

# Information for Campaigners in the Newham Governance Referendum on 6<sup>th</sup> May 2021

Issued by Althea Loderick, Counting Officer  
for London Borough of Newham

**NOTE:** The Council's Chief Executive as the Counting Officer for the London Borough of Newham is responsible for the running of the Governance Referendum on 6<sup>th</sup> May. The Counting Officer has no legal duty to regulate or provide advice and guidance to campaigns. The Counting Officer is not responsible for the regulation of campaigns or their expenses.

The information contained in this pack is intended to provide guidance only. It is not legal advice and should not be relied on as such. The Counting Officer cannot accept any responsibility for any errors or omissions, or any act arising from it or reliance upon the information in this document. If campaigners require advice, they should consult the appropriate legislation and / or seek their own independent legal advice.

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## 1. Introduction

- 1.1 Please read the Note on the cover page of this Information Pack.
- 1.2 The referendum takes place on Thursday 6<sup>th</sup> May between 7am and 10pm and the referendum count will take place at the Excel Centre on Saturday 8<sup>th</sup> May (start time to be determined).
- 1.3 This Guidance provides:
  - a. Information about the statutory regime for the referendum, campaigns and campaign expenses
  - b. Information about the Referendum Timetable
  - c. The Counting Officer's scheme for the voluntary registration of campaigns to receive further information including how to apply to appoint observers at polling stations, postal vote opening sessions and the referendum count.
- 1.4 In this document, we use the word "campaign" to refer to campaigns, campaign organisers and their supporters collectively, save where specific use of a different term is necessary.
- 1.5 The referendum is being run and counted alongside:
  - a. The London elections for the Mayor of London and GLA
  - b. The East Ham Central ward by-election
- 1.6 The referendum and especially the polling and count process are subject to ongoing Covid restrictions and secondly the coordination with the management of the GLA elections by the returning officer for the GLA.
- 1.7 For these reasons, the information provided and non-statutory dates provided in this guidance are subject to change including but not limited to the number of persons allowed access to the count, polling stations and postal vote opening sessions.
- 1.8 We will aim to provide updates as and when changes do occur but we must balance providing transparency and scrutiny of the electoral process with the health and safety of staff and attendees.

### Contact us

- 1.9 If you have any general queries in relation to your campaign, please contact [yasmin.khanum@newham.gov.uk](mailto:yasmin.khanum@newham.gov.uk) with the subject heading "CAMPAIGN REQUEST" and the name of your campaign. We will respond only to nominated campaign organisers on matters relating to their campaign (see below). We will endeavour to respond as soon as is reasonably practicable but due to the number of queries in the election period cannot guarantee a reply.

## 2. Legislative Framework

- 2.1 If you are running a campaign, please make yourself aware of the following legislation that will apply to you and your campaign.

A “**referendum campaign**” is defined in the 2012 Regulations as “*a campaign conducted with a view to promoting or procuring a particular outcome in relation to the question to be asked in a referendum*”.

- 2.2 This is a wide definition. Any person or body campaigning for or against one of the outcomes of the referendum is likely to fall within these definitions and so must comply with the duties in relation to campaign expense limits, set out below.
- 2.3 The principal legislation for the administration of local government referenda are:  
The Local Authorities (Conduct of Referendums) (England) Regulations 2012  
<http://www.legislation.gov.uk/uksi/2012/323/contents> and the  
The Local Authorities (Conduct of Referendums) (England) (Amendment) Regulations 2014  
(<http://www.legislation.gov.uk/uksi/2014/924/contents/made>)
- 2.4 In this guidance pack, the above legislation is referred to as “the 2012 Regulations”. Regulations 6 and 7 and Schedule 2 of the 2012 Regulations define campaigns and regulate expenses to advance the campaign.

