

Standing for election in the United Kingdom: Report and recommendations | Electoral Commission Search Standing for election in the United Kingdom: Report and recommendations You are in the Our consultations section

Home Our consultations On this page Qualifications and disqualifications Deposits and subscribers Candidate use of descriptions Candidate benefits Procedural issues Download our full report First published: 13 January 2015 Last updated: 13 January 2015 Overview

The Electoral Commission is an independent body which reports directly to the UK Parliament. We regulate political party and election finance and set standards for well-run elections. We report to the relevant Governments on recommendations for change that we have identified. We have a strong interest in simplifying and updating the procedures used by candidates to stand for election in the UK. We last reviewed the rules around standing for election in 2003, after which a number of recommendations were taken forward by the UK Government. This report gives an updated view of these issues, including reporting on responses to a new consultation paper published in September 2013. The following aspects of standing for election were within the scope of the consultation document: Qualifications and disqualifications Deposits and subscribers Candidate benefits, including candidate mailings, broadcasts, access to the register, free use of rooms, descriptions and emblems Procedural issues, including the use of candidate photographs on ballot papers, delivering and objecting to nomination papers. We sought views from a range of people and organisations including elected representatives, political parties, electoral administrators and candidates who have stood for election. Around 100 responses were received from a range of individuals, organisations and groups. The responsibility and entitlements of those standing for election are set out in law, and they vary depending on the election. Many of these rules have been in place for many years, and questions have been raised about whether they are still appropriate. Some of these have been highlighted in the Commission's statutory reports on elections, including: the value of the subscribers system (also known as signatures or assenters); the size and variation in deposits; the rules on access to the electoral register; the clarity of qualification and disqualification criteria; and the prohibition on independent candidates using descriptions on the ballot paper. While the rules on standing for election are of most direct interest to potential candidates and political parties, they are also important for voters since they help determine the range of candidates available to them. The rules should also inspire confidence in elections amongst voters, candidates and parties. To assess the robustness of the laws and procedures relating to standing for election, we have used the following set of principles: Clear election law – the rules on standing for election should be clear, straightforward and unambiguous. Encourage participation – processes should be accessible and transparent to promote the widest participation. There should be no unnecessary barriers to standing for election. Fair and equal treatment – fair and equal treatment should be ensured between all candidates, save where differences are genuinely justified. Trust – rules should inspire confidence amongst voters. Consistency of approach – as far as possible the rules on standing for election should be consistently set so they are easy to understand and any differences between them should reflect conscious policy choices by the relevant legislature. Up to date – the rules on standing for election should reflect current technology and the expectations of candidates, agents, political parties, voters and those administering elections. We used these principles to assess the appropriateness of the current arrangements, drawing on the evidence submitted through the consultation. During the review we have been able to identify some areas where

relatively straightforward changes to the law could be made. However, in some other areas the issues and law relating to standing for election are very complex. Our recommendations make clear where this is the case and it will be important for further work to be done by the relevant policy makers before any changes are made to the law.

Qualifications and disqualifications To stand for election in the UK, a person must be qualified and also not be disqualified. A core set of qualifications relating to age and nationality apply to all elections. Additional qualifications relating to demonstrating a local connection apply at local elections. Similarly, certain individuals are disqualified from standing for election, with different sets of criteria applying at different elections. In addition, some people are disqualified from standing in some elections because of a post that they hold. Respondents to the consultation were of the view that qualification and disqualification criteria should be clearly set out. There was consensus that the rules could be simpler with greater consistency between elections. Specific queries were raised about particular aspects of the qualifications and disqualifications rules. We agree that the qualifications and disqualifications criteria require review, and that candidates would benefit from increased clarity in the rules. We do not think however that it would be appropriate or possible to have one set of criteria applying to all elections, since there are good reasons for qualifications and disqualifications to vary depending on the election. This is a complex area and it will be important for a range of issues to be taken into account before any changes to the law are proposed by the relevant policy makers. Consultation with representatives of local government, electoral administrators and Returning Officers on the detail of any changes will be particularly important.

