



## **LEGISLATIVE COUNCIL ELECTIONS**

### ***IMPORTANT INFORMATION FOR CANDIDATES***

This guidance does not replace the provisions of the Elections Ordinance and Regulations and candidates are advised to read the Elections legislation fully to understand their rights and responsibilities.

1. When can you start campaigning?

You can start campaigning at any time. You do not have to wait until you are validly nominated to declare that you will run for election, ask people to support you or publish campaign material.

2. When does a person officially become a candidate?

The earliest that a person can officially become a candidate is on the date when the Legislative Council is dissolved.

You will officially become a candidate on being so nominated in accordance with section 5 of the Elections Ordinance, 2009. Nominations must be delivered to the Returning Officer not later than noon on the last day appointed for the nomination of candidates, which date will be specified in the Writ of Election.

Once you have officially become a candidate, you are entitled to a copy of the Register of Electors.

During the campaign you may:

1. Assist voters with information about proxy voting. The deadline for the Returning Officer to receive Proxy Applications is 48 hours before the time of the opening of the Poll

During the campaign you should:

- Be aware of the deadlines for submitting nomination forms
- Be aware of the deadlines for notifying the Returning Officer of the number and names of your Polling Agents
- Be aware of the deadlines for notifying the Returning Officer about the names of your Counting Agents.

## **Candidates and the media during the elections campaign**

Candidates should not act as news presenters, interviewers, presenters or journalists of any type of media service during an election period.<sup>1</sup> Candidates may be interviewed by the media and it is the media's responsibility to offer the same opportunity to all candidates. It is for the individual candidate to decide whether or not he/she wishes to be interviewed by the media.

Candidates may use their personal social media accounts to promote their candidature but as with all campaigning activities, should do so in an appropriate manner that does not contravene the law.

Campaign posters should be removed within 14 days after the poll. Posters should **not** be displayed within the Polling Station or Polling Station limits on the day of the poll.

## **Criminal Offences Contrary to Part V of the Elections Ordinance**

Part V of the Elections Ordinance sets out a number of criminal offences connected with elections, for example:

1. Breaching the secrecy of voting by revealing who an elector has voted for
2. Inducing an elector to display the ballot paper after it is marked
3. Applying for a ballot paper in the name of someone else (whether dead, alive or fictitious)<sup>2</sup>
4. Applying for a ballot paper when the candidate has already voted
5. Giving (or promising to give) an elector food, drink or entertainment to influence the elector to vote for a candidate(s) or not vote at all
6. Threatening to use force, violence or restraint against an elector to make the elector vote for a particular candidate(s) or not vote at all
7. Lending, giving or promising to obtain goods, money, services, etc for an elector if the elector votes for him or her or not vote at all.

Case studies:

1. Candidate X invites Mr B to the pub for a beer if Mr B votes for X.  
Is this wrong?  
Yes, this amounts to treating.
2. Candidate X tells Mr B that if X is elected one of the top policies that he will pursue will be employment for all.  
Is this wrong?  
No, this is a policy – it is perfectly acceptable for candidates to state what their policy intentions are.
3. Candidate X says to Mr B 'if you vote for me, I will give your son a job.'  
Is this wrong?

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<sup>1</sup> Section 4 of Part Three of the St Helena Media Code of Practice 2014 refers Section 4 of Part Three of the St Helena Media Code of Practice 2014.

<sup>2</sup> Except if that is permitted by the provisions for proxy voting

Yes, this is a bribe.

4. Candidate X tells Mr B 'If you don't vote for me, I will beat up your brother up.'  
Is this wrong?  
Yes, this amounts to undue influence.
5. Candidate X tells Mr B 'If you vote for me, I will make sure that you win the government tender (for goods / services).'  
Is this wrong?  
Yes, X is bribing Mr B.
6. Candidate X tells Mr B, who is a resident in Cape Villa 'If you vote for me, I will drive you to town.'  
Is this wrong?  
Yes, X is treating Mr B.
7. Candidate X's wife tells Mr B, who is a resident in Cape Villa 'If you vote for my husband, I will drive you to town.'  
Is this wrong?  
Yes, X's wife is treating Mr B. This is wrong even if she is not a candidate.
8. Candidate X's son tells Mr B 'If your vote for my dad, he will have your road done.'  
Is this wrong?  
Yes, X's son is bribing Mr B to obtain a vote for X. This is wrong even if he is not a candidate.

Any individuals with concerns about criminal offences being committed in respect of the election should contact the Returning Officer or the Police.

### **Polling Agents**

Candidates may witness the Poll in all its stages and to be present at the counting of votes.

Each candidate may appoint one Polling Agent to attend each of the eight Polling Stations. The Agents can only be admitted to the Polling Station and to the place of counting if their names and addresses have been notified in writing to the Returning Officer no later than 48 hours before the Poll.

If a candidate is unable to appoint a Polling Agent for each of the Polling Stations, a Polling Agent may attend the different Stations during the course of the Poll provided that no more than one Polling Agent per candidate is in a Polling Station at the one time.

Candidates and Polling Agents will be admitted to the Polling Stations about 10 minutes before the opening of the Poll. Candidates and Polling Agents must remain in the places allotted to them by the Presiding Officer. The Candidates and Polling Agents must not speak to the voters. The Presiding Officer can request a police officer to remove a person from the Polling Station who is not behaving properly.

### **Counting Agents**

Each candidate may also appoint two Counting Agents to witness the count - to attend either with the candidate, or in the candidate's place. Names and addresses of Counting Agents must also be sent to the Returning Officer by no later than 48 hours before the opening of the Poll. Candidates and Counting Agents who attend the count must remain in the places allotted to them. They may not take part in the counting except to object to any rejection of a ballot paper by the Returning Officer or to request a recount. They may not handle any ballot paper.

The discretion whether or not to appoint Polling Agents and Counting Agents rests with the candidates themselves.

The Poll and the counting will not be delayed at any stage on account of the absence of any candidate or his/her Agents.

Candidates, Counting and Polling Agents must be aware of the duty to maintain, and aid in maintaining, the secrecy of the ballot.

**Central Support Services  
The Castle  
Jamestown**

**23 August 2021**