A “**campaign organiser**” is defined as “*the individual or body by whom, or on whose behalf, referendum expenses are incurred (including expenses treated as incurred) in connection with a referendum campaign.*”

“**Referendum expenses**” means “*expenses incurred by or on behalf of any individual or body during the referendum period for referendum purposes in respect of any of the matters set out in paragraphs 1 to 7 of Schedule 2*” (of the 2012 Regulations)

### 3. The Referendum Timetable

- 3.1 The referendum process is governed by a statutory timetable. The referendum timetable is attached at **Appendix A** incorporating the dates for the GLA elections, which are broadly the same. The deadlines relating to nomination of candidates etc. are not relevant to the referendum.
- 3.2 If no time of day is specified, then the deadline is midnight on that date.
- 3.3 The dates and times are mandatory and will not change.

### 4. Campaigns

- 4.1 Individuals, groups of individuals or organisations can campaign for a particular outcome in relation to the question to be asked in the local government referendum. There is a limited legal regime for the management and regulation of campaigns. The key points are:
- a. Most importantly, campaigns must not exceed the maximum financial limit for campaign on the referendum. Exceeding the limit is a criminal offence.
  - b. There is no duty to register a campaign with the Counting Officer or Electoral Commission.
  - c. The Counting Officer has no legal authority to regulate the activities of campaigns.

- d. Campaigns are subject to electoral law and in particular the laws that govern campaigning and voting.

## 5. Voluntary Registration of Campaigns

- 5.1 Campaigns are under no obligation to register with any person but we recommend you register your campaign with the Counting Officer so we are able to:
  - a. Provide campaign organisers with information about the conduct of the referendum, including updates.
  - b. Consider providing Counting Officer approval to your named representatives to act as agents able to attend at polling stations, postal vote opening sessions and the count.
- 5.2 To register your campaign, please write to [Yasmin.khanum@newham.gov.uk](mailto:Yasmin.khanum@newham.gov.uk) marking your email CAMPAIGN REGISTRATION providing the following information so we can contact you easily
  - a. Campaign Name (if any);
  - b. Campaign Organiser's full name, address, email and contact number.
  - c. You may appoint more than one campaign organiser but if you do not, please provide a reserve contact.
- 5.3 Your information will only be used for the purposes of the running of this referendum and not shared with any other party.

## 6. Referendum Expenses

- 6.1 As stated above, you will find the legal framework for a campaign's referendum expenses in regulation 6 and 7 and Schedule 2 of the 2012 Regulations. There is a mandatory limit on the expenses a campaign can incur. This is called the **referendum expenses limit** and is based on a statutory formula.
- 6.2 The referendum expenses limit in this referendum is **£15,525.50**
- 6.3 Referendum expenses can include:
  - a. Expenses incurred directly by a campaign
  - b. "notional" expenses where property, services or facilities are provided free of charge or at a rate discounted by more than 10% . This can include the cost of an employee's salary where they are made available to work for a campaign.
- 6.4 Expenses incurred "on behalf of" an individual or body include expenses that can be incurred by one person but funded by another.
- 6.5 Schedule 2 lists categories of matters relevant to referendum expenses e.g. advertising, printed leaflets, market research etc.

### Referendum Expense Returns

- 6.6 A campaign organiser should record any relevant expenses incurred during the referendum period, which commences formally on the publication date of the referendum notice and ends

on polling day. This will be campaign's evidence of compliance with the referendum expenses limit and should include all relevant expenses.

- 6.7 A template document is attached to this Guidance at **Appendix B** and on the Council's webpage for campaigns. There is no obligation to use this template and the accurate recording of referendum expenses is the sole responsibility of the campaign and campaign organiser.

## 7. Criminal Offences

- 7.1 It is a criminal offence for a person to exceed the referendum expenses limit:
- a. knowingly or
  - b. where that person ought reasonably to have known that the limit would be exceeded or
  - c. without reasonable excuse authorise another person to exceed the limit.
- 7.2 Allegations of expenditure more than what is prescribed in the legislation must be made to the Police (not the Counting Officer) who will refer the matter to the Director of Public Prosecutions for investigation.

