



# **Information for Campaigners in the Bristol City Governance Referendum on 5<sup>th</sup> May 2022**

**Issued by Tim O’Gara, Counting Officer  
for Bristol City Council**

**NOTE:** The Counting Officer for Bristol City Council is responsible for the running of the Governance Referendum on 5<sup>th</sup> May. The Counting Officer has no legal duty to regulate or provide advice and guidance to campaigns. The Counting Officer is not responsible for the regulation of campaigns or their expenses.

The information contained in this pack is intended to provide guidance only. It is not legal advice and should not be relied on as such. The Counting Officer cannot accept any responsibility for any errors or omissions, or any act arising from it or reliance upon the information in this document. If campaigners require advice, they should consult the appropriate legislation and / or seek their own independent legal advice.

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## 1. Introduction

- 1.1 **Important.** Please read the Note on the cover page of this Information Pack.
- 1.2 At a meeting held on 7 December 2021, Bristol City Council resolved to hold a referendum relating to the governance arrangements for Bristol City Council.
- 1.3 Subsequently on 5th May 2022, the Council will hold a referendum of local electors to determine whether the governance arrangements for Bristol City Council should be changed. Local electors will have a choice between the current Mayor and Cabinet model of governance and the Committee model of governance.

The question to be asked at the poll for the Referendum will be:

“How would you like Bristol City Council to be run?

By a Mayor who is elected by voters. This is how the Council is run now.

Or

By one or more Committees made up of elected Councillors. This would be a change from how the Council is run now.”

- 1.4 This Guidance provides information about the statutory regime for campaigns and campaign expenses
- 1.5 In this document, we use the word “campaign” to refer to campaigns, campaign organisers and their supporters collectively, save where specific use of a different term is necessary.

### Contact us

- 1.6 If you have any general queries in relation to your campaign, please contact [electoral.referendum@bristol.gov.uk](mailto:electoral.referendum@bristol.gov.uk). We will respond only to nominated campaign organisers on matters relating to their campaign (see below).

## 2. Legislative Framework

- 2.1 If you are running a campaign, please make yourself aware of the following legislation that will apply to you and your campaign.

A “**referendum campaign**” is defined in the 2012 Regulations as “*a campaign conducted with a view to promoting or procuring a particular outcome in relation to the question to be asked in a referendum*”.

- 2.2 This is a wide definition. Any person or body campaigning for or against one of the outcomes of the referendum is likely to fall within these definitions and so must comply with the duties in relation to campaign expense limits, set out below.
- 2.3 The principal legislation for the administration of local government referenda are:  
The Local Authorities (Conduct of Referendums) (England) Regulations 2012  
<http://www.legislation.gov.uk/ukSI/2012/323/contents> and the

The Local Authorities (Conduct of Referendums) (England) (Amendment) Regulations 2014 (<http://www.legislation.gov.uk/ukxi/2014/924/contents/made>)

- 2.4 In this guidance pack, the above legislation is referred to as “the 2012 Regulations”. Regulations 6 and 7 and Schedule 2 of the 2012 Regulations define campaigns and regulate expenses to advance the campaign.

A “**campaign organiser**” is defined as “*the individual or body by whom, or on whose behalf, referendum expenses are incurred (including expenses treated as incurred) in connection with a referendum campaign.*”

“**Referendum expenses**” means “*expenses incurred by or on behalf of any individual or body during the referendum period for referendum purposes in respect of any of the matters set out in paragraphs 1 to 7 of Schedule 2*” (of the 2012 Regulations)

The “**Referendum Period**”, in relation to a referendum, means the period beginning with the notification date and ending on the date of the referendum.

**For this referendum the referendum period will be 7<sup>th</sup> February 2022 to 05<sup>th</sup> May 2022 inclusive.**

### 3. Campaigns

- 3.1 Individuals, groups of individuals or organisations can campaign for a particular outcome in relation to the question to be asked in the local government referendum. There is a limited legal regime for the management and regulation of campaigns. The key points are:
- a. Most importantly, campaigns must not exceed the maximum financial limit for campaign on the referendum. Exceeding the limit is a criminal offence.
  - b. There is no duty to register a campaign with the Counting Officer
  - c. The Counting Officer has no legal authority to regulate the activities of campaigns.
  - d. Campaigns are subject to electoral law and in particular the laws that govern campaigning and voting.

