

# Part C - Administering the poll

Scottish Parliamentary election:  
guidance for Returning Officers

Published December 2015 (updated December 2020)

In this guidance we use 'must' when we refer to a specific legal requirement. We use 'should' for items we consider to be recommended practice, but which are not legal requirements.

## Translations and other formats

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Tel: 020 7271 0500

Email: [publications@electoralcommission.org.uk](mailto:publications@electoralcommission.org.uk)

# Updates to this document

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# 1 Engaging with political parties, candidates and agents

- 1.1 As Constituency Returning Officer (CRO) you are responsible for all aspects of the nominations process at the constituency contest and for the conduct of the poll for both the constituency contest and that part of the regional contest that falls within your constituency.
- 1.2 The Regional Returning Officer (RRO) is responsible for the nominations process at the regional contest.

**A** More detailed information on the roles and responsibilities of the CRO and the RRO is contained in [Part A – Roles and responsibilities](#).

- 1.3 You will need to engage with political parties, candidates and agents and your project plan should include details on how you will engage with them and how you will manage the nomination process(es) that you are responsible for.
- 1.4 There may be a significant number of new or less experienced political parties, candidates and agents who are unfamiliar with the practices and processes of standing for election and who will need your support to be able to participate effectively. It is therefore important that you engage parties, candidates and agents as much as possible so that they receive all the information they need in order to stand for election and they can have confidence that the processes are well-managed.
- 1.5 For example, it is vital that all parties and candidates know what they need to do in order to stand for election, what the spending limits are, how they can obtain the electoral register and what the restrictions are on the use of the register, including data protection considerations. One difficulty faced by Returning Officers is that those intending to stand for election do not always make contact with the election staff before submitting their nomination papers. You will therefore need to consider how you are going to raise awareness and promote the availability of information and briefings to all parties, candidates and agents before they complete and submit their nomination papers.



To be able to meet the outcome set out in [performance standard 2](#) you should ensure that information on the election process and spending is easily available for candidates and agents, including through ensuring they are issued with written guidance.



To demonstrate that the outcome can be delivered you will need to have in place written guidance to be issued to candidates.

- 1.6 If you are not also the RRO, you should also liaise with the RRO to determine what information on local processes they will require for sharing with parties, candidates and agents and to agree how this information should be disseminated.

## Briefings

- 1.7 You should ensure that parties, candidates and election agents are offered a briefing session on the processes specific to the contest they are standing in, including local arrangements. The briefings should allow for the fact that there may be people who have little or no knowledge of election rules and procedures or who have not involved themselves in elections for some time.
- 1.8 All briefing sessions should highlight the importance of following the election rules.
- 1.9 In relation to the constituency contest you should provide a briefing on the nomination process including deadlines, submission rules, the use of commonly used names, the completion of nomination papers, the use of party names, descriptions and emblems, and the methods for paying the deposit.
- 1.10 If you are also the RRO, you should provide a briefing on the nominations process for the regional contest including deadlines, submission rules, the use of commonly used names, the completion of nomination papers, the use of party names, descriptions and emblems, and the methods for paying the deposit. You should liaise with the CROs in your region about how information about local arrangements will be provided to parties, candidates and agents, including their contact details and information on the dates, times and venues for the key election processes, such as postal vote issue and openings, polling, and the verification and count.
- 1.11 You should also cover the standards of behaviour you expect from supporters in the areas of the polling place on polling day.
- 1.12 While you should invite all potential candidates and parties to a briefing session ahead of or at the start of the nominations period, you may choose to hold an additional briefing session after the parties or candidates standing for election have been confirmed after the close of nominations.
- 1.13 Your briefing session(s) should also highlight any security arrangements that have been put in place in consultation with the police. You may wish to invite your police single point of contact (SPOC) to attend any briefing sessions, or to provide written material that you can provide to parties,

candidates and agents. You also should also invite the Electoral Registration Officer (ERO) to your briefing.

- 1.14 We have produced a [template presentation for candidates and agents at the constituency contest](#) and a [template presentation for parties, candidates and agents at the regional contest](#) which are available on our website and which you may want to use as a basis for briefing candidates and agents in your area.



To be able to achieve the outcome set out in [performance standard 2](#) you will need to ensure that information on the election process and election spending is easily available for parties, candidates and agents.

To demonstrate that the outcome can be delivered you will need to arrange briefing sessions and produce briefing resources.

## Providing information on the election process

- 1.15 You should ensure that candidates and election agents at the constituency contest are issued with written guidance on the election process, including local arrangements. The information should be provided in good time to enable parties, candidates and agents to act on it.
- 1.16 If you are also the RRO, you should ensure that parties, candidates and election agents at the regional contest are issued with written guidance on the relevant election processes, including local arrangements. You should liaise with the CROs in your region about how information about local arrangements will be provided.
- 1.17 The purpose of providing written guidance is so that parties, candidates and agents have access to authoritative and comprehensive guidance for reference at any time to ensure that they have all the information they need to take part in an election. It need not always be the case that such written guidance must be produced in hard copy – in some instances it may be appropriate to provide parties, candidates and agents with a link to where they can find the relevant information online – and it will be for the relevant CRO in each case to ensure that parties, candidates and agents can easily access the information they need and to do whatever is necessary to facilitate this.
- 1.18 As part of your plans for engaging with parties, candidates and agents and supporting their participation in the elections, you will need to determine how information about local arrangements will be provided to parties, candidates and agents.
- 1.19 Local arrangements will include information on the dates, times and venues for the key election processes, including:

- postal vote issue and openings
- polling
- the verification and count

1.20 Whatever method you will be using for disseminating the information, you should ensure that parties, candidates and agents can easily access all the information they need in order to be able to participate in the election.



To be able to achieve the outcome set out in [performance standard 2](#) you will need to ensure that information on the election process is easily available for candidates and agents.

To demonstrate that the outcome can be delivered you will need to provide candidates and agents with written information.

## Nomination packs

### Constituency contest

1.21 You should prepare a nomination pack for any person who expresses an interest in standing in the constituency contest.

**A** We have produced a set of nomination papers for [the constituency contest](#) that contains all the forms needed for nomination. The forms can be found on our website.

1.22 The nomination pack for the constituency contest should contain:

- a nomination form
- a consent to nomination form
- a form for the candidate (or someone on their behalf) to give notice of appointment of an election agent
- forms for the election agent to give notice of appointment of sub-agents
- forms for the candidate or election agent to give notice of appointment of polling agents, postal voting agents and counting agents
- a certificate of authorisation to allow a candidate to stand on behalf of a registered political party
- a form for a candidate standing on behalf of a registered political party to request the use of an emblem
- details of how the deposit should be paid, including information on acceptable methods of payment
- written guidance for candidates and agents covering key aspects of the electoral process, including the qualifications and disqualifications for election, the nominations process, campaigning

- dos and don'ts, accessing electoral proceedings and what happens after the declaration of the result
- details of any local arrangements, such as the arrangements for the opening of postal votes, the poll and the count
- a copy of the [Code of conduct for campaigners in Great Britain](#) which sets out what is, and is not, considered acceptable behaviour at polling stations and in the community
- details of how to obtain a copy of the electoral register and the absent voters lists, and forms to make such requests with information on where to send these requests to. You should highlight that the information contained in the electoral register and absent voting list may only be used in accordance with the relevant regulations and data protection legislation.
- information on the spending limit for candidates and parties at the election and [guidance for candidates and agents on spending and donations](#)
- a form for a candidate to withdraw from the contest if they decide to do so after they have been validly nominated
- any other relevant information

**A** The Commission's guidance for candidates and agents at a Scottish Parliamentary election can be found on our website at: [www.electoralcommission.org.uk/i-am-a/candidate-or-agent/scottish-parliamentary-elections](http://www.electoralcommission.org.uk/i-am-a/candidate-or-agent/scottish-parliamentary-elections).

## Regional contest

1.23 If you are also the RRO, you should prepare a nomination pack for any person or registered political party who expresses an interest in standing in the regional contest.

**A** We have produced a set of nomination papers for [registered political parties submitting a list of candidates](#) and also for [individuals standing as an individual regional candidate](#) that contain all the forms needed for nomination.

1.24 The nomination pack for registered political parties submitting a list of candidates should contain:

- a nomination form
- consent to nomination forms (to be completed by each candidate on the regional party list)
- a form to give notice of appointment of an election agent by the registered party or someone on their behalf
- forms to give notice of appointment of sub-agents by the election agent
- forms to give notice of appointment of polling agents, postal voting agents and counting agents by the election agent

- a certificate of authorisation for a Nominating Officer or someone on their behalf to authorise candidates to use the party's name, or the name and a description
- a form for a Nominating Officer or someone on their behalf to request the use of a registered emblem
- details of how the deposit should be paid, including information on acceptable methods of payment
- written guidance for parties, candidates and agents covering key aspects of the electoral process, including the qualifications and disqualifications for election, the nominations process, campaigning dos and don'ts, accessing electoral proceedings and what happens after the declaration of the result
- details of any local arrangements for each constituency in the region, such as the arrangements for the opening of postal votes, the poll and the count
- a copy of the [Code of conduct for campaigners in Great Britain](#) which sets out what is, and is not, considered acceptable behaviour at polling stations and in the community
- details of how to obtain a copy of the electoral register and the absent voters lists for each constituency in the region, and forms to make such requests with information on where to send these request forms to. You should highlight that the information contained in the electoral register and absent voting list may only be used in accordance with the with the relevant regulations and data protection legislation.
- information on the spending limit for candidates and parties at the election and [guidance for candidates and agents on spending and donations](#) and [guidance for political parties on spending and donations](#)
- a form for a registered party to withdraw any or all of their candidates from the contest if they decide to do so after they have been validly nominated
- any other relevant information

**A** The Commission's guidance for candidates and agents at a Scottish Parliamentary election can be found on our website at: [www.electoralcommission.org.uk/i-am-a/candidate-or-agent/scottish-parliamentary-elections](http://www.electoralcommission.org.uk/i-am-a/candidate-or-agent/scottish-parliamentary-elections)

1.25 The nomination pack for individual regional candidates should contain:

- a nomination form
- a consent to nomination form
- a form for the candidate (or someone on their behalf) to give notice of appointment of an election agent
- forms for the election agent to give notice of appointment of sub-agents
- forms for the candidate or election agent to give notice of appointment of polling agents, postal voting agents and counting agents

- details of how the deposit should be paid, including information on acceptable methods of payment
- written guidance for candidates and agents covering key aspects of the electoral process, including the qualifications and disqualifications for election, the nominations process, campaigning dos and don'ts, accessing electoral proceedings and what happens after the declaration of the result
- details of any local arrangements for each constituency in the region, such as the arrangements for the opening of postal votes, the poll and the count
- a copy of the [Code of conduct for campaigners in Great Britain](#) which sets out what is, and is not, considered acceptable behaviour at polling stations and in the community
- details of how to obtain a copy of the electoral register and the absent voters lists for each constituency in the region, and forms to make such requests with information on where to send these request forms to. You should highlight that the information contained in the electoral register and absent voting list may only be used in accordance with the relevant regulations and data protection legislation
- information on the spending limit for candidates at the election and [guidance for candidates and agents on spending and donations](#)
- a form for a candidate to withdraw from the contest if they decide to do so after they have been validly nominated
- any other relevant information

**A** The Commission's guidance for candidates and agents at a Scottish Parliamentary election can be found on our website at: [www.electoralcommission.org.uk/i-am-a/candidate-or-agent/scottish-parliamentary-elections](http://www.electoralcommission.org.uk/i-am-a/candidate-or-agent/scottish-parliamentary-elections)

## Guidance on spending limits

- 1.26 Parties and candidates are required by law to follow certain rules regarding how much they can spend, who they can accept donations from, and what they must report after the election.
- 1.27 You should ensure that parties, candidates and election agents are issued with information on calculating the candidate spending limit (including whether constituency is a 'county' and 'burgh' constituency), spending returns and declarations in order to enable them to meet reporting requirements.
- 1.28 Candidates at the constituency election and individual regional candidates at the regional election, will need the total number of electors on the local government register for the constituency or for the region, as

appropriate, on the last day for the publication of the notice of election (i.e. 28 working days before the poll,), excluding any attainers who will not be 16 years old on or before polling day.

