

# Rules for the Selection of Westminster Parliamentary Candidates in England – Shortened Process

## For use in non-target seats only

### Introduction

#### Overview of the process

In order to ensure that all constituencies have an appropriately approved and democratically selected candidate for a General Election Article 19 of the Federal Constitution specifies that all states shall agree a fair selection process. These rules govern that process and must be used by all local parties in England for the purpose of selecting candidates. The use of this shortened version of the Rules must be authorised by the Regional Candidates' Chair (RCC).

Constituencies starting the process of selection must ask their Regional Candidates' Chair (RCC) to appoint an independent Returning Officer (RO) from outside the constituency. The Returning Officer will then work with the local party officers to ensure that the selection process is completed satisfactorily in accordance with these rules.

Phase 1: The local party officers and Returning Officer work together to plan the selection process and advertise the seat.



Phase 2: The candidates' campaign: members' mailing, leaflets and personal contact. Postal votes applied for and sent out by the Returning Officer.



Phase 3: The members' meeting, vote and count. The result is declared.

## **The principles underlying these rules**

These rules shall be used for the selection of prospective parliamentary candidates in all constituencies in England, with the following exceptions: by-elections, the re-selection of sitting MPs, seats designated as targets and constituencies in local parties suspended by the region, where separate processes shall apply (Appendix C). In the event of an imminent General Election, the ECC may vary these rules to ensure that all constituencies have an approved candidate in place.

The selection process shall be conducted in accordance with the principles of Liberal Democracy. Everyone involved in the selection must act in such a way as to ensure that the Party is not brought into disrepute. In particular, selections must be conducted in a manner that is:

- Democratic
- Accountable
- Inclusive
- Fair
- Robust
- Manageable

Candidates for selection must make sure that they abide by the Candidates' Code of Conduct, the Party's Data Protection Rules and PPERA. Where these rules are silent, the Returning Officer will proceed using these principles as a guide. In addition, the ECC may from time to time issue guidance and clarifications to these rules, which must also be derived from these principles.

**In these rules, the words, “must”, “shall” and “will” refer to mandatory actions.**

**The words “may”, “could” and “should” refer to optional actions.**

## Phase 1

### From the decision to select to the close of applications.

#### In brief

After deciding to start the selection process, the local party executive asks the region to appoint a Returning Officer. The Returning Officer meets local party officers to agree a timetable for the selection and arrangements for the members' mailing and members' meeting. The seat is advertised on the Party website and elsewhere.

Interested potential applicants will be able to contact a nominated member of the constituency for more information.

In order for their application to be considered applicants must apply to the Returning Officer by the closing date advertised.

**Key Principles:** the Returning Officer should ensure that the application process is **inclusive, fair and transparent.**

#### In detail

##### Returning Officers

1. A local party deciding to start the selection process must resolve to do so at a meeting of the local party executive. They must then ask their Regional Candidates' Chair (RCC) for permission to proceed and for an independent, accredited Returning Officer to be appointed. They must provide the name of a contact from the local party with whom the RCC can liaise.

Where the area covered by a parliamentary constituency includes all or parts of more than one local party, the relevant local party executives shall co-operate in making joint arrangements for the selection to proceed, in accordance with section 9 of the Model Constitution for Local Parties. The term 'local party' then includes the area of the constituency, and 'local party executive' describes a joint committee the co-operating local parties may establish for this purpose.

When the local party executive agrees to ask the Regional Candidates' Chair to appoint a Returning Officer they must provide:

- Evidence that the local party has taken sustained steps to increase the number of members from under-represented groups
  - Evidence in the form of minutes that either or both of the motions in paragraph 7 below have been put to the executive committee, and the result recorded.
2. The RCC will appoint a Returning Officer from the list of accredited Returning Officers held by the English Candidates' Committee (ECC). The Returning Officer shall not be a member of the local party to which they are appointed, nor shall they have any personal interest in the selection.
  3. The Returning Officer will:
    - Support the local party officers through the selection process
    - Protect the interests of members
    - Ensure the fair and equal treatment of applicants
    - Ensure that the selection rules are followed

To comply with government guidelines or safety precautions the Returning Officer may decide that some or all meetings, including the members' meeting, shall take place virtually.

The English Candidates' Committee may mandate that all ballots for selection shall take place online (with a postal ballot and/or a link to vote online) posted to any eligible voting member who has not provided an email address). If such a mandate is not in place the local party may decide whether the vote will be conducted by a traditional paper ballot or by electronic voting.

If electronic voting is to be used the Returning Officer and local party shall follow the procedures set out in Appendix F: Electronic Voting, which shall have the same status as if they were included in these rules.

4. Returning Officers may claim reasonable expenses incurred while carrying out their duties. They must claim these as soon as possible after the selection. Claims should be in line with the expense rules in the Returning Officers' Guidance.
5. The Returning Officer must brief the local party executive on the selection process before commencing the selection.
6. The Regional Candidates' Chair (RCC) may appoint a replacement Returning Officer, or a substitute Returning Officer, or Deputy Returning Officer(s) for any part of the selection, if this becomes necessary at any time.
7. Any local party may choose either:
  - an all-disabled shortlist, or:

- to reserve a space on the shortlist for a candidate with a disability provided that they meet the selection criteria.  
At least one of these options must have been considered and voted upon by the executive committee of the local party and recorded in the minutes.

8. The RCC will inform the Returning Officer at the time of his/her appointment whether the seat has chosen to adopt either of the diversity measures mentioned in paragraph 7.

Before the Regional Candidates' Chair appoints the Returning Officer the local party executive must contact the following Party organisations to notify them that the selection will be taking place, asking them to encourage approved candidates to apply:

- Liberal Democrat Campaign for Racial Equality
- Racial Diversity Committee
- Liberal Democrat Disability Association
- Campaign for Gender Balance
- LGBT+ Liberal Democrats
- Young Liberals
- Parliamentary Candidates Association
- Liberal Democrat Women

The Returning Officer must be provided with satisfactory evidence that this has been done before the selection can proceed.