## 8. Referendum Material and Imprints

- 8.1 Imprints should be added to published referendum campaign material to show who is responsible for its production. The Counting Officer recommends the use of imprints to ensure that there is transparency about who is campaigning at the local governance referendum.
- 8.2 Imprints on printed material such as leaflets and posters should include the name and address of:
- a. the printer, and
  - b. the promoter
- 8.3 The promoter is the person who has caused for the material to be printed. They can use their home or office address.
- 8.4 An example of an imprint of campaign material should look like this:
- Printed by Photocopier Printer Ltd, 1 Acacia Avenue, London, E14 3EW*
- Promoted by A Person on behalf of the Campaign Group, 2 Acacia Avenue, London, E14 3EW*
- 8.5 The imprint should appear:
- a. on the face of the document for single side documents (such as a poster or newspaper advert)
  - b. on the first and last page of a multi-side document
- 8.6 We recommend you include an imprint on electronic material such as websites and emails.

## 9. Appointment of Observers

- 9.1 A campaign organiser may nominate persons to observe aspects of the referendum process. A form is attached and on the Council's webpage to make these nominations at **Appendix C**. Campaigners must apply in writing to the Counting Officer to nominate one or more postal vote observers on the attached form. Please provide the details required and tick the boxes for which the person is nominated.

Incomplete forms will not be considered.

**IMPORTANT NOTE:** *Due to Covid restrictions at all our locations and the presence of other counts at the Excel Centre, the Counting Officer may be limited in the total number of observers that can be allocated. The Counting Officer will seek to fairly distribute available places between the campaigns who have registered with the Council. It is not the Counting Officer's responsibility to identify campaigns and notify them of the ability to nominate observers.*

### Postal Vote Observers

- 9.2 Postal vote observers are appointed by the Counting Officer to observe the opening of returned postal votes. Details of postal vote opening sessions will be provided but will be subject to precautionary measures due to Covid19 which may limit numbers and the established layouts due to social distancing and safety requirements.
- 9.3 Postal vote observers will only be allowed access to an opening session after their application has been approved.

### Polling Observers

- 9.4 Up to four polling observers are permitted to be present in a polling station at any time and subject to restrictions imposed due to the Covid19 which may reduce this number.
- 9.5 The sole role of a polling observer is for the purposes of detecting personation only, i.e. where a person fraudulently attempts to vote by pretending to be another voter.
- 9.6 Applications to the Counting Officer for polling observers must be received by the deadline of **28 April 2021**

### Counting Observers

- 9.7 Counting observers are appointed by the Counting Officer to observe the counting process on Saturday 6<sup>th</sup> May 2021 at the Excel Centre.
- 9.8 Count observers may observe the verification and counting processes to verify on behalf of their campaign that the count is undertaken in an accurate and correct manner.
- 9.9 There is no provision for counting observers to request a re-count.
- 9.10 Applications to the Counting Officer from campaigns to appoint count observers must be received by the deadline of **28 April 2021**
- 9.11 It is highly likely that the Counting Officer will limit the number of counting observers due to Covid19 safety concerns and the presence of other counts in the Excel Centre. The number appointed will be equally distributed between campaigns submitting applications.

## Tellers

- 9.12 “Tellers” have no formal status. They are usually campaign workers who stand outside polling stations distributing campaign material or recording the number of voters. The following guidance applies:
- a. Tellers may stand on the public highway but not within the boundaries of the polling station, whatever the weather.
  - b. Tellers must not obstruct or harass voters, polling station staff or cause an obstruction to the public highway.
  - c. Due to Covid restrictions, tellers are likely to be asked to move away from the entrance to a polling station to ensure social distancing of 2 metres.
  - d. Tellers should wear face masks but this is not an obligation.
- 9.13 The Counting Officer will investigate all reports of disruptions by tellers and may contact the Police.

