

## Combination of UK Parliamentary general election and parish and community elections

The following is a summary of guidance on the issues that will arise if there is a UK Parliamentary general election on the same day as a parish or community council election on 6 May 2010. The Commission has produced, in consultation with the MoJ, the following advice which we consider most appropriate within the current legislative framework.

### **What would happen to parish and community council elections if a UK Parliamentary general election was called for 6 May 2010?**

If a UK Parliamentary general election has the same polling day as a parish and community council election polling day and that day is also the first Thursday in May (or an alternative ordinary day of election as changed by order), then the parish or community council **poll** must be postponed for three weeks.

Therefore, if a UK Parliamentary general election has a polling day of 6 May 2010, there will be no parish or community elections on that day.<sup>1</sup>

### **Does this affect all parish and community council elections?**

The postponement applies to **any** parish or community council election, **whether ordinary or by-election**. However, only parish or community councils where there is a **contested election** are postponed. If, at the end of withdrawals, there are the same or fewer validly nominated candidates than seats to fill the election is uncontested. There is no poll for these uncontested elections and therefore the validly nominated candidates are declared elected unopposed and the ordinary day of election does not change.

If the parish election is contested, the poll is postponed once the notice of poll is published for the UK Parliamentary general election. The election dates are recalculated with the new polling day being the new ordinary day of election for that parish council which can then be used calculating the new timetable.

This guidance and the attached combined timetable refers to parish elections, but it can also be read as town council (or other name that has been resolved by the parish) as appropriate, and also covers community council by-elections (there are no ordinary community elections in 2010).

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<sup>1</sup> Section 16, RPA 1985.

## **When do the councillors retire/take up their seats and when must the annual meeting of the parish council be held?**

Existing councillors retire and the new councillors take up their seats on the fourth day after the ordinary day of election.

For uncontested elections, the ordinary day of election remains 6 May 2010. The end of the term of office and the start of the new terms of office take place on the fourth day after that. The annual meeting of the parish council must take place within 14 days of the day that the new councillors take office.

For contested elections, the ordinary day of election is 27 May 2010. The retirement of existing councillors and new councillors taking their seats takes place on the fourth day after that. The annual meeting of the parish council must take place within 14 days of the day that the new councillors take office.

Where a parish council is warded and there is a mix of contested and uncontested elections in the wards, they consider that:

The retirement and take up of new seats should follow the advice above.

The annual meeting of the parish council should take place within 14 days of the day that the new councillors take office. This will allow the annual meeting to contain all newly elected councillors for the parish.

## **Does this affect by-elections where there are no other ordinary day local government elections in the local authority this year?**

**Yes.** All contested parish and community council by-elections held on the local government ordinary day of election have their polling day postponed by three weeks. This is required by Section 16(1)(a), RPA 1985. The ordinary day is the first Thursday in May unless otherwise changed by legislation (as was the case in 2009) regardless of whether or not there are ordinary local government elections in a particular authority that year.

## **Why were the parish and community council elections not postponed in 2009?**

Usually, a European Parliamentary election would also trigger a postponement of parish and community council elections on the local government ordinary day of election. However, the legislation that changed the local government ordinary day of election from the first Thursday in May to 4 June also contained a clause that prevented the postponement of parish and community council elections in 2009. That provision does not apply this year.

## **What changes to official notices should be made?**

The original notice of election for the parish council election should be amended. If a UK Parliamentary general election has not been called by the time of publication of the original notice, a note should be added to say that if a UK Parliamentary general election is held on 6 May, any poll will be held on 27 May and the notice of election will be republished with the new nomination, registration and absent vote deadlines (these are given in the attached timetable).

In anticipation of a UK Parliamentary general election being called for 6 May a note could be added to the notice of election giving the revised date of any poll as 27 May 2010. In addition, after the section dealing with the deadline for nominations there could be inserted a note stating that "If, after 12 Noon on Tuesday 13 April 2010, there are more than [x] validly nominated candidates there will be a further nomination period that will begin on [Wednesday 21 April 2010 / Thursday 22 April 2010 at the discretion of the Returning Officer] and will end at 12 noon on Thursday 29 April 2010.

If the parish council poll has been postponed the notice of election should be republished. This notice of election should include the new deadlines for nominations, registration and absent voting. The attached timetable gives the appropriate dates. This notice should be published after the notice of poll for the UK Parliamentary general election has been published (4pm on Tuesday 20 April 2010) and by latest Wednesday 21 April 2010.

