

**ELECTION GUIDELINES AND PROCEDURES**  
**for the 2021 election**



**WIMBLEDON AND PUTNEY COMMONS CONSERVATORS**

**October 2020**

## Contents

	Page No.
Definitions	3
<b>PART A - Role, Responsibilities and Authority of the Returning Officer</b>	5
Purpose	
Role and Authority	
Context of Elections	
Measuring Success and Evaluation	
Skills and Knowledge of the Returning Officer	
Assessing and Managing the Risk of Electoral Fraud	
Managing Complaints	
Raising Awareness	
Review and Lessons Learnt	
Error of Failure in an Election	
Power of the Returning Officer	
<b>Part B - Role of the Scrutineer</b>	12
Appointment of a Scrutineer	
Role of the Scrutineer	
<b>Part C – Guidance for Candidates</b>	13
Prospective Candidates	
Official Candidates	
Candidate Statement	
Spending and Donations	
Standing Jointly	
Campaign Rules	
Maintaining the Integrity of the Election	
Withdrawing from the Election	
Death of a Candidate	
<b>Part D – Guidance for Incumbent Conservators and Officers</b>	17
General	
Pre-election Period	
Appendix 1 – Election Timetable	
Appendix 2 – Hustings Guidance Notes	
Appendix 3 – Measurement of Objectives and Success of the Election	



# WIMBLEDON AND PUTNEY COMMONS CONSERVATORS Election Guidelines and Procedures

## Definitions

“Act” means the Wimbledon and Putney Commons Act 1871, as amended.

“Byelaws” means the Byelaws of the Wimbledon and Putney Commons Act 1871.

“Election Byelaws” means the Election Byelaws (1990) of the Wimbledon and Putney Commons Act 1871.

“Candidate” means an Elector who is qualified to be a Conservator and is proposed and seconded in accordance with section 20 of the Act and who is not disqualified from being a trustee of a charity by the Charity Commission or requirement under the Act or under the Commissioners Clauses Act 1847.

“Chairman” means the Chairman of the Conservators selected in accordance with section 37 of the Commissioners Clauses Act 1847, as amended.

“Conservators” means the Wimbledon and Putney Commons Conservators (WPCC), incorporated under the Act.

“Charity” means the Wimbledon and Putney Commons Conservators, registered charity number 303167 and regulated by the Charity Commission; Conservators serve as trustees for the Charity and are also the only members of the Charity.

“Election” means a triennial election of the Conservators held under section 14 of the Act or an election of a Conservator held under section 29 of the Act to fill a casual vacancy.

“The Date of the Election” means the day on or before which completed ballot papers are required to reach the Scrutineer.

“Elector” means every person entitled to vote at an election of Conservators in accordance with section 15 of the Act, as amended.

“Electoral Register” means the most recent version of the electoral register as published by the Relevant Councils.

“Officer” means an employee of the Wimbledon and Putney Commons Conservators including the Chief Executive and Deputy Clerk and Ranger.

“Pre-election Period” means the period determined in accordance with paragraph 82 of this document.

“Project Team” means the team assembled by the Returning Officer to manage the Election on behalf of Wimbledon and Putney Commons Conservators.

“Publicity Plan” means the plan to promote the triennial election published by the Returning Officer.

“Relevant Councils” means the local authorities of the London Boroughs of Kingston, Merton and Wandsworth as defined in the Act.

“The Returning Officer” means the Chairman or other Conservator nominated in accordance with section 22 of the Act and Election Byelaw 3 (which stipulates that in exercising his power under section 22 of the Act to nominate a Conservator as a Returning Officer, the Chairman shall nominate one of the appointed Conservators); the Returning Officer will be appointed no

later than six months prior to the Date of the Election for an Election held under section 14 of the Act or at a date agreed by the WPCC Board for an Election held under section 29 of the Act to fill a casual vacancy.

“The Scrutineer” means the body appointed by the Returning Officer to conduct the Election in accordance with the voting procedures as specified in the Election Byelaws.

“WPCC Board” means the Board of the Wimbledon and Putney Commons Conservators.

This guidance has been produced based on, and should be read in accordance with, the requirements set out in the following legislation:

- The Wimbledon and Putney Commons Act 1871, as amended (particularly by Statutory Instruments 1990 No. 20 and 1993 No. 128)
- The Election Byelaws (1990);
- The Byelaws;
- The Commissioners Clauses Act 1847, as amended;
- The Representation of People Act 1983, as amended.

This guidance is divided into four areas:

**Part A – Role, Responsibilities and Duties of the Returning Officer**

**Part B – Role of the Scrutineer**

**Part C – Guidance for Candidates**

**Part D – Guidance for Incumbent Conservators and Officers**

Prior to each Election, the WPCC Board will be asked to approve these Election Guidelines and Procedures for the Election, authorise a budget for the Election, appoint the Returning Officer and delegate the powers to the Returning Officer in accordance with the procedures set out in this document.

## **PART A - Role, Responsibilities and Authority of the Returning Officer**

### **Purpose**

The purpose of this part of the guidance is to set out the role, responsibilities and authority of the Returning Officer to enable her/him to administer the Election.

The role of the Returning Officer is to ensure that the Election:

- A. is administered effectively, well planned and properly executed;
- B. is fair and impartial;
- C. raises awareness amongst Electors and attracts any eligible Elector who wishes to stand as a Candidate;
- D. is well promoted, well understood, and that Elector turnout is maximised.