## 10. Campaigning publicity dos and don'ts

### **You must:**

- 10.1 Use imprints on all your printed campaign material and any electronic campaign material that is designed to be printed off locally. See above for more information.
- 10.2 Comply with planning rules relating to advertising hoardings and large banners – you can ask the planning department at Newham for advice.
- 10.3 Make sure that outdoor posters are removed promptly after the referendum, you must do this within two weeks of the close of the poll.

### **You should:**

- 10.4 Include an imprint on all non-printed campaign material, including websites.
- 10.5 Consider how to make your campaign accessible to people who are visually impaired, have learning difficulties or low literacy skills, or whose first language is not English. You may want to contact disability groups for advice.

### **You must not:**

- 10.6 Produce material that looks like the poll cards sent to voters by the Counting Officer
- 10.7 Pay people to display your adverts (unless they display paid adverts as part of their normal business).

## 11. Electoral Commission Guidance

- 11.1 In addition to the above, it is strongly advised that all campaigners follow the Electoral Commission's Code of Conduct for Campaigners in Great Britain, which is attached as **Appendix D**. This will help you to avoid situations where your honesty or integrity could be questioned.



## 12. Secrecy Requirements

- 12.1 Section 66 of the Representation of the People Act 1983, as modified by the 2012 regulations (as amended), sets out the secrecy requirements at elections (including referendums) and these requirements are attached as **Appendix E**
- 12.2 These rules apply to **all** appointed observers.
- 12.3 All campaigners need to be aware of the requirements for secrecy as any person who is found guilty of breaching the requirements set out in Section 66 may face an unlimited fine or may be imprisoned for up to six months.

## 13. Polling Day

- 13.1 Polling day is scheduled for Thursday 6 May 2021. The hours of poll are 7am until 10pm.
- 13.2 The Counting Officer is responsible for the provision of polling stations at a referendum and all officers appointed will be impartial. To ensure impartiality at polling places the following must be observed:
  - a. Campaigners who may be involved in the management of a building used as a polling station should avoid involvement on polling day or where impossible maintain their impartiality.
  - b. Buildings will not display any campaign material.
  - c. The Presiding Officer, appointed by the Counting Officer, is responsible for the conduct and operation of the polling station and may request the removal of any item which it is felt compromises the impartiality of the polling station.
  - d. The Presiding Officer can request the removal of any person from a polling station if it is felt that they are/could compromise the impartiality of the election.

### Multiple Ballot Papers

- 13.3 The referendum will be taking place alongside the GLA elections and, in East Ham Central Ward, a by election to fill a casual vacancy.
- 13.4 Therefore, in all of Newham, voters will be issued with four ballot papers (3 GLA papers and one referendum ballot paper). In East Ham Central, voters will also be issued with a fifth by-election ballot paper.
- 13.5 Ballot papers are different colours.

### Affixing Seals on Ballot Boxes

- 13.6 Polling observers may fix their own seals to the ballot boxes at the close of poll only. They are requested to notify the Presiding Officer if they intend to do so.
- 13.7 A full list of the polling stations to be used on Thursday 6 May 2021 will be published on the Council's website and distributed to the campaign organiser of campaigns that register with the Counting Officer.

## 14. The Count

- 14.1 The Referendum count will take place at the Excel Centre on Saturday 8<sup>th</sup> May. The start time has not been fixed but will not be before 8am and is unlikely to be much later than this time. We will update registered campaigns as soon as possible.
- 14.2 There is no public access to observe the count. Only appointed Count Observers will be provided with access, see above.
- 14.3 The verification of the ballot papers for the three elections (by-election; referendum and London elections) must be completed before the referendum ballots can be counted to avoid the risk of any stray ballot papers placed in the wrong box being uncounted.
- 14.4 The Count will take place in a hall with other counts taking place. Attendance at the Newham count does not give any right to observe other counts.

## 15. Criminal Offences - General

- 15.1 Campaigns must ensure they comply with electoral law. The following activities are some of the activities that are against the law. There are also specific offences relating to absent (i.e. postal) voting. Further guidance can be found at <http://www.electoralcommission.org.uk/i-am-a/candidate-or-agent> (noting that some offences are specific to candidates and agents).