## **Advertisement**

9. Local party officers, with support from the Returning Officer, will agree a timetable for the selection, the contents of the advertisement for inclusion on the Party website, arrangements for the preparation of the members' mailing and the members' meeting(s).
10. The advertisement must include the following:
  - The requirement for a personal CV/manifesto
  - The opportunity for the applicant to declare any protected characteristics and any specific needs for which reasonable adjustments should be made during the selection process. This information will be confidential to the Returning Officer except insofar as is necessary to allow reasonable adjustments to be made
  - Name and contact details of an independent person who can provide details of the constituency
  - Details of how to access the selection rules
11. The local party must advertise the selection on the Party website, including required standard wording (see Returning Officers' Guidance) and may also

advertise more widely. All local parties must actively seek applications from as diverse a range of candidates as possible, with the help and guidance of the appropriate diversity bodies within the Party (guidance on who these bodies are is available from the Candidates' Office).

12. The advertisement on the Party website will be placed by the Returning Officer, but paid for by the local party. The closing date for applications shall not be less than two weeks from the date of the advertisement. Applications must be returned to the Returning Officer.
13. The local party officers, with advice from the Returning Officer, shall decide whether or not they wish to consider applicants who are not on the Party's approved candidates list but who have submitted an application for approval to the Candidates' Office. If they do wish to consider unapproved applicants, they may wait for applicants to gain approval, but no applicant can proceed to the shortlist unless they are approved.

## **Who may vote in the selection**

### **In brief**

Membership Services produce a selection register of members at the request of the Returning Officer. This is used to identify members who may vote in the selection and is passed to applicants to enable them to contact members during the campaign. The Returning Officer is responsible for checking its accuracy in conjunction with the local party Data Officer or Elections Officer and for passing it to applicants when the shortlist is published.

### **In detail**

14. The Returning Officer will obtain a list of members, which will be available before the date of publication of the shortlist, from Membership Services. This selection register will contain (where available) each member's name, address, telephone number, email and date of expiry of membership. The use of data in the selection register is subject to the Party's Data Protection Rules. Returning Officers will use the data to identify those eligible to vote in the selection. The cut-off date for inclusion on the selection register shall be the date of publication of the advertisement on the Party website, unless there is a delay in selection of more than six months, when the Returning Officer shall determine and publish a new cut-off date. If the RO has any concerns about unusual membership activity, they must immediately suspend the selection and inform the RCC, who will inform Compliance where appropriate. The RCC is responsible for taking the decision to restart the selection.

15. Only members who have paid their subscription before the cut-off date for inclusion and have reached the age of at least 10 years will be eligible to vote. Eligible members whose subscriptions are no more than three months overdue shall be entitled to attend any members' meeting but shall only be eligible to vote if they pay their overdue subscription before the members' meeting.
16. In the case of a local party containing more than one constituency, then the local party constitution must be consulted to determine whether the whole local party or only members in the relevant constituency shall vote in the selection. If the local party constitution is silent then only members in the relevant constituency may vote as long as there are at least 30 members in the constituency.
17. The Returning Officer will provide the selection register to the relevant local party Elections Officer(s) to identify any errors or omissions in the selection register. These should be resolved by the date of publication of the shortlist, so that the register can be passed to applicants promptly at this date. Any further changes should be notified promptly to applicants and the shortlisting committee. Membership Services will warn Elections Officers that they must advise Membership Services of any discrepancies in their local party's list and encourage their members to pay any overdue subscriptions before the date of close of applications, as the list at that date will be used to decide who will be eligible to vote in the selection.
18. The selection register must be used for:
  - Deciding who may vote in the selection
  - Issuing ballot papers
  - Sending out the mailing to members
  - Any campaigning by applicants or their supporters, who must not use it for any purpose other than the selection

### **Deciding on a shortlist for the selection**

19. All applicants who are on the Party's list of approved candidates and have provided a CV/manifesto as required in the advertisement shall be included on the shortlist, subject to the shortlist being consistent with any special requirement agreed by an Annual General Meeting or General Meeting of the local party (see Rule 7). Non-target seats may normally proceed to selection with only one applicant. **Where there are six or more applicants the local party must revert to the standard selection process.**
20. Under the Equality Act 2010, political parties are entitled to adopt Selection Arrangements to address an under-representation of groups that share what the Equality Act refers to as a particular "protected characteristic". Such Selection Arrangements may involve reserving places on a shortlist for people from such

groups. The procedure by which that is done is set out in Appendix D. Where the English Candidates' Committee has decided to adopt such Selection Arrangements that have an effect on the composition of the shortlist, those arrangements shall be observed by the Returning Officer and local party as if they were contained in this Rule.

21. No applicant is to be shortlisted unless they have undertaken in writing:
  - a. In the event of their selection, to take all reasonable steps to negotiate an agreed Compact between them and the relevant local party setting out a commitment from each as to the level and nature of campaigning activity to be undertaken before the election and, if they are elected, for the term of their election
  - b. In the event of their election, to make a reasonable contribution towards ongoing Party activity, the exact level to be determined following the election by agreement between the candidate and the relevant local party and by reference to any relevant guidance then in force
22. All applicants included on the shortlist will be notified of that outcome at the time of closure of applications. Details of shortlisting decisions will be confidential to the Returning Officer, the RCC, the ECC Chair and the English Candidates' Office.
23. Shortlisted applicants will be told of the location, date and time at which the count will take place.

## **Phase 2**

### **The candidates' campaign and mailing to members**

#### **In brief**

Once the shortlist has been confirmed the local party prepares and sends a members' mailing to all members entitled to vote in the selection. This contains:

The candidates' manifestos

The selection criteria

A postal vote application form

Details of the members' meeting

Candidates in the selection will be given a copy of the selection register by the Returning Officer and may then contact members in order to promote their candidature. Rules (below) govern how candidates may do this. Local party members eligible to vote may apply to the Returning Officer for a postal vote, in the event they are not likely to be at the members' meeting(s).

**Key principles:** the Returning Officer should ensure that the campaign is **democratic, fair and manageable.**

## In detail

### The members' mailing

24. A members' mailing shall be produced by the local party officers and approved by the Returning Officer. It must be sent to all members entitled to vote in the selection, all candidates in the selection and the Returning Officer. The local party officers may also decide to send the members' mailing to non-voting members.