- 1.29 If you are also the RRO, this means that you will need to liaise with the CROs in your region to obtain the relevant electorate figures and communicate this information to political parties and individual regional candidates to enable them to meet their reporting requirements.

We have produced guidance on spending and donations for [candidates](#) and [political parties](#) which you can use to provide parties, candidates and agents with information on spending returns and declarations in order to enable them to meet their reporting requirements.

## Providing information on accessing the electoral register

- 1.30 The Electoral Registration Officer (ERO) is required to supply Returning Officers with such copies of the electoral register as are required for the different aspects of the election.
- 1.31 If you are not also the ERO, or if your constituency crosses local authority boundaries, you should liaise with the relevant ERO(s) so that you can obtain any updates to the electoral register(s) in a timely manner. If you are also the RRO, you will need to liaise with EROs from across your region.
- 1.32 Constituency candidates and individual regional candidates are entitled to a free copy of the full register on written request. In the case of a registered party which submits a list of candidates as regional members, the election agent for the party list is entitled to a copy of the full register.
- 1.33 While the legal responsibility for supplying registers rests with the ERO for each council area, if you are a CRO for a constituency which crosses council boundaries, you should have in place plans for managing or coordinating requests and supplying copies of the registers to candidates to ensure that all candidates can be supplied with registers in such a way that they have timely and easy access to them.
- 1.34 If you are also the RRO, you should have in place plans for managing or coordinating requests and supplying copies of the registers for the whole of the region to ensure that all those entitled to them are supplied with the registers in such a way that they have timely and easy access to them.
- 1.35 For example, you may consider supplying the registers centrally on behalf of all the EROs in the constituency or, in the case of an RRO, the region, and include a request form in the nomination pack that covers all council areas in the relevant electoral area. The benefit of this approach is that it could operate so that candidates or election agents only need to



complete one request form covering all council areas and receive their registers from a single place, instead of having to approach each ERO separately with individual requests.

- 1.36 You would also need to consider, however, the practicalities of collating the registers and in particular the updates to the register, and to discuss and agree with the EROs how the various registers and updates to them could be brought together for subsequent timely supply, including how this would work for both printed and data copies. The registers must be supplied in data form unless a printed copy has been specifically requested.



No version of the register or any absent voting lists published or otherwise made available should contain data relating to those under 16 years of age. However, there are limited exceptions to this which are fully detailed in our [guidance on data relating to those under 16 years of age](#). In relation to Scottish Parliamentary elections, the exceptions where the data may be disclosed are:

- to the individual themselves (including to demonstrate that they are a permissible donor, in which case the data must be disclosed) or to a person they have appointed as proxy to vote for them
- for the purposes of a criminal investigation or criminal proceedings relating to the registration of electors or the conduct of elections
- to EROs and Returning Officers in connection with the registration of electors or the conduct of elections.

The only other exception is that before a Scottish Parliamentary election, the information on those under 16 years of age **who will be eligible to vote at the election** (i.e. will attain the age of 16 on or before polling day), can, for the purposes of or in connection with the election, be disclosed in the electoral register, postal voters list, list of proxies and list of postal proxies, that is supplied to:

- candidates at a Scottish Parliamentary election for electoral purposes or to comply with the rules on political donations
- the Returning Officer for the purposes of a Scottish Parliamentary election
- the Electoral Commission. In this case, the Commission is only allowed to use the information in connection with its functions relating to donation controls and publication of information about donors, but the latter does not enable publication of the names and addresses of those under 16 years old.

The information supplied before an election must not contain dates of birth, or anything else that would identify a voter as under 16 years old.

No other individuals or bodies may be supplied with any information relating to those aged under 16 years old.



**A** Detailed information on access and supply of the full electoral register and absent voters lists to candidates, registered political parties (who can request a copy at any time) and others can be found in the [access and supply](#) part of our guidance for EROs.

- 1.37 The Commission has produced [template electoral register](#) and [absent voter list request](#) forms that can be used by candidates and election agents.

## Access needs for candidates

- 1.38 You should bear in mind that candidates and agents may have specific access needs, and so may need any information or guidance produced in a large-print or other format, such as Braille or audio, or in a language other than English.

## 2 The nominations process

- 2.1 This chapter provides comprehensive guidance for CROs and RROs on the administration of the nominations process at both the constituency and regional contests.
- 2.2 Questions of eligibility or disqualification are for the candidate only and you should not give advice on such matters. In the first instance, the candidate should be directed to the [Commission's guidance for candidates and agents](#) at a Scottish Parliamentary election. Should they have any further concerns, they should be advised to seek their own legal advice.

### Forms for nomination

- 2.3 Neither candidates nor parties have to use the nomination forms that you, whether as CRO or RRO, have produced, as long as their nomination form is as prescribed<sup>1</sup>.
- 2.4 Under Section 86(5) of the Scottish Parliament (Elections etc.) Order 2015 nomination forms can only be produced in English and not in any alternative languages or formats.
- 2.5 You must prepare constituency nomination forms for signature if requested<sup>2</sup>. If you are also the RRO, you must also prepare individual regional candidates' nomination papers for signature if requested<sup>3</sup>.
- 2.6 RROs are not required by law to prepare the regional list form for signature, only to supply it. However, if you are also the RRO, you should, wherever possible, provide assistance in completing the forms if a Nominating Officer (or the person authorised in writing to act on their behalf) asks for it.

**A** We have produced a set of nomination papers for the [constituency contest](#), [political parties standing at the regional contest](#), and [candidates at the regional contest who are not standing on behalf of a political party](#), that can be provided to candidates and parties. Our set of nomination papers have been updated to include enhanced data protection messaging and you should ensure that you use the most up to date version.

### Constituency candidates

- 2.7 A constituency candidate is deemed to be validly nominated only if you have, by 4pm on the twenty-third working day before the poll <sup>4</sup>, received the following completed forms and the deposit of £500<sup>5</sup> (see paragraphs **2.121** to **2.123**):
- the nomination form<sup>6</sup>
  - a consent to nomination<sup>7</sup>

2.8 To stand on behalf of a registered political party, the party must be registered on the Commission's register of political parties at <http://search.electoralcommission.org.uk> and be listed as allowed to field candidates in Scotland, and the candidate will also need to submit:

- a certificate of authorisation, authorising the use of the party name on the ballot paper (as prescribed)<sup>8</sup>
- a written request to use one of the party's emblems (if desired)<sup>9</sup>

## Individual regional candidates

2.9 An individual regional candidate is deemed to be validly nominated only if the RRO, has by 4pm on the twenty-third working day before the poll, received the following completed forms and the deposit of £500 (see paragraphs **2.125** to **2.126**):

- the nomination form<sup>10</sup>
- a consent to nomination<sup>11</sup>

## Regional party list

2.10 Any party standing at the regional contest must be registered on the Commission's register of political parties at <http://search.electoralcommission.org.uk> and be listed as allowed to field candidates in Scotland<sup>12</sup>.

2.11 The party and each candidate included on its list are deemed to be validly nominated only if the RRO has, by 4pm on the twenty-third working day before the poll, received the following completed forms and the deposit of £500 (see paragraphs **2.127** to **2.129**):

- the regional party list nomination form<sup>13</sup>
- a consent to nomination for each candidate on the party list<sup>14</sup>
- a certificate of authorisation<sup>15</sup>, authorising the use of the party name and, if so desired, a registered description on the ballot paper (as prescribed) – to be provided with the party list nomination form
  - a written request to use one of the party's registered emblems (if desired)<sup>16</sup>

## Informal checks

2.12 You, whether as CRO or RRO, should ensure that candidates and parties have the opportunity to have their nomination papers informally checked prior to their formal submission.

2.13 All candidates, agents and parties (as appropriate) should be given an equal opportunity to access an informal check. Informal checks are designed to assist candidates and parties with participating effectively in the electoral process so that, if possible, any errors made by them in completing the paperwork do not deny electors the opportunity to vote for that party or candidate. You should consider how you are going to

manage this process, for example by putting in place an appointment system.

- 2.14 When conducting an informal check it should be made clear that the nomination papers are being looked at informally. At the conclusion of the informal check, you should offer to return the nomination papers if an issue has been identified. If no issues have been identified, you should offer to accept them formally.



To meet the outcome set out in [performance standard 2](#) you will need to ensure that candidates have the opportunity to have their nomination papers informally checked prior to submission.

To demonstrate that the outcome can be delivered you will need to have in place arrangements for candidates to have their nomination papers informally checked prior to formal submission.

## Delivery of nomination papers

### Time of delivery

- 2.15 Nomination papers can be accepted on any working day from the day after the publication of the notice of election. It is for you, whether as CRO or RRO, to determine the times at which you will allow nomination papers to be delivered, and these times for delivery must be specified on the notice of election<sup>17</sup>.
- 2.16 The Convener of the Electoral Management Board (EMB) may direct or recommend when the notice of election should be published.
- 2.17 The deadline for nominations is 4pm on the twenty-third working day before the poll<sup>18</sup>. This deadline cannot be moved or extended for any reason.
- 2.18 Delivery is determined as being when the nomination papers are delivered, by hand where this is required, at the place specified in the notice of election<sup>19</sup>.
- 2.19 No appointment is required to deliver nomination papers. However, you, whether as CRO or RRO, should consider how you are going to manage the potential volume of nominations that you will receive. This could include offering appointments for informal checks and the formal delivery of the nomination papers.
- 2.20 It is the responsibility of the candidate or Nominating Officer (as appropriate) to ensure that their nomination papers are delivered in the correct manner and by the required deadline. If a completed set of nomination papers and the deposit have not been delivered by that time, the nomination has not been made which means that you cannot rule the nomination paper valid or invalid.

## Place of delivery

2.21 Nomination papers must be delivered to the location specified by you, whether as CRO or RRO, on the relevant notice of election<sup>20</sup>.

2.22 For the constituency contest, the location you choose must be<sup>21</sup>:

- in the constituency, or
- in the local government area (or, if more than one, any of the local government areas) in which the constituency is situated, or
- in any local government area adjoining any of the local government areas in which the constituency is situated.

2.23 For the regional contest, the location must be in the region<sup>22</sup>.

2.24 The address given for the delivery of nomination papers should be exact, and include any room name or number. This will avoid any doubt should nominations be delivered close to the deadline.

2.25 You should provide clear signage from the entrance of the building to the room set aside for delivery. This route, or an appropriately signposted alternative, should be fully accessible.

2.26 You or an appointed deputy must be present throughout the period for nominations and only you and your staff should deal with nominations. You should give details to other council staff, such as reception staff, of what to do if a person tries to deliver a nomination paper to them, making it clear that they should not handle nomination papers and should not offer to deliver them, but should instead direct them to you.

## Who can deliver nomination papers?

2.27 For constituency candidates, there are no restrictions on who can deliver the candidate's nomination form, consent to nomination, certificate of authorisation (party candidates only), or emblem request (party candidates only, if desired). However, you should advise candidates that they, their agent, or someone they trust delivers them, so they can be sure they are delivered to you in time.

2.28 For individual regional candidates, there are no restrictions on who can deliver the candidate's nomination form or consent to nomination. However, you should advise candidates that they, their agent, or someone they trust delivers them, so they can be sure they are delivered to you in time.

2.29 A party list nomination form must be submitted by the party's Nominating Officer or a person authorised in writing by them<sup>23</sup>. The certificate of authorisation must be provided with the party list nomination form<sup>24</sup>. There are no restrictions on who can deliver consent to nomination forms and emblem requests.