**Bribery:** campaigns (or supporters) cannot give money or offer gifts to persuade you to vote a particular way.

**Treating,** campaigns (or supporters) cannot directly or indirectly give or provide food, drink or entertainment in order to influence a voter.

**Intimidation,** campaigns (or supporters) cannot use undue influence, or intimidation of any kind, to influence the way you vote.

**Multiple Voting,** you should not vote, or attempt to vote, more than once in the same election. This applies to both voting in person and by post.

**Personation,** you should not vote, or attempt to vote, as some other person, under any circumstances. This is even if you know that person is away and how they would have voted. This applies to both voting in person and by post.

- 15.2 The Counting Officer does not have jurisdiction to investigate or prosecute offences but we will report any allegations of electoral offences to the Police and fully cooperate with the Police in any investigation.

## 16. Challenging a referendum result

- 16.1 The result of a referendum can only be challenged in the High Court.

## Appendix A Referendum Timetable

Event	Working days before poll (deadline if not midnight)	Date (deadline if not midnight)
Publication of Notice of Election	Not later than -30	Monday 22 March 2021
Publication of Notice of Referendum	-25	Not later than Monday 29 <sup>th</sup> March 2021
Delivery of nomination papers	From the date stated on the notice of election until 4pm on the 24th working day before polling day	On any working day during the hours stated on the notice of election until 4pm on Tuesday 30 March 2021
Deadline for delivery of nomination papers	-24 (4pm)	4pm on Tuesday 30 March 2021
Deadline for withdrawals of nomination	-24 (4pm)	4pm on Tuesday 30 March 2021
Deadline for notification of appointment of election agents	-24 (4pm)	4pm on Tuesday 30 March 2021
Publication of first interim election notice of alteration	-24	Tuesday 30 March 2021
Publication of statement of persons (and parties) nominated	-22 (4pm)	Not later than 4pm on Thursday 1 April 2021
Deadline for receiving applications for registration	-12	Monday 19 April 2021
Deadline for new postal vote applications and for changes to existing postal or proxy votes	-11 (5pm)	5pm on Tuesday 20 April 2021
Deadline for receiving new applications to vote by proxy (not postal proxy or emergency proxies)	-6 (5pm)	5pm on Tuesday 27 April 2021
Publication of second interim election notice of alteration	Between -23 and -6	Between Wednesday 31 March and Tuesday 27 April 2021 (inclusive)
Publication of notice of poll	Not later than -6	Not later than Tuesday 27 April 2021
Referendum Publication of Notice of Poll	Not later than -6	Not later than Tuesday 27 April 2021
Publication of final election notice of alteration	-5	Wednesday 28 April 2021
Deadline for notification of appointment of polling and counting agents	-5	Wednesday 28 April 2021
First date that electors can apply for replacements for lost postal votes	-4	Thursday 29 April 2021
Deadline for notification of appointment of sub-agents	-2	Tuesday 4 May 2021
<b>Polling day</b>	<b>0 (7am - 10pm)</b>	<b>7am to 10pm on Thursday 6 May 2021</b>
Last time that electors can apply for a replacement for spoilt or lost postal votes	0 (5pm)	5pm on Thursday 6 May 2021
Last day for new applications to vote by proxy on grounds of medical emergency / business	0 (5pm)	5pm on Thursday 6 May 2021
Last day to make alterations to the Register to correct a clerical error or to implement a court (registration appeal) decision	0 (9pm)	9pm on Thursday 6 May 2021

## Appendix B - Referendum Expenses Template

### **Introduction**

Please read the Counting Officer's Information Pack for Campaigns that provides information about campaign expenses. If you need advice, please seek independent legal advice.