### 4. Voluntary Registration of Campaigns

- 4.1 Campaigns are under no obligation to register with any person but we recommend you register your campaign with the Counting Officer so we are able to:
- a. Provide campaign organisers with information about the conduct of the referendum, including updates.
  - b. Consider providing Counting Officer approval to your named representatives to act as agents able to attend at polling stations, postal vote opening sessions and the count.

- 4.2 To register your campaign, please write to [electoral.referendum@bristol.gov.uk](mailto:electoral.referendum@bristol.gov.uk) marking your email CAMPAIGN REGISTRATION providing the following information so we can contact you easily
- a. Campaign Name (if any);
  - b. Campaign Organiser's full name, address, email and contact number.
  - c. You may appoint more than one campaign organiser but if you do not, please provide a reserve contact.
- 4.3 Your information will only be used for the purposes of the running of this referendum and not shared with any other party.

## 5. Referendum Expenses

- 5.1 As stated above, you will find the legal framework for a campaign's referendum expenses in regulation 6 and 7 and Schedule 2 of the 2012 Regulations. There is a mandatory limit on the expenses a campaign can incur. This is called the **referendum expenses limit** and is based on a statutory formula.
- 5.2 The referendum expenses limit in this referendum is **£21,823.62**
- 5.3 Referendum expenses can include:
- a. Expenses incurred directly by a campaign
  - b. "notional" expenses where property, services or facilities are provided free of charge or at a rate discounted by more than 10% . This can include the cost of an employee's salary where they are made available to work for a campaign.
- 5.4 Expenses incurred "on behalf of" an individual or body include expenses that can be incurred by one person but funded by another.
- 5.5 Schedule 2 lists categories of matters relevant to referendum expenses e.g. advertising, printed leaflets, market research etc.

### Referendum Expense Returns

- 5.6 A campaign organiser should record any relevant expenses incurred during the referendum period, which commences formally on the publication date of the referendum notice and ends on polling day. This will be campaign's evidence of compliance with the referendum expenses limit and should include all relevant expenses.
- 5.7 A template document is attached to this Guidance at **Appendix A** and on the Council's webpage for campaigns. There is no obligation to use this template and the accurate recording of referendum expenses is the sole responsibility of the campaign and campaign organiser.

## 6. Referendum Expenses and Criminal Offences

- 6.1 It is a criminal offence for a person to exceed the referendum expenses limit:
- knowingly or
  - where that person ought reasonably to have known that the limit would be exceeded or
  - without reasonable excuse authorise another person to exceed the limit.
- 6.2 Allegations of expenditure more than what is prescribed in the legislation must be made to the Police (not the Counting Officer) who will refer the matter to the Director of Public Prosecutions for investigation.

## 7. Referendum Material and Imprints

- 7.1 Imprints should be added to published referendum campaign material to show who is responsible for its production. The Counting Officer recommends the use of imprints to ensure that there is transparency about who is campaigning at the local governance referendum.
- 7.2 Imprints on printed material such as leaflets and posters should include the name and address of:
- the printer, and
  - the promoter
- 7.3 The promoter is the person who has caused for the material to be printed. They can use their home or office address.
- 7.4 An example of an imprint of campaign material should look like this:
- Printed by Photocopier Printer Ltd, 1 Acacia Avenue, Bristol, BS1 6XN*
- Promoted by A Person on behalf of the Campaign Group, 2 Acacia Avenue, Bristol, BS1 6XN*
- 7.5 The imprint should appear:
- on the face of the document for single side documents (such as a poster or newspaper advert)
  - on the first and last page of a multi-side document
- 7.6 We recommend you include an imprint on electronic material such as websites and emails.

## 8. Campaigning publicity dos and don'ts

### **You must:**

- 8.1 Use imprints on all your printed campaign material and any electronic campaign material that is designed to be printed off locally. See above for more information.

- 8.2 Comply with planning rules relating to advertising hoardings and large banners – you can ask the planning department at Bristol Council for advice.
- 8.3 Make sure that outdoor posters are removed promptly after the referendum, you must do this within two weeks of the close of the poll.