As a result of the above, it is expected that the experience of Electors and Candidates is a positive one. These aims will be published on the WPCC website along with other information regarding the Election including the name of the Returning Officer and an outline timetable for the Election.

1. The Returning Officer has overall responsibility for the conduct of the Election and is authorised by the WPCC Board to exercise his/her discretion in carrying out the duties incumbent upon him/her. The role is separate and distinct to his/her duties as a Conservator and trustee of the Charity and once appointed, the Returning Officer must at all times make it clear in which capacity he/she is acting and/or communicating.

### **Role and Authority**

2. The Returning Officer is responsible for the conduct of the Election, including:
  - a. proposing to the Conservators the day and Date of the Election in accordance with section 14 (4) and section 18 of the Act;
  - b. approving a timetable that establishes all key dates concerning the Election (see Appendix 1);
  - c. initiating a review of the levy-area and approving the levy-area;
  - d. approving the Candidate Brief and Application Pack;
  - e. arranging and chairing two informal meetings during the period between twelve and eight weeks before the Date of the Election for prospective Candidates to meet informally with the Returning Officer and the Chief Executive (one meeting in Wimbledon and one in Putney), to provide information about WPCC and the rules for Candidates and to allow prospective Candidates to ask questions and understand the documentation that he/she will be required to provide as a Candidate;
  - f. holding meetings with any prospective Candidates who cannot attend the meetings described above, noting that no meetings will take place after the closing date for nominations;
  - g. providing all prospective Candidates with information relating to the background of WPCC and the guidelines, procedures and deadlines for the Election and ensuring that all prospective Candidates are provided with the same information;
  - h. liaising with third parties and promoting the holding of 'hustings' that meet best practice guidelines, such as those provided by the Electoral Commission and wherever possible ensuring the consistency of the format

[\[https://www.electoralcommission.org.uk/full-guidance/are-you-holding-a-hustings\]](https://www.electoralcommission.org.uk/full-guidance/are-you-holding-a-hustings)

and compliance with WPCC's hustings guidance notes at Appendix 2;

- i. approving the Publicity Plan that aims to raise awareness of the Election including approval of letters and promotional materials to be disseminated to a predetermined list of organisations/individuals and publishing the Publicity Plan on the WPCC website; the Returning Officer will consider feedback from the WPCC Board but retains full responsibility for approving the Publicity Plan and the right to exercise his/her discretion in doing so;
- j. appointing a Scrutineer to conduct the Election in accordance with the voting procedures as specified in the Election Byelaws 9 through 15;
- k. preparing a letter in the name of the Returning Officer to accompany the ballot paper promoting the Election and explaining the importance of voting;
- l. approving the artwork for the ballot paper, the Candidate Statement and the envelope ('the Election Pack');
- m. not less than ten weeks before the Date of the Election, publishing the notice of the Election, which shall specify the Date of the Election and other information in relation to the Election, in accordance with Election Byelaw 2;
- n. not less than ten weeks before the Date of the Election, validating the list of Electors in accordance with Election Byelaw 5 and section 17 of the Act;
- o. not less than ten weeks before the Date of the Election, approving rules for public inspection of the list of Electors that meet the requirements of the local authorities who provide the electoral register from which the list of Electors is determined;
- p. not less than six weeks before the Date of the Election, validating the list of Electors for signature by the Chairman in accordance with Election Byelaw 6 (Conservators are provided with the Electoral Registers by the Relevant Councils);
- q. validating procedures to correct the list of Electors and correcting the list of Electors or reserving for future decision any manifest errors or omissions in accordance with Election Byelaw 7;
- r. determining the requirements (including the number of words and information not deemed appropriate to be included) for the Candidate Statements that accompany the ballot papers for those Candidates who submit a completed Application Pack not less than six weeks before the Date of the Election;
- s. validating the list of Candidates having satisfied himself/herself to the best of his/her ability of each Candidate's eligibility to stand as a Conservator and confirming that each Candidate submitted a completed Application Pack not less than six weeks before the Date of the Election; the Returning Officer will need to take a view on including each proposed Candidate Statement with the ballot paper and if the Returning Officer believes that any Candidate Statement contains material that could bring either WPCC or any other person or organisation into disrepute, such as potentially defamatory or illegal material, the Returning Officer will require the Candidate to amend his/her Candidate Statement;
- t. validating in accordance with the above procedures any completed Application Packs that have been received by prospective Candidates less than six weeks but not less than 14 clear days of the Date of the Election in accordance with section 20 of the Act, noting that under this provision, the names of such Candidates will not appear on the ballot papers or in the Candidate Statements;