It is each campaign's sole responsibility to ensure that it complies with the law in relation to referendum expenses. There is no legal requirement for campaign organisers to submit their records of referendum expenses to the Counting Officer or the Electoral Commission but there is a responsibility to comply with the limitations of expenditure as specified in legislation

Please find attached forms that can be utilised for the recording of your referendum campaign expenses. This is for guidance only and the Counting Officer accepts no liability or responsibility for its accuracy or completion by any campaign.

The referendum expenses limit in this referendum is £15,525.50.

### **Warning:**

Any person spending more than the referendum expenses limit is guilty of an offence in certain circumstances and may be liable for prosecution which could result in 12 months imprisonment and/or a fine.

Allegations of expenditure having exceeded the limits prescribed in the legislation must be made to the Police who will then refer the allegation to the Director of Public Prosecutions for investigation.

## Expenses forms - Guidance

Please enter the details of all referendum expenses under the appropriate category in the seven tables below.

When you have totalled up the amounts under each category, please enter the totals into the summary of referendum expenses in Table 1 below.

If you have no expenses to report for a category, enter a zero or nil into the summary of expenses for that category.

Each item of expense should be allocated to one category only. Some items will be categorised easily and should be placed under the purpose into which they naturally fall, but others may appear to fit more than one purpose.

In these cases, you must judge where to put the item.

For every item of expense, please give details of:

- The item number. The first payment reported should be '1' and then items should be numbered consecutively. For each payment you are supporting with an invoice, you should put the same number on the invoice. Item numbers need to be unique because they are used to cross- reference with other sections of the form and the supporting invoices/receipts.
- The item or service used.
- The name and address of the supplier where this is not on an invoice or receipt submitted with this return.
- The date the invoice was paid.
- The amount actually paid. Include nil payments where applicable.
- The notional value of the item or service, where provided free of charge or at a discount of more than 10% of the commercial rate

Please retain your original invoices/receipts.

**Section 1 – Details of Campaign & Organiser**

Name	
Address	
Telephone	
Email	
Campaign Name	

Which outcome of the referendum did you promote or procure during the campaign? Please put a cross in the appropriate box below.

Mayor and Cabinet

Committee Model

Date appointed as campaign organiser:

I certify that the referendum expenses detailed below are a true and correct record:

Signed:.....(campaign organiser)

Date:.....

## Section 2 – Summary of referendum expenses

If you have information to report about spending on the referendum campaign, use the worksheets below to set out the details for each item and enter the totals for each category of referendum expenses into Table 1.

If you have nothing to report for a category, you enter zero or nil next to that category in Table 1.

**Table 1: Summary of referendum expenses**

<b>Category</b>	<b>Total Value (£)</b>
Advertising	
Unsolicited material to electors	
Any material providing general information about the referendum, deals with any issue raised by the referendum question, or puts any arguments for or against an answer to that question.	
Market research or canvassing	
Press conferences or other dealings with the media	
Transport	
Rallies and public meetings	
<b>Total referendum expenses incurred</b>	



**Referendum Expenses – Worksheets**

Advertising					
Item No:	Item/service	Name and address of supplier	Date paid	Amount paid (£)	Notional value (£)
Sub totals					
Total amount paid + notional value of any expenses incurred					

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Unsolicited material to electors					
Item No:	Item/service	Name and address of supplier	Date paid	Amount paid (£)	Notional value (£)
Sub totals					
Total amount paid + notional value of any expenses incurred					

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Any material providing general information about the referendum, deals with any issue raised by the referendum question, or puts any arguments for or against a particular answer to that question.					
Item No:	Item/service	Name and address of supplier	Date paid	Amount paid (£)	Notional value (£)
Sub totals					
Total amount paid + notional value of any expenses incurred					

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Market research or canvassing					
Item No:	Item/service	Name and address of supplier	Date paid	Amount paid (£)	Notional value (£)
Sub totals					
Total amount paid + notional value of any expenses incurred					

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Press conferences or other dealings with the media					
Item No:	Item/service	Name and address of supplier	Date paid	Amount paid (£)	Notional value (£)
Sub totals					
Total amount paid + notional value of any expenses incurred					