**You should:**

- 8.4 Include an imprint on all non-printed campaign material, including websites.
- 8.5 Consider how to make your campaign accessible to people who are visually impaired, have learning difficulties, or whose first language is not English. You may want to contact disability and other equality groups for advice.

**You must not:**

- 8.6 Produce material that looks like the poll cards sent to voters by the Counting Officer
- 8.7 Pay people to display your adverts (unless they display paid adverts as part of their normal business).

## 9. Electoral Commission Guidance

- 9.1 In addition to the above, it is strongly advised that all campaigners follow the Electoral Commission's Code of Conduct for Campaigners in Great Britain, which is attached as **Appendix B**. This will help you to avoid situations where your honesty or integrity could be questioned.

## Appendix A - Referendum Expenses Template

### Introduction

Please read the Counting Officer's Information Pack for Campaigns that provides information about campaign expenses. If you need advice, please seek independent legal advice.

It is each campaign's sole responsibility to ensure that it complies with the law in relation to referendum expenses. There is no legal requirement for campaign organisers to submit their records of referendum expenses to the Counting Officer or the Electoral Commission but there is a responsibility to comply with the limitations of expenditure as specified in legislation

Please find attached forms that can be utilised for the recording of your referendum campaign expenses. This is for guidance only and the Counting Officer accepts no liability or responsibility for its accuracy or completion by any campaign.

The referendum expenses limit in this referendum is **£21,823.62**

### Warning:

Any person spending more than the referendum expenses limit is guilty of an offence in certain circumstances and may be liable for prosecution which could result in 12 months imprisonment and/or a fine.

Allegations of expenditure having exceeded the limits prescribed in the legislation must be made to the Police who will then refer the allegation to the Director of Public Prosecutions for investigation.



## **Expenses forms - Guidance**

Please enter the details of all referendum expenses under the appropriate category in the seven tables below.

When you have totalled up the amounts under each category, please enter the totals into the summary of referendum expenses in Table 1 below.

If you have no expenses to report for a category, enter a zero or nil into the summary of expenses for that category.

Each item of expense should be allocated to one category only. Some items will be categorised easily and should be placed under the purpose into which they naturally fall, but others may appear to fit more than one purpose.

In these cases, you must judge where to put the item.

For every item of expense, please give details of:

- The item number. The first payment reported should be '1' and then items should be numbered consecutively. For each payment you are supporting with an invoice, you should put the same number on the invoice. Item numbers need to be unique because they are used to cross- reference with other sections of the form and the supporting invoices/receipts.
- The item or service used.
- The name and address of the supplier where this is not on an invoice or receipt submitted with this return.
- The date the invoice was paid.
- The amount actually paid. Include nil payments where applicable.
- The notional value of the item or service, where provided free of charge or at a discount of more than 10% of the commercial rate

Please retain your original invoices/receipts.

### Section 1 – Details of Campaign & Organiser

Name	
Address	
Telephone	
Email	
Campaign Name	

Which outcome of the referendum did you promote or procure during the campaign? Please put a cross in the appropriate box below.

Mayor and Cabinet

☐

Committee Model

☐

Date appointed as campaign organiser:

I certify that the referendum expenses detailed below are a true and correct record:

Signed:.....(campaign organiser)

Date:.....

## Section 2 – Summary of referendum expenses

If you have information to report about spending on the referendum campaign, use the worksheets below to set out the details for each item and enter the totals for each category of referendum expenses into Table 1.

If you have nothing to report for a category, you enter zero or nil next to that category in Table 1.

**Table 1: Summary of referendum expenses**

Category	Total Value (£)
Advertising	
Unsolicited material to electors	
Any material providing general information about the referendum, deals with any issue raised by the referendum question, or puts any arguments for or against an answer to that question.	
Market research or canvassing	
Press conferences or other dealings with the media	
Transport	
Rallies and public meetings	
<b>Total referendum expenses incurred</b>	

### Referendum Expenses – Worksheets

Advertising					
Item No:	Item/service	Name and address of supplier	Date paid	Amount paid (£)	Notional value (£)
Sub totals					
Total amount paid + notional value of any expenses incurred					

Unsolicited material to electors					
Item No:	Item/service	Name and address of supplier	Date paid	Amount paid (£)	Notional value (£)
Sub totals					
Total amount paid + notional value of any expenses incurred					

Any material providing general information about the referendum, deals with any issue raised by the referendum question, or puts any arguments for or against a particular answer to that question.

