



LOCAL AUTHORITY ELECTIONS

GUIDANCE FOR CANDIDATES



**Isle of Man
Government**

Reiltys Ellan Vannin

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1. INTRODUCTION

This booklet has been produced to provide guidance for those seeking to be elected as a Local Authority Councillor or Commissioner, and provides a brief summary of those areas of the local elections process which might be of interest to those wishing to stand.

Please note that this document is intended only as a guide and should not be relied upon as being legally definitive. Furthermore, the Department of Infrastructure cannot accept responsibility for any errors or omissions within this guide.

This guide does not provide information on the House of Keys elections. The Cabinet Office is responsible for the administration of the House of Keys elections.

2. LOCAL GOVERNMENT WARDS/DISTRICTS

The following wards/districts are represented by an overall total of 136 elected members:

DISTRICT / WARD	NUMBER OF SEATS
Andreas	5
<u>Arbory & Rushen Parish District:-*</u>	6 in total comprising:-
Arbory	3
Rushen	3
Ballagh	5
Braddan	5
Bride	5
Castletown	7
<u>Douglas Wards:-*</u>	12 in total comprising:-
Central	3
East	3
North	3
South	3
<u>Garff Parish District Wards:-*</u>	9 in total comprising:-
Laxey	3
Lonan	3
Maughold	3
German	5
Jurby	5
Lezayre	5
Malew	5
Marown	5
Michael	7
Onchan	7
Patrick	5
Peel	7
Port Erin	7
Port St Mary	7
<u>Ramsey Wards:-</u>	12 in total comprising:-
North	6
South	6
Santon	5

* **Note:** The Douglas (Alteration of Wards and Number of Members) Order 2019 was approved at the April 2019 sitting of Tynwald, which reduced the number of wards for Douglas from 6 to 4.
The Arbory and Rushen (Local Government District) Order 2019 was approved at the January 2020 sitting of Tynwald. The former Local Authorities of Arbory and Rushen have now merged into a new Authority called the Arbory and Rushen Parish District Commissioners. This will have 2 wards in place for the 2021 Local Authority General Election.

The Island’s local authorities carry out a number of functions, and details on these can be found on the Department’s website: <https://www.gov.im/categories/home-and-neighbourhood/local-authorities/>

3. QUALIFICATION TO STAND FOR ELECTION

Who Can Stand	Who Can’t Stand
<p>Any person on the Isle of Man can stand for any local authority on the Island, providing:</p> <ul style="list-style-type: none">• their name is entered on the electoral register*; and• they have reached the age of 18 on the day of the election	<ul style="list-style-type: none">• Any person who within the last 5 years has had a prison sentence of not less than 3 months (without the option of a fine) on the Island, UK, Channel Islands or Republic of Ireland.• Any person guilty of corrupt or illegal practices.• Any person in the paid employment of a Local Authority, a joint board or joint committee of that Authority.

* The Crown and Elections Unit have produced a guide entitled “How to Register to Vote” which sets out various details, such as, qualifying to register to vote and how to complete the registration form etc. This guide can be viewed via the web-link below, or alternatively further assistance could be sought directly from the Crown and Elections Unit:

<https://www.gov.im/categories/home-and-neighbourhood/elections-and-voting/register-to-vote/>

Address: Electoral Registration Unit
Crown and Elections
Cabinet Office
3rd Floor, Government Office
Bucks Road Douglas, IM1 3PN

Telephone: (01624) 685754

E-mail: elections@gov.im

4. LOCAL ELECTIONS LEGISLATION

All those interested in standing for election as a Member of a Local Authority are encouraged to read the following:-

- Local Elections Act 1986 (as amended)
- The Representation of the People Act 1995 (as amended)
- The Local Election Rules 2003 (as amended in 2008, 2012 and 2020)
- The Local Election (Absent Voters) Regulations 2008 (as amended in 2012 and 2020)

A copy of all the above Acts, Rules and Regulations are set out within the Department of Infrastructure’s booklet entitled “Local Elections Legislation”. This document can be found on the Department’s website via:

<https://www.gov.im/media/44259/local-elections-legislation-document-june-2021.pdf>

5. ELECTORAL REGISTER

Candidates are entitled to a copy of the electoral register for the district/ward they are standing in free of charge. All Local Authorities hold a copy of the full electoral registers (please see 'Useful Contacts' on page 11).