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Transport					
Item No:	Item/service	Name and address of supplier	Date paid	Amount paid (£)	Notional value (£)
Sub totals					
Total amount paid + notional value of any expenses incurred					

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Rallies and public meetings					
Item No:	Item/service	Name and address of supplier	Date paid	Amount paid (£)	Notional value (£)
Sub totals					
Total amount paid + notional value of any expenses incurred					

## Appendix C Application Form to Appoint Observers

<b>APPLICATION TO APPOINT AN OBSERVER</b>	
<p>I apply for the following person to be appointed as an observer set out below at the Newham Governance Referendum. In making this application, I understand that:</p> <ul style="list-style-type: none"> <li>• Any appointment will be subject to the Counting Officer's compliance with the restrictions imposed on numbers of observers by Covid 19 and the presence of other counts at the Excel Centre.</li> <li>• Appointments will be made fairly between campaigns registered with the Counting Officer.</li> <li>• Appointed persons will comply with the legal requirements in respect of secrecy.</li> <li>• Appointed persons will comply with any requirements to ensure a Covid safe election.</li> <li>• Appointed persons <u>must not attend</u> if they or a family /household member have had any Covid 19 symptoms in the past 14 days or are self-isolating. A substitute can be nominated.</li> </ul>	
<b>Observer Details</b>	
Full Name	
Address (inc post code)	
Email	
Contact number	
<b>Roles Applied for (tick one or more as appropriate)</b>	
Polling Observer	
Postal Vote Observer	
Count Observer	
<b>Campaign Details</b>	
Campaign organiser full name	
Campaign Name (where appropriate)	
Contact number / email	
Date	

This form must be completed and returned no later than Wednesday 28 April 2021 with the subject as CAMPAIGN OBSERVER APPLICATION to: [Yasmin.khanum@newham.gov.uk](mailto:Yasmin.khanum@newham.gov.uk)-



## Appendix D - Electoral Commission's Code of Conduct

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

(Any reference to Returning Officer is to also include Counting Officer for Referenda)

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

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

As a guiding principle, if there is any doubt about an activity, campaigners should ask themselves *"What would a reasonable observer think?"*

More detailed guidance about electoral offences can be found in the guidance for candidates and agents, which is available at: <http://www.electoralcommission.org.uk/i-am-a/candidate-or-agent>

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

Some Returning Officers may identify the need to develop and seek agreement to specific local provisions which supplement the terms of this Code, to address identified local risks. Returning Officers must consult with local campaigners and the relevant national Nominating Officers as well as police forces to secure appropriate local agreement to such provisions and should ensure that they are communicated and well-understood by campaigners locally.

#### **Scope of this code**

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

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

#### **Compliance with this code**

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

Any further concerns should be drawn to the attention of the Electoral Commission.

The Commission will raise them with the relevant party or campaigner if appropriate and will agree appropriate actions to remedy or prevent a reoccurrence of any breach.

#### **Electoral registration and absent vote applications**

Campaigners should be free to encourage voters to register to vote and apply to vote by post or appoint a proxy to vote on their behalf if that is the most convenient way for them to vote.

Campaigners can help to inform voters about how to participate in elections, and Electoral Registration Officers should support you by providing you with a reasonable number of registration and absent vote application forms on request.

Voters can also apply to register online at:

[www.gov.uk/register-to-vote](http://www.gov.uk/register-to-vote)

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

You can download electoral registration forms from [www.gov.uk/register-to-vote](http://www.gov.uk/register-to-vote) and absent vote application forms from [www.aboutmyvote.co.uk](http://www.aboutmyvote.co.uk)

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

To ensure voters can make their own choice about how to return registration or absent vote application forms, you should always clearly provide the relevant Electoral Registration Officer's address as the preferred return

address, even if an alternative address is also given. This will also minimise the risk of suspicion that completed applications could be altered or inadvertently lost or destroyed.