Item No:	Item/service	Name and address of supplier	Date paid	Amount paid (£)	Notional value (£)
Sub totals					
Total amount paid + notional value of any expenses incurred					

Market research or canvassing					
Item No:	Item/service	Name and address of supplier	Date paid	Amount paid (£)	Notional value (£)
Sub totals					
Total amount paid + notional value of any expenses incurred					

Press conferences or other dealings with the media					
Item No:	Item/service	Name and address of supplier	Date paid	Amount paid (£)	Notional value (£)
Sub totals					
Total amount paid + notional value of any expenses incurred					



Transport					
Item No:	Item/service	Name and address of supplier	Date paid	Amount paid (£)	Notional value (£)
Sub totals					
Total amount paid + notional value of any expenses incurred					

Rallies and public meetings					
Item No:	Item/service	Name and address of supplier	Date paid	Amount paid (£)	Notional value (£)
Sub totals					
Total amount paid + notional value of any expenses incurred					

## Appendix B - Electoral Commission's Code of Conduct

### **Code of conduct for campaigners: electoral registration, postal voting, proxy voting and polling stations**

(Any reference to Returning Officer is to also include Counting Officer for Referenda)

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.

This Code provides a guide for campaigners, electoral administrators, and police forces to what is, and is not, considered acceptable behaviour at polling stations and in the community during the lead-up to polling day.

As a guiding principle, if there is any doubt about an activity, campaigners should ask themselves

*“What would a reasonable observer think?”*

More detailed guidance about electoral offences can be found in the guidance for candidates and agents, which is available at: <http://www.electoralcommission.org.uk/i-am-a/candidate-or-agent>

The Code has been sent to all registered political parties in Great Britain and Returning Officers will draw it to the attention of all candidates, parties and campaign groups contesting elections/polls.

Some Returning Officers may identify the need to develop and seek agreement to specific local provisions which supplement the terms of this Code, to address identified local risks. Returning Officers must consult with local campaigners and the relevant national Nominating Officers as well as police forces to secure appropriate local agreement to such provisions and should ensure that they are communicated and well-understood by campaigners locally.

#### **Scope of this code**

This code covers all those actively involved in campaigning in elections or referendums in Great Britain. All references to campaigners in this code include:

- Candidates standing at an election, their agents and their staff and supporters
- Political party officers, members and supporters campaigning at an election
- Other people and organisations campaigning for or against a candidate, a group of candidates or a party at an election
- People and organisations campaigning for or against a particular outcome at a referendum

#### **Compliance with this code**

Any concerns that this code has been breached should be raised first with the candidate, political party or campaigner in question.

Any further concerns should be drawn to the attention of the Electoral Commission.

The Commission will raise them with the relevant party or campaigner if appropriate and will agree appropriate actions to remedy or prevent a reoccurrence of any breach.

### **Electoral registration and absent vote applications**

Campaigners should be free to encourage voters to register to vote and apply to vote by post or appoint a proxy to vote on their behalf if that is the most convenient way for them to vote.

Campaigners can help to inform voters about how to participate in elections,

Voters can also apply to register online at:

[www.gov.uk/register-to-vote](http://www.gov.uk/register-to-vote)

Campaigners should ensure that any electoral registration forms and postal or proxy voting application forms conform fully to the requirements of electoral law, including all the necessary questions and the options open to electors.

You can download electoral registration forms from [www.gov.uk/register-to-vote](http://www.gov.uk/register-to-vote) and absent vote application forms from [www.aboutmyvote.co.uk](http://www.aboutmyvote.co.uk)

Campaigners should ensure that the local Electoral Registration Officer's address is clearly provided as the preferred address for the return of registration and absent vote application forms.

