

London Borough of Hounslow Code of Conduct for Campaigners

**Local Protocol
Borough Elections
5 May 2022**

London Borough of Hounslow
Hounslow House
7 Bath Road
Hounslow
TW3 3EB

SECTION 1: CONDUCT OF CAMPAIGNERS

- 1.1 Candidates standing in the May 2022 elections and their associated election agents and political parties will be invited to sign the Local Hounslow Protocol and give a commitment to comply with its provisions
- 1.2 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.
- 1.3 Following recent polls held in Hounslow, there seems to be confusion as to the legality of certain practices and who is responsible for enforcing offences when they occur, if at all.
- 1.4 This guidance highlights the main issues that are repeatedly raised, and it is hoped will enable everyone to understand where the responsibilities lie, what action needs to be undertaken, if at all, and what is not, considered acceptable behaviour at polling stations and in the community during the lead-up to polling day.
- 1.5 It is important to note that this is not meant to be a definitive legal interpretation of what must happen, because any reported incident will be determined on its own merit, and often an incident can be dealt with at the time without further action.
- 1.6 This document attempts to explain what is within the remit of the Returning Officer, where his responsibility ends and what should be referred to the Police.
- 1.8 Important comprehensive guidance is also available from the Electoral Commission [Local elections in England | Electoral Commission](#) and the College of Policing which can be found here [Policing elections \(college.police.uk\)](#)

SECTION 2: POLLING AGENTS

- 2.1 Polling Agents are appointed by candidates and are allowed into polling stations during the hours of poll to note any irregularities or identify personation.
- 2.2 Polling Agents must not be confused with "tellers" who stand outside the polling stations to collect the elector's numbers and have no legal status.
- 2.3 Polling agents must have their official appointment with them to enter the polling station.
- 2.4 The responsibility for ensuring those entering the polling station are officially appointed falls on the Presiding Officer who will check the appointment.

If the agent does not have their appointment, they will not be permitted access into the polling station.
- 2.5 Further information relating to Polling Agents can be found here (Section 10 - 1.25)
[LGEW Part 5 - Your right to attend key electoral events \(electoralcommission.org.uk\)](#)

SECTION 3. TELLERS

- 3.1 Tellers are campaigners who stand outside the polling stations predominantly to collect the electoral numbers of those who enter and leave the polling stations.
- 3.2 Tellers have no status in law, but we acknowledge the important role that they play.
- 3.3 They are not permitted to canvass electors as they enter the polling place, offer treats, or hand out literature.
- 3.4 It is extremely important that tellers ensure that they do not impinge on the voter's ability to enter and leave the polling station without any cause for concern.
- 3.5 All Polling Station staff will be briefed, and all tellers will be informed by the Presiding Officers that they are formally appointed to manage the polling place and have the legal authority to dismiss tellers if they consider that the experience of the elector is hindered in any way.
- 3.6 Guidance on the role of tellers will be posted directly outside the polling place and can be found here.
https://www.electoralcommission.org.uk/sites/default/files/pdf_file/Tellers-guidance-generic.pdf
- 3.7 Candidates should not allocate more than one teller outside a polling place at any one time. The Police will not allow large groups of a candidate's supporters to gather in the public space or street outside of the polling place.
Tellers should keep access to polling places clear and the pavements around polling places clear to allow voters to enter.
- 3.8 Tellers should be careful to ensure that their approach is proportionate and should recognise that groups of supporters may be perceived as intimidating by voters. The Police will be particularly alert to actions that may lead to electors feeling intimidated or influenced. Influencing includes deterring an elector from voting at all as well as influencing them to vote or not to vote for a particular candidate or party.
- 3.9 The Presiding Officers will request that Police to move on tellers who restrict access to polling places. This will reduce allegations of intimidation and ensure electors have clear access to the polling place.

SECTION 4: ACTIVITY OUTSIDE POLLING PLACES

- 4.1 This is perhaps the most emotive issue raised in recent years, particularly by electors who do not wish to discuss any aspects of the poll with any campaigner or campaign group and resent any approach as they walk towards the polling place.

There is also a common misconception that campaigning outside a polling place and canvassing electors as they approach a polling place is illegal.

To be very clear, it is not.

- 4.2 Canvassing/campaigning outside polling places is permitted but only if conducted in an orderly manner and with the elector's consent when approached. If an elector is not prepared to discuss any aspect of the poll with a campaigner then they should not be spoken to and not hindered in any way, be that physically or verbally as they approach, enter, and leave the polling place..