The Information Commissioner has produced guidance via the following web link:-

<https://www.inforights.im/organisations/latest-news-updates/2020/mar/standing-for-election/>

Candidates must register with the Information Commissioner as a data controller. The link above sets out in more detail, information you need to be aware of when standing for election. This includes details for candidates on the requirements of the Data Protection Act relating to the full electoral register and the processing of personal data for an election. Also included is an attachment with further guidance for candidates in these elections.

6. NOMINATION PROCESS

6.1. Nomination Paper/Form

All those persons eligible to stand for election will need to complete and return a nomination form. A nomination form (and set of instructions as to its completion) can be obtained from the Clerk of the Local Authority district/ward you intend on standing in. The postal, email addresses, and contact telephone numbers of the Island's Local Authorities can be found on the Department's website: <https://www.gov.im/categories/home-and-neighbourhood/local-authorities/local-authority-contacts/>

Each candidate's nomination paper will require the signature of 2 electors; one as proposer and the other as seconder, in addition to a minimum of 8 assentors (although it is recommended that more than 8 assentors be included); and all of whom must be on the same register of electors for the district/ward in which the candidate seeks election.

The same elector may subscribe as many nomination papers as there are vacancies to be filled, but no more, and his or her signature shall be inoperative on any nomination paper subscribed in excess of that number. For example, in a General Local Authority Election, should there be 5 seats available, then an elector within that district/ward may choose to subscribe up to a maximum of 5 nomination papers.

6.2. Submission of Nomination

The Clerk/Returning Officer of the Local Authority district/ward you intend on standing in will be able to confirm the arrangements for the delivery of nomination papers. The notice of election will also state the address where completed nomination papers are to be delivered, and the cut-off deadline by which they will need to be delivered by.

Only a candidate or their proposer or seconder may deliver a completed nomination paper to the Returning Officer at the time and place fixed for the delivery of nomination papers. If delivered by the candidate's proposer or seconder, the nomination paper **must be** accompanied by the candidate's written consent to the nomination (attested by one witness), otherwise the candidate cannot be validly nominated.

Candidates are advised to deliver their completed nomination papers in advance of the deadline, in case there are any errors which need to be rectified.

(Please view Rule 13 of the Local Elections Rules 2003 (as amended) for legislation surrounding the right to attend nomination proceedings)

6.3. Withdrawal of Candidature / Objections to Nominations

Should a candidate wish to withdraw their candidature, they would need to do so by giving notice in writing in accordance with Rule 16 of the Local Elections Rules 2003 (as amended), and by no later than 2.00pm the day immediately following the deadline day for the delivery of nomination papers. Any objections to nominations would also require to be made by this same deadline. The Returning Officer will then decide on the validity of every nomination paper.

6.4. Contested / Uncontested Elections

If following the expiry of 2.00pm (the day immediately following the deadline day for the delivery of nomination papers) more candidates stand nominated than there are vacancies to be filled, a contested election shall be held.

However, if no more candidates stand nominated than there are vacancies to be filled, those candidates shall forthwith be declared to be elected.

7. SUMMARY OF STAFF INVOLVED IN LOCAL ELECTIONS

7.1. Returning Officer

The Returning Officer is responsible for running the election for their Local Authority area. They carry out a number of duties including organising and managing polling stations, receiving and checking the validity of candidates' nomination papers, publishing various election notices, appointing election staff etc.

You will need to contact your Local Authority for details on who the Returning Officer is for your District/Ward (see 'Useful Contacts' on page 11).