To ensure voters can make their own choice about how to return registration or absent vote application forms, you should always clearly provide the relevant Electoral Registration Officer's address as the preferred return address, even if an alternative address is also given. This will also minimise the risk of suspicion that completed applications could be altered or inadvertently lost or destroyed.

Campaigners should send on unaltered any completed registration or absent vote application forms given to them to the relevant Electoral Registration Officer's address within two working days of receipt.

To minimise the risk of absent vote applications being refused because completed forms arrive with the Electoral Registration Officer after the statutory deadline before a poll, you must ensure that there is no unnecessary delay in forwarding on application forms which you receive directly.

Campaigners should always explain to electors the implications of applying to vote by post or appointing a proxy.

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. To avoid duplication and unnecessary administrative pressures for Electoral Registration Officers, 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.

## **Postal vote applications**

Campaigners should never encourage electors to have their postal ballot pack redirected to anywhere other than the address where they are registered to vote.

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.

## **Proxy vote applications**

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 suspicions that campaigners may be seeking to place undue pressure on electors, electors should not be encouraged to appoint a campaigner as their proxy.

## **Postal voting ballot papers**

Campaigners should never touch or handle anyone else's ballot paper.

If you are asked for assistance in completing a ballot paper, you should always refer the voter to the Returning Officer's staff at the elections office who may be able to arrange a home visit if necessary. Assistance will also be available for electors at polling stations.

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.

You should ensure that the voter seals both envelopes personally and immediately after completing their ballot paper and postal voting statement. 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.

Campaigners should never handle or take any completed ballot paper or postal ballot packs from voters.

Wherever practical, you should encourage voters to post or deliver the completed postal ballot pack themselves. If you are approached or asked for help by a voter who is unable to post their completed postal ballot pack or make any other arrangements for it to be returned in time, you should contact the Returning Officer to ask them to arrange for it to be collected.

The Returning Officer may agree that it would be in the voter's best interest for you to deliver the completed postal ballot pack to the relevant office or polling station, if there are no feasible alternative options.

## **Campaigning outside polling places**

Campaigners should be allowed to put their messages to voters on polling day, including in public spaces outside polling places.

Polling station staff and police officers should not seek to discourage or remove campaigners who are otherwise peacefully communicating with voters if they are not within or impeding access to the grounds of the polling place.

You should be careful, however, to ensure that your approach is proportionate and should recognise that groups of supporters may be perceived as intimidating by voters.

Campaigners should keep access to polling places and the pavements around polling places clear to allow voters to enter.

The Presiding Officer is responsible for maintaining order in the polling place, and you may be asked to move by polling station staff or police officers if you are impeding access by voters to a polling place.

### **Complaints and allegations about electoral fraud**

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, but unsubstantiated claims about electoral fraud have the potential to damage confidence in the integrity of the electoral process.

You should ensure you are confident that evidence can be provided to the police before considering whether it is appropriate to publicise any specific allegation.

Campaigners who are concerned or think that electoral fraud may have taken place should raise the matter with their election agent or local party, or with the relevant Electoral Registration Officer or Returning Officer for the area.

They may be able to explain whether an election-related crime has been committed and refer it to the police if appropriate or provide details of the police contact for the relevant area so that campaigners can report their allegation.

**Important note:** Regulations 6 and 7 and Schedule 2 of the 2012 Regulations contain detailed provisions for the regulation of expenditure by individuals or bodies in relation to a referendum.

An individual or body are responsible for compliance with the regulations and may commit a criminal offence by incurring expenses exceeding the referendum expenses limit. The Director of Public Prosecutions is the prosecuting authority for any offences under the 2012 Regulations and information that may disclose an offence should be submitted to the DPP.

There are no provisions for the registration of campaigns, or the submission of expenses returns.

The Council cannot advise whether an individual or body is acting in compliance with these provisions and there is no requirement for expense accounts to be submitted to the Counting Officer.

If you have any doubts or concerns, you are recommended to seek independent advice.

Any campaigner who has actual evidence that an electoral offence has been committed should report it directly and without delay to the police.

If appropriate, the police will investigate the matter. Every police force has designated a Single Point of Contact (known as a SPOC) to lead on election matters and who will deal directly with the matter or give advice to local police officers. The Electoral Commission can help provide contact details for local police force SPOCs.