## How must nomination papers be submitted?

- 2.30 The nomination forms and consent to nomination forms must be delivered by hand and cannot be submitted by post, fax, email or other electronic means. The only exception to this is where a candidate is overseas, in which case their consent to nomination may be sent electronically<sup>25</sup>. Where a document is required to be delivered by hand, and not by a specific person, this can include delivery by a courier.
- 2.31 Certificates of authorisation and emblem request forms may be delivered by hand or by post, but cannot be submitted by fax, email or other electronic means.<sup>26</sup> However, the certificate of authorisation for party lists must be delivered alongside the nomination form (see paragraphs **2.70** to **2.97**) and therefore must be delivered by hand.
- 2.32 The **original version** of each completed document should be submitted. A certificate of authorisation, for example, which has been sent as an attachment to an e-mail to be printed out would be a 'copy document' and not the original document. A certificate requires a method of authentication to make it a certificate. This will, in practice in most cases, take the form of a signature to attest the truth of the facts stated. It could, however, also take the form of a seal. Whatever method of authentication is used, the document you receive must be the original document and not a copy document.
- 2.33 You, whether as CRO or RRO, should take steps to communicate the requirements relating to delivery of nomination papers to all prospective candidates, parties and agents and ensure that these requirements are highlighted in any local briefings or guidance you produce.
- 2.34 Once a nomination paper has been formally delivered, no changes can be subsequently made to it (subject to your power to correct minor errors). At the point of formal submission you should therefore endorse the paper with the date and time of delivery, so that you have a record of when each paper was formally submitted. If a candidate or party later decides that they want to make changes, for example to the description, they should withdraw and then submitting new nomination papers within the statutory timeframe.

## What to do if nomination papers are received by post

- 2.35 Any nomination papers received by post have not been 'delivered' in accordance with the rules. The candidate or party is therefore not deemed to stand nominated and no decision can be taken as to whether the papers are valid.
- 2.36 You, whether as CRO or RRO, should have processes in place for monitoring postal deliveries to the place designated for the delivery of nomination papers so that any papers received can be identified quickly.

- 2.37 You should try to contact the candidate, or the Nominating Officer if it is a party list nomination, using the details on the nomination form and advise them that nomination papers cannot be accepted by post and that they need to be 'delivered' by hand, by the appropriate person as set out in paragraphs **2.27** to **2.29** to the place and within the times specified on the notice of election in accordance with the rules. It is the candidate's or Nominating Officer's responsibility to ensure that this is done by the deadline for the receipt of nominations. You, whether as CRO or RRO, and your staff, are not permitted to deliver the papers.
- 2.38 The candidate or Nominating Officer (as appropriate) does not need to produce 'new' nomination papers or obtain new subscribers and you should retain any nomination papers you receive by post to enable them to be collected and delivered to you by hand.

## Delivering multiple nomination forms

- 2.39 There is no limit to the number of nomination forms that may be delivered. If a candidate or party is validly nominated by more than one form, the candidate or Nominating Officer (as appropriate) should choose which one of the valid nomination forms (the 'selected' nomination form) should be used for the details to be added to the statement of persons nominated or the statement of persons and parties nominated (as appropriate) and the ballot paper. If they cannot or do not do this, then you, whether as CRO or RRO, must choose which one of the forms will be used<sup>27</sup>.
- 2.40 If more than one nomination form is delivered and one of the nomination papers is invalid, that paper is excluded from the forms that can be chosen. As long as at least one nomination form is valid, the candidate or party (as appropriate) can be validly nominated.

## Attendance at the delivery of nomination papers

- 2.41 Only certain people are entitled to attend the delivery of nomination papers, inspect and make any objections to the validity of nomination forms. See paragraphs **2.46**, **2.47** and **2.48** below for further information on dealing with objections.
- 2.42 Nomination papers cannot be inspected by anybody else at any time.
- 2.43 Electoral Commission representatives and one other person chosen by a validly nominated candidate (whether a constituency candidate, individual regional candidate or a candidate on a party list) can also be present at the delivery of nomination papers, but they are not allowed to inspect or make any objections to nomination papers<sup>28</sup>.



2.44 You must keep the nomination papers secure and allow inspection of the nomination forms by the persons permitted to inspect these until the deadline for making objections to the nomination papers<sup>29</sup>.

2.45 Once the deadline for making objections has passed, you should store the nomination papers securely for one year after the election due to the time limit for prosecution in case of an election petition

## Constituency nomination papers

2.46 After a constituency candidate has delivered their nomination papers and deposit and they stand validly nominated, they are entitled to attend the delivery of other candidates' nomination papers and make objections to the validity of constituency nomination forms. In addition to the candidate, the following persons will also be able to attend and make objections<sup>30</sup>:

- their election agent
- in the case of candidates standing for a registered political party, that party's Nominating Officer (or a person authorised to act on their behalf)
- if a candidate is their own election agent, they can appoint one other person to attend the delivery of nomination papers and make objections to the validity of a nomination form

## Individual regional candidate nomination papers

2.47 After an individual regional candidate has delivered their nomination papers and deposit and they stand validly nominated, they are entitled to attend the delivery of regional nomination papers and make objections to the validity of regional nomination forms. In addition to the individual regional candidate, the following persons will also be able to attend and make objections<sup>31</sup>:

- their election agent
- if an individual regional candidate is their own election agent, they can appoint one other person to attend the delivery of nomination papers and make objections to the validity of a nomination form

## Regional party list nomination papers

2.48 The following persons will be able to attend and make objections to the validity of regional nomination forms:

- the party list election agent or the Nominating Officer of a party who has submitted a party list
- a candidate included on a party list
- if a candidate on a party's list acts as election agent of that list, they can appoint one other person to attend the delivery of nomination papers and make objections to the validity of a nomination form



# Requirements of nomination

- 2.49 This section contains an explanation on what must be included on the nomination papers. It is designed to assist you in reviewing and ultimately determining the validity of nomination papers.
- 2.50 You should remind any person delivering the nomination papers that it is a criminal offence to knowingly make a false statement on nomination papers. If the nomination form includes a commonly used name, you should highlight that the offence also applies if a commonly used name is given that the candidate does not actually commonly use. You may warn candidates and parties that the penalty for a false statement is either a fine, currently set at a maximum of £10,000<sup>32</sup>, and/or up to one year's imprisonment.

## Nomination form

### Candidates' names

- 2.51 Candidates' full names must be listed on the nomination forms for both the constituency and the regional contest, with their surname given first followed by all of their other names in full<sup>33</sup>.
- 2.52 The prescribed nomination forms contain no space for prefixes or suffixes.
- 2.53 Candidates and parties should be advised not to use prefixes such as Mr, Mrs, Dr or Cllr, or suffixes, in the field of the nomination form asking for the candidate's full name. If a prefix or suffix is included as part of the actual name the nomination form would not be invalid as a result, but the prefix or suffix should not be transferred to the statement of persons nominated or the statement of persons and parties nominated (as appropriate). If a nomination form is submitted with a prefix or suffix as part of a candidate's actual name, you should inform the party, candidate and their agent that it will not appear on the statement of persons nominated or the statement of persons and parties nominated (as appropriate), but that their nomination has not been affected<sup>34</sup>.
- 2.54 However, if a candidate has a title, they can use this as their full name. For example, if the candidate's actual name is Joseph Smith, but their hereditary title is Joseph Avon, they can use the name Joseph Avon as their full name<sup>35</sup>.

### Commonly used names

- 2.55 Where a candidate commonly uses a name that is different or partly different to their actual name, they can ask for their commonly used name(s) to be used instead of their actual name.
- 2.56 A candidate can request to use a commonly used forename, surname or both. For example, they may be known by their abbreviated name 'Andy', rather than their full first name 'Andrew'. In that case, they can

write 'Andy' into the commonly used forename box on the nomination form if they would rather that name appear on the ballot paper.

- 2.57 A candidate may also use initials as part of their commonly used name if they are commonly known by them.
- 2.58 It is not for you, whether as CRO or RRO, to decide whether the commonly used name is a 'name' that the candidate commonly uses or whether it meets the legal requirement to be different from any other name they may have. The law requires you to take whatever has been entered in the commonly used name box at face value and to accept it as the candidate's commonly used name.
- 2.59 The only grounds you have in law for rejecting a commonly used name is that you consider that<sup>36</sup>:
- its use may be likely to mislead or confuse electors, or
  - it is obscene or offensive
- 2.60 If at an informal check stage, you are presented with a nomination form that has been completed in such a way that it appears to you that the commonly used name given does not comply with the legislative requirements, you should draw the candidate or party's attention to the legal definition of a commonly used name and highlight that it is an offence to knowingly make a false statement on the nomination form. You should also point out that if a nomination form is not completed in accordance with the law, the candidate or party will run the risk of challenge if they are elected.
- 2.61 It is the candidate or party's responsibility to ensure that they have completed their nomination in accordance with the law and to be satisfied that the given commonly used name is a name that the candidate genuinely commonly uses.
- 2.62 In the course of providing informal advice, you may wish to draw attention to our [guidance for candidates and agents](#) on commonly used names.
- 2.63 The table below contains a number of worked examples of various combinations of commonly used names and how this would affect the appearance of the candidate's name on the statement of persons nominated or the statement of persons and parties nominated (as appropriate) and, in the case of constituency candidates and individual regional candidates, the ballot paper. The names of candidates on a party list do not appear on the ballot paper but they will appear on a notice which must be displayed in all polling stations and sent to all postal voters<sup>37</sup>. It will show the names of all candidates on each party list, followed by the names of the individual regional candidates as given on the statement of persons and parties nominated.

| Candidate's actual surname | Candidate's other names in full | Commonly used forenames | Commonly used surname | Name to go on statement of persons nominated or statement of persons and parties nominated (as appropriate) | Name to go on the ballot paper (constituency candidates and individual regional candidates only) |
|----------------------------|---------------------------------|-------------------------|-----------------------|---|--|
| Elector                    | Ann                             | Elsie                   | Voter                 | Voter, Elsie  | <b>VOTER, Elsie</b>  |
| Elector                    | Ann                             | [Blank]                 | Voter                 | Voter, Ann  | <b>VOTER, Ann</b>  |
| Elector                    | Elsie Ann                       | Elsie                   | [Blank]               | Elector, Elsie  | <b>ELECTOR, Elsie</b>  |

2.64 If either the commonly used forenames or commonly used surname box is left blank, then the candidate's actual forenames or surname, depending on which commonly used name box has been left blank, will go on the statement of persons nominated or the statement of persons and parties nominated (as appropriate) and the ballot paper (where appropriate).

2.65 You should advise the candidate or for regional purposes the party that the use of commonly used names applies only to the statement of persons nominated or the statement of persons and parties nominated (as appropriate) and the ballot paper (where appropriate). The candidate's actual name should appear on any documents that are required to show the candidate's name, such as the imprint and candidate's spending returns.

2.66 If you refuse the use of a commonly used name, the validity of the nomination form remains unaffected. Instead, the effect is that the candidate's full name will appear on the statement of persons nominated or the statement of persons or parties nominated (as appropriate) and, in the case of constituency candidates and individual regional candidates, on the ballot paper. This should be made clear to candidates, parties and agents and you must write to the candidate setting out the reasons for refusing to allow the use of the commonly used name<sup>38</sup>.

### Home address

2.67 Unlike other elections, all candidates, whether constituency candidates, individual regional candidates or those on a party list, must provide their home address on their nomination paper, which: <sup>39</sup>

- must be completed in full
- must not contain abbreviations
- must be their current home address
- must not be a business address (unless the candidate runs a business from their home)

2.68 If any detail of the home address is wrong or omitted, the nomination is not automatically invalid if the description of the place is such as to be commonly understood.

### **Witnesses**

2.69 Nomination papers for constituency candidates and individual regional candidates must be signed and dated by the candidate and witnessed. The witness must sign the nomination form and provide their full name and address<sup>40</sup>.