- u. publishing the official list of Candidates who submitted and had validated a completed Application Pack not less than 14 days before the Date of the Election noting that the Returning Officer's decision on whether a prospective Candidate is eligible to stand is final;
- v. dealing with requests from Candidates to withdraw from the Election;
- w. receiving and where necessary investigating and responding to complaints in relation to the conduct of the Election;
- x. receiving the results of the Election from the Scrutineer;
- y. assuring himself/herself as far as possible that the results of the Election are accurate, assessing the number of spoilt papers and reasons provided by the Scrutineer;
- z. determining in advance with the Candidates the process and timing of the notification of results of the Election; this should be at least 12 hours prior to public notification of the results of the election;
- aa. drawing of lots in the case that there is an equal number of votes cast for two or more Candidates, in accordance with section 24 of the Act;
- bb. declaring publicly the result of the Election, advising the Candidates of the result and ensuring that the result is widely publicised;
- cc. being able to fully execute the statutory functions and where appropriate/necessary seek independent legal or other professional advice and inform and advise the Chairman and one other Appointed Conservator of the proposed actions, having obtained a fee proposal and had confirmation that budgetary provision is available;
- dd. communicating regularly in as much detail as possible about the election process, timetable and progress via the WPCC website;
- ee. keeping accurate records of the actions he/she takes as Returning Officer;
- ff. setting up a separate secure email address in the style "ro2021@wpcc.org.uk" to ensure that a full log is kept and retained for at least six months from the Date of the Election or longer if necessary of all email correspondence received and sent whilst acting in the role of Returning Officer; all physical correspondence shall also be kept for at least six months from the Date of the Election;
- gg. ensuring that ballot papers and all ballot records are securely stored for a period of at least six months from the Date of the Election, in accordance with Election Byelaw 15;
- hh. seeking WPCC Board approval to allow electronic voting.

### **Context of Elections**

3. There were in excess of 60,000 eligible Electors in the 2018 Elections. Both the 2015 and 2018 were contested Elections with significant public scrutiny.
4. Given the above, there is a significant amount of preparatory work required to be undertaken ahead of the Election. The Returning Officer will assemble and chair a Project Team comprising the Chief Executive, Deputy Clerk and Ranger and such other Officers as she/he may deem appropriate. The Project Team will draw up an implementation plan for the Election six months before the Date of the Election. Once the implementation plan has been agreed, progress meetings will be held, initially monthly then with increasing frequency as the Election draws closer. During the period commencing three months before the Date of the Election until the month before the

Date of the Election, the Returning Officer has a significant role in coordinating the statutory requirements that must be undertaken as well as promoting the Election in order to raise awareness of the Election amongst Electors for the purposes of attracting any eligible Elector who wishes to stand as a Candidate and maximising Elector turnout.

### **Measuring Success and Evaluation of the Elections**

5. Based on the principles set out in The Electoral Commission Project Planner, a spreadsheet (see Appendix 3) has been prepared that will enable objectives and success to be measured against the deliverables and tasks. This will form the basis of the meetings that the Returning Officer holds with the Project Team.

### **Skills and Knowledge of the Returning Officer**

6. The Returning Officer must have a clear understanding of the statutory procedures to be followed and relevant regulatory guidance concerning elections provided by the Charity Commission and other bodies.
7. There are also management responsibilities to the role of the Returning Officer. He or she should:
  - obtain a clear mandate from the WPCC Board that provides confirmation as Returning Officer, confirmation of the Election Guidelines and Procedures, confirmation of all timescales and confirmation that the Returning Officer will act in a capacity that is independent of WPCC;
  - work with the Chief Executive to ensure the availability of the required staff and resources to deliver a well-run Election;
  - draw the necessary support, skills and expertise from across the organisation;
  - oversee the planning, project management and risk management of the Election and incorporate any lessons learnt from previous Elections;
  - identify and oversee any actions necessary to mitigate any issues arising;
  - ensure that staff are appropriately trained to deliver the roles required of them;
  - support the staff administering the Election and provide appropriate oversight of their work;
  - in consultation with the Chief Executive, provide direction to staff, monitor progress and receive regular feedback on activities;
  - communicate with incumbent Conservators on a regular basis as to the progress of the election and any issues that are material to the management of the Election, so long as this does not conflict with their position as Candidates;
  - communicate with Candidates so that there is consistent understanding of any issues affecting the Election.

### **Assessing and Managing the Risk of Electoral Fraud**

8. The Returning Officer is uniquely placed to identify incidents and patterns of activity that might indicate electoral fraud.
9. The Returning Officer should ensure that a process is in place to assess the risk of electoral fraud and for monitoring indicators of possible fraud. Although there may be no definitive signs of possible electoral fraud, discussions should be held with the Scrutineer to consider potential sources of such fraud, monitoring any unusual patterns in voting or absent voting or unusual patterns of rejected ballot papers. If an allegation of fraud is made, the Returning Officer at his/her discretion may, subject to financial resources being available, require the Scrutineer or another body to undertake an independent audit.

## **Managing Complaints**

10. It is essential that the public has absolute faith in the integrity of the Election process and for this reason it is important that there is a clear understanding of the way in which queries, concerns and complaints regarding the process are handled.
11. All Electors should be able to communicate easily with the Returning Officer or the designated Officers. Queries and enquiries will initially be dealt with by Officers.
12. Officers will maintain a confidential file of all communications about the Election including those with and by the Returning Officer.
13. The Returning Officer is responsible for receiving complaints and representations made by Electors or Candidates. The Returning Officer must determine the validity of a complaint in accordance with the rules of the Election and to send a response or authorise one from Officers. It is the Returning Officer's role to make decisions on any breaches of the rules.
14. Given the nature of the Election process, it is essential that complaints are made as quickly as possible. Complaints will need to be made in writing on a formal complaint form and through the election e-mail address – "election@wpcc.org.uk". Wherever possible, the Returning Officer will use his/her best endeavours to respond within five working days of receipt (and five working days for Stage 2 and 3). If the Returning Officer is unable to provide a full response within the timescale, he/she will send a holding response within five working days of receiving a complaint.
15. Wherever possible, the Returning Officer will try to deal with the matter straight away or provide the complainant with whatever help they need. For example, the Returning Officer may need to explain the complaints procedure or assist the complainant.
16. Any person wishing to complain about the conduct of the Returning Officer should follow WPCC's standard complaints procedure which will be found at [www.wpcc.org.uk/about-us/compliments-enquiries-and-complaints](http://www.wpcc.org.uk/about-us/compliments-enquiries-and-complaints).
17. During and following an Election, the Returning Officer will keep incumbent Conservators informed about the number and nature of Election complaints in so far as this does not conflict with their positions as Candidates.
18. In compiling and publishing the Electoral list, any concerns raised can be addressed using the complaint procedure set out above.
19. Where there is an allegation of harassment or defamation by one Candidate against another, or by someone campaigning on behalf of a Candidate, or against an incumbent Conservator or an Officer, the Returning Officer does not have authority to regulate these alleged offences. The complainant should be directed to the police or be advised to take legal advice. The election complaints procedure will be published on the WPCC website at least two months prior to the Date of the Election