25. The mailing should contain:

- a) A postal vote application form for each voting member
- b) Details of the members' meeting(s) and how to get there
- c) Details of how members may gain access to a copy of these rules
- d) A copy of the candidates' CV/manifesto provided on their application

26. The mailing is produced and paid for by the local party.

- The mailing shall be posted to members at least 14 days before the date of the (first) members' meeting
- Each member must have their own mailing posted to them separately

### The candidates' campaign

27. The Returning Officer shall give candidates access to the Selection Register which includes the following information:

- Name
- Address

- Telephone
- Mobile
- Membership Number
- Eligibility to vote
- Opt-In/Out status to Electronic comms

28. In addition to the members' mailing candidates may use any means (other than direct email and SMS) to communicate with members or publicise the campaign except that they (and their supporters) may not comment to the press on what is an internal party selection. All such communications must comply with these rules. Candidates will provide copy or electronic links to the Returning Officer so that all material can be scrutinised if necessary.

29. The amount of money that candidates can spend on their campaign will be limited by an expenditure cap agreed in advance by the shortlisting committee, who will use the suggested limits contained in Returning Officers' Guidance to assist them. Candidates must keep a record of all expenses and receipts, and submit this to the Returning Officer at the conclusion of the selection process. These records must be available for inspection by the other candidates, who may ask the Returning Officer to investigate if they think the limit has been exceeded.

30. The number of direct communications with members (emails, messages or delivered materials) shall be restricted to a manageable (and affordable) number agreed in advance by the shortlisting committee.

31. The Returning Officer will arrange for however many bulk unsolicited emails (as agreed in rule 30 above) on behalf of the candidates. Bulk email to be sent by the local party via its Data Protection Act 2018 compliant bulk mail solution to members who have not opted out of receiving unsolicited email.

One-to-one email communications will be permitted but candidates cannot email members directly unless first contacted by that member.

32. Unsolicited SMS messages are not permitted.

33. Candidates must not upload mobile and telephone numbers to any third-party platform, including social media websites.

34. Candidates and anyone acting on their behalf:

- a) Must comply with data protection laws, the Party's Data Protection Rules and with PPERA legislation at all times (e.g. candidates must not send group emails which reveal the email addresses of the recipients)
- b) Must not use their campaign to denigrate others
- c) Must not use written endorsements of their candidature, whether in print or on any form of social media

- d) May use photographs (including photographs with prominent local or national party figures) as they wish, as long as they do not contain and are not accompanied by any written endorsement, and both the copyright holder and the subject(s) of the photographs have given their permission
- e) Must ensure that if using video footage on social media this does not contain any endorsement, spoken or written, by prominent figures in the local or national party
- f) May allow any supporters to campaign on their behalf but must ensure that all such people comply with these rules
- g) Must ensure that their actions, and those of their supporters, comply with the Candidates' Code of Conduct
- h) May continue with their normal party activities and campaigning during the selection
- i) Must preserve all campaign material and communication until the selection is complete and the result formally announced and accepted

### **Postal votes**

- 35. All voting members who want one may apply for a postal vote. They should apply to the Returning Officer and may use the form supplied with the members' mailing for this purpose. Applications not on the supplied form are acceptable as long as the Returning Officer is satisfied that these are genuine.
- 36. The Returning Officer will produce and issue ballot papers for postal votes in accordance with these rules (see Returning Officers' Guidance). He/she shall state clearly the last time at which ballot papers can arrive before the members' meeting. Ballot papers not sent in advance may be delivered by hand to the members' meeting.

## **Phase 3**

### **The members' meeting(s), vote and count**

#### **In brief**

The local party officers are responsible for organising and running the members' meeting(s) with the guidance of the Returning Officer, who attends the meeting and conducts the count.

The Returning Officer (or his/her aides) issues ballot papers to all voting members who have not been sent a postal vote. Voting takes place at the members' meeting(s) and the count immediately follows voting.

Candidates will be asked by the Returning Officer to sign to say that they accept the result. If the result is not disputed then the Returning Officer will declare the result. In the event that the result is disputed then the declaration will take place later after the conclusion of any appeal.

**Key principles:** members' meetings must be organised in a way that ensures they are **inclusive** (for members and candidates), **democratic and fair**.

## In detail

### The members' meeting

37. The local party officers must arrange at least one members' meeting. All details will be agreed in advance and approved by the Returning Officer who will ensure these are available to applicants in advance of the meeting. At the members' meeting(s) applicants will be invited to:
  - Meet members
  - Speak
  - Answer questions
38. The members' meeting(s) shall be chaired by an impartial member and attended by the Returning Officer.
39. At the members' meeting, candidates:
  - a) Must remain in a candidates' waiting room whilst other candidates are speaking (or answering individual questions)
  - b) May bring a nominated supporter to the members' meeting(s) who must remain with the candidate at all times. All other supporters must remain in the hall throughout the meeting(s). Mobile phones must be switched off for the duration of the members' meeting(s)
  - c) Should at all times abide by these rules and by the Candidates' Code of Conduct
  - d) Should not bring postal ballot papers (other than their own) to the meeting
40. Following the candidates' speeches the Returning Officer may give permission for the candidates to be questioned by the members in other ways (e.g. a "Question Time" panel or informal mingling) as long as the principles underlying these rules are maintained.
41. The Returning Officer is responsible for overseeing the proper conduct of the meeting(s) and may intervene if he/she considers it necessary. He/she may appoint aides to assist at the meeting(s).

42. Non-voting members of the local party may attend the members' meeting(s) as observers.

### **The vote and count**

43. The vote will be conducted by the alternative vote method (i.e. STV for single candidate elections) according to the instructions in Appendix B.

44. The ballot paper will require voting members to rank candidates according to preference (sample ballot paper in Returning Officers' Guidance) and will include the option to re-open nominations (RON) where there are fewer than three candidates.

45. Ballot papers (including all postal ballot papers) will be numbered and the numbers recorded on the selection register.

46. The Returning Officer must be satisfied when issuing ballot papers that members are eligible to vote. If there is any doubt a tendered ballot paper (marked T) will be issued.

47. Eligible members may request a ballot paper, and vote, at any time during the members' meeting.

48. The votes will be counted by the Returning Officer (according to the alternative vote system outlined in Appendix B) at the end of the meeting. A representative of the local party, all candidates and their nominated supporter may attend.

