

Rules for the selection of candidates for large single posts in England - shortened process

Introduction

Overview of the process

In order to ensure that all such elections have an appropriately approved and democratically selected candidate, Article 18 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. The use of this shortened version of the rules must be authorised by the Regional Candidates' Chair.

Regional Candidates' Chair(s) (RCC [s]) will appoint an independent Returning Officer (RO) from outside the Relevant Electoral Area (REA).

Where the REA is within a single local party, the Returning Officer will work with the local party officers to ensure that the selection process is completed satisfactorily in accordance with these rules.

Where the REA covers more than one local party, the local party executives within the REA will agree the appointment of a liaison committee with the Returning Officer. In the case of very large REAs the liaison committee will be decided by the Regional Executive(s). The Returning Officer will then work with the liaison committee to ensure that the selection process is completed satisfactorily in accordance with these rules.

Phase 1: The local party officers/liaison committee 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 RO.

Phase 3: Members' meetings, vote and count. The result is declared.

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The principles underlying these rules

These rules shall be used for the selection of candidates in large single posts in England, with the following exceptions: by-elections, the re-selection of existing post holders, and list elections, where separate processes shall apply. In the event of an imminent election, the ECC may vary these rules to ensure that all REAs 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 • Fair
- Accountable • Robust
- Inclusive • 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.

Members of the local party executive, liaison committee, applicants and applicants' supporters must not comment to the press on an internal party selection at any stage while the selection is in progress, and the details of all applications and assessments of candidates must be kept confidential at all times.

In these rules, the words, 'must', 'shall' and 'will' refer to mandatory actions.

The words 'may', 'could' and 'should' refer to optional actions.

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Phase 1

From the decision to select to the close of applications

In brief

After deciding to start the selection process, the Regional Candidates' Chair(s) will appoint a Returning Officer.

Where the REA is within a single local party, the Returning Officer will meet local party officers to agree a timetable for the selection and arrangements for the

member mailing and member meeting.

Where the REA covers more than one local party, the local party executives within the REA will agree the appointment of a liaison committee to represent them, with the Returning Officer. In the case of very large REAs the liaison committee will be decided by the Regional Executive(s). The Returning Officer will then meet with the liaison committee to agree a timetable for the selection and arrangements for the member mailing and member meeting.

The seat is advertised on the Party website and elsewhere.

Interested potential applicants will be able to contact a nominated member from the REA 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 is **inclusive, fair and transparent.**

In detail

A. Getting started: Returning Officer

1. RCCs will draw up an outline timetable for selections within the REA. Local Party Executive(s) or the Regional Executive deciding to start the selection process must resolve to do so at a meeting of each of the Local Party Executives or the Regional Executive.. They must then ask their Regional Candidates' Chair (RCC) for permission to proceed and for an independent, accredited Returning Officer to be appointed. Where a single Local Party is within the REA they must provide the name of a contact from the Local Party Executive with whom the RCC can liaise.

Where more than one Local Party is within the REA, either the Local Party Executives must appoint members to a joint liaison committee and
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provide the name of a contact from that committee with whom the RCC can liaise, or the Regional Executive will take responsibility for the selection and must provide the name of a contact with whom the RCC can liaise.

2. The RCC(s) will appoint a Returning Officer from the list of accredited Returning Officers held by the English Candidates' Committee (ECC). In normal circumstances the Returning Officer shall not be a member within the REA to which they are to be appointed, nor shall they have any personal interest in the selection.

3. The Returning Officer will:

- Support the local party officers/regional executive/liaison committee through

the selection process

- Protect the interests of members
- Ensure the fair and equal treatment of applicants
- Ensure that the selection rules are followed

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 Returning Officers' Guidance.

5. The Returning Officer must brief the Regional Executive(s) / local party executive(s) on the selection process before commencing the selection.

6. The Regional Candidates Chair (RCC) may appoint a replacement Returning Officer, a substitute Returning Officer, or deputy Returning Officer(s) for any part of the selection, if this becomes necessary at any time.

7. The Regional Executive will determine which party bodies will bear the expense of the selection and how it is to be shared between them.

B. Advertisement

8. The Regional Executive(s) / local party executive(s) / liaison committee, 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 member mailing and the member meeting(s).

9. The advertisement must include the following:

- The requirement for a personal CV/manifesto
- The current political position, number of members and level of activity within the REA or details on where this information can be found
- The name and contact details for at least one impartial member who can provide applicants with further details
- Details of how to access the selection rules

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10. The local party/regional executive/liasion committee must advertise the selection on the Party website, including required standard wording (see Returning Officers' Guidance) and should also advertise more widely. They 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).

11. The advertisement on the Party website will be placed by the Returning Officer, but paid for by the regional or local party/parties as appropriate. 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.

12. The local party/regional executive/liasion committee shall decide whether or not they wish to consider applicants who are not on the Party's approved 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.

C. Who can 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 can 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(s) and for passing it to applicants when the shortlist is published.

In detail

13. Eligible members of Local Parties who live within the REA will be entitled to vote in the selection.
 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 6 months, when the Returning Officer shall determine and publish a new cut-off date.
 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.
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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. 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.

16. The Returning Officer will provide the selection register to the relevant local party data 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 Data Officers that they must advise Membership Services of

any discrepancies in their Local Party's list and encourage their members to pay any over-due 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.

17. The selection register must be used for:

- Deciding who can 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

18. 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. Non-target seats may normally proceed to selection with only one applicant. Where there are six or more applications, the selection must revert to the standard selection process.

19. 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(s)/regional executive, 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 body and by reference to any relevant guidance then in force

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20. 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 Candidates' Office.