2.70 The party list nomination form must contain a statement that it is issued by the Nominating Officer of the party or a person authorised in writing by them, and must be signed by them<sup>41</sup>. The Nominating Officer or the person authorised in writing by them must also provide their full name and date the form<sup>42</sup>.

## **Use of party names, party descriptions and party emblems**

2.71 In all cases, to be able to use a party's identifiers (i.e.name, description and emblem) the party must be registered on the [Commission's register of political parties](#) and be listed as allowed to field candidates in Scotland<sup>43</sup>.

2.72 Political parties can register up to 12 descriptions.

2.73 You must check that the party name and, in the case of the regional contest, any description as given on the nomination form is registered on the [Commission's register of political parties](#) and matches the registration exactly<sup>44</sup>. If it does not, you must reject that nomination<sup>45</sup>. Even if a registered party is well known, it is vital to check the register of political parties for the exact details of the party as registered with the Commission.

2.74 For the purposes of maintaining a clear audit trail and in case of any future challenges, you should print a copy of the relevant part of the [Commission's register of political parties](#) showing the party name and descriptions at the time of your determination.

2.75 Political parties can also register up to 3 emblems.

2.76 A Zip file of emblem images will be available on our website. However, while the Zip file is a tool that can be used by your printer to prepare ballot papers, it is the information on the [Commission's register of political parties](#) that should be used for confirming which emblem to print on the ballot papers.

### **Additions, alterations, removals and changes to party names, party descriptions and party emblems on the register of political parties**

2.77 The legislation provides that the removal or substitution of any registered descriptions may take effect up to and including the day before the

actual date of publication of the notice of election for any particular election (note that this is not the last day for publication of the notice of election but the actual day of publication). After that point, any changes or deletions to any party descriptions do not apply for that election.

- 2.78 For example, if as RRO you decide to publish your notice of election before the last day that the notice must be published by law, it is possible that a nomination may be submitted which bears a registered party description that no longer appears on the register of political parties. If the deletion of the description has taken effect after you have published your notice of election but before the last day for publication of notice of election, the deletion does not apply to your election and the 'old' description is still valid. In any such circumstances you can check with the [Scotland Office](#) of the Commission whether or not the submitted party description applies for your election.
- 2.79 You, whether as CRO or RRO, should also note that political parties may change their registered party name and emblems, and add any new description if they previously had registered fewer than 12 descriptions, at any time until the close of nominations.
- 2.80 Where a party attempts to submit a nomination paper bearing a description that has yet to be registered, you should advise them not to formally submit the paper, but to take it back and submit it once the description has been successfully registered.
- 2.81 If a party formally submits their nomination form with a description that is not yet registered, you must determine the nomination invalid on the basis that, when the determination is made, the description provided does not match any registered with the Commission<sup>46</sup>. You may wish to contact the Commission for confirmation that a description is not yet registered before making your determination. You can do this by contacting the [Scotland Office](#) at the Commission.

- For up-to-date information about political parties, registered descriptions and registered emblems, you should check the register of political parties on the Commission's website at <http://search.electoralcommission.org.uk>

If you have any queries, you should contact the Commission's [Scotland Office](#).

### **What descriptions can be used at the Scottish Parliamentary election?**

- 2.82 The legislation is precise about the use of descriptions. Different rules apply to constituency candidates, individual regional candidates and regional party lists which are set out below:

#### **Constituency candidates**

- 2.83 Constituency candidates may only use one of the following descriptions<sup>47</sup>:

- the word 'Independent'
- the registered party name of one registered political party

- the registered party names of two registered political parties
- 2.84 Constituency candidates cannot use any of a party's registered descriptions.
- 2.85 If a candidate wishes to use a party name, this must be authorised by the party's Nominating Officer (or a person authorised to act on their behalf)<sup>48</sup>. If the description on the nomination form matches one contained on our register of political parties or is a registered party name, a certificate of authorisation, signed by on or behalf of the party's Nominating Officer, must be submitted by the deadline for the delivery of nomination papers which is 4pm on the twenty-third working day before the poll<sup>49</sup>.
- 2.86 Candidates standing on behalf of two registered parties must use the registered names of both parties as their description but may include the word 'and' between them<sup>50</sup>. The benefit of adding the word 'and' is that it makes it clear to voters that the candidate is standing on behalf of two parties<sup>51</sup>. The candidate must submit a certificate of authorisation from each of the parties' Nominating Officers (or persons authorised in writing to act on their behalf) by the deadline for the delivery of nomination papers<sup>52</sup>.
- 2.87 Where the word 'Scottish' is not part of the registered party name, the party name on the nomination form can have the word 'Scottish' included in front of it. If the registered party name starts with the word 'the', the word 'Scottish' can be inserted after the word 'the' on the nomination form<sup>53</sup>.
- 2.88 You can check who the Nominating Officer for a particular party is by referring to the [Commission's register of political parties](#). However, as long as the person who has issued the certificate claims that they have been authorised to do so by the registered Nominating Officer, the certificate should be taken at face value.
- 2.89 A Nominating Officer may stand as a candidate. If this happens, the candidate, as Nominating Officer, may authorise their own description. A person authorised by the Nominating Officer to issue a certificate of authorisation may also be a candidate and sign a certificate for their own nomination.
- 2.90 The form of the certificate of authorisation is prescribed<sup>54</sup>.

### Examples

'The Purple Party' is the name of a registered political party. Provided they have submitted the necessary certificate of authorisation by the deadline, a candidate standing for that party at the constituency election can use any of the following descriptions:

- The Purple Party
- The Scottish Purple Party

'The Poll Party' and 'Vote Party' are the names of two registered political parties. Provided they have the necessary certificates of authorisation, a candidate standing jointly for both parties can use any of the following descriptions:

- The Poll Party Vote Party
- The Poll Party and Vote Party
- The Poll Party and Scottish Vote Party
- The Scottish Poll Party Vote Party
- The Poll Party Scottish Vote Party
- The Scottish Poll Party and Vote Party
- The Scottish Poll Party Scottish Vote Party
- The Scottish Poll Party and Scottish Vote Party

The order of the above descriptions may also be changed, with the 'Vote Party' appearing before the 'Poll Party'.

### **Individual regional candidates**

2.91 Individual regional candidates may only use the description 'Independent' or choose to stand without a description<sup>55</sup>.

### **Regional party list**

2.92 Each regional party list must include the name of the registered party and, if desired, a description of that party which is registered with the Commission<sup>56</sup>. The use of both the party name and any description must be authorised by the party's Nominating Officer (or a person authorised to act on their behalf) through the submission of a certificate of authorisation from that party's Nominating Officer (or a person authorised to act on their behalf)<sup>57</sup>.

2.93 The form of the certificate of authorisation is prescribed<sup>58</sup>. This allows the party to include the party name and a description (if desired), as stated on the certificate, on the nomination form. The name of the party entered onto the certificate must be as registered with the Commission. Where the word 'Scottish' is not part of the party name registered, the party name on the nomination paper can have the word 'Scottish' included in front of it. If the party name registered starts with the word 'the', the word 'Scottish' can be inserted after the word 'the' on the nomination paper<sup>59</sup>.

2.94 The certificate of authorisation must be provided alongside the regional party list nomination form<sup>60</sup>.

2.95 If you are also the RRO you can check who the Nominating Officer for a particular party is by referring to the [Commission's register](#) of political parties. However, as long as the person who has issued the certificate claims that they have been authorised to do so by the registered Nominating Officer, the certificate should be taken at face value.



2.96 A Nominating Officer may stand as a candidate. If this happens, the candidate, as Nominating Officer, may authorise their own description. A person authorised by the Nominating Officer to issue a certificate of authorisation may also be a candidate and sign a certificate for their own nomination.

2.97 A regional list cannot be submitted on behalf of more than one registered political party.

### **Examples**

‘The Purple Party’ is the name of a registered political party. Provided they have submitted the necessary certificate of authorisation by the deadline, that party can use the following names on the nomination paper:

- The Purple Party
- The Scottish Purple Party

‘The Poll Party’ is the name of a registered political party. It also has a registered description which is ‘Democracy via voting’. Provided they have the necessary certificate of authorisation that party can use any of the following names and descriptions on the nomination paper:

- The Poll Party
- The Scottish Poll Party
- The Poll Party  
Democracy via voting
- The Scottish Poll Party  
Democracy via voting

### **Requests for a party emblem**

2.98 If requested, a constituency candidate of a registered party can choose to have a registered emblem of the party they are representing displayed on the ballot paper. To qualify, a candidate must have been authorised to use a party name<sup>61</sup>.

2.99 Where a constituency candidate is standing on behalf of two registered parties and has been authorised to use the names of both parties, they may choose to use a registered emblem of one of the parties. There are no provisions for joint emblems to be registered with the Commission

2.100 The constituency candidate (or someone on their behalf), not the election agent or the Nominating Officer (unless they are acting on behalf of the candidate), must make the request in writing to you not later than the deadline for delivery of nominations.

2.101 A regional party list may be accompanied by a request to have one of the party’s registered emblems displayed on the ballot paper<sup>62</sup>. The Nominating Officer (or someone authorised on their behalf) must make



the request in writing to the RRO by not later than the deadline for delivery of nominations.

- 2.102 If a party has more than one registered emblem, any request for an emblem should specify which one to use. If the emblem is not specified, or the registered party changes or removes the emblem from the register of political parties after the nomination papers have been submitted but before the close of nominations, you should try to contact the candidate or the Nominating Officer (or the person acting on their behalf) as appropriate and ask them to select one. You, whether as CRO or RRO, should also tell them that if they do not select a particular emblem before the close of nominations, you will not be able to print an emblem against their name or the party's name (as appropriate) on the ballot paper.
- 2.103 You may be provided with a high-resolution copy of the emblem for use in the printing of ballot papers, or the candidate / party may request that you download the emblem from the Commission's website. You must ensure that whatever copy is used is in the same form as the registered emblem.
- 2.104 The maximum size of an emblem on the ballot paper is set by the directions for printing in the election rules. When adding a party emblem to a ballot paper, the shape of the emblem should not be altered. You must ensure that the emblem is in the same form as the registered emblem – for example, do not stretch emblems into square shapes if they are not registered as square images on our website, as this would have the effect of altering their appearance.

## Candidate's consent to nomination

- 2.105 All candidates (whether constituency, individual regional candidates or those on a party list) must also formally consent to their nomination and deliver their consent by the deadline for delivery of nomination papers<sup>63</sup>. It must be submitted by hand and cannot be submitted by post, fax, email or other electronic means. The consent to nomination form is not prescribed, but the required content is set out in law.
- 2.106 The candidate's consent must include<sup>64</sup>:
- the candidate's date of birth
  - a statement that they are aware of the provisions of Sections 15 to 18 of the 1998 Scotland Act (as amended) and of any order in Council made under Section 15 of that Act
  - a statement that to the best of their knowledge they are not disqualified from being a Member of the Scottish Parliament
  - in the case of a constituency candidate a statement that they are aware of the provisions of Sections 5(2) and 9(6) of the 1998 Scotland Act and that to the best of their knowledge and belief they may stand as a candidate to be a member for that constituency

- in the case of a candidate on a registered party's regional list a statement that they are aware of the provisions of Section 5(7) of the 1998 Scotland Act and that to the best of their knowledge and belief they may be included in that list
  - in the case of an individual regional candidate for return as a regional member a statement that they are aware of the provisions of section 5(8) of the 1998 Scotland Act and that to the best of their knowledge and belief they may stand as an individual regional candidate to be a regional member for that region
- 2.107 Candidates are not allowed to sign their consent form earlier than one calendar month before the deadline for submitting their nomination papers<sup>65</sup>.
- 2.108 The consent must be witnessed by another person, but there are no restrictions on who can be a witness to the consent to nomination.
- 2.109 There is an exception to the requirement for the consent to be delivered in writing and by hand. If you, whether as CRO or RRO, are satisfied that, due to the absence of the candidate from the UK, it is not reasonably practicable for the candidate to provide their consent in writing, you can treat a candidate's consent given by e-mail, fax or scanned document sent electronically as written consent. The consent is deemed as having been given on the date it is sent, and does not need to be witnessed<sup>66</sup>.
- 2.110 The absence of a consent to nomination for a candidate on a party list does not invalidate a party list's nomination, if a consent form from a particular candidate on the list is not submitted by 4pm on the twenty-third working day before poll day, if you are also the RRO, must remove the person from the list<sup>67</sup>.