49. Tendered ballot papers shall be considered at the end of each stage to determine if their inclusion would alter the result. If this is the case the count shall be suspended and will not proceed until it has been decided, by the Returning Officer, whether the tendered papers are eligible.

50. At the end of the count the Returning Officer will notify all candidates of the result and ask them to sign a copy of the results sheet to say they accept the result.

51. In the event that one or more candidates do not accept the result, the result will not be declared immediately. Candidates will have seven days to submit an appeal in accordance with the current appeals protocol (Appendix A). The result will be declared once the deadline for receipt of appeals has passed or once any appeal has been decided.

52. In the event that all candidates accept the result, the Returning Officer will immediately declare it.

53. If a candidate who is in a politically-restricted occupation signs to accept that they have won the selection, they must within seven days of the date of selection agree a resignation date from that occupation with the local party. Failure to do so, or then to resign on that date, will result in automatic deselection. The vote will then be recounted to select a new candidate.
54. At the conclusion of the selection the Returning Officer shall provide the RCC with a summary report showing the number of initial applicants with protected characteristics who applied, the number shortlisted, and the votes cast for each candidate at the members' meeting. They shall also report any evidence of overt discrimination (for example in questions posed to applicants at shortlisting interview or at the members' meeting.)

# Trouble-shooting

## In brief

This section explains what will happen in the event of difficulties:

- If an applicant or candidate withdraws
- It is alleged that a rule has been breached
- If an applicant or candidate has acted in a way that is contrary to the Candidates' Code of Conduct
- If an appeal is lodged against any decision of the Returning Officer at any stage of the selection

At all times the principles that guide these rules should be referred to when resolving difficulties.

## In detail

### Applicant or candidate withdrawal

Before the announcement of the shortlist:

For non-target seats no action is required as long as one applicant remains. However the local party officers in consultation with the Returning Officer may decide not to proceed if fewer than two applicants remain.

55. If a candidate withdraws at any time between the announcement of the shortlist and the members' meeting, all other candidates must be notified.
  - If the members' mailing has not yet been sent then it should be altered to reflect the new shortlist
  - If the members' mailing has been sent and no ballot papers issued then no action need be taken
  - If some ballot papers have been issued then new ballot papers should be drawn up (including RON if necessary). At the count, for ballot papers reflecting the original shortlist, preferences for withdrawn candidate(s) shall be transferred when counting
56. If a candidate withdraws at the members' meeting existing ballot papers will be used and an explanation given to members with instructions to delete the withdrawn candidate.

57. If a winning candidate withdraws before they have signed their acceptance of the result then there will be a recount.

### **Breaches of the rules**

58. If applicants/candidates or members of the local party believe a selection rule has been breached they should:

- Put their concerns in writing to the Returning Officer
- Identify the rule they believe has been breached
- Provide details of the circumstances of the breach
- Explain the effect of the breach

59. Once they have been notified of alleged breaches of the rules (rule 57, above) the Returning Officer will:

- Investigate the situation
- Make a formal ruling, notifying the complainant and all applicants/candidates of the details of this.

60. If it is alleged that any candidate has behaved in a way that is contrary to the Candidates' Code of Conduct the Returning Officer shall consult the RCC who shall investigate the allegation.

61. Anyone wishing to appeal a Returning Officer's ruling shall do so using the process laid down in Rules for the Conduct of Appeals (Appendix A).

62. If an appeal is lodged, the Returning Officer shall immediately suspend the selection and inform the RCC, all applicants/candidates and the English Candidates' Office.

### **Jargon Buster**

Applicants	Those who return applications to the Returning Officer
Candidates	Those applicants who are shortlisted
ECC	English Candidates' Committee
Members' meeting	A meeting of members in a constituency, where candidates speak and are asked questions, and voting may take place
PPC	Prospective Parliamentary Candidate
PPERA	Political Parties, Elections and Referendums Act
Publications	Includes electronic as well as printed media being offered to members

RCC	Regional Candidates' Chair
RO	Returning Officer
RON	Re-open nominations – an option available on a ballot paper in case of non-standard shortlists
Selection register	List of members eligible to vote in a selection
The Party	Liberal Democrat Party
Written	Post, fax, email, or hand delivered unless specifically stated otherwise
Strategic Seats Team responsible for the Party's Strategic Seats programme or Target Seats programme)	The team within the Elections & Skills department (formerly known as Priority or Target Seats programme)
Target Seat*	A held or Tier 1 seat (as defined by the Chair of the Federal campaigns and Elections Committee)
Non-Target Seat*	Any seat which is not a target seat

\* (Please note that neither of these seat categories is fixed, both are based upon performance and the category of a seat may change within an electoral cycle)

Ratified by English Council 5/12/2020

Note: References to sections of the Federal and English Party Constitutions were correct on 1<sup>st</sup> January 2021.

## **Appendix A - rules for the conduct of appeals to panels of the English Candidates' Committee**

### **1. Provisions Relating to these Rules**

- 1.1 These Rules set out the process by which decisions of Returning Officers are to be challenged. The English Candidates' Committee shall have power to make Regulations to implement, regulate and co-ordinate this process in areas where these Rules are ambiguous or silent.
- 1.2 If parliamentary electoral conditions dictate, the Chair of the ECC, in consultation with the relevant Regional Candidates' Chair, may seek to vary the timetable or to resolve an appeal in order to meet an imminent General Election.
- 1.3 In these Rules, the following terms shall be given the following meanings unless the context otherwise requires:
- (a) 'Appeal' shall mean a challenge to a decision of a Returning Officer submitted in accordance with these Rules
  - (b) 'Appellant' shall mean a person who has submitted an Appeal
  - (c) 'Respondent' shall mean any person who is criticised in an Appeal
  - (d) 'Applicant' shall mean any person who has applied to the Returning Officer for inclusion in the selection
  - (e) 'Candidate' shall mean an applicant who has been placed on the shortlist for a particular selection
  - (f) 'Witness' shall mean each of the following:
    - (i) the Chair of the local party
    - (ii) the Chair of the local party Selection Committee (if different from (i))
    - (iii) the candidates
    - (iv) the other applicants, where the Appeal is submitted by an Applicant
    - (v) the Regional Candidates' Chair
    - (vi) anyone else who can, in the opinion of the Appeals Panel, give material evidence, either of a factual or expert nature
  - (g) 'ECC' shall mean the English Candidates' Committee
  - (h) 'Written' shall include communications transmitted by post, fax, email or hand-delivered