## **Raising Awareness**

20. The Returning Officer must take such steps as they think appropriate to raise awareness of the Election in order to both encourage eligible Electors to stand as Conservators and to promote voting by Electors.
21. When planning the public awareness activity, the Returning Officer should consider and document:
  - the identification of the target audience;

- the objectives and success measures of the activity;
  - the identification and mitigation of risks;
  - the financial and staffing requirements of the proposed awareness activity.
22. The initial public awareness campaign is to raise awareness of the opportunity for Electors to stand as Candidates. An Elector becomes a prospective Candidate when he/she has submitted to the Ranger's Office a completed Application Pack.
  23. During the period between twelve and eight weeks before the Date of the Election, the Returning Officer will provide at least two opportunities for prospective Candidates to meet informally with the Returning Officer and the Chief Executive (one meeting in Wimbledon and one in Putney). The purpose of this meeting is to provide information about WPCC and the rules for Candidates and to allow prospective Candidates to ask questions. It will also ensure that prospective Candidates understand the documentation that he/she will be required to provide as a Candidate.
  24. In addition to the notice of the Election (issued in accordance with Election Byelaw 2), the Returning Officer will need to provide information to Electors in order that they can participate in the Election, this should include:
    - details of the Election;
    - the time and date and hour at which the Election closes;
    - the way in which voting will take place (i.e. how to mark the ballot paper(s) and how to vote electronically);
    - procedures for replacing spoilt or lost ballot papers (in accordance with Byelaw 12);
    - assistance available to Electors and who to contact;
    - the way in which the results will be announced.
  25. The Returning Officer will approve the Publicity Plan to promote voting by Electors. Prior to approval, the Returning Officer will consider feedback from the WPCC Board but retains full responsibility for approving the Publicity Plan and the right to exercise his discretion in doing so. The Publicity Plan will be promulgated not less than ten weeks before the Date of the Election. The Publicity Plan will set out all those organisations/individuals that WPCC proposes to contact to raise awareness of the Election together with the publicity material. The Publicity Plan will be published on the WPCC website.
  26. Media liaison is an important part of the Publicity Plan. There should be a strategy for proactive communication and media liaison both of which need to be recorded. It is not recommended that the Returning Officer undertakes any live media interviews after the approved Candidate list has been published.

### **Review and Lessons Learnt**

27. The Returning Officer will prepare a report on lessons learnt for consideration by the Conservators within six months following the Date of the Election.
28. Where a complaint highlights the need for a working practice, procedure or policy to be introduced, or an existing one to be revised, the Returning Officer will make sure that the Chief Executive is advised and that the necessary actions to bring about the change are carried out before the next Election.

### **Error or Failure in an Election**

29. Section 26 of the Act states that any act of a Conservator shall not be invalidated or illegal by reason of there being any irregularity in the Election of any Conservator, or by reason of any failure or omission on any occasion to elect any Conservator or by any

other irregularity, failure or omission in and about any Election or in and about any matter preliminary or incidental thereto.

30. However, the Charity Commission does have powers if it considers that there is a case to require the Returning Officer and the Charity to explain its actions.
31. Under the Act, Conservators are indemnified (subject to certain conditions) and indemnity insurance shall be in place to cover the Returning Officer's role.

### **Powers of the Returning Officer**

32. The Returning Officer has authority to act to protect the Charity's reputation.
33. The Returning Officer has the authority to deal with (a) complaints made by Candidates, Electors or members of the general public, Conservators and Officers and (b) matters arising through the Election process that impact the Charity's reputation or undermine the Election process. Having undertaken an investigation, if the Returning Officer on the balance of probability believes a Candidate has acted in a manner contrary to the principles of fairness or has broken the law, he/she will seek to:
  - Stage 1** hold an informal discussion (by email if expedient to do so) of the matter with the individual requiring them to dissuade them from further action (a file note will be kept);
  - Stage 2** hold a formal discussion of the matter (by email if expedient to do so) with the individual and then issue a formal written warning;
  - Stage 3** if further incidents occur and/or depending on the nature/severity of the issue, refer matters to the police and the Charity Commission if necessary.
34. The Returning Officer has the authority to escalate to Stage 2 or 3 depending on the nature/severity of the issue. The Returning Officer will determine whether there is a need to advise Candidates or make any public statement to clarify any issue.
35. The Returning Officer may, at his/her discretion, notify the police in advance of the Election to advise them of any issues and to raise awareness that a democratic Election is taking place. The police may appoint a designated person as a single point of contact.