7.2. Presiding Officers, Poll Clerks, Counting Clerks

A Returning Officer will appoint a Presiding Officer to preside at each polling station, along with a Chief Counting Clerk and other such Counting Clerks and Poll Clerks as may be necessary for the purposes of the election.

Presiding Officers supervise poll staff and are required to have a good knowledge of voting procedures. The Presiding Officer's role is to be in charge of a polling station when the Returning Officer is not present.

Poll Clerks assist the Presiding Officer at the polling station during the day of the election, and Counting Clerks undertake the "count" following the close of the poll.

Returning Officers cannot appoint any person who has been employed by, or on behalf of, a candidate in or about the election. **(See Rule 27(1) of the Local Election Rules 2003).**

7.3. Certifying Persons

A Certifying Person is responsible for ensuring that an absent voter completes the declaration of identity form and ballot paper whilst in their presence (either at the offices of the Returning Officer or at an address requested by the absent voter (as stipulated on their absent vote application).

The following persons may act as a Certifying Person where the absent voter's ballot paper is marked in the Isle of Man:-

- the Returning Officer for the district or ward in which the absent voter is entitled to vote; or

- an advocate; or
- one or more persons appointed for the district or ward by the Department of Infrastructure after consultation with the Returning Officer

Please see **Regulation 21 (1)(b) of the Local Elections (Absent Voters) Regulations 2008** for a list of all those who can act as certifying person where the ballot paper is to be marked outside the Isle of Man.

7.4. Polling and Counting Agents

Each candidate may, no later than 12 noon on the day before the date of the poll, appoint -

- no more than 2 polling agents to attend at each polling station in the constituency. (One of the main duties of the polling agent is to detect any persons who are impersonating a voter);
- any such number of counting agents to attend at the counting of votes, **provided the candidate does not exceed the maximum number set by the Returning Officer**, who is also to ensure the same limit is set for each candidate. (The main role of the counting agent is to observe the counting process on the candidate's behalf and make sure it is accurate).

7.5. Clerk of Rolls – Public Inspection of Election Documents

The Returning Officer, within 7 days of declaring the result of the election, will forward all documents relating to a contested or uncontested election to the Clerk of the Rolls, who is also the First Deemster. Please see **Rule 51 of the Local Elections Rules 2003 (as amended)** for a list of the documents which require to be circulated.

The Clerk of Rolls will then retain these documents for one year, after which, they will then be destroyed, unless otherwise directed by order of the High Court. These documents will be available for public inspection (except ballot papers and counterfoils) at such time and subject to such conditions as the Clerk of Rolls may decide.

8. LOCAL AUTHORITY ELECTIONS TIMETABLE

Rule 3 of the Local Election Rules 2003 (as amended) sets out the deadlines to be followed when conducting an election. These proceedings are outlined as follows:-

• Publication of notice of election

The Department of Infrastructure, under **Section 3(2) of the Local Elections Act 1986 (as amended)**, is required to give public notice of the date set for the General Local Authority Election (held every 4 years). This is to be done no later than the 31st December in the year preceding the date of the election. This year this was amended and the relevant legislation to consider re the date setting is Section 3(1) of the above Act.

The Department is also required to make arrangements for a notice of a General Local Authority Election to be published in one or more local newspapers, not less than 7 and nor more than 14 days before the last day for delivery of nomination papers. This notice will set out the election date in addition to listing all the districts/wards for each Local Authority, along with the number of seats for each, and the names and contact details of all the Clerks etc. **See Form 1A and also Rule 6(2)(a) of the Local Election Rules 2003 (as amended)**.

Local Authorities must also display a composite Notice of Election in one or more conspicuous places within their area. This will be in the same format as described in the paragraph above, except that the Notice is to only contain details relevant to the Authority itself. **(See Rule 6(2)(b))**.