## Deposit

- 2.111 In order to be validly nominated (whether as a constituency candidate, individual regional candidate or regional party list) £500 must be deposited with you, whether as CRO or RRO, by the close of nominations<sup>68</sup>.
- 2.112 You have some discretion over how you will accept payment of the deposit. Payment must be accepted where it is made by legal tender (cash in pounds only) or a UK banker's draft<sup>69</sup>. You may refuse to accept a banker's draft if you do not know whether the drawer carries on business as a banker in the United Kingdom<sup>70</sup>.
- 2.113 You can choose to accept funds by means of a building society cheque, a debit or credit card or the electronic transfer of funds if facilities are available to you, although you are not required to. You should accept building society cheques if they carry out business in the United Kingdom. You should also accept banker's payments which are orders issued by a bank, guaranteeing payment to the recipient. If you decide to accept any of these methods you should list them on the

notice of election and make any requirements you have clear in the nomination pack.

- 2.114 If there is a fee attached to the form of payment, you can pass this on to the candidate. If so, you should make this clear on the notice of election and the nomination pack.

### **Constituency candidate**

- 2.115 The deposit must be delivered by the candidate (or someone acting on the candidate's behalf)<sup>71</sup>. If the deposit is made by someone other than the candidate the person delivering the deposit must give their name and address, unless they have already provided this information as part of their notification of appointment as the candidate's election agent<sup>72</sup>.

### **Individual regional candidate**

- 2.116 The deposit must be delivered by the individual regional candidate (or someone acting on the candidate's behalf)<sup>73</sup>. If the deposit is made by someone other than the candidate the person delivering the deposit must give their name and address, unless they have already provided this information as part of their notification of appointment as the candidate's election agent<sup>74</sup>.

### **Regional party nomination paper**

- 2.117 The deposit must be delivered by the party's Nominating Officer (or someone acting on their behalf)<sup>75</sup>. If the deposit is made by someone other than Nominating Officer, the person delivering the deposit must give their name and address, unless they have already provided this information as part of their notification of appointment as the party list election agent<sup>76</sup> or as a party list candidate.

## **Determining nomination forms**

- 2.118 If you, whether as CRO or RRO, have not received the deposit of £500 or any of the required nomination papers by the deadline for the submission of nomination papers, the candidate or party has not been validly nominated. There is then no need to make a formal determination, and their name should not appear on the statement of persons nominated or statement of persons and parties nominated (as appropriate).
- 2.119 There is case law which makes clear that Returning Officers must not undertake any investigation or research into any candidate and that their duty does not go beyond seeing that a nomination form is correct on its face. You, should not, for example, investigate whether a name given on a nomination form is genuine. You will also need to disregard any personal knowledge you may already have of the candidate. Any determinations need to be made on the basis of the form itself. It is suggested that the same principles should apply to regional party lists.

2.120 You, whether as CRO or RRO, must as soon as is practicable after each nomination form has been formally delivered decide whether the candidate or the party (and candidates on the party list) have been validly nominated<sup>77</sup>. The sooner you carry out the formal determination, the greater the chances of any candidates or parties who have made a mistake and whose nomination has been rejected being able to submit new forms before the close of nominations.

### **Constituency candidates<sup>78</sup>**

2.121 A candidate who delivers completed nomination papers and the deposit by the required deadline will be deemed nominated unless you decide that the nomination form is invalid (or the candidate dies or withdraws).

2.122 By law, the only grounds you have for determining that a constituency nomination form is invalid are:<sup>79</sup>

- that the particulars of the candidate or the witness signing the nomination form are not as required by law, or
- that the paper is not witnessed as required, or
- that the candidate is disqualified on the grounds that they are imprisoned and serving a sentence of a year or more

2.123 The description (which in the case of constituency candidates must consist of either the name of one or two registered parties or the word independent) given on the nomination form is part of 'the particulars of the candidate'. Therefore, if the party name does not appear on the Commission's register of political parties as a party that can contest elections in Scotland, or the party name or description used on the nomination form does not exactly match the party name or description as registered with the Commission, the nomination form must be rejected. Equally, if the use of the party name or description has not been authorised by the delivery of a certificate of authorisation in the prescribed form, the nomination form must be held invalid<sup>80</sup>.

2.124 If in your opinion a constituency nomination paper breaches the rules around descriptions you must give a decision to that effect as soon as practicable after the delivery of the nomination form and in any event within 24 hours of the close of nominations<sup>81</sup>.

### **Individual regional candidates at the regional contest<sup>82</sup>**

2.125 A candidate who delivers completed nomination papers and the deposit by the required deadline will be deemed nominated unless you decide that the nomination form is invalid (or the candidate dies or withdraws).

2.126 If you are also the RRO, by law, the only grounds you have for determining that an individual regional nomination form is invalid are<sup>83</sup>:

- that the particulars of the candidate or the witness signing the nomination form are not as required by law, or
- that the paper is not witnessed as required, or

- that the person is disqualified on the grounds that they are imprisoned and serving a sentence of a year or more

### **Regional party nominations / party lists**

2.127 If you are also the RRO, by law, the only grounds you have for determining that a party nomination form is invalid are<sup>84</sup>:

- the party name and description are not registered with the Commission or their use has not been authorised by the delivery of a certificate of authorisation in the prescribed form
- that the number of candidates on the list is greater than 12
- the list does not contain the required statement that it is issued by the Nominating Officer or by a person authorised in writing by the Nominating Officer

2.128 The only grounds you have for determining that that a party list candidate shall cease to stand nominated are<sup>85</sup>:

- the candidate withdraws or the party withdraws the candidature
- that the particulars of the candidate in that list are not as required by law
- that the candidate is disqualified on the grounds that they are imprisoned and serving a sentence of a year or more
- that the consent to nomination of that candidate is not delivered in accordance with the rules
- proof is given to your satisfaction of the candidates death

**A** We have produced a checklist as part of the nomination papers we have produced for constituency contest, political parties standing at the regional contest, and candidates at the regional contest who are not standing on behalf of a political party which set out what you, whether as CRO or RRO, will need to consider and specific things to look out for when determining a nomination form or party list.

## **What to do after your formal determination**

2.129 Whenever a nomination form or party nomination form is ruled invalid, it is important to take steps to contact the candidate, agent or Nominating Officer (as appropriate) as soon as possible so that they may have the opportunity, wherever possible, to submit another nomination form or party nomination form (as appropriate) before the close of nominations.

2.130 Once you, whether as CRO or RRO, have made a decision that the nomination form / regional list is valid, that decision cannot be challenged during the election, although it may be challenged after the election by way of an election petition<sup>86</sup>.

- 2.131 In the case of a constituency candidate or individual regional candidate, if you, whether as CRO or RRO, determine that the nomination form is invalid, you must state this on the nomination form together with the reasons for your decision and sign it<sup>87</sup>.
- 2.132 In the case of the regional contest, if you as RRO determine that a regional party list is invalid or you decide that the name and address of any candidate should be deleted from the regional list, you must state that fact on the regional list, write the reasons for rejection and sign it<sup>88</sup>.

## Correction of minor errors

- 2.133 You, whether as CRO or RRO, are permitted to correct minor errors made on nomination forms and regional lists at any time before you publish the statement of persons nominated or the statement of persons and parties nominated (as appropriate)<sup>89</sup>. This includes obvious errors of spelling of a candidate's details. You should attempt to contact the candidate, agent or Nominating Officer (as appropriate) before making any minor error amendment.
- 2.134 You must have regard to the Commission's guidance on the correction of minor errors<sup>90</sup>.

## Errors of spelling in details of candidates

- 2.135 Dealing with the 'obvious' errors of spelling may be more difficult, as what is obvious to one person may not be so to another. Care should be taken in exercising this power.

## Errors in a home address

- 2.136 Where a home address is not absolutely correct there may not be a need to make a correction. By law, errors in a home address do not affect the full operation of a nomination form, as long as the address can be commonly understood.

## Objections to nominations forms<sup>91</sup>

- 2.137 Certain people may object to the validity of a nomination form or regional list (see paragraphs **2.46**, **2.47** and **2.48** above).
- 2.138 Objections can be made on the last day for delivery of nomination papers.

## Timetable for objections

- 2.139 The time within which an objection can be made depends on when the nomination form was delivered.



### **Delivered up to and including 4pm on the day before the deadline for delivery of nomination papers**

- 2.140 Objections to any nomination form delivered up to and including 4pm on the day before the last day for delivery of nomination papers must be made **in the morning until 12 noon on the last day for submitting nomination papers.**

### **Delivered after 4pm on the day before deadline for delivery of nomination papers**

- 2.141 Objections to any nomination form delivered after 4pm on the day before the deadline of delivery of nomination papers must be made **by 5pm on the last day for submitting nomination papers.** Any objection must be made at or immediately after the time of the delivery.

## **Objections on the grounds that a candidate is imprisoned for a year or more**

- 2.142 Where the objection is on the grounds that a candidate is disqualified because they are serving a prison sentence of a year or more<sup>92</sup>, objections can be made between 10am and 4pm on the twenty-second working day before the poll.
- 2.143 Should you, whether as CRO or RRO, consider that a candidate (whether for return as constituency member or regional member) may be disqualified from standing for election because they are imprisoned and serving a sentence of a year or more, you must as soon as practicable after the close of nominations publish a draft of the constituency statement of persons nominated or the regional statement of persons and parties nominated (as appropriate)<sup>93</sup>.
- 2.144 The draft statement must be headed 'Draft statement of persons nominated for return as constituency member' or 'Draft statement of persons nominated for return as regional members' (as appropriate)<sup>94</sup>.
- 2.145 The statement must contain a notice stating that any person who wishes to object to the nomination of a candidate on the ground that they are disqualified from standing for election because they are imprisoned and serving a sentence of a year or more may do so between 10am and 4pm on the twenty-second working day before the poll, at the place specified in the notice<sup>95</sup>.

## **Decisions on objections**

- 2.146 You, whether as CRO or RRO, should consider any objection that you receive during the allowed time for objections to be made. You should not undertake any investigation or hear any representations in support of or challenging any fact or statement given on the nomination form or regional party list. You are only entitled to hold a nomination form invalid on the limited grounds set out in paragraphs **2.122**, **2.126** and **2.127** above.

- 2.147 You must decide any objection as soon as practicable after it is made and in any event within 24 hours after the close of nominations<sup>96</sup>.
- 2.148 You should limit the objection process to the nomination forms and regional party list. Where, as a result of an objection, you decide that a nomination or regional party list you have already determined should have been ruled invalid, you must show on the constituency statement of persons nominated or the regional statement of persons and parties nominated (as appropriate) any candidate or party who is no longer validly nominated together with the reason why they no longer stand nominated, and you should inform the candidate and/or party as appropriate<sup>97</sup>.
- 2.149 Your decision that a nomination paper is valid is final and cannot be challenged during an election. The decision can only be challenged after an election through an election petition.

## Withdrawal

- 2.150 It is possible for a validly nominated candidate (whether a constituency candidate, individual regional candidate or a candidate on a party list) to withdraw their candidature. It is also possible for the registered party to withdraw the candidature of any or all of the candidates included in a regional party list<sup>98</sup>.