21. 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 parties in the REA prepare and send a members' mailing to all members entitled to vote in the selection. This contains:

- The candidates' manifestos /CVs
- The selection criteria
- A ballot paper
- Details of the members' meeting(s)

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

22. A members' mailing shall be produced by the local party officers / liaison committee / regional executive 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 / liaison committee / regional executive may also decide to send the members' mailing to non-voting members.

23. The mailing should contain:

- a) A ballot paper for each voting member

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- 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

24. The mailing is produced and paid for by the regional or local party/parties as determined by the Regional Executive at the start of the selection:

- 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

25. 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

26. In addition to the members' mailing candidates may use any means (other than direct bulk 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.

27. The amount of money that candidates can spend on their campaign will be limited by an expenditure cap agreed in advance by the local party officers / liaison committee / regional executive, 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 can ask the Returning Officer to investigate if they think the limit has been exceeded.

28. 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.

29. The returning officer will arrange for however many bulk unsolicited emails (as agreed in rule 28 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.

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

30. Unsolicited SMS messages are not permitted.

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

32. Candidates and anyone acting on their behalf:

- 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)
- Must not use their campaign to denigrate others
- May use photographs as they wish as long as they comply with these rules and both the copyright holder and the subject(s) of the photograph have given permission
- Must not use written endorsements of their candidature
- May allow any supporters to campaign on their behalf but must ensure that all such people comply with these rules
- Must ensure that their actions, and those of their supporters, comply with the Candidates' Code of Conduct
- May continue with their normal Party activities and campaigning during the selection
- Must preserve all campaign material and communication until the selection is complete and the result formally announced and accepted

Postal Voting

33. All voting members will receive a ballot paper with their member's mailing. Completed ballot papers are to be sent by post or may be delivered by hand to the address given by the Returning Officer. The members' mailing will state clearly the last date and time by which ballot papers can arrive in order to be counted.

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Phase 3

The members' meeting(s), vote and count

In brief

The local party officers / liaison committee / regional executive is responsible for organising and running the members' meeting(s) with the guidance of the Returning Officer, who attends the meeting(s).

The Returning Officer (or his/her aides) conducts the count at a convenient time and place after the deadline for return of ballot papers.

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

34. The local party officers / liaison committee / regional executive must arrange at least one members' meeting. All members' meetings must take place before the count. 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) all shortlisted applicants will be invited to:

- Meet members
- Speak
- Answer questions

35. The members' meeting(s) shall be chaired by an impartial member and attended by the Returning Officer.

36. 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 Large single seat rules – shortened version Updated December 2018

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.

37. 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.

38. 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).

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

The vote and count

40. The vote will be conducted by the alternative vote method (i.e. STV for single candidate elections) according to the instructions in appendix B.
41. 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.
42. Ballot papers will be numbered and the numbers recorded on the selection register.
43. 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.
44. The votes will be counted by the Returning Officer (according to the alternative vote system outlined in appendix B) at a convenient date and time following the deadline for the return of ballot papers. Relevant party representative(s), all candidates and their nominated supporter may attend.
45. 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.
46. 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 it. result.
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47. In the event that one or more candidates do not accept the result, the result will not be declared immediately. Candidates will have 7 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.
48. In the event that all candidates accept the result, the Returning Officer will immediately declare it.

Trouble-shooting

In brief

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

- If an applicant or candidate withdraws
- If 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

49. Before the announcement of the shortlist, for seats using this version of the rules, no action is required as long as one applicant remains. However, the local party officers / liaison committee / regional executive in consultation with the Returning Officer may decide not to proceed if fewer than two applicants remain.

50. If a candidate withdraws at any time between 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 and the ballot papers should be altered to reflect the new shortlist
- If the members' mailing has been sent 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.

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51. If a candidate withdraws at a members' meeting existing ballot papers will be used and an explanation given to the members with instructions to delete the withdrawn candidate.

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

Breaches of the rules

53. If applicants/candidates or members of the REA 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

54. Once they have been notified of alleged breaches of the rules (rule 52, above) the Returning Officer will:

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

55. 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.

56. 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)

57. If an appeal is lodged, the Returning Officer shall immediately suspend the selection and inform the RCC, all applicants/candidates, the shortlisting committee 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

Large single post for a larger than that Westminster constituency

An elected position for which the electorate is

Members' meeting A meeting of members in an electoral area, where candidates speak and are asked questions.

PPERA Political Parties, Elections and Referendums Act Publications Includes electronic as well as printed media being offered to members

REA Relevant Electoral Area

RCC Regional Candidates' Chair

RO Returning Officer

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RON Re-open nominations – an option available on a ballot paper in the case of non-standard shortlists

Selection register List of members eligible to vote in a selection The Party

Liberal Democrat Party

Written Post, fax, e-mail, or hand delivered unless specifically stated otherwise.

Strategic Seats Team The team within the Elections & Skills department responsible for the Party's Strategic Seats programme (formerly known as Priority or Target Seats programme)

Potential Target Seat* A seat that has been identified by the Strategic Seats Team as being potentially eligible for inclusion in the Strategic Seats programme

Non-Target Seat* Any seat which is not a potential target seat * (Please note that none of these seat categories are fixed; all are based upon performance and the category of a seat may change within an electoral cycle)

Appendices to the rules for selection of candidates for single posts in England

Appendix A: Rules for the conduct of appeals to panels of the English Candidates' Committee 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)

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

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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; and
- (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, e-mail 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.

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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 despatch of notification to the applicants of the shortlist. No mailing shall be despatched 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.

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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; and
- (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;

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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; and
- (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, and
- (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).

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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

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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; or (b) prevent anyone relying on matters contained in a document supplied late;
- or

(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.

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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

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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; and
- (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; and

- (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 Large single seat rules – shortened version Updated December 2018

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 Appeal's 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.

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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 3 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 clause 48 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.

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- 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 (g) 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:

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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