Qualifications and disqualifications: Recommendations We recommend that the relevant Governments should clarify and update the law relating to the qualifications for local government elections including those relating to being a local government elector for the area, occupying as owner or tenant, principal or only place of work being in the area, and residence in the area (or within three miles at parish or community elections). We recognise that the qualification about continuing to be a local government elector for the area of the authority is different from the other three qualifications, since it must be satisfied throughout the whole of a councillor's term of office. This qualification does not apply in Scotland or Northern Ireland. We also note that enforcing this qualification is not practical since there is no requirement for nomination papers to be held (and where they are held it is not normally beyond one year). We therefore recommend that the Government considers whether this qualification is still appropriate. We recommend that the law in England, Wales and Northern Ireland is changed to make a clear distinction between offices or employment which would prevent someone standing for election, and those which would prevent someone from holding office if elected. A suggested framework of questions is put forward in this report to help establish whether a particular postholder could stand, but it would be up to the relevant Governments to determine how these should apply when reviewing the law. This reduction in restrictions on potential candidates would enable wider choice for voters. We recommend that the law is changed so that voters, voting in person in polling stations (and where practical those voting by post), are informed that a candidate had either been disqualified or no longer wants to be considered for election but has not withdrawn their candidature within the time allowed. This will ensure that the voter can make a more informed choice.

Deposits and subscribers Deposit and subscriber (also known as signatures or assenters) requirements are the two main barriers to standing for election. Under a deposit

system, anyone who wants to stand for election must lodge a specified amount of money with the Returning Officer. The subscriber system requires anyone standing for election to gather the signatures of a set number of supporters, who must be registered electors. Deposit and subscriber requirements vary between elections. Political parties expressed mixed views about deposits. Larger parties were generally of the view that paying a deposit required a candidate to demonstrate proper intent, and that deposits deterred 'non-serious' candidates. On the other hand, smaller parties and independent candidates said that deposits could be unaffordable and therefore they restricted their ability to participate in elections. Similarly, some political parties said that the subscriber system should be retained because it helps validate the nomination process. Some electoral administrators expressed the view that the subscriber process was not particularly meaningful, and that it just added to the administrative process. Many respondents made the point that the variation in subscriber requirements between elections was not logical and was confusing for candidates. Without either deposit or subscriber requirements, there is a risk of large numbers of candidates (especially in high-profile elections) which could potentially lead to ballot papers that are unwieldy for voters, undermine the credibility of the election, and are difficult and costly to administer. The other side of this argument is that reducing these barriers could mean an increased range of candidates standing for election, which would mean greater choice for voters. In the case of deposits, it does not seem reasonable to have a barrier to standing for election that depends on someone's financial means. We do not think that the ability to pay a specified fee is a relevant or appropriate criterion for determining access to the ballot paper. We therefore recommend that deposit requirements are abolished. The argument for subscriber requirements seems to carry more weight, in that they act as a proxy for support from the electorate and are an indication that candidates are genuinely contesting the election. Having said this, in practice subscriber requirements may test administrative ability rather than support from the electorate. Given that we are recommending abolishing deposits, on balance we have concluded that subscriber requirements should be retained. There is however a need to review subscriber requirements to ensure that they are proportionate to the type of election and also where possible to increase consistency. In considering these recommendations, it will be important that Governments look at subscriber and deposit requirements together for each election. We also recognise that different arrangements and solutions may be appropriate in different parts of the UK.

Deposits and subscribers: Recommendations

We recommend removing the requirement to pay a deposit at all elections, as we do not consider that there should be a financial barrier to standing for election. We recommend that subscribers should be retained to maintain trust that elections are being contested by serious candidates and avoid ballot papers that are unwieldy for voters and difficult to administer. The number of subscribers should be reviewed for each election to ensure it is proportionate to the post for which the candidate is standing.

Candidate use of descriptions

Only registered political parties are permitted to use a description on the ballot paper (with the exception of parish and community council elections). Candidates that are not standing on behalf of a party are allowed to use the word 'Independent'. In the consultation, respondents expressed mixed views about whether independents should be allowed to use descriptions. Independents themselves felt strongly that they should be allowed to use descriptions, and that this would add clarity for the voter about what the candidate stood for. Larger parties said that descriptions should continue to be restricted to registered political parties, with some saying that allowing

independents to use descriptions would undermine the system of party registration. During the European Parliamentary elections in May 2014, there were several issues with party descriptions that were felt to be offensive or could cause confusion with other parties. In the light of experience at the May 2014 elections and our previous recommendations on party descriptions, the Commission has reiterated the case for reforming the rules on party descriptions, including their use on ballot papers and the maintenance of the central register. We have discussed some of these issues with Government. Although it appears that the UK Government is prepared to consider addressing this issue in the medium term, there is no prospect of changes to the current legislation on party registration before the UK Parliamentary General Election. Given this wider context of the need to review the purpose and use of the central register of descriptions for parties, at this stage we are not making any recommendation about the use of descriptions by independents. We will be monitoring the use of descriptions on ballot papers at the 2015 elections and will report on the issue in our post-election report after the May 2015 polls.