## Candidates

- 2.151 It is possible for a validly nominated candidate (whether constituency, individual regional candidates or candidate on a party list) to withdraw their candidature. For this to be effective, the candidate must deliver to you, whether as CRO or RRO, a signed withdrawal notice, attested by one witness, by 4pm on the twenty-third working day before the poll<sup>99</sup>.
- 2.152 The notice must be delivered by hand or by post to the place for the delivery of nomination papers. There are no restrictions on who can deliver the notice of withdrawal.
- 2.153 The withdrawal notice is not prescribed in legislation. We have produced template withdrawal notices for a [constituency candidate](#), an [individual regional candidate](#), and a [candidate on a party list](#) that you could give to any candidate who requests one.
- 2.154 The details of any constituency or individual regional candidates who by the close of withdrawals remain validly nominated must be printed on the ballot papers<sup>100</sup>. If a candidate has not withdrawn by the deadline, their name must go forward to the ballot paper.
- 2.155 In the case of party list candidates their name and address must be removed from the party list if they withdraw by the deadline for withdrawals<sup>101</sup>.



## Party list

- 2.156 Where a registered party wishes to withdraw the candidature of a candidate or candidates included on the regional list, for this to be effective the party must deliver to you a withdrawal notice signed by the party's Nominating Officer and, attested by one witness, by 4pm on the twenty-third working day before the poll<sup>102</sup>.
- 2.157 The notice must be delivered by hand or by post to the place for the delivery of nomination papers. There are no restrictions on who can deliver the notice of withdrawal.
- 2.158 The withdrawal notice is not prescribed in legislation. We have produced a [template withdrawal notice](#) that you could give to any party who requests one.
- 2.159 Where you, whether as CRO or RRO, receive a withdrawal notice you must delete the name and address of the candidate or candidates from the list<sup>103</sup>.

## After the close of nominations

- 2.160 After the close of nominations you, whether as CRO or RRO must publish (as appropriate)<sup>104</sup>:
- in the case of constituency contests, a statement of persons nominated and a notice of poll
  - in the case of regional contests, a statement of persons and parties nominated and a notice of poll
- 2.161 For details on what these notices should contain, see Chapter 4 - Production of notices, poll cards and ballot papers.
- 2.162 The Scottish Parliament Information Centre has requested that Constituency and Regional Returning Officers provide them with a copy of, or link to, the statement of persons nominated and the statement of parties and other persons nominated at the constituency and regional contests respectively. This information should be sent as soon as possible after the period for objections to nominations has passed, to [spice@parliament.scot](mailto:spice@parliament.scot)

## Nomination in more than one contest

- 2.163 A candidate may not stand for election in more than one constituency or in more than one region. However, a candidate may stand for election in both a constituency and a region, so long as the constituency is within the region and they either stand on behalf of the same registered political party in both contests or not stand on behalf of a registered political party in both contests. If a candidate is elected

at the constituency contest, their name will be disregarded at the allocation of regional seats.

## Return of deposit<sup>105</sup>

### Constituency candidates

2.164 You must return the deposit of any candidate who is not shown as standing nominated in the statement of persons nominated<sup>106</sup>. The deposit must be returned to the person who made it or their personal representatives as soon as practicable after the statement of persons nominated has been published or after the candidate's death (as appropriate)<sup>107</sup>.

### Individual regional candidates

2.165 If you are also the RRO, you must return the deposit of any individual regional candidate who is not shown as standing nominated in the statement of persons and parties nominated<sup>108</sup>. The deposit must be returned to the person who made it or their personal representatives as soon as practicable after the statement of persons and parties nominated has been published<sup>109</sup>.

### Party nominations

2.166 If you are also the RRO, you must return the deposit of any party who is not shown as standing nominated in the statement of persons and parties nominated<sup>110</sup>. The deposit must be returned to the person who made it or their personal representatives as soon as practicable after the statement of persons and parties nominated has been published<sup>111</sup>.

**A** For guidance on returning deposits after an election, see [Part F – After the declaration of results](#).

## Uncontested election

### Constituency contest

2.167 If only one valid nomination is received, or all valid nominations are properly withdrawn by the deadline except one, the contest is uncontested. If the election is uncontested, you must, as soon as practicable, publish the statement of persons nominated. This must include a statement declaring the one validly nominated candidate elected.<sup>112</sup>

2.168 You must (if you are not also the RRO) then notify the RRO who has been elected and what party if any they belong to. You must also complete a certificate in the prescribed form and deliver it to the Clerk of the Scottish Parliament<sup>113</sup>.

### Regional contest

2.169 Where the number of candidates standing for the regional contest (whether on a registered party's regional list or individual regional

candidates) is the same or less than the number of seats for that region, or where all of the candidates shown on the statement of persons and parties nominated are on the regional list of the same registered political party, no poll for the region is necessary. In these circumstances the RRO should (once they have received the notification regarding the declaration of result for constituency members) allocate the regional seats in accordance with the rules.<sup>114</sup>

## Death of a candidate

- 2.170 The possibility exists of a candidate dying during the course of an election campaign. The procedure to be followed at a Scottish Parliamentary election depends on the time when you, whether as CRO or RRO, are given, to your satisfaction, proof of the death of the candidate. It is the time when you are notified of proof of the death that is important, not the actual time of death.
- 2.171 The impact of the death of a candidate on a Scottish Parliamentary election depends on whether or not the candidate was standing on behalf of a registered political party and whether they were a candidate for a constituency or regional contest.

## Death of an independent constituency candidate

- 2.172 If an independent constituency candidate<sup>115</sup> (i.e. a candidate using the description 'Independent' or without a description) dies generally the contest will continue as normal.
- 2.173 If the deceased candidate receives the most votes, they are not elected and the contest will be re-run. You must give public notice of the total number of votes given for each candidate<sup>116</sup>. You must also publish a new notice of election on the seventh day after the original polling day<sup>117</sup>. No new nominations will be required: all of the existing candidates will remain nominated for the new election, and forfeiture or return of the deposit is determined by the re-run election result. No new nominations are allowed for the re-run election although candidates may withdraw. The statement of persons nominated must be published as soon as possible after the deadline for withdrawals.<sup>118</sup>
- 2.174 If the independent candidate who died did not receive the most votes at the original poll, the candidate who did is declared the winner and the contest is not affected. If the candidate who died was joint first with the same number of votes as any other candidate, the other candidate will be declared the winner.<sup>119</sup> However if proof of the death is given before the result is declared and if only two persons are shown on the statement of persons nominated, the notice of poll must be countermanded if the poll has not begun or the poll abandoned if it has begun<sup>120</sup>. The contest must be treated as an uncontested election.<sup>121</sup>

- 2.175 In all circumstances, the deposit of the deceased candidate must be returned.<sup>122</sup>

## Death of a constituency candidate standing for a party

- 2.176 If you receive proof and are satisfied that a candidate standing in a constituency on behalf of a registered political party or parties has died before the declaration of the result, the contest must be stopped<sup>123</sup>. If the poll has not yet commenced, the notice of poll should be countermanded. If the poll is underway or the counting is being undertaken, the poll is abandoned. The election will need to be re-run.<sup>124</sup>
- 2.177 You must publish a new notice of election on the seventh day after you received proof of the death<sup>125</sup>. If this is a *dies non*, the notice should be published on the next working day.
- 2.178 Candidates who were validly nominated for the first contest, except the candidate who has died, will remain validly nominated unless they withdraw by the deadline for withdrawals. Any candidate may withdraw from the re-run contest by the deadline for withdrawals.
- 2.179 No new nominations are allowed for the re-run contest except that the party whose candidate has died may nominate a candidate to replace them<sup>126</sup>. The new candidate must submit a set of nomination papers, and the party must submit a new certificate of authorisation permitting that candidate to stand on their behalf.
- 2.180 A party wishing to put forward a candidate to replace their candidate who died must do so by the close of nominations, which is 4pm on the seventh working day after the new notice of election is published<sup>127</sup>.

## Impact of the death of a constituency candidate standing on behalf of a party on the regional contest

- 2.181 You must notify the RRO (if you are not also the RRO) immediately if a constituency contest is countermanded or abandoned due to the death of a party candidate, or where a deceased independent constituency candidate has received the most votes<sup>128</sup>.
- 2.182 Where the RRO receives such a notification, they will proceed with the allocation of regional members as normal but exclude the affected constituency result from the calculation. The regional votes from that constituency will, however, be included in the regional figure for each party and individual regional candidate.
- 2.183 The re-run constituency contest will have no impact on the allocation of regional seats and will not affect the validity of the regional members who have been returned to the Scottish Parliament.

## New constituency contest

- 2.184 You must publish a new notice of election on the day described above depending on whether it was an independent or party candidate who died<sup>129</sup>. The new polling day must be between 21 and 28 working days after the new notice of election has been published<sup>130</sup>.
- 2.185 The timetable will then run as normal, except that the deadline for withdrawals and for the nomination of a replacement for the deceased party candidate shall be 4pm on the seventh working day after the new notice of election is published<sup>131</sup>.

## Death of a regional candidate<sup>132</sup>

- 2.186 If a candidate on a regional party list or any individual regional candidate dies but the regional poll remains contested, the contest will continue as normal. The RRO must take reasonable steps to publicise the name of the candidate, the fact of their death, whether they were an individual regional candidate or a party list candidate and, if they were standing on behalf of a registered party, the name of the party<sup>133</sup>.
- 2.187 The RRO should publicise the death by placing notices outside the polling stations in the electoral region.
- 2.188 If you receive proof and are satisfied before the result is announced that a candidate on a regional list or an individual regional candidate has died and as a result the regional poll has become uncontested the regional contest must be stopped<sup>134</sup>. If this happens before polling begins, you must countermand the notice of poll<sup>135</sup>. If the poll is underway or the counting is being undertaken, the poll or the count must be abandoned<sup>136</sup>. In either case, the RRO must immediately notify all CROs in the region of the action that they have taken<sup>137</sup>. After the close of the constituency polls, the RRO will declare the remaining candidates to be elected unopposed as regional members.

# 3 Agents at the election

## Election agents

- 3.1 Each constituency candidate must have an election agent<sup>138</sup>, and notice of the appointment must be delivered to you by the latest time for the delivery of nominations, which is 4pm on the twenty-third working day before the poll.<sup>139</sup>
- 3.2 Each individual regional candidate and registered party submitting a regional party list must also have an election agent<sup>140</sup>, and notice of the appointment must be delivered to the RRO, by the latest time for the delivery of nominations, which is 4pm on the twenty-third working day before the poll.<sup>141</sup>
- 3.3 We have produced a form for the notification of the appointment of an election agent. These are included as part of the set of nomination papers we have produced for each of the [constituency contest](#), [political parties standing at the regional contest](#), and [candidates at the regional contest who are not standing on behalf of a political party](#).
- 3.4 Constituency candidates and individual regional candidates may appoint themselves as their election agent. A candidate on a party's list can be appointed as the election agent for that party's list.
- 3.5 If no agent is appointed by the above time, in the case of constituency and individual regional candidates, the candidate is deemed to be their own election agent. In the case of a registered party submitting a regional list, the candidate who is first on the party's list is deemed to be the election agent for that party list.<sup>142</sup>
- 3.6 Constituency and individual regional candidates are also deemed to be their own agent if they revoke their agent's appointment, or the agent dies, and a replacement is not appointed on the day of the death or on the following day. In the case of a registered party submitting a regional list, the candidate who is first on the party's list is deemed to be the election agent for that party list if they revoke the agent's appointment, or the agent dies, and a replacement is not appointed on the day of the death or on the following day.<sup>143</sup>
- 3.7 If a constituency candidate or individual regional candidate is acting as their own election agent, irrespective of whether they became an agent as a result of not appointing one or because they had given written notice of their own appointment, they can also revoke their own appointment and appoint a new agent. Constituency candidates must notify you in writing of any such changes, and individual regional candidates must notify the RRO in writing of any such changes<sup>144</sup>.