### **2. Initiating an Appeal**

- 2.1 Any eligible person who wishes to challenge a decision of a Returning Officer must submit an Appeal to the Chair of the ECC within the deadlines prescribed in the following Rules.
- 2.2 The following people shall be eligible to submit an Appeal;
- (a) any applicant (provided that their Appeal relates to the process up to and including the shortlisting and is submitted within seven days of the notification to the candidates of the shortlist)
  - (b) any candidate
  - (c) any member of the local party in which the selection is taking place
  - (d) the Regional Candidates' Chair
- 2.3 An Appeal shall contain the following information:
- (a) details of the decision which is being challenged
  - (b) references to the Rule or Rules said to have been breached
  - (c) a summary of the facts giving rise to the Appeal
  - (d) details of persons who can substantiate the claims made in the Appeal
  - (e) details of how the Appellant and/or others have been affected
  - (f) details of the remedy the Appellant wishes to be provided
- 2.4 All Appeals must be in writing. The ECC shall have the power to regulate the form in which Appeals are submitted.
- 2.5 All Appeals up to and including the shortlisting process must be made within seven days of the dispatch of notification to the applicants of the shortlist. No mailing shall be dispatched until the deadline for appeals has passed.
- 2.6 Appeals which do not relate to matters up to and including the shortlisting process must be made prior to the declaration of the result at the hustings meeting. Prospective Appellants who wish to appeal at this stage shall inform the Returning Officer of their wish, either personally or through a representative at the count, and the result shall not be declared. The prospective Appellant shall then lodge their Appeal with the Chair of the ECC within 24 hours of informing the Returning Officer of their wish to appeal.
- 2.7 In the event that a ruling is sought from the Returning Officer prior to the declaration of the result and the Returning Officer is not in a position to issue a ruling immediately, the result shall not be declared and the Returning Officer shall rule as soon as practicable. Any Appeal must then be submitted within 24 hours of the communication of the ruling to the candidates. If no Appeal is submitted, the result shall be declared forthwith.

### **3. The Conciliation Stage**

- 3.1 Within 48 hours of receiving an Appeal, the Chair of the ECC shall appoint a Conciliator from a list approved and maintained by the ECC for the purpose. The Conciliator shall be entirely independent and a member of a local party from outside the region in which the relevant selection is taking place.
- 3.2 There shall be no obligation to appoint a Conciliator where the Chair of the ECC takes the view that the Appeal discloses a case so weak that no reasonable Appeals Panel, properly directing itself, could possibly uphold it.
- 3.3 The Chair of the ECC shall ensure that the Conciliator is provided with a copy of the Appeal upon his/her appointment.
- 3.4 The Conciliator shall take immediate steps to resolve the Appeal through the co-operation of those involved. This shall include, but not be limited to:
- (a) seeking to develop and maintain a dialogue with and between the people involved in the Appeal
  - (b) investigating and ascertaining the true facts giving rise to the Appeal
  - (c) seeking to identify the areas of agreement and disagreement between those involved in the Appeal
  - (d) seeking to negotiate a solution which is acceptable to those involved and which is in accordance with the Rules
- 3.5 The Conciliator shall have no power to force a settlement.
- 3.6 Within five working days of their appointment, the Conciliator shall provide a confidential report of their findings to the Chair of the ECC. The report must also be circulated, confidentially, to the Appellant, Respondent(s) and Returning Officer.
- 3.7 This period may be extended by agreement between the Conciliator and the Chair of the ECC if it appears appropriate to do so in order to achieve a settlement of the Appeal.
- 3.8 The Appellant will have five full days to decide whether or not they wish to proceed with the Appeal after the Conciliation stage has been completed.
- 3.9 If the Appellant decides to proceed with the appeal, the Conciliator shall provide a summary including:
- (a) the issues at stake in the Appeal
  - (b) the facts giving rise to the Appeal

to the Chair of the ECC for circulation to any future Appeals Panel. That summary shall seek to be as objective as possible.

#### 4. The Appeals Panel Stage

4.1 Upon receiving a report from the Conciliator:

- (a) which indicates that that Appeal has not been resolved or
- (b) which has been rejected by the Appellant or any Respondent

the Chair of the ECC shall, within three working days, appoint an Appeals Panel to determine the Appeal.

4.2 There shall be no obligation to appoint an Appeals Panel where the Chair of the ECC takes the view that the Appeal discloses a case so weak that no reasonable Appeals Panel, properly directing itself, could possibly uphold it.

4.3 The Appeals Panel shall consist either of three or five members,

- (a) all of whom shall be members of Local Parties from outside the Region in which the relevant selection is taking place
- (b) at least one of whom shall be an experienced Returning Officer
- (c) at least one of whom shall be a Regional Candidates' Chair
- (d) at least one of whom shall appear on the Party's list of approved candidates, or have so appeared in the last five years

The Chair of the ECC and the Conciliator are ineligible to be members of the Appeals Panel.

4.4 The Chair of the ECC shall appoint one of the Appeals Panel members as Chair.

4.5 The Chair of the ECC shall ensure that the members of the Appeals Panel are provided, upon their appointment, with copies of:

- (a) the Appeal and supporting documents
- (b) the Conciliator's summary of the facts and issues in the Appeal

4.6 The Chair of the ECC shall ensure that sufficient administrative support is provided for the Appeals Panel to conduct its work efficiently.

## **5. Timetable Prior to the Hearing**

- 5.1 The Appeals Panel shall have the power to make directions with regard to any administrative or pre-hearing matter not covered in these Rules.

### **The Appellant**

- 5.2 As soon as practicable after its appointment, the Appeals Panel shall arrange for the Appellant to be written to. That letter must invite the Appellant to submit their case in advance and give a timetable and proposed date for the Appeal to be heard.
- 5.3 The Appellant shall provide their case first and by a deadline set by the Appeals Panel (normally within six working days of receiving the letter under Rule 5.2).
- 5.4 Their case shall consist of:
- (a) a statement from the Appellant, which shall be confined to matters raised in the original Appeal
  - (b) statements from any person whom the Appellant wishes to call to give evidence in support of their case
  - (c) any supporting documents which the Appellant wishes to be before the Appeals Panel
- 5.5 Upon receipt of the Appellant's case, the Appeals Panel shall arrange for it to be circulated to each Respondent or allow each Respondent a reasonable opportunity to inspect it. The Appeals Panel may order wider circulation if they believe the issues raised by the appeal or the evidence given impacts on others not directly involved in the process.