Candidate benefits Candidates who stand for election have significant benefits, which might include a free mailing of campaign material, the free use of rooms for meetings, and a copy of the electoral register. Candidates from registered parties also have the opportunity to use a description (as set out above) and party emblem on the ballot paper. Parties may also qualify for party election broadcasts. A number of political parties expressed strong support for retaining free candidate mailings as they were the main vehicle for communicating with the electorate. Concern was raised about free candidate mailings not being available for PCC elections. While there was some support for online candidate addresses, concerns were raised about not everyone having access to the internet. We are not recommending changing the right to a postal mailing to a right to display information online. Any move to online candidate communications should take account of internet use and the likelihood of the information being accessed online.

Candidate benefits: Recommendations We recommend that the law should be changed to ensure that electors are sent printed information about candidates standing for election as PCCs in their police area. This should take the form of a booklet with addresses from each candidate sent by the relevant Police Authority Returning Officer to every household in the police authority area. This was done on a trial basis for the PCC by-election in West Midlands in August 2014. The Home Office will be evaluating the effectiveness of this trial. We recommend that the legislation around free candidate mailings be amended to allow candidates at combined elections to use a single election communication covering both elections if that is their choice, but only where there is a right to a free mailing in respect of the elections referred to in the mailing.

Candidate benefits continued We believe that the criteria for party election broadcasts (PEBs) are working well. However, there is some uncertainty about whether the law allows independent candidates who can demonstrate sufficient support to qualify for a PEB, and in our view it does not. In the case of candidates standing for Mayor of London this may disadvantage independents compared to party candidates. (This is only currently relevant in London since it is the only area where in practice broadcast areas and electoral boundaries are sufficiently aligned to have made this a possibility.) We think it is important that this is addressed at the earliest legislative opportunity. We also appreciate the clear problems expressed by the broadcasters in making provision for separate PEBs in different regions, and believe that broadcasters should keep under review technological developments that may make such provision possible in the future.

Candidate benefits: Recommendations We recommend that the legislation is changed to

enable independent candidates to have party election broadcasts where this is feasible (in practice this is only at London Mayoral elections at present). The criteria that regulators and broadcasters use to award broadcasts should, for those elections where this is relevant, identify what levels of past and current support an independent candidate would need to receive a broadcast. Broadcasters should keep under review technological developments that may make the provision of regional PEBs in England a more viable option in the future to ensure better access to voters by those that can demonstrate significant electoral support in a particular area.

Candidate benefits continued There was support for independent candidates having access to the electoral register at an earlier stage. Such access would enable independent candidates to campaign on a more equal basis with candidates from political parties.

Candidate benefits: Recommendations We continue to recommend that the law is changed to allow all candidates to get earlier access to the register for electoral purposes.

Candidate benefits continued There are strongly held views on both sides of the debate about whether independents should be allowed to use an emblem on the ballot paper. The case in favour is based on the argument that the current position is unfair as it provides an advantage to party candidates who are allowed emblems. On balance our view is that the use of emblems should remain a facility reserved for political parties, to help protect the identities of parties and preserve an incentive for registering a party. There was support for retaining free use of rooms for candidates, although awareness of this entitlement was low.

Candidate benefits: Recommendations We recommend that Returning Officers should ensure that the information they make available to potential candidates includes information on their entitlements, including what facilities are available and the likely cost of hiring them.

Procedural issues This section covers a number of procedural issues around standing for election, including: alphabetical listing on ballot papers; photographs of candidates on ballot papers; submitting nomination documents; and objecting to and determining the validity of nominations.

Alphabetical listing on ballot papers The law says that the names of candidates appearing on the ballot paper should be placed in alphabetical order by surname (or party name where parties stand for election). It has been suggested that this discriminates against candidates and parties with names starting with letters towards the end of the alphabet because they appear lower down the ballot paper. The views of political parties varied on this issue. The majority of parties did not see any need to move away from alphabetical listing, pointing out that any alternative could create problems for voters in finding names on the ballot paper. A small number of respondents said that there was clear evidence of an alphabetical effect. Our view is that there is some evidence that candidates with names nearer the start of the alphabet do better in elections. Switching away from alphabetical listing could however lead to voters having problems finding candidates on the ballot paper. There is no strong argument to justify any particular alternative ordering method, and there are likely to be practical problems associated with each option. However, this is something that should be considered further and we will do so as part of our future review of electoral modernisation.

