate's name] of [candidate's address].

If the candidate is also the agent, the promoter of the material, the 'on behalf of' part of the imprint is not required.

**12.4** An example of an imprint for a leaflet promoting a group of TUSC candidates would be:

Printed by [printer's name and address]. Promoted by [agent's name] of [agent's address], on behalf of the TUSC candidates in [ward or council name].

**12.5** There are rules on where the imprint must be put. If the material is single-sided – such as a window poster – it must be put on the face of the document. If it is multi-sided, the imprint must be put on the first or last page.

**12.6** Imprints must also be included on electronic material, such as websites and emails. The imprint should include the name and address of the promoter and the organisation on whose behalf it has been produced. This also applies for newspaper adverts.

## 13. Joint campaigning with other groups

**13.1** As a coalition the different organisations participating in TUSC locally will probably incur expenditure in support of the TUSC election candidates. Additionally, sympathetic organisations not formally participating in TUSC or standing candidates themselves may also come forward with offers to help promote candidates as part of their own, independent campaigning activity. Under electoral law this is known and permitted as 'Third Party' activity although there are certain rules that the third parties, and TUSC election agents, have to follow.

**13.2** Any expenditure by a third party that "advertises (or otherwise promotes) to the public" an election candidate, including material that merely attacks other candidates or parties, must be authorised by that candidate's agent. This rule has often been used in the past, for example to hamstring CND or anti-racist activity at election times when no candidate has given authorisation to a third party's campaigning.

**13.3** But this problem can be overcome, however, if a TUSC candidate's agent issues what is known as a 'Section 75' authorisation to a named officer of a third party to "incur and pay" the costs of producing leaflets, holding a public meeting etc. The third party pays these costs, not the TUSC candidate, but they are authorised to do so by the local TUSC agent. A model 'Section 75' authorisation notice that can be adapted for local use is available from the TUSC national agent.

**13.4** Third party material published under these provisions needs an election imprint, following the same rules as at paragraph **12.2**, but this is not the TUSC imprint – ie the third party is legally liable for the content. The named individual must also keep an account of expenditure incurred and submit them to the local TUSC agent to be included in the TUSC candidate's spending returns.

**13.5** This all may seem a bit daunting to (electorally) inexperienced campaigners, but it shouldn't be. The advantage of such arrangements is that supportive but independent organisations not contesting the election can run their own campaign in an election period, which they wouldn't otherwise be able to do, but then 'strike together' with TUSC at the ballot box – in other words, supporting the TUSC candidate while promoting as they see fit their own profile and organisation. TUSC agents should offer them every encouragement to do so.