## **Part B - Role of the Scrutineer**

### **Appointment of Scrutineer**

36. The independent Scrutineer will be appointed by the Returning Officer. However, the Returning Officer must also be assured that Scrutineer offers value for money.
37. The Returning Officer must be satisfied that any appointed Scrutineer has sufficient experience and understanding of the Conservators complex requirements under the Act and Election Byelaws and will provide public confidence of the integrity in the administration of the Election.

### **Role of the Scrutineer**

38. The Scrutineer's role is concerned with the effective administration of the postal ballot and electronic voting system required for an Election. The Scrutineer will be responsible for overseeing the production and distribution of the ballot papers and Candidate Statements to all Electors and for ensuring that the votes cast, whether electronically, in person or by post, have been accurately recorded and counted.
39. The Scrutineer will need to provide one copy of the ballot paper and Candidate Statement to every Elector. This will also include a pre-paid envelope enabling Electors to participate in the Election without incurring any costs. (Together this is known as the Election Pack.) The Election Pack will be despatched to each Elector by the Scrutineer no later than three weeks before the Date of the Election, in accordance with Election Byelaw 11.
40. If an Elector is unable to receive a ballot paper but wishes to vote electronically, the Scrutineer will provide that individual with his/her unique access codes.
41. An Elector who votes online will be advised on the voting site when their vote has been submitted.
42. The Scrutineer will be required to assure the Returning Officer that the Scrutineer has in place systems designed to detect fraudulent voting.
43. The Scrutineer will manage the process in which Electors have not received his/her Election papers or they have been lost.
44. In the event of a spoilt or damaged ballot paper, the Scrutineer will only issue a duplicate ballot paper if the original is returned to the Scrutineer (this can be in electronic form).
45. The Scrutineer's decision on a rejected ballot paper is final.
46. No later than 24 hours after the Date of the Election, the Scrutineer will provide the Returning Officer with the results of the Election.
47. No later than five days after the Date of the Election, the Scrutineer shall provide the Returning Officer with a written report, specifying the number of votes cast for each candidate at the Election by local authority area, the number and percentage of votes cast electronically together with the number of ballot papers rejected and the reasons for the rejection.
48. The Returning Officer may need to seek formal advice from the Scrutineer in relation to the performance of his/her function.

## Part C – Guidance for Candidates

### Prospective Candidate

49. To be eligible to stand as a prospective Candidate in the Election a person must:
  - a) be an Elector, as defined in the Act;
  - b) be proposed by an Elector and be seconded by another Elector (except an incumbent Conservator in accordance with Election Byelaw 8);
  - c) not be disqualified from being a trustee of a charity by the Charity Commission or from being a Conservator under the Act.
50. Information on these eligibility criteria will be provided within the Application Pack, together with the Conservator Code of Conduct.
51. Information on the Election will be disseminated after the Date of the Election has been determined, in accordance with section 14 of the Act and Election Byelaw 2. No later than 12 weeks before the Date of the Election, the Candidate Brief and Application Pack will be placed on the WPCC website. At any time thereafter until 14 days before the Date of the Election, an eligible Elector may submit and have validated a completed Application Pack. In accordance with Election Byelaw 8, however, if the Candidate wishes to have his/her Candidate Statement included in the Election Pack, the Application Pack must be submitted and validated not less than six weeks before the Date of the Election.
52. Prospective Candidates will have the opportunity to meet with the Returning Officer and Chief Executive of WPCC at two meetings convened between twelve and eight weeks before the Date of the Election. If a prospective Candidate is not able to attend either of these meetings, the Returning Officer and Chief Executive will meet with the prospective Candidate separately, if the candidate so wishes.
53. The Returning Officer will take steps to ensure that the information presented at both meetings is consistent and that notes of the meetings are taken.
54. It is important that prospective Candidates complete the Application Pack correctly. They should seek advice from the Returning Officer or his nominated Officer(s) if any issues are unclear. Prospective Candidates will be asked to supply full contact details including telephone numbers and email addresses with their application. These will be held confidential unless the prospective Candidate expressly states he/she wishes them to be made public.
55. Prospective Candidates will be required to sign a declaration that forms part of the Application Pack that states that:
  - they will not knowingly through their actions bring the reputation of WPCC into disrepute during the Election period;
  - any oral/written communication undertaken is to the best of their knowledge accurate;
  - confirms that they understand the consequences of harassment, making defamatory statements or other illegal activity and potential police involvement if such activity were to occur.
56. In accordance with Election Byelaw 8, nominations of Candidates wishing their biographical details to be included in the Candidate Statements must be made not less than six weeks before the Date of the Election. The process and dates described above will be set out in the Candidate Brief and Application Pack.

## **Official Candidates**

57. Only when the Returning Officer has undertaken due diligence processes in conjunction with members of the Project Team, confirming a prospective Candidate's eligibility to stand and approved the Candidate Statement as acceptable, will a prospective Candidate be confirmed as an official Candidate.
58. The Returning Officer will advise Candidates if there are any discrepancies in their Candidate Statements that need to be amended. Candidates will be given a further 24 hours to clarify their position. If a Candidate cannot provide evidence required or amend his/her Candidate Statement, the Returning Officer's decision on their eligibility is final.
59. The names of all official Candidates will be published in a Media Release approved by the Returning Officer and placed on the WPCC website.