### **What happens to the nomination period?**

Nominations will close for all parish elections at 12 noon on Thursday 8 April, even if a UK Parliamentary general election has been announced for 6 May. The withdrawal deadline also remains the same, at 12 noon on Tuesday 13 April.

For contested elections, there will be a further nomination period and we would suggest that this should begin the day after the republished notice of election. It will end as usual on the nineteenth day before the poll, which will be Thursday 29 April. Any valid nominations from the first nomination period remain valid for the postponed poll.

All validly nominated candidates from both nomination periods may withdraw by the new withdrawal deadline of Wednesday 5 May.

### **What if, after the second withdrawal period, the parish or community becomes uncontested?**

Those remaining validly nominated candidates from both nomination periods should be declared elected. The election ends at that point. For issues related to

retirement and taking up seats (as described above), the ordinary day of election remains 27 May.

**Who will pay for the costs of postponing the parish election?**

The Ministry of Justice will be providing guidance on how expenditure specifically incurred due to the postponement of the parish poll can be claimed.

**APPENDIX**

Sample combined election timetable for 6 May 2010

<b>Event</b>	<b>Working days before poll (deadline if not midnight)</b>	<b>Date</b>
<b><i>Register for nominations for local government election published</i></b>		<b><i>Monday 1 March 2010</i></b>
<b><i>Notice of election for local government election published</i></b>	<b><i>Not later than 25 days</i></b>	<b><i>Not later than Monday 29 March 2010</i></b>
Register for nominations published		Thursday 1 April 2010
<b><i>Close of nominations for local government election (including parish election)</i></b>	<b><i>19 days (noon)</i></b>	<b><i>Noon on Thursday 8 April 2010</i></b>
Issue of writ/proclamation	17 days	Monday 12 April 2010
<i>Statement of persons nominated for local government election</i>	<i>17 days (noon)</i>	<i>Noon on Monday 12 April 2010</i>
Receipt of writ (Probable date)	17 or 16 days	(Tuesday 13 April 2010)
Notice of election (Probable date)	Not later than receipt of writ +2 (by 4pm) (Most likely, however, to be published on date of receipt of writ)	(Tuesday 13 April 2010)
<i>Deadline for withdrawals of nomination for local government election</i>	<i>16 days (noon)</i>	<i>Noon on Tuesday 13 April 2010</i>
Nominations begin (Probable date)	Not earlier than publication of notice of election +1 day (10am)	(Wednesday 14 April 2010)
Nominations close	11 days (4pm)	4pm on Tuesday 20 April 2010
Statement of persons nominated and notice of poll (if no objections to nominations)	11 days (5pm)	4pm on Tuesday 20 April 2010
Postal vote deadline	11 days (5pm)	5pm on Tuesday 20 April 2010

Registration deadline	11 days	Tuesday 20 April 2010
Deadline for new proxy applications	6 days (5pm)	5pm on Tuesday 27 April 2010
<i>Notice of poll for local government elections</i>	6 days	<i>Tuesday 27 April 2010</i>
Register publication	5 days	Wednesday 28 April 2010
Polling day (except contested parish elections)	0 (7am to 10pm)	7am to 10pm on Thursday 6 May 2010

**Deadlines for the postponed parish elections** (*where the election is contested after 13 April withdrawal deadline and UK Parliamentary general election election is contested on 20 April*)

<b>Event</b>	<b>Working days before poll (deadline if not midnight)</b>	<b>Date</b>
<i>Republish notice of election (giving new election deadlines (registration, absent voting and nominations))</i>	<i>Not before publication of UK Parliamentary general election notice of poll, not later than 25 days</i>	<i>Not before 4pm on Tuesday 20 April 2010, not later than Wednesday 21 April 2010</i>
<i>Final parish nomination deadline</i>	19 days (noon)	Noon on Thursday 29 April 2010
<i>Deadline for withdrawals of nomination for parish election</i>	16 days (noon)	Noon on Wednesday 5 May 2010
<i>Parish postal vote deadline</i>	11 days (5pm)	5pm on Wednesday 12 May 2010
<i>Parish registration deadline</i>	11 days	Wednesday 12 May 2010
<i>Deadline for new proxy applications at the parish election</i>	6 days (5pm)	5pm on Wednesday 19 May 2010
<i>Parish polling day</i>	0 (7am to 10pm)	7am to 10pm on Thursday 27 May 2010