- 4.3 If any approach is made to an elector outside the confines of the polling place that is considered intrusive or intimidating and a complaint made to the Returning Officer, this will be referred to the police or the complainant referred to the police directly.
- 4.4 It is important to note that the Returning Officers powers are limited to the confines of the polling place and not beyond, so complaints received relating to incidents outside the polling place would fall on the police to deal with.
- 4.5 It may be the case that the complainant speaks directly to the Police at the location and a judgement would need to be made whether the approaches made by campaigners are acceptable or not. The circumstances can range of course from well-intentioned approaches, over exuberance and direct intimidation and the police would need to assess whether the campaigning/approach constitutes an offence or not and act accordingly.
- 4.6 If approaches are made, either within the polling place or outside, that are simply aggressive and not undertaken in an acceptable manner then this would be a matter for the police to determine and act accordingly within the requirements of the law.
- 4.7 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.

- 4.8 Concerns about breaches of the political finance rules should be raised directly with the Electoral Commission.

SECTION 5: FAMILY VOTING

- 5.1 This is a matter for the Returning Officer and his staff within the confines of the polling station and there may be occasions where those approached in the polling station to prevent this occurring do not accept the rules and simply ignore the instructions given by the Presiding Officer. If this were to occur the Presiding Officer will ask the Police to intervene.
- 5.2 It is sacrosanct that anyone casting their vote in the polling station does so in secret and their choice is not influenced or affected by another person.
- 5.3 Consequently, Presiding Officers have been given strict instruction not to permit more than one elector into a polling booth at any one time and anyone who insists on helping another cast their vote will be deterred from doing so unless the reason is allowed in law e.g., companions of disabled voters and persons under the age of 18.
- 5.4 That said, if any elector has difficulty understanding the ballot paper content the Presiding Officer, and no-one else, can assist the elector when asked to do so and will formally record the fact that they have done so.
- 5.5 There may be occasions where an individual may enter a polling booth compartment to innocently help a family member or friend with no intention to affect or influence the casting of the ballot but simply to try and assist them in casting their vote. An example of this would be if a person cannot read and understand the ballot paper content.
- 5.6 If this were to occur the Presiding Officer will intervene and explain the principles of an elector casting their vote in secret and will inform those involved that if help is needed it is only the Presiding Officer who can undertake this task.

SECTION 6: ACCESS INTO THE POLLING PLACE

- 6.1 On occasion someone will enter the polling place because they have a particular observation to make or to speak to the Presiding Officer but without the legal authority to do so. This may be well intentioned but entry into a polling place is strictly detailed in law with only the following permitted. (7.4 below)
- 6.2 Anyone who enters the polling place without lawful authority will be asked to leave and denied access by the Presiding Officer.
- 6.3 If someone enters a polling station without legal authority to do so and refuses to comply with instruction to leave this will be referred to the police and a decision made if the individual is committing an offence.
- 6.4 Those entitled to enter the polling station is defined in law as follows and no-one else
 - election staff
 - voters
 - candidates – details will be listed on the ballot papers
 - election agents – the Presiding Officer will have their details
 - polling agents (must have their appointments with them and a list will be provided to the Presiding Officers)
 - Police officers on duty at the polling station
 - representatives of the Electoral Commission (Will have photo authorisation)
 - accredited observers (Will have photograph authorisation)
 - persons under the age of 18 who accompany voters
 - companions of disabled voters

SECTION 7: POSTAL VOTE APPLICATIONS

- 7.1 Applications are to be returned to the Electoral Registration Officer, Hounslow House, 7 Bath Road, Hounslow, TW3 3EB). This will also minimise the risk of suspicion that completed applications could be altered or inadvertently lost or destroyed.
- 7.2 Campaigners should always explain to electors the implications of applying to vote by post or appointing a proxy.
- 7.3 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.
- 7.4 To avoid duplication and unnecessary administrative pressures for the elections team, 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.
- 7.5 Campaigners should never encourage electors to have their postal ballot pack redirected to anywhere other than the address where they are registered to vote.
- 9.6 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.

SECTION 8: PROXY VOTE APPLICATIONS

- 8.1 Applications are to be returned to the Electoral Registration Officer, Hounslow House, 7 Bath Road, Hounslow, TW3 3EB). This will also minimise the risk of suspicion that completed applications could be altered or inadvertently lost or destroyed.
- 8.2 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 suspicion that campaigners may be seeking to place undue pressure on electors, electors should not be encouraged to appoint a campaigner as their proxy.

