

LOCAL AUTHORITY ELECTIONS

GUIDANCE FOR CANDIDATES



Isle of Man
Government

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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 Cabinet Office cannot accept responsibility for any errors or omissions within this guide.

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
Ballaugh	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:-

- Elections (Keys and Local Authorities) Act 2020 (A copy of which can be downloaded from the following web address:
https://legislation.gov.im/cms/images/LEGISLATION/PRINCIPAL/2020/2020-0014/ElectionsKeysandLocalAuthoritiesAct2020_2.pdf)
- Elections (Local Authorities) Regulations 2022 (A copy of which can be downloaded from the following web address:
https://legislation.gov.im/cms/images/LEGISLATION/SUBORDINATE/2022/2022-0230/ElectionsLocalAuthoritiesRegulations2022_1.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/>

Before a copy of the relevant register can be supplied to a candidate, 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 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 Deputy 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 Regulation 9 of the Elections (local Authorities) Regulations 2022 for legislation regarding delivery of nomination papers)

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 Regulation 16 of the Elections (Local Authorities) Regulations 2022, and by no later than 2.00pm on nomination day. Any objections to nominations are also required to be made by this same deadline.

Deputy Returning Officer will then decide on the validity of every nomination paper.

6.4. Contested / Uncontested Elections

If following the expiry of 2.00pm on nomination/objection day, 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. Deputy Returning Officer

Deputy 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 Deputy 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 Deputy 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 Regulation 27(2) of the Elections (Local Authorities) Regulations 2022.**

7.3. Polling and Counting Agents

Each candidate may, before 5.00pm on day 39 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 Deputy 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).

7.4. Clerk of Rolls – Public Inspection of Election Documents

Deputy 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 **Regulation 52 of the Elections (Local Authorities) Regulations 2022** for a list of the documents which require delivery to the Clerk of the Rolls.

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.

8.0 By-Election Timetable

TIMETABLE FOR CONTESTED LOCAL BY-ELECTIONS –

DAY	DATE	Activity/Deadline	Day No:
		Deputy Returning Officer publishes Notice of Election in press (Independent)	0
		The Deputy Returning officer should also arrange for the Notice of Election to be displayed on an appropriate website in an appropriate manner and the Notice may also be published by placard posted up in some public and conspicuous situation in the electoral area to which the notice refers.	
			1
			2
			3
			4
			5
		First day for receipt of nomination papers (from 10am)	6
			7
			8
			9
			10
			11
			12
		Last day for receipt of nomination papers "Nomination Day" (until 1pm).	13
		Objection period 1pm -2pm	
		Suggested date for arranging ballot print	14
			15
			16
			17
			18
		Publish Notice of Poll	19
		Last date for receipt of postal voting applications from overseas electors	
		Last day for issue of postal voting ballot packs by Deputy Returning Officer to overseas electors	20
		Final opportunity to register to vote in the by-election	21
			22
			23

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		Last day for receipt of postal voting applications from electors within the British Isles (but outside the IOM)	28
		Last day for issue of postal ballot packs by Deputy Returning Officer to applicants within the British Isles (but outside the IOM)	29
			30
			31
		Submission date for "Declaration of Expenses" form to the Electoral Registration Officer.	32
			33
		Last day for receipt of postal voting applications from electors within the Isle of Man	34
		Publication of the "seven day" register which details any changes to the Local Authorities electoral register. Last day for issue of postal ballot packs by the Deputy Returning Officer to applicants within the Isle of Man	35
			36
			37
			38
		Last day for notification to Deputy Returning Officer of polling/counting agents	39
			40
		Last day (5pm) for receipt of completed postal voting ballot packs (any postal ballot packs not mailed in can be hand-delivered at the polling station by 8pm on election Day) Last day (5pm) for receipt of Proxy applications/revocations Electoral Registration Officer to issue a copy of the list of proxies to the Deputy Returning Officer by 6pm	41
		ELECTION – Polling Day – 8.00am to 8.00pm	42

• Delivery of nomination papers

Nomination papers are to be delivered no later than 1.00pm on day 13 of the election timetable and must be accompanied by the Candidates Declaration of Interests form evidence as proof of compliance with Section 19(1)(b) of the Elections (Keys and Local Authorities) Act 2020

A candidate may withdraw his or her candidature by giving notice in writing to that effect by no later than 2.00pm on day 13 of the Election timetable.

• Making of objections to nominations

The Deputy Returning Officer for the Local Authority will invite all prospective candidates for that Authority to attend at a specified venue between 1pm and 2pm on nomination day (Day 13 of the Election timetable). This meeting provides the opportunity to inspect and to object to the validity of any nomination paper. The Deputy Returning Officer will determine whether your nomination

paper is valid. You are entitled to invite your proposer or seconder and one other person to attend with you but no more. Once the Deputy Returning Officer has deemed that your nomination is valid you become a candidate for election for that Authority.

- **Polling**

Where there is a contested election the polling stations will be open between 8.00 am and 8.00 pm on the day of the election (Day 42 of the Election timetable).

- **Postal Voting**

Postal voting on demand has been introduced from 01st August 2022 for Local Authority Elections. It is an easy and convenient way of voting for those who are unable to vote at a polling station or choose not to vote in person. First an elector must complete the postal vote application form, which is available from:

- the Government website at <https://www.gov.im/local-authority-elections>
- the Cabinet Office, Third Floor, Government Office, Bucks Road, Douglas, IM1 3PN, or
- the Deputy Returning Officer for the constituency.

Postal voting packs can be sent to addresses in the Isle of Man, UK and overseas. Full instructions on how to complete the application form and the voting pack can be viewed on the Government website.

- **Proxy Voting**

Electors can apply to appoint a person to vote on their behalf, known as a proxy, only in exceptional circumstances, such as a medical emergency or urgent business necessitating overseas travel. Details of how to obtain a proxy voting application form and who is eligible to be appointed as a proxy voter are published on the Government website.

9.0 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:-

9.1 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”.

9.2 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."

10. 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, Deputy Returning Officer is to give public notice of:-

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

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

11. 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 Crown & Elections website; <https://www.gov.im/local-authority-elections>

12. 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)