Positive abstention In the consultation we asked whether a positive abstention option (e.g. 'none of the above') should be included on ballot papers. Respondents were roughly equally split in their views. Political parties were strongly opposed, but a more mixed range of views was given by elected representatives, candidates and electoral administrators. Our view is that while including a positive abstention option might increase participation, it could also undermine the electoral process (the purpose of which is to elect a candidate to

elected office) by discouraging engagement with the candidates standing for election. We are therefore not recommending that positive abstention be included as an option on ballot papers.

Photographs of candidates on ballot papers Some countries use colour photographs on ballot papers. We asked in the consultation whether there was a case for introducing these in the UK and whether this would be beneficial for voters. The majority of respondents were against having colour photographs on ballot papers. They said that there was no demand for them, that there were no clear arguments in favour, and that there would be practical problems producing the images. A small number of respondents were in favour of introducing photographs to help voters identify candidates. We are not recommending that photographs are used on ballot papers.

Submitting nomination documents At all elections nomination papers and some other documents relating to the candidate can only be delivered to the Returning Officer in person. In the consultation we sought views on whether more flexible arrangements, including fax, email, online or mobile device app, should be introduced for the receipt of nomination papers. We also asked whether the delivery of nomination papers should be standardised for all elections. All the political parties who responded said that they supported the submission of nomination documents in different formats. There was agreement that whatever process was agreed it should be standardised for all elections. Electoral administrators were also in favour of modernisation but stressed the need for any change to the legislation to be precise about the new requirements. We support the modernisation of the process around submitting nomination papers and other related documents.

Procedural issues: Recommendations We recommend that the law is changed to allow nomination papers, consents to nomination, withdrawal notices, certificates of party authorisation and emblem requests to be submitted by post, email and fax for all elections in the UK, in addition to hand delivery. This would update this area of law, making standing for election more accessible. We recommend that consideration is given to allowing nominations to be submitted via an online system.

Procedural issues: Continued Objections to nominations and determining the validity of nominations At UK Parliamentary elections the following persons are able to attend the proceedings for the delivery of nomination papers and may inspect those papers and also raise objections to their validity: A candidate who is validly nominated, The election agent of a candidate who is validly nominated, or The proposer or seconder of a candidate who is validly nominated. In the consultation we sought views on whether the objections procedures should be revised and replaced with a more consistent and transparent scheme and how such a scheme would work in practice. We also wanted to establish if the current timeframes set for objections were sufficient to meet the needs of candidates and electoral administrators alike. Most responses on this topic expressed support for simplifying the rules around objections to nominations. We agree that there is a need to simplify these provisions to make the process more easily understandable and transparent. We also support the argument that there should be a standard consistent objection system for all elections. This should include consideration of amending the law to allow for objections in elections where there is currently no objections procedure. In addition, we do not think it is appropriate that the right to inspect and object is reserved to a small group of persons associated with a validly nominated candidate. Many respondents were keen that Returning Officers should be able to decide that a nomination paper is invalid if a candidate is not qualified or is disqualified. Our view is that consideration should be given to changing the law so that objections can be made on the grounds that a candidate is either not qualified or disqualified, and that the Returning Officer be

required to hold a nomination paper to be invalid where the Returning Officer finds that the candidate is not qualified or is disqualified. It appears to us to be an unsatisfactory situation that an obviously ineligible candidate should be allowed to stand for election and be able to serve out their full term of office unless someone was willing and able to challenge the eligibility of the elected person in the courts. While this case is strong, we accept that the principle that the Returning Officer has no role in determining whether a candidate is qualified or disqualified (except under the RPA 1981) is well established and any change to this would be a fundamental change to electoral law and the role of the Returning Officer. There would be a need to ensure that the change to the law produced a system that worked in practice and did not produce inconsistency in how it was applied by Returning Officers, and in particular that any changes could be implemented within the election timetable. Any proposals for change would therefore require careful consideration and consultation with the electoral community, especially with Returning Officers.

Procedural issues: Recommendations We recommend that the legislation should be amended to clarify and simplify the process of objecting to nominations for all elections in the UK. This includes ensuring that the system is easy to understand. This reform will help to increase the transparency of the standing for election process. We recommend that consideration is given to allowing objections to nominations on the grounds that a candidate is not qualified or is disqualified and, if satisfied that that is the case, requiring a Returning Officer to hold a nomination paper to be invalid. This would help to ensure the integrity of the process.

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