- 3.8 Similarly, in the case of a registered party submitting a party list, if the candidate who is first on the party's list is acting as the election agent for that party list, they can also revoke their own appointment and appoint a new agent. This is irrespective of whether they became an agent as a result of the party not having appointed one or because they had given written notice of their own appointment. They must notify the RRO in writing of any such changes.<sup>145</sup>
- 3.9 The election agent must have an office, and the notice of appointment must set out the office address to which all claims, notices, legal process and other documents may be sent<sup>146</sup>. The office address must be an address to which any legal notices can be delivered and therefore must be a physical address – PO boxes or similar mailboxes cannot be used.<sup>147</sup>
- 3.10 There are no restrictions on where the office should be located.
- 3.11 The election agent's office address will often be the same as their home address, but it might also be that of the local political party office or an office especially set up for the election.
- 3.12 Where a constituency candidate or individual regional candidate acts as their own election agent as a result of not having appointed anybody else, the office address is deemed to be their address as given on the statement of persons nominated or the statement of persons and parties nominated (as appropriate).<sup>148</sup>
- 3.13 Similarly, in the case of a registered party submitting a regional list, if the candidate who is first on the party's list is acting as the election agent for that party list as a result of no-one else having been appointed, the office address is deemed to be their address as given on the party list.
- 3.14 Upon notification of a constituency candidate's election agent's name and office address, you must publish a notice setting out those details and the name of the candidate as soon as possible<sup>149</sup>. If you are also the RRO, upon notification of an election agent's name and address for the regional election, you must publish a notice setting out those details and the name of the individual regional candidate or party (as appropriate) as soon as possible<sup>150</sup>. In each case, the notice must be updated if any agent's appointment is revoked, or an agent dies, with the new agent's details published on the revised version<sup>151</sup>.
- 3.15 If you are also the RRO, you must give notice to CROs in your region setting out the election agents' details as soon as possible. As CRO, you should publish any such notice in your constituency.
- 3.16 Your privacy notice should make clear that you are required under electoral legislation to publish an election agent's name and office address information in the notice of election agents. You will also need to consider whether it is appropriate or necessary for the notice to remain published, on your website or elsewhere, beyond the expiry of



the petition period for that election. The notice serves a specific purpose, i.e. advising who will be a candidate's election agent, so once the election is over, and the opportunity to question that the election has passed, they serve no further purpose. Therefore, you should either remove the notice, or remove the personal data contained in the notice, once the petition deadline for the election has passed.

[Our data protection resource](#) for ROs and EROs covers the requirement of a privacy notice and document retention considerations.

## Sub-agents

- 3.17 Election agents may appoint sub-agents to act on their behalf.
- 3.18 Election agents may appoint sub-agents for particular parts of the constituency or region (as appropriate), as long as those parts do not overlap.<sup>152</sup> The agent can determine the parts into which they wish to sub-divide the constituency or region (as appropriate), and these may cross electoral area boundaries.
- 3.19 Every sub-agent must have an office but there are no restrictions on where the office should be located<sup>153</sup>.
- 3.20 A sub-agent can do anything that the election agent is entitled to do within the area to which they are appointed. However, sub-agents may only attend the verification, count and/or calculation of the regional result where these are taking place within the area in which they have been appointed to act and they are acting in place of the election agent. Sub-agents may attend the opening of postal votes, provided the opening takes place in the area within which they have been appointed to act.
- 3.21 The election agent must declare to the CRO or RRO (as appropriate) in writing the name, address and office address of each sub-agent they have appointed and the area in which they may act by the second working day before the day of the poll<sup>154</sup>. Forms for the notification of appointment of sub-agents should be included in nomination packs. We have produced sub-agent forms which are included as part of the set of nomination papers produced for each of the [constituency contest](#), [political parties standing at the regional contest](#), and [candidates at the regional contest who are not standing on behalf of a political party](#).
- 3.22 The election agent can revoke the appointment of a sub-agent at any time. If a sub-agent dies or has their appointment revoked the election agent may appoint a new-sub agent by declaring in writing the name, address, office address and area of appointment of the new sub-agent to the CRO or RRO (as appropriate).
- 3.23 Once the name, and office address and area of appointment of a sub-agent have been declared, the CRO or RRO (as appropriate) must give



public notice of these details<sup>155</sup>. In the case of the regional contest, if you are also the RRO, you must give notice to CROs in your region setting out the sub-agents' details as soon as possible. As CRO, you should publish any such notice locally<sup>156</sup>.

## Other agents

- 3.24 Constituency candidates, individual regional candidates and the election agent of each registered party standing nominated can appoint agents to observe the opening of postal votes, the poll and the verification and count.<sup>157</sup>
- 3.25 As CRO, you are responsible for receiving the notifications of appointment of these agents for both the constituency and regional contests.

**A** For further details on the role of these agents, see [Part 5: Your right to attend key electoral events](#) of our guidance for candidates and agents.

- 3.26 You must ensure that all appointed agents are given a copy of the relevant secrecy requirements for opening of [postal votes](#), [the poll](#) and [the count](#) which we have published on our website<sup>158</sup>.

## The opening of postal votes

- 3.27 Postal voting agents are permitted by law to observe the opening of the postal voters' ballot box, the opening of returned postal votes and the checking of signatures and dates of birth provided on returned postal voting statements. You must be given written notice of the name and home address of any postal voting agents before the start of any particular session that the agents are seeking to attend. The Commission has developed a [form for the notification of appointment of a postal voting agent](#).<sup>159</sup>
- 3.28 You must give constituency candidates, individual regional candidates and the election agent for each registered party standing nominated at the regional contest at least 48 hours' notice of the time and place of any postal vote opening session and the number of agents that may be appointed to attend each opening.

## The poll

- 3.29 Polling agents are entitled by law to access polling stations for the purpose of detecting personation. They can also observe the procedures to be followed inside a polling station.
- 3.30 You must be notified in writing of any polling agents that have been appointed by not later than five working days before the poll for their

appointment to be in force for the poll. The Commission has developed a [form for the notification of appointment of a polling agent](#).<sup>160</sup>

- 3.31 There is no limit on the number of polling agents that may be appointed at a Scottish Parliamentary election.
- 3.32 A polling agent can be appointed to a particular polling station or stations, or to all polling stations within the constituency. The same polling agents may be appointed to attend more than one polling station. However only one polling agent for each constituency candidate, individual regional candidate or a party list may be admitted to a polling station at any particular time<sup>161</sup>.

## The count

- 3.33 Counting agents can be appointed to observe the verification and counting processes relating to the contest for which they have been appointed.
- 3.34 You must be notified in writing of the appointment of counting agents by not later than five working days before the poll for their appointment to be in force for the verification and count. The Commission has developed a [form for the notification of appointment of a counting agent](#).
- 3.35 You must give counting agents who have been appointed notice in writing of the time and place at which the verification and count will begin.
- 3.36 You are permitted by law to limit the number of counting agents. The number that may be appointed by each candidate must be the same and, unless there are special circumstances, must not be less than the number obtained by dividing the number of counting assistants (i.e. those staff counting the ballot papers) by the number of candidates. The number that may be appointed by each individual regional candidate and by the election agent of each of the registered parties standing nominated at the regional contest must be the same.
- 3.37 When determining the maximum number of counting agents, each candidate and agent should, as far as possible, be permitted to appoint sufficient numbers of counting agents to enable full and proper scrutiny of the verification and count processes. You should, however, consider any health and safety implications, including fire regulations for the verification and count venue, when deciding on maximum numbers of counting agents.

**A**

For details on who can attend the verification and count, see [Part E: Verifying and counting the votes](#).

## Calculation of the regional result and the allocation of seats

- 3.38 The election and counting agents for individual regional candidates and party lists may attend the allocation of regional seats. A person attending in place of the election agent may also attend (which could be a sub-agent).
- 3.39 The RRO must notify individual regional candidates and the election agent of each party list, in writing, of the time and place where the allocation of regional seats will take place.

**A** For details on who can attend the calculation of the regional result and the allocation of seats, see [Part E: Verifying and counting the votes](#).

# 4 Production of notices, poll cards and ballot papers

## Production and publication of notices

- 4.1 You must publish notices by posting them in a conspicuous place within the relevant electoral area. This should include council offices, noticeboards, libraries and other public buildings. The notice may also be given in such other manner as you think fit<sup>162</sup>.
- 4.2 You should ensure that you are referring to the correct version of any prescribed forms as contained in the most recent versions of the relevant legislation. For details of the relevant legislation see [Part A](#) of our guidance.
- 4.3 In order to ensure that voters can receive the information they need, in an accessible format and within time for them to cast their vote, you should ensure that information on the election, including the notice of election and notice of poll, are easily accessible to voters, such as through the council website.
- 4.4 If you are making information available on your website you should ensure it is accessible to all voters. For example, if you are providing information in PDF format, you should be aware that if certain steps are not followed when creating PDFs they may not be compatible with screen readers or other assistive technologies. The UK Government has produced [a guide to producing accessible PDFs](#) you can refer to. You could also speak to your authority's equalities officer for advice.
- 4.5 In accordance with data protection legislation, you will need to consider whether it is appropriate or necessary for the notices to remain published, on your website or elsewhere, beyond the expiry of the petition period for that election. Where the notices serve specific purposes, i.e. advising who will be a candidate at the election, once the election is over, and the opportunity to question that election has passed, they serve no further purpose. Therefore, you should either remove the notices, or remove the personal data contained in the notices, once the petition deadline for the election has passed.
- 4.6 Data protection legislation does permit personal data to be stored for longer periods if the data will be processed solely for archiving purposes in the public interest, or for scientific, historical, or statistical purposes and subject to the implementation of the appropriate safeguards. For notices of election results, for example, you should retain these on your website as they are for public interest and historical and statistical purposes.



To be able to achieve the outcome set out in [performance standard 1](#), you will need to ensure that information on the poll, including the notice of election and notice of poll, is easily accessible to voters, such as through the council website. To demonstrate that the outcome can be delivered you will need to ensure that information on the poll can be easily accessed through the council website.



See [Part B – Planning and organisation](#) for more general guidance on communicating information to electors.

- 4.7 You should have robust proof-checking processes in place to ensure that there are no errors on the notices you are required to publish. Having robust proof checking processes in place could help detect any errors and avoid any potential data breaches before they occur.



To be able to achieve the outcome set out in [performance standard 1](#), you will need to ensure that you have robust processes in place for ensuring that there are no errors on the notice of election. To demonstrate that the outcome can be delivered you will need to have in place processes for the proof-checking of the notice.

## Translation and formats of notices

- 4.8 You must, where you consider it appropriate to do so, ensure that notices are translated or provided in another format<sup>163</sup>. You may produce them:
- in Braille
  - in languages other than English
  - using graphical representations
  - in audio format
  - using any other means of making information accessible
- 4.9 The ballot papers cannot be produced in any other language or format. However, the enlarged copy of the ballot papers to be displayed in polling stations must have the instructions for voters printed at the top of the papers, and these words may be translated into languages other than English<sup>164</sup>.

## Notice of election

### Constituency contest

- 4.10 You must publish the notice of election for the constituency not earlier than the thirty-fifth working day before the date of the poll and not later

than the twenty-eighth working day before the date of the poll.<sup>165</sup> The Convener of the EMB may direct or recommended when the notice of election for both the constituency and regional contest should be published.

4.11 The notice of election **must** include the following<sup>166</sup>:

- the place and times at which nomination papers can be delivered, and at which nomination papers may be obtained
- the date of the poll if the election is contested
- where you have decided to accept electronic payments, the arrangements for electronic payment of deposits
- the date by which applications for absent votes (including emergency proxies) must reach the ERO in order to be effective for the election

4.12 The notice of election should also include the date by which applications for registration must reach the ERO in order to be effective for the election<sup>167</sup>.

4.13 The address given for the delivery of nomination papers should be exact, and include any room number. This will avoid any doubt should nominations be delivered close to the deadline. All reception staff at offices of the building and other connected buildings should be informed that they should not take receipt of nomination papers.