### **The Respondent(s)**

- 5.6 At the same time as writing to the Appellant, the Appeals Panel shall ensure that each Respondent is written to. That letter must outline what the Appeal is about and how the Respondent(s) are criticised, invite each Respondent(s) to submit their cases in advance of the hearing and give a timetable and proposed date for the Appeal to be heard.
- 5.7 In the event of any dispute over who is a Respondent, the Appeals Panel shall make a ruling.
- 5.8 Each Respondent shall provide their case by a deadline set by the Appeals Panel (normally within ten working days of receiving the Appellant's case or being informed that they may inspect it).
- 5.9 The case for each Respondent shall consist of:

- (a) a statement from the relevant Respondent, which shall seek to answer the issues raised in the Appeal
- (b) statements from any person whom the Respondent wishes to call to give evidence in support of their case
- (c) any supporting documents which the Respondent wishes to be before the Appeals Panel

5.10 The Appeals Panel shall arrange for the circulation of those cases to the Appellant and the other Respondent(s) as appropriate or offer them a reasonable opportunity to inspect it. The Appeals Panel may order wider circulation.

### **Witnesses**

5.11 At the same time as writing to the Appellant and each Respondent, the Appeals Panel must also ensure that everyone listed as a Witness in Rule 1.3(f) above is written to. They must be informed of the general nature of the appeal and told that if they wish to give evidence at the hearing, they must provide a statement in advance. The Appeals Panel may also ask for particular or specific information from the Witnesses to assist them in arriving at their ruling.

5.12 In the event of a dispute over who is a Witness, the Appeals Panel shall make a ruling.

5.13 Each Witness wishing to provide a statement must do so by a deadline set by the Appeals Panel (normally within ten working days of being invited to do so).

5.14 The Appeals Panel shall arrange for the circulation of Witness statements to the Appellant and each Respondent. The Appeals Panel may order wider circulation.

### **General Powers of the Appeals Panel over timetables**

5.15 In the event that any of the above deadlines are breached, the Appeals Panel may:

- (a) if the breach is the fault of the Appellant, strike out the appeal
- (b) prevent anyone relying on matters contained in a document supplied late
- (c) grant an extension of the deadline concerned

5.16 The Appeals Panel shall inform those to whom documents are circulated that they may only copy them or show them to:

- (a) Party member(s) seeking to advise them and/or
- (b) a legal adviser.

## **6. The Hearing**

6.1 The hearing shall be conducted in accordance with the principles of natural justice. Those principles provide that:

- (a) all parties have the right to be heard
- (b) proceedings are conducted fairly
- (c) there is no bias or appearance of bias on the part of the Appeals Panel

6.2 The hearing shall normally be conducted in the presence of the Appellant, Respondent(s) and Witnesses. Other Party members may be admitted at the discretion of the Appeals Panel.

6.3 The Appellant and/or Respondent(s) may each be assisted by a friend (who must be a Party member) or by a legal adviser. The friend or adviser may speak on behalf of the party concerned at any time but must not merely repeat points already made.

6.4 The Appeals Panel may decide that parts of the hearing shall be conducted in private. This may either be at the invitation of a party or Witness or of the Appeals Panel's own volition. Any such decision shall be based on the following ground(s);

- (a) that evidence of a sensitive nature is to be given  
or
- (b) that conducting the hearing in public would inhibit the Appeals Panel from ascertaining the truth

6.5 The hearing shall normally be conducted as follows:

- (a) the Appellant shall give his/her evidence followed by those who provided statements in support of the Appellant
- (b) the first Respondent shall give their evidence followed by those who provided statements in support of the Respondent
- (c) any further Respondent shall give their evidence followed by those who gave statements in their support
- (d) the Witnesses shall give their evidence
- (e) the Appellant and each Respondent shall have the right to sum up

The Appeals Panel shall have the power to deviate from this procedure if it appears necessary in the interests of justice.

- 6.6 All evidence shall be given orally unless the Appeals Panel agrees to accept it in writing, in which case it shall be in the form of the statement submitted prior to the hearing.
- 6.7 The Appellant and/or each Respondent may ask questions of those giving evidence. Others may have equivalent rights at the discretion of the Appeals Panel.
- 6.8 Appeals Panel members shall be entitled to ask questions or seek clarification at any time.

## **7. The Ruling and Enforcement**

- 7.1 The Appeals Panel may make its decision by a majority of those present and voting. In the event of an equality of votes, the Chair of the Appeals Panel shall have a second (casting) vote. No member of the Appeals Panel may vote unless he or she has been present throughout the hearing of all the evidence.
- 7.2 The Appeals Panel shall prepare a full Ruling for circulation to the Appellant, Respondent(s), Chair of the ECC and the Candidates' Office. This Ruling must be circulated within five working days of the hearing.
- 7.3 The Appeals Panel shall have the power to provide an effective remedy in respect of any Appeal which it has upheld, either in full or in part.
- 7.4 The range of available remedies for the Appeals Panel shall include:
- (a) to declare that there has been a breach of the Rules
  - (b) to take any action open to the Returning Officer when making the decision which gave rise to the Appeal
  - (c) to take any action open to the Selection Committee when shortlisting candidates
  - (d) to recommend to the ECC that any candidate be removed from the list of approved candidates or that the Returning Officer shall cease to be an accredited Returning Officer
  - (e) to make any further directions it sees fit
- 7.5 If it appears to the Chair of the ECC that a Ruling from an Appeals Panel has been breached, then, within 48 hours, the Chair of the ECC shall notify the Chair of the Appeals Panel.
- 7.6 The Appeals Panel shall decide whether the Ruling has been breached by seeking oral or written evidence from:

- (a) the person said to have breached the Ruling
- (b) any other person who the Appeals Panels considers able to give material evidence on that question

7.7 If the Appeals Panel is satisfied, on balance, that there has been a breach of the Ruling, then it may:

- (a) if the breach was the fault of the Returning Officer, dismiss the Returning Officer and/or debar them from conducting future selections
- (b) provide any of the remedies open to it when it determined the Appeal in the first instance

## **8. Further Appeals**

8.1 Any party who claims that his or her rights under the Party Constitution or under these Rules have been infringed may, in accordance with the Constitution of the Liberal Democrats in England, appeal to the Appeals Panel for England.