SECTION 9: POSTAL VOTING BALLOT PAPERS

- 9.1 Campaigners should never touch or handle anyone else's ballot paper. 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.
- 9.2 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.
- 9.3 Wherever practical, you should encourage voters to post or deliver the completed postal ballot pack themselves.

SECTION 10: ELECTORAL OFFENCES

- 101.1 You should be aware of a number of electoral and non-electoral offences and should seek your own legal advice where necessary.

The most common offences are detailed below and would be investigated by the Police if reported to them. It is not for the Returning Officer or the Electoral Commission to investigate these offences, but they will work closely with the police should the circumstances result in a formal investigation.

10.2 **Bribery**

The offence of bribery includes where someone directly or indirectly gives any money or procures any office to or for any voter, in order to induce any voter to vote or not vote.

10.3 **Treating**

A person is guilty of treating if either before, during or after an election they directly or indirectly give or provide any food, drink, entertainment, or provision to corruptly influence any voter to vote or refrain from voting.

10.4 **Undue influence**

A person is guilty of undue influence if they directly or indirectly make use of or threaten to make use of force, violence or restraint, or inflict or threaten to inflict injury, damage or harm in order to induce or compel that person to vote or refrain from voting.

A person may also be guilty of undue influence if they impede or prevent any voter from freely exercising their right to vote – even where the attempt is unsuccessful. Undue influence doesn't exclusively relate to physical access to the polling station. For example, a leaflet that threatens to make use of force in order to induce a voter to vote in a particular way could also be undue influence.

10.5 Personation

Personation is where an individual votes as someone else either by post or in person at a polling station, as an elector or as a proxy. This offence applies if the person that is being personated is living, dead or fictitious. Aiding, abetting, counselling or procuring the offence of personation is also an offence.

10.6 Reporting allegations of electoral fraud

If you are concerned that electoral fraud may have been committed, you should first speak to the Returning Officer, who may be able to explain whether or not electoral fraud has been committed. If considered necessary allegations will be referred to the Police.

If you have evidence that an electoral offence has been committed you may contact the police immediately if you choose to do so, using the 101 non-emergency number unless there is a crime in progress, in which case you should use the standard 999 emergency line.

You should be prepared to give the police a statement and substantiate your allegation. If you do not want to give a statement to the police, you can report your concerns anonymously on the [Crimestoppers](#) website or by calling Crimestoppers on 0800 555 111.

- 10.7 If your allegation relates to party, election or registered campaigner finance matters, such as spending or donations, then you should follow the advice given at the following link: <https://www.electoralcommission.org.uk/who-we-are-and-whatwe-do/our-enforcement-work/make-allegation>.

DO'S AND DON'TS

IMPRINTS

An imprint should be added to all campaign material and, in the case of printed material, must be added by law to show who is responsible for its production. It helps to ensure that the campaign is transparent. You should ensure that your imprint is clear and visible.

Please refer to the Electoral Commission Candidates Imprint factsheet, which can be found at <https://www.electoralcommission.org.uk/sites/default/files/2021-08/Candidates%20imprints%20factsheet%20EWNI.pdf>

You must:

Use imprints on all your printed campaign material and it is good practice that you include an imprint on electronic campaign material such as websites and social media posts.

Comply with planning rules relating to advertising hoardings and large banners

Make sure that outdoor posters are removed promptly after the election – **you must do this within two weeks of the election.**

You must not:

Produce material that looks like the poll cards sent to voters by the Returning Officer.

Pay people to display your adverts (unless they display adverts as part of their normal business)

POLLING DAY

Make sure that any tellers working for you follow our tellers' dos and don'ts and any guidance issued by the Returning Officer.

You must:

Make sure your campaigners follow the Code of conduct for campaigners which sets out what is, and is not, considered acceptable behaviour at polling stations and in the community.

Comply with requests by polling station staff or the Returning Officer about campaigning near polling stations.

Make sure that any agents who are attending polling stations, postal vote opening sessions or the count understand the rules about the secrecy of the ballot.

You must not:

Campaign near polling stations in a way that could be seen by voters as aggressive or intimidating (for example, large groups of supporters carrying banners, or vehicles with loudspeakers or heavily branded with campaign material).

You must not:

Hand out refreshments/food/beverages to encourage electors to vote for you.

Breach the requirements on secrecy of the ballot.

In particular, if you (or your agents) are attending postal vote opening sessions, you must not seek to identify and publicise how votes have been marked on individual ballot papers.

Before the close of poll, publish exit polls or any other data based on information given by people about how Tellers are volunteers for candidates who stand outside polling stations and record the elector numbers of electors who have voted. they voted after they have cast their vote, including a postal vote.