## **Candidate Statement**

60. Each Candidate Statement will be put into a standard format by the Scrutineer. Each Candidate must confirm in writing to the Returning Officer or his nominated Officer that he/she approves the printed draft Candidate Statement in its final form. The date by which the draft Candidate Statement must be signed off by the Candidate will be provided by the Returning Officer. If a Candidate misses this deadline, then his/her Candidate Statement will not be included in the Election Pack.

## **Spending and Donations**

61. There is no limit on the amount a Candidate is allowed to spend or receive in donations in respect of his/her Election campaign.
62. If duly elected, a Conservator who has received a financial contribution or donation from an individual or an organisation of any sort will need to consider if they have a conflict of interest either financially or one of loyalty which they should declare in his/her declaration of interest form and/or consider if they are conflicted if a matter appertaining to the donor is raised at a subsequent WPCC Board meeting in accordance with the Conservator Code of Conduct.

## **Standing Jointly**

63. There is no prohibition on Candidates campaigning jointly or sharing a manifesto.

## **Campaign Rules for Candidates**

64. You can start campaigning as an Election activist at any time and become a prospective Candidate when you have submitted your completed Application Pack. You are not an official Candidate until the Returning Officer has confirmed that you are eligible to stand. You do not have to wait until you have formally been declared as an official Candidate by the Returning Officer to declare that you will run for Election, ask people to support you or publish campaign material.
65. You can use social media to help promote your campaign.
66. You can help Electors with information about postal or online voting. Best practice guidance states that Candidates should never:
  - (i) touch a postal ballot paper;
  - (ii) observe Electors completing their postal votes;
  - (iii) handle or take any completed ballot paper or Election Pack from voters.

67. You can engage with the public at public meetings, promoting your views and responding to questions from the audience providing you stay within the law.
68. You must not knowingly make false statement(s) about the personal character of a Candidate in any literature that you or your campaigners prepare, publish or post electronically. This includes information on social media and public forums. In response to a complaint (or if a matter is brought to WPCC's attention through another channel), if the Returning Officer believes any matter falls within the jurisdiction of the police, it will be referred accordingly.
69. It is illegal under the Representation of People Act 1983 to pay someone to canvass on behalf of an official Candidate. Canvassing means trying to persuade an Elector to vote for or against a particular candidate or group of Candidates.
70. Use of the WPCC crest on any printed or electronic campaign material is prohibited. The crest is the sole property of the Conservators and was provided under a Letter of Patent issued in June 1965 by the College of Arms.
71. You must abide by the Byelaws, including not posting or placing any Election material you have produced on the Commons. Pinning/nailing Election material to any tree or structure is expressly forbidden. You may with the express consent of the lessee, place Election material inside buildings on Wimbledon and Putney Commons.

### **Maintaining the Integrity of the Election**

72. As a Candidate, you will be one of the key public faces of the Election, and your conduct will be scrutinised in detail by your opponents, the media and Electors. Electors should be able to trust that you will as a potential public servant comply with the law and maintain the integrity of the Election process. As part of the Candidate Brief and Application Pack, you will be required to sign a declaration that during the Election you will not bring the reputation of WPCC into disrepute.
73. You must take adequate steps to ensure that your supporters fully understand the law and know what they need to do to ensure that Electors can participate freely in the Election.
74. The police can only investigate allegations of electoral fraud where there is evidence to show that an offence has taken place, so you should always be able to substantiate any claims or allegations when you refer them to the Returning Officer. The Returning Officer will determine whether to refer matters to the police and/or to inform the Charity Commission. You should also consider the impact on public trust and confidence of making false or unsubstantiated allegations about the conduct of other Candidates and campaigners.

### **Withdrawing from the Election**

75. A prospective Candidate can withdraw from the Election and have their name removed from the ballot paper and their Candidate Statement withdrawn up until the day they are confirmed as an official Candidate. They must put their decision to withdraw from the Election in writing to the Returning Officer and that decision should be witnessed in writing by an independent person, such as the Candidate's proposer or seconder.
76. The Returning Officer will consider how to manage a situation in which a Candidate withdraws.

### **Death of a Candidate**

77. If a Candidate dies during the Election campaign, a critical issue for the Returning Officer is to receive formal notification at the earliest opportunity. If formal notification is received after the date at which he/she has been advised that he/she is an official Candidate, but

before the date that the ballot papers and Candidate Statements have been produced, then the Returning Officer will be able to remove the Candidate's name from the list. The Returning Officer will decide whether it is appropriate to issue a Media Statement and formally advertise the death in local papers.

78. If an official Candidate dies after the ballot papers and the Candidate Statements have been produced, then it will be at the Returning Officer's discretion as to how to handle the matter.

## **Part D – Guidance for Incumbent Conservators and Officers**

### **General**

79. At all times, WPCC must not publish any material which, in whole or in part, appears to be designed to or does affect public support for a Candidate or group of Candidates. Equally WPCC's facilities and resources must not be utilised to support a Candidate. Officers must be completely independent in their management of the Election process, supporting the Returning Officer as appropriate.
80. The Returning Officer has a special position as both Returning Officer and Conservator and will fulfil both roles during the Election period. However, it is imperative that the Conservator appointed as Returning Officer makes it clear at all times in what capacity he/she is communicating and/or voting and must recuse him/her self from any decision or vote where a conflict of interest might arise because of his/her position as Returning Officer.
81. At all times, all Conservators must behave in accordance with the Conservator Code of Conduct, making it absolutely clear in what capacity (i.e. as a Conservator, a Candidate or as a private individual), they make any public statements. Conservators must also make clear if a particular view that is advocated represents the views of WPCC or their own personal views.