8.2 Any party who wishes to make such an appeal shall give notice in writing to the Secretary of the Appeals Panel for England within seven days of the circulation of the Appeals Panel's Ruling. Subject to any appeal under this paragraph, the decision of the Appeals Panel shall be final and binding on all the parties.

## **Appendix B - method for counting votes and drawing lots**

### **Electing one person by means of Single Transferable Vote (based upon the Electoral Reform Society regulations)**

#### **1 Method of voting**

- a. Each member who is eligible to vote shall be issued with one ballot paper with the names of the shortlisted applicants (and the option to 'Re-open nominations' if there are fewer than three candidates) printed on it.
- b. A voter in recording his/her vote on the ballot paper:
  - i. must place on his/her voting paper the figure 1 opposite the name of the candidate for whom he/she votes
  - ii. may indicate the order of his/her preference for as many other candidates as he/she pleases by placing against their respective names the figures 2, 3, 4 and so on
- c. Voters may indicate as many or as few preferences as they choose.

#### **2 Verifying the ballot papers**

- a. In accordance with rule 50 of the Rules for the Selection of Parliamentary Candidates, the Returning Officer will have kept a record, as they are issued, of the numbered ballot papers issued to postal voters and those voting in person, including any tendered ballot papers issued to members whose eligibility to vote is in doubt.
- b. To verify the ballot, s/he shall count the total of each type of ballot paper in the ballot box and verify this is no higher than the total number of ballot papers issued. S/he shall proceed to count the ballot if this is correct. In the event of the number in the ballot box being higher than that issued, then an individual check of ballot papers against the numbered Selection List shall take place to identify the error.
- c. At this stage, any ballot papers belonging to members whose eligibility to vote cannot be verified shall be removed and not counted.
- d. Once the verification is complete the total number of valid ballot papers and the percentage turnout will be recorded.

#### **3 Sorting and counting the ballot papers and resolving ties**

- a. The Returning Officer shall examine the papers and shall sort them into parcels according to the first preference recorded for each candidate, rejecting any that are invalid.
- b. The Returning Officer shall count the papers in each such parcel and shall credit each candidate with a number of votes equal to the number of valid papers on which a first preference has been recorded for that candidate
- c. If the vote for any one candidate equals or exceeds the votes of all the other candidates combined, that candidate shall be declared elected.
- d. If not, the Returning Officer shall exclude the candidate having the fewest votes.
- e. The papers of the excluded candidate shall be transferred to whichever of the continuing candidates is marked by that voter as his/her next available preference, and the votes thus transferred shall be added to the first preference votes of those candidates.

- f. Any paper on which no further preference is marked shall be set aside as non-transferable and the total of such papers shall be recorded.
- g. This process shall be continued until the vote for some one candidate exceeds or equals the votes for all other continuing candidates combined, and that candidate shall then be declared elected.
- h. At any stage after the first preferences, should there be a tie for exclusion, then this should be resolved by excluding the applicant with the lowest number of votes at the earliest stage in the count where they had an unequal number of votes. If they were equal at all stages then the Returning Officer shall decide the outcome by drawing lots.
- i. The process in (h) shall also apply if there are two applicants left and they are tied.

#### **4 Definitions**

- a. The expression '**first preference**' means the figure 1 standing alone opposite the name of a candidate.
- b. The expression '**valid voting paper**' means a voting paper on which a first or only preference is unambiguously expressed.
- c. The expression '**invalid voting paper**' means a voting paper on which no first or only preference is expressed, or on which any first preference is void for uncertainty.
- d. The expression '**continuing candidate**' means any candidate not yet excluded.
- e. The expression '**next available preference**' means a second or subsequent preference recorded in consecutive numerical order for a continuing candidate, passing over earlier preferences for candidates already excluded.
- f. The expression '**transferable paper**' means a voting paper on which a next available preference is unambiguously expressed.
- g. The expression '**non-transferable paper**' means a voting paper on which no next available preference for a continuing candidate is expressed, or on which any next available preference is void for uncertainty.

## **Appendix C – special selection protocols agreed by English Candidates' Committee**

The English Candidates' Committee has approved the following protocols, copies of which are available on request from the English Candidates' Office - [candidates@libdems.org.uk](mailto:candidates@libdems.org.uk):

1. Protocol for re-selecting a sitting MP
2. Protocol for selecting a parliamentary by-election candidate
3. Special re-selection process after a by-election
4. Procedure for appointing approved candidates

**Appendix D – not currently required for a short process selection.**

**Appendix E – not currently required for a short process selection.**

## Appendix F: Electronic Voting

*These rules apply to selections for candidates for parliamentary seats for which the rules are made by the English Candidates' Committee and where electronic voting is used.*

### Definitions:

#### Ballot Administrator:

The trained person who sets up and runs the e-ballot software and liaises with the Returning Officer. This may be an employee of the professional organisation, a member of party staff or a volunteer who has received the necessary training in use of the software and GDPR compliance. The Regional Candidates' Chair nominates a Ballot Administrator for the selection.

#### Responsible Committee:

The body which 'owns' the selection. Depending on the type of seat this may be a local party executive, a sub-group of that executive, or a joint committee of multiple local parties.

## F 1: Deciding who may vote in the selection

*This modifies the second sentence of Rule 21 of the full process for Westminster Seats and of Rule 15 of the short process for Westminster Seats.*

Eligible members whose subscriptions are no more than three months overdue shall be entitled to attend any members' meeting, but shall only be eligible to vote if they pay their overdue subscription and notify the Returning Officer in writing that they have done so at least two days before the date on which the Returning Officer intends to send the list of eligible voting members to the Ballot Administrator.