Note:- In the event of a By-Election (i.e. when a casual vacancy arises) the process is slightly different as the Local Authorities themselves are required to (i) publish a public notice of poll in one or more local newspapers, in addition to (ii) displaying a public notice of poll in one or more conspicuous places in the electoral area. **(See page 10 of this guide for more information on By-Elections).**

- **Delivery of nomination papers**

Nomination papers are to be delivered no later than 5.00pm on a day to be fixed by the Returning Officer, and not more than 28 days and not less than 21 days before the day of the election.

- **Delivery of withdrawal of candidature**

A candidate may withdraw his or her candidature by giving notice in writing to that effect by no later than 2.00pm on the next day after the day fixed for the delivery of nomination papers.

- **Making of objections to nominations**

Objections are to be made in writing to the Returning Officer no later than 2.00pm on the next day after the day fixed for the delivery of nomination papers.

- **Publication of nominations (and withdrawals)**

The Returning Officer, immediately after the expiry time for making objections to nominations (and not less than 4 days before the day of the election), is required to publish a notice stating the names of those nominated along with the names of each candidate's proposer and seconder. The notice is to be placed in a conspicuous position outside the place for the delivery of nominations (i.e. the principal office of the Authority).

Any nominations which have been withdrawn or deemed invalid must also be stated on the same notice of nominations. **See Rule 17 of the Local Election Rules 2003 (as amended).**

If there are more candidates than there are seats to be filled, then the Returning Officer will declare an election and will arrange for a Notice of Poll to be displayed in the local press and in the local area, setting out the names of the candidates nomination for election, along with the details of the polling stations for the election. **See Form 5 and also Rule 23 of the Local Election Rules 2003 (as amended).**

Should there be less candidates than there are seats to be filled, then the Returning Officer will declare the candidate(s) nominated to be elected, and will arrange for a public notice to be displayed in the local press and in the local area.

- **Polling**

The polling stations will be open between 8.00 am and 8.00 pm on the day of the election. Under **Section 3(1) of the Local Elections Act 1986 (as amended)**, the date of the election will be determined by the Department of Infrastructure.

9. ELECTION POSTERS

Section 37 of the Representation of the People Act 1995 sets out the following:-

- (1) A person shall not

- (a) print or publish, or cause to be printed or published, any bill, placard or poster having reference to an election, or any printed document distributed for the purpose of promoting or procuring the election of a candidate; or
 - (b) post or cause to be posted any such bill, placard or poster; or
 - (c) distribute or cause to be distributed any printed document for the said purpose, unless the bill, placard, poster or document bears upon its face the name and address of the printer and publisher.
- (2) A person shall not post or cause to be posted, any such bill, placard or poster -
- (a) within any polling station, or any building of which a polling station forms part, or
 - (b) within the curtilage of such a building.
- (3) Subsection (2) does not apply to a bill, placard or poster exhibited on a motor vehicle which is engaged in delivering a voter to or collecting a voter from the polling station.
- (4) Any person other than a candidate who acts in contravention of this section is guilty of an offence and liable on summary conviction to a fine not exceeding £1,000.
- (5) Section 11 of the Newspapers Act 1846 (books etc. to bear printer's name and address) shall not apply to any bill, placard or poster to which this section applies.
- (6) For the purposes of this section 'printing' includes any process for multiplying copies of a document, other than copying it by hand.

10. BROADCAST MEDIA (COMMUNICATIONS COMMISSION PROGRAMME CODE)

The guidance for House of Keys Election candidates, produced by the Cabinet Office, sets out the following information, which is also relevant for the Local Authority Elections:-

10.1. Programmes at the Time of Elections

The general provisions of Section 4 of the Communications Code deal with programmes at the time of elections (national and local) and advise that:-

"There is no expectation that the time devoted to all candidates in an election will be exactly equal. Licensees must exercise their judgment, based on factors such as the number of candidates. However, new and unknown candidates may also be among those with significant views and perspectives, to which appropriate coverage may need to be given.

Discussion and analysis of election issues should finish when the polls open. A licensee may not publish the results of any poll it has commissioned or undertaken on polling day itself, until the polls have closed.