### **Pre-election Period**

82. The Pre-election Period commences 10 weeks before the Date of the Election and finishes at 1700 hours on the Date of the Election.
83. During the Pre-election Period, essential business (which includes routine business necessary to ensure the ongoing functioning of WPCC) must be allowed to continue. However, it is customary for Officers to observe discretion in initiating any new action of a continuing or long-term character. Decisions on matters of policy on which a new WPCC Board might be expected to want the opportunity to take a different view from the present WPCC Board should be postponed until after the Election, provided that such postponement would not be detrimental to the interests of the Charity or wasteful of the Charity's funds.
84. During the Pre-election Period, the hosting of events (including meetings) by WPCC to which incumbent Conservators standing as Candidates are invited should be carefully considered during this period of heightened sensitivity though as discussed above, the essential business of WPCC must be allowed to continue. Attendance of Conservators at external events whilst acting in an official capacity as Conservators must be avoided though all Candidates would be expected to attend various events during this period, in which incumbent Conservators would be included. Incumbent Conservators attending such events must clarify that their attendance is in a personal capacity as a Candidate.
85. During the Pre-election Period, there are restrictions on the use of WPCC's resources and the activities of Officers. The general principle is that WPCC's resources and facilities are provided for the Charity for the purposes of meeting its charitable objectives. Although these facilities may be used to support the Election in general, the facilities should not be used to support the activities of individual Candidates in the Election including both Conservators and non-Conservators. This would include access to any contact lists, email distribution lists or other materials of this nature.
86. During the Pre-election Period, all public communications issued in the name of WPCC of any sort (including electronic communications and postings on social media platforms) other than those (a) that are purely administrative or (b) issued by the Returning Officer

in his/her role as Returning Officer, should be drafted by and issued in the name of Officers and scrutinised by the Returning Officer unless they are of a purely administrative nature in which case scrutiny by the Returning Officer is not necessary. Any exception to this must be approved by the WPCB Board. Any external communications issued by individuals, should be clearly identified in terms of the capacity in which they are being issued.

87. During the Pre-election Period, WPCB must not:

- 1) allow the use the Charity's facilities and/or resources to promote any Candidate or group of Candidates or support a Conservator's personal views;
- 2) issue any publicity which seeks to or may influence voters about a Candidate or group of Candidates;
- 3) publish any publicity on controversial issues or report views on proposals in a way which identifies them with individual Candidates or groups of Candidates;
- 4) publish any publicity relating to individual Candidates involved directly in the Election such as campaign fliers or host third party blogs or emails.

For the avoidance of doubt, sub-paragraphs 2) to 4) above do not apply to individual Conservators (other than the Returning Officer) considered to be acting in a personal capacity provided that it is made clear that they are acting as such.

88. During the Pre-election Period, Conservators and Officers will be allowed:

- to continue to discharge their normal duties, so all Conservators continue in office, regardless of whether they are the appointed Returning Officer or seeking re-election or not;
- with the agreement of the Returning Officer, to publish factual information to counteract misleading, controversial, defamatory or extreme (for example, racist/sexist/bullying/defamatory) information or any information that damages the reputation of the Charity;
- to permit the Chairman, even though he/she may be a candidate in the Election, to respond in particular circumstances, such as in an emergency situation or when there is a genuine need for a response to an important event beyond the Charity's control; depending on the seriousness of the matter, the Chairman would be expected to seek approval from the Returning Officer and in relation to a particular stance to be taken;
- to issue official media releases for public information purposes regarding the business of the Charity, but taking account of the rules above, and scrutinised by the Returning Officer prior to publication.

89. Ultimately an incumbent Conservator or Officer must always be guided by the principle of fairness. It is crucial that any decision taken be seen as fair and reasonable by the public and Candidates.

## APPENDIX 1

### Table of Formalities

#### Wimbledon and Putney Commons Conservators Election of the Conservators Timetable of Formalities

	Reference	Important Actions	Timing
1	1871 Act Section 14, Sub-Section 4 and Section 18	Day and Date of Election to be appointed by the Conservators	Within three months of term ending
2	1871 Act Section 22, Election Byelaw 3	Appointment of the Returning Officer (Appointed Conservator)	Appointed in July preceding election
3	Election Byelaw 4	Returning Officer to appoint a Scrutineer	August or September preceding the Election
4	Election Byelaw 2 a)	Public Notice of day/date of Election, including manner of voting and inspection of List of Electors	Not less than ten weeks before the Date of the Election
5	Election Byelaw 2 b)	Statutory publication of Election Notice in local Press, Wimbledon, Kingston and Wandsworth Borough Guardian. Also, send to Public Libraries, Churches etc	Newspaper notice to be published at least twice not less than ten weeks before the Date of the Election