## F 2: The Members' Mailing

*This Section replaces Rules 32 through to 35 of the full process for Westminster Seats, and Rules 24 and 25 of the shortened process for Seats.*

a) The purpose of a members' mailing is to inform members of the selection and how they can vote. The members' mailing shall be produced by the Responsible Committee, and approved by the Returning Officer.

b) The members' mailing will contain the following elements:

- An introductory statement produced by the Responsible Committee, giving information on the selection and explaining the electoral system being used
- The candidate(s)' manifestos
- Details of the Members' Meeting(s)

- Information on how and when members will be able to vote, including postal voting
- The date by which a lapsed member must pay their overdue subscription and notify the Returning Officer, in order to be eligible to vote
- Information on how members may access a copy of the rules, and a reminder to members of the need to abide by them.

c) The Members' Mailing must be sent to every eligible member. It must be posted or delivered by hand to members who cannot be emailed. For everybody else, emailing the Members' Mailing is also an option. It is also permissible, in both posted and emailed Members' Mailings, to provide links to download documents, rather than to include them all as printed copies or attachments.

d) The distribution of the Members' Mailing will be undertaken by the Responsible Committee, or by the Ballot Administrator. The Responsible Committee will pay the costs for the Members' Mailing.

### **F 3: The candidates' manifestos**

*This replaces Rule 25 (d) of the shortened process for Westminster Seats.*

a) All candidates must be given the opportunity to include a personal manifesto. The specification (e.g. paper size, file type and maximum file size etc) for this must be agreed in advance by the Responsible Committee and approved by the Returning Officer. It must be the same for all candidates.

b) Candidates should be given the opportunity to provide both a colour and black-and-white version, with otherwise identical content, if the local party plans to use both types (e.g. colour for emailed or downloadable manifestos, black-and-white for posted ones).

c) The Returning Officer shall notify candidates of the deadline for receipt of their manifestos. Manifestos not received by the deadline will not be guaranteed to be included in the Members' Mailing, though may still be included alongside the distribution of any electronic ballot papers.

### **F 4: Electronic voting and postal ballot papers**

*This replaces Rules 46 and 55 through to 59 of the full process for Westminster Seats, and Rules 36 and 45 through to 49 of the shortened process for Westminster Seats.*

a) When electronic voting is used, the Returning Officer will contact the Regional Candidates' Chair to request the nomination of a Ballot Administrator.

The Responsible Committee will accept the cost in advance of the ballot happening and pay any fee levied by said organisation or software provider to provide and administer the ballot and run the count.

b) Electronic ballots will be emailed by the Ballot Administrator to members, alongside a downloadable copy of the candidates' manifestos, but no other materials. The counting software

must be set to be able to receive votes only after the conclusion of the Members' Meeting, or the final Members' Meeting if there is more than one.

c) This email may be sent more than once, but only to people who have not yet voted.

Members who have received an electronic ballot paper will exercise their vote by following the instructions online.

d) Because not everyone can or is willing to receive emails a different system must be used for:

- Members who do not have an email address registered with the party
- Members who have opted out of email communications
- Members who share an email address with others (e.g. if a family of members share one email address, then each person must use a separate postal ballot)
- Members whose email addresses are from Government (.gov) accounts.

These members will instead have to request a postal ballot, whereupon the Returning Officer will send them a paper ballot, which has a unique link. They can exercise their vote either by using the link to vote online, or by posting the ballot paper to the Ballot Administrator or the Returning Officer. The method and deadline for doing so must be provided alongside the unique link.

The link will be made live at the same time as electronic voting opens. Paper ballot papers will not be issued until after the final Members' Meeting.

e) If when the Ballot Administrator or Returning Officer finds that a link sent with a postal ballot paper has already been used and the vote cast varies from that on the posted ballot paper, then this vote shall be treated as 'tendered'. It will not be input to the counting system but shall instead be passed to the Returning Officer, who may contact the voter for clarification or rule the vote as void, as the Returning Officer sees fit.

f) The deadline for the return of all completed ballots, both electronic and postal, will be clearly provided on the instructions that accompany them, and will be at least 14 days after the

electronic voting system goes live, which will be after the final Members' Meeting.

## **F 5: Section on the count**

*This replaces Rules 55 through to 59 of the full process for Westminster Seats and Rules 45 through to 49 of the shortened process for Westminster Seats.*

a) The vote will be conducted by the alternative vote method (i.e. STV for single candidate elections) according to the instructions in appendix B.

b) The Ballot Administrator will conduct counting of the electronic ballot papers, as well as any postal votes which have been returned to them.

c) The Ballot Administrator or Returning Officer may open envelopes with returned paper ballots before the close of poll, in order to input the postal votes cast to the master computer program for the count. After that has been done the ballot papers and the envelopes in which they were posted will be held securely until all candidates have signed to accept the result or exhausted their right of appeal. No information will be disclosed as to the votes cast on returned ballot papers before the close of poll.

d) The votes will be counted as soon as practicable after the deadline for the return of ballot papers. Each candidate will be given the opportunity to be present at the count (in person, or by video link) or to be represented, and may be joined by one additional person to support them.

## **F 6: Section on the Declaration**

*This replaces Rules 60 and 61 of the full process for Westminster Seats, and Rules 50 and 51 of the shortened process for Westminster Seats.*

a) At the end of the count, the Returning Officer will notify all candidates of the result and ask any candidates physically present at the count to sign a copy of the results sheet to say they accept the result. If the candidates are not present, then they may send an email or written message via a mobile device, to the Returning Officer to indicate their acceptance. Verbal acceptance will not be valid; it must be in writing.

b) In the event that all candidates accept the result, the Returning Officer will immediately declare it and will provide a statement of the turnout and the name of the successful candidate which the Responsible Committee can email to its members.

c) In the event that one or more candidates do not accept the result, the result will not be declared immediately. Candidates will have seven days to accept the result, to formally withdraw from the selection, or to submit an appeal in accordance with the current appeals protocol. Any candidate (including the winning candidate) who neither accepts the result, nor withdraws, nor submits an appeal within seven days, is deemed to have withdrawn from the selection. The result will be declared once all candidates accept the result, or the seven-day deadline has passed without appeal, or once any appeal has been decided.

d) If a winning candidate withdraws from the selection, or does not accept the result within the seven-day period and is hence deemed to have withdrawn, the ballots will be counted again, with the second preference votes of the withdrawn candidate(s) being redistributed.