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

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

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

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

### **Postal vote applications**

Campaigners should never encourage electors to have their postal ballot pack redirected to anywhere other than the address where they are registered to vote.

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

state on the application form the reason why they need their postal ballot pack sent to another address.

### **Proxy vote applications**

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

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

### **Postal voting ballot papers**

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

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

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

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

Campaigners should never handle or take any completed ballot paper or postal ballot packs from voters.

Wherever practical, you should encourage voters to post or deliver the completed postal ballot pack themselves. If you are approached or asked for help by a voter who is unable to post their completed postal ballot pack or make any other arrangements for it to be returned in time, you should contact the Returning Officer to ask them to arrange for it to be collected.

The Returning Officer may agree that it would be in the voter's best interest for you to deliver the completed postal ballot pack to the relevant office or polling station, if there are no feasible alternative options.

### **Campaigning outside polling places**

Campaigners should be allowed to put their messages to voters on polling day, including in public spaces outside polling places.

Polling station staff and police officers should not seek to discourage or remove campaigners who are otherwise peacefully communicating with voters if they are not within or impeding access to the grounds of the polling place.

You should be careful, however, to ensure that your approach is proportionate and should recognise that groups of supporters may be perceived as intimidating by voters.

Campaigners should keep access to polling places and the pavements around polling places clear to allow voters to enter.

The Presiding Officer is responsible for maintaining order in the polling place, and you may be asked to move by polling station staff or police officers if you are impeding access by voters to a polling place.

### **Complaints and allegations about electoral fraud**

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

The police will investigate allegations where someone is prepared to provide evidence or a statement in support of the complaint, but unsubstantiated claims about electoral fraud have the potential to damage confidence in the integrity of the electoral process.

You should ensure you are confident that evidence can be provided to the police before considering whether it is appropriate to publicise any specific allegation.

Campaigners who are concerned or think that electoral fraud may have taken place should raise the matter with their election agent or local party, or with the relevant Electoral Registration Officer or Returning Officer for the area.

They may be able to explain whether an election-related crime has been committed and refer it to the police if appropriate or provide details of the police contact for the relevant area so that campaigners can report their allegation.

**Important note:** Regulations 6 and 7 and Schedule 2 of the 2012 Regulations contain detailed provisions for the regulation of expenditure by individuals or bodies in relation to a referendum.

An individual or body are responsible for compliance with the regulations and may commit a criminal offence by incurring expenses exceeding the referendum expenses limit. The Director of Public Prosecutions is the prosecuting authority for any offences under the 2012 Regulations and information that may disclose an offence should be submitted to the DPP.

There are no provisions for the registration of campaigns, or the submission of expenses returns.

The Council cannot advise whether an individual or body is acting in compliance with these provisions and there is no requirement for expense accounts to be submitted to the Counting Officer.

If you have any doubts or concerns, you are recommended to seek independent advice.

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

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

## Appendix E Secrecy Requirements for Campaigns and Observers

### Postal voting

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

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

(a) Except for some purpose authorised by law, communicate, before the poll is closed, to any person any information obtained at those proceedings as to the official mark; or

(b) except for some purpose authorised by law, communicate to any person at any time any information obtained at those proceedings as to the number or other unique identifying mark on the back of the ballot paper sent to any person; or

(c) except for some purpose authorised by law, attempt to ascertain at the proceedings in connection with the receipt of ballot papers the number or other 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 ballot paper or communicate any information with respect thereto obtain at those proceedings.

[ ... ]

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

### The Poll

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

(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.

[...]

(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 to make known to any person the name of the candidate for whom he has or has not voted.

[...]

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

[Notification of secrecy requirements – the count](#)

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

[ ... ]

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

- (a) Ascertain or attempt to ascertain at the counting of the votes the number or other unique identifying mark on the back of any ballot paper.
- (b) Communicate any information obtained at the counting of the votes as to the candidate for whom any vote is given on any ballot paper.

[ ... ]

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