Appearances by candidates in Isle of Man elections as newsreaders, interviewers or presenters of any type of programme should cease for the election period".

10.2. Coverage of Constituencies at House of Keys & Local Government Elections in IOM

"It is not necessary to secure the agreement of all candidates before any candidate can take part in an item about the relevant constituency/ward/district, and likely candidates are not prevented from taking part in the period before the close of nominations. Nevertheless, due impartiality must be strictly maintained in coverage of the campaign in any constituency/ward/district. If any candidate takes part in an item about a particular constituency/ward/district then all candidates should be offered the opportunity to take part.

Any constituency report or discussion after the close of nominations must include a list of all candidates standing, giving first names and surnames. This should be conveyed in caption and/or voice.

The election period, during which the requirements in this sub-section of the Code must be applied, is defined as starting at the close of nominations. The election period ends with the close of the poll.”

11. DECLARATION OF RESULT

In a contested election, once the result of the poll has been ascertained and the successful candidate or candidates have been declared to be elected, the Returning Officer is to give public notice of:-

- the candidate or candidates elected
- the total number of votes given to each candidate
- the total number of those who voted at the election (excluding rejected ballots)
- the number of rejected ballots

In an uncontested election, the Returning Officer is to give public notice of the candidate(s) elected.

12. FURTHER INFORMATION

12.1. Candidates Leaflet

A leaflet aimed at those interested in representing their local area, and which sets out some background information on the functions carried out by local authorities and also providing details on attendance at meetings, allowances, confidentiality etc can be found on the Department of Infrastructure’s website: <https://www.gov.im/media/1358114/la-candidate-leaflet-june-2021.pdf>

12.2. Methods of Voting

There are two ways in which to vote; either by placing a vote in person at the polling station for your electoral district/ward, or by applying for an absent vote. For further details, please see the Department of Infrastructure’s “**Local Authority Elections – Guidance for Voters**” document, which can be accessed via the following web-link: <https://www.gov.im/media/1373178/local-elections-guidance-for-voters-2021.pdf>

Under legislation, individuals are **not** allowed to appoint a proxy to vote on their behalf in the Local Authority Elections.

12.3. By-Elections

By-Elections are required to be held when a casual vacancy arises due to an individual having ceased to be a Member of a Local Authority (e.g. as a result of their having resigned from office). **See s.11 - 14 of the Local Elections Act 1986 (as amended)**, which sets out the situations where an individual may cease to be a Member of a Local Authority.

Please see **Section 15** for assistance in determining the date on which a vacancy would be deemed to have occurred, and **Section 17** which sets out when an election would require to be held. This is not to be confused with **Section 16 of the Local Elections Act 1986 (as amended)** which sets out when a Local Authority would be required to internally elect a new Chairman or Vice-Chairman, should their current Chairman or Vice-Chairman cease to be a Member of the Authority.

(see overleaf for list of useful contacts)

13. USEFUL CONTACTS

Local Authorities	For the telephone, email, and postal addresses of all the Local Authorities, please see Department of Infrastructure's website on: http://www.gov.im/categories/home-and-neighbourhood/local-authorities/local-authority-contacts/
General Registry	Isle of Man Courts of Justice, Deemsters' Walk, Douglas (Enquiries Tel: 685265)
Electoral Registration Unit	Crown and Elections, Cabinet Office, 3 rd Floor, Government Office, Bucks Road, Douglas, IM1 3PN (Enquiries Tel: 685754 or email: elections@gov.im)
Tynwald Library	Legislative Buildings, Finch Road, Douglas (Enquiries Tel: 685520)
Local Government Unit	Department of Infrastructure, Sea Terminal Building, Douglas IM1 2RF (LGU: 686246 / 685900)

A copy of all the Acts, Rules and Regulations referred to in this document are available to download from the Department of Infrastructure's website:-
<https://www.gov.im/categories/home-and-neighbourhood/elections-and-voting/local-authority-election/>