6	1871 Act Section 17, Election Byelaw 5	List of Electors to be prepared for public inspection at Manor Cottage between 9am to 5pm daily	Not less than ten weeks before the Date of the Election
7		Prospective Candidates Meeting	Ninth or tenth week prior to the Date of the Election
8	Election Byelaw 5 and 7	Claims and objections to Electoral List to be received by date specified in Notice of Election	Date specified in Election Notice
9	Election Byelaw 8	Biographical details to be provided so that they can be included with ballot papers distributed by Scrutineer	Not less than six weeks before the Date of the Election
10	Election Byelaw 6	List of Electors to be signed by Chairman	Not less than six weeks before the Date of the Election
11	Election Byelaw 11	Ballot paper/brief history/biographical details and reply envelope to be dispatched to Electors by Scrutineer	Not later than three weeks before the Date of the Election
12	1871 Act Section 20, Election Byelaw 8	Prospective Candidates who wish to stand as a Conservator at the Election must be duly proposed and seconded (unless re-standing)	Not less than two weeks days before the Date of the Election

13	1871 Act Section 21	Names of Candidates to be published in local press	At least one week before the Date of the Election
14	Election date	Ballot papers to be returned to Scrutineer	5pm on the Date of the Election
15	Election Byelaw 14	Scrutineer to provide written report of ballot to Returning Officer	Within seven days after the Date of the Election
16	1871 Act Section 14, Sub-Section 6	New Conservators in Office	First Wednesday in April

## APPENDIX 2

### Hustings Guidance Notes

***The notes below assume that it will be possible to hold the hustings in a physical format. If that proves impossible because of Coronavirus distancing restrictions, a video conferencing format may be used as long as the same general principles are followed and fairness between candidates is preserved.***

1. Hustings should be held on a non-selective basis. The Electoral Commission defines such hustings as “*A non-selective hustings is a hustings that cannot reasonably be regarded as intended to influence voters to vote for or against particular ..... candidates*”.
2. A Chair should be appointed for the hustings. The Chair should ensure the orderly conduct of the hustings and fairness as between individual candidates.
3. A date for the hustings should be chosen which all, or nearly all, of the candidates will be able to attend.
4. Each candidate should be allowed a fixed amount of time to explain his/her candidature to the audience. It is suggested that this should not exceed five minutes.
5. Each candidate should then be required to answer questions from the audience for a fixed amount of time which it is suggested should not exceed five minutes.
6. Only the candidate himself/herself should be allowed to speak in respect of his/her candidature.
7. Following the presentations and question and answer sessions involving the whole audience, the proceedings should move to a less formal format where each candidate is provided with a table and a couple of chairs and will be available to answer questions from audience members.
8. Each candidate has been able to submit a written statement to accompany the ballot papers that are sent to all voters. The distribution of any written materials at the hustings should not be permitted.

## APPENDIX 3

### Measurement of Objectives and Success of Elections

#### Success Factors

- 1 To ensure five Conservators are duly elected
- 2 To conclude the election on the Date of the Election and to be able to announce the results within 24 hours
- 3 To increase voting by 10% above that of 2018
- 4 To have a well contested election
- 5 To increase the percentage of the electorate who vote electronically by 5%
- 6 To stay within budget
- 7 To handle all complaints and queries within the specified timescales
- 8 To reduce the number of complaints by 10% relative to the number received in 2018
- 9 To comply fully with the 1871 Act and the Election Byelaws
- 10 To publish the Election Report within six months of the Date of the Election
- 11 To ensure all Conservators adhere to the Pre-election Period Guidelines

Objectives	Tools for measuring success	Achieved (✓)	Comments / supporting evidence
Run the elections in accordance with the 1871 Act, Byelaws and election guidelines	<ul style="list-style-type: none"> <li>• <i>Completion of tasks by deadlines</i></li> </ul>		
	<ul style="list-style-type: none"> <li>• <i>Plan reflects key areas set out in election guidance</i></li> </ul>		
A good experience for all voters, with anybody who is entitled to vote able to do so	<ul style="list-style-type: none"> <li>• <i>Feedback from voters</i></li> </ul>		
	<ul style="list-style-type: none"> <li>• <i>Feedback from candidates</i></li> </ul>		
	<ul style="list-style-type: none"> <li>• <i>Feedback from staff</i></li> </ul>		
	<ul style="list-style-type: none"> <li>• <i>Feedback from conservators</i></li> </ul>		
	<ul style="list-style-type: none"> <li>• <i>Feedback from organisations with an interest in the voting process</i></li> </ul>		
	<ul style="list-style-type: none"> <li>• <i>Plans for delivering public awareness activity</i></li> </ul>		

Transparency	• <i>Feedback from stakeholders</i>		
	• <i>Any records that could be of interest to stakeholders and can be made available, are made available</i>		
	• <i>Clear audit trail</i>		
	• <i>Communications strategy</i>		
Professional delivery	• <i>Project plan</i>		
	• <i>Record of project team meetings</i>		
	• <i>Contracts in place for any outsourced work</i>		
	• <i>Contingency arrangements</i>		
Accurate results	• <i>Clear audit trail</i>		
	• <i>Postal vote paperwork</i>		

	<ul style="list-style-type: none"> <li>• <i>Results</i></li> </ul>		
Results in which all stakeholders are confident	<ul style="list-style-type: none"> <li>• <i>Record of complaints</i></li> </ul>		
	<ul style="list-style-type: none"> <li>• <i>Lessons learnt document</i></li> </ul>		
	<ul style="list-style-type: none"> <li>• <i>No negative media reporting</i></li> </ul>		
	<ul style="list-style-type: none"> <li>• <i>No legal challenges</i></li> </ul>		
	<ul style="list-style-type: none"> <li>• <i>No complaints to Charity Commission</i></li> </ul>		