4.14 The Commission has developed a template [constituency notice of election](#) that you can use.

## Regional contest

4.15 The RRO must publish the notice of election for the region not earlier than the thirty-fifth working day before the date of the poll and not later than the twenty-eighth working day before the date of the poll.<sup>168</sup> The Convener of the EMB may recommend when the notice of election for both the constituency and regional contest should be published.

4.16 The notice of election **must** include the following<sup>169</sup>:

- the places and times at which nominations can be delivered, and at which nomination papers may be obtained
- the date of the poll if the contest is contested
- where you have decided to accept electronic payments, the arrangements for electronic payment of deposits
- the date by which applications for absent votes (including emergency proxies) must reach the ERO in order to be effective for the election

4.17 The notice of election should also include the date by which applications for registration must reach the ERO in order to be effective for the election<sup>170</sup>.

- 4.18 The address given for the delivery of nomination papers should be exact, and include any room number. This will avoid any doubt should nominations be delivered close to the deadline. All reception staff at offices of the building and other connected buildings should be informed that they should not take receipt of nomination papers.
- 4.19 The Commission has developed a template [regional notice of election](#) that you can use.

## Statements of persons and parties nominated

- 4.20 You are required to publish a statement of persons nominated for the constituency contest. If you are also the RRO, you are required to publish a statement of parties and other persons nominated for the regional contest.
- 4.21 The statements must be printed in conspicuous characters and exhibited inside and outside every polling station<sup>171</sup>.

### Constituency contest

- 4.22 If there are no objections to nomination papers, you must publish a statement of persons nominated by no later than 5pm on the twenty-third working day before the poll<sup>172</sup>. If there are objections, it must be published by 4pm on the day after the last day for nominations<sup>173</sup>.
- 4.23 The statement must show for all candidates who are validly nominated, as well as for those who have withdrawn or whose nomination you have rejected<sup>174</sup>:
- their name
  - their chosen description (if any)
  - in the case of those who no longer stand nominated, the reason why they no longer stand nominated
- 4.24 Your privacy notice should make clear that you are required under electoral legislation to publish a candidate's name in the statement of persons nominated.

[Our data protection resource](#) for ROs and EROs covers the requirement of a privacy notice.

- 4.25 The names of the candidates on the statement must be listed in alphabetical order of their surname; this is also how they will appear on the ballot paper<sup>175</sup>. Where there are two or more candidates with the same surname, the alphabetical order of the other names will decide which candidate is listed first.<sup>176</sup>

- 4.26 If a person has requested the use of a commonly used name on their nomination paper, the commonly used name must be shown on the statement instead of the actual name<sup>177</sup>. Where a candidate has requested the use of a commonly used surname, the candidate's alphabetical position on the statement of persons nominated and on the ballot paper must be made by reference to their commonly used surname.<sup>178</sup>
- 4.27 If, however, you have rejected the use of any commonly used name as you think it is likely to mislead or confuse electors, or is obscene or offensive, the actual name must, by law, be published on the statement of persons nominated instead of the commonly used name.<sup>179</sup>
- 4.28 The statement of persons nominated must include the notice of poll if the constituency contest is contested<sup>180</sup>.
- 4.29 You must send the Commission a copy of the statement of persons nominated and also, where you have received a certificate of authorisation for a candidate, a copy of that certificate.<sup>181</sup> Copies should be emailed to [infoscotland@electoralcommission.org.uk](mailto:infoscotland@electoralcommission.org.uk).
- 4.30 You should have robust proof-checking processes in place to ensure that there are no errors on the statement of persons nominated.

## Regional contest

- 4.31 If you are also the RRO, and if there are no objections to nominations, you must publish a statement of persons and parties nominated for the region by no later than 5pm on the twenty-third working day before the poll<sup>182</sup>. If there are objections, it must be published by 4pm on the day after the last day for nominations<sup>183</sup>
- 4.32 The statement must show<sup>184</sup>:
- the name and chosen description (if any) of each registered party which has been nominated, together with the names of the candidates on that party's list in the order that they appear on the party list
  - the names and description (if any) of any persons who have been nominated as individual regional candidates
  - in the case of those persons (whether individual regional candidates or candidates on a party list) or parties who no longer stand nominated, the reason why they no longer stand nominated
- 4.33 Your privacy notice should make clear that you are required under electoral legislation to publish a candidate's name in the statement of persons nominated.

[Our resource](#) on the EU General Data Protection Regulations and the Data Protection Act 2018 covers the requirement of a privacy notice.



- 4.34 The names of the parties on the statement must be listed in alphabetical order followed by the names of the individual regional candidates who must be listed in alphabetical order of their surname; this is also how they will appear on the ballot paper<sup>185</sup>. Where there are two or more individual regional candidates with the same surname, the alphabetical order of the other names will decide which candidate is listed first.<sup>186</sup>
- 4.35 If an individual regional candidate has requested the use of a commonly used name on their nomination paper, the commonly used name must be shown on the statement instead of the actual name. Where a candidate has requested the use of a commonly used surname, the candidate's alphabetical position on the statement of persons and parties nominated and on the ballot paper must be made by reference to their commonly used surname<sup>187</sup>.
- 4.36 If, however, you have rejected the use of any commonly used name as you think it is likely to mislead or confuse electors, or is obscene or offensive, the actual name must, by law, be published on the statement of persons nominated instead of the commonly used name<sup>188</sup>.
- 4.37 The names of each candidate on a party's list must be listed on the statement in the order they appear on the party list. If a party list candidate has requested the use of a commonly used name on their nomination paper, the commonly used name must be shown on the statement instead of the actual name. If, however, you have rejected the use of any commonly used name as you think it is likely to mislead or confuse electors, or is obscene or offensive, the actual name must, by law, be published on the statement of persons and parties nominated instead of the commonly used name.
- 4.38 The statement of persons and parties nominated must also include the notice of poll if the regional contest is contested<sup>189</sup>.
- 4.39 You should have robust proof-checking processes in place to ensure that there are no errors on the statement of persons nominated.
- 4.40 As RRO, you must send the Commission a copy of the statement of persons and parties nominated. The copy should be emailed to [infoscotland@electoralcommission.org.uk](mailto:infoscotland@electoralcommission.org.uk).

## Notice of poll

- 4.41 If the constituency contest is contested you as CRO must publish a notice of poll for the constituency, stating the day and hours fixed for the poll and any such further information about the contest as you see fit<sup>190</sup>. The notice of poll must be included with the constituency statement of persons nominated, which must be published by no later than 5pm on the twenty-third working day before the poll<sup>191</sup>. If there are objections, it must be published by 4pm on the day after the last day for nominations<sup>192</sup>.

- 4.42 If you are also the RRO and the regional contest is contested you must publish a notice of poll for the region, stating the day and hours fixed for the poll and any such further information about the contest as you see fit. The notice of poll must be included with the regional statement of persons and parties nominated, which must be published by no later than 5pm on the twenty-third working day before the poll<sup>193</sup>. If there are objections, it must be published by 4pm on the day after the last day for nominations<sup>194</sup>.
- 4.43 In each case, you should give a copy of the statement and the notice of poll to candidates and election agents as soon as practicable after their publication. You should also be prepared to give copies to any accredited observers on request.

## Notice of the situation of polling stations

- 4.44 As CRO you must give public notice of<sup>195</sup>:

- the situation of each polling station
- the description of voters entitled to vote there

### Cross-boundary constituencies

If, as CRO, you are responsible for a constituency that crosses council boundaries, you should liaise with the Returning Officer(s) in the other council/councils to ensure you have the relevant information to enable you to produce the notice of situation of polling stations.

- 4.45 The notice may be combined with the constituency statement of persons nominated and notice of poll.
- 4.46 The notice must be given no later than the time of the publication of the constituency statement of persons nominated and notice of poll. This means that if there are no objections to nomination papers, it must be published by no later than 5pm on the twenty-third working day before the poll<sup>196</sup>. If there are objections, it must be published by 4pm on the day after the last day for nominations<sup>197</sup>
- 4.47 You should have robust proof-checking processes in place to ensure that there are no errors on the notice of situation of polling stations.
- 4.48 You must give a copy of the notice of situation of polling stations and descriptions of voters entitled to vote there to all election agents as soon as practicable after giving the notice, and you should also give a copy of the notice to all candidates<sup>198</sup>. You should also be prepared to make these notices available to any accredited observers on request.

# Production of poll cards

- 4.49 As CRO you are responsible for sending electors and their proxies, official poll card for the Scottish Parliamentary election.<sup>199</sup>
- 4.50 Poll cards must follow the prescribed form<sup>200</sup>. You must ensure that on each poll card all of the elements specified in the election rules and shown on the front and the back of the poll cards in the Appendix to the Scottish Parliament (Elections etc.) Order 2015 are included.<sup>201</sup>
- 4.51 You will need to dispatch your poll card data to your printers.
- 4.52 If you are outsourcing the production of poll cards, you should ensure that your software is able to produce a data file that your printers can use to produce the materials to the specification required. At an early stage in discussions with suppliers you should address in what format you will supply the data and in what format they will send you any proofs, and this should be included in your specification and contract.
- 4.53 If you send registration data to a contractor to produce poll cards for the election, you are using a processor. As a data controller, data protection legislation imposes a legal obligation when using a processor to formalise the working relationship in a contract which sets out:
- the subject matter, nature and purpose of the processing;
  - the obligations and rights of the data controller;
  - duration of the processing; and
  - the types of personal data and categories of data subjects
- 4.54 In addition, the contract must set out specific obligation on the processor, including that they:
- comply with your instructions
  - are subject to a duty of confidentiality
  - keep personal data secure and notify you of any breach
  - maintain written records of the processing activities they carry out for you
  - only use a sub-processor with your consent
  - submit to audits and inspections and provide you with whatever information you need to ensure compliance with data protection requirements
  - delete or return all personal data to you as requested at the end of the contract
- 4.55 You should ensure your agreement/contract specifically confirms that:
- electoral registration data held by the processor should be destroyed as soon as possible after polling day

- information from the full electoral register cannot be disclosed at any time, confirming that they will not disclose data to any unauthorised party; and
- after the election, they will return any discs and paper records provided to them and securely destroy any other electronic or paper copies of the data in line with the Information Commissioner's guidelines.

- 4.56 You should also conduct a test-run by submitting sample data to the printers in advance of 'live' data being submitted. This will also enable pre-proofs to be developed, so that it is clear which part of the data should go where on the poll card.
- 4.57 You should also liaise with your Royal Mail contact (or other commercial delivery firm) at an early stage to ensure that you have appropriate licences in place and that the poll card meets specific delivery requirements.
- 4.58 Regardless of whether you have outsourced the production of poll cards you remain responsible for ensuring that they are produced in accordance with the legislation. You should therefore ensure that you have arrangements in place which enable you to quality-assure the whole process.
- 4.59 In order to ensure that voters receive the information they need you should have in place a process for proof-checking poll cards, including those for absent voters, as well as arrangements to check the actual stationery being produced, which will highlight if any of the signed-off proofs have been inadvertently altered. Random spot checks within polling districts could also be carried out so that a representative cross-section can be checked.
- 4.60 We have produced a [proof checking factsheet](#) which you can use to help you quality assure the whole process. Having robust proof checking processes in place could help detect any errors and avoid any potential data breaches before they occur.



To be able to achieve the outcome set out in [performance standard 1](#), you will need to ensure you have robust processes in place for ensuring that there are no errors on poll cards. To demonstrate that the outcome can be delivered you will need to have in place processes for the proof-checking of poll cards.

- 4.61 EROs must publish two interim election notices of alteration before publishing the final election notice of alteration on the fifth working day before the poll. These notices support the prompt dispatch of poll cards to those electors who have applied to register close to the registration deadline.<sup>202</sup>
- 4.62 The first interim notice of alteration must be published on the twenty-third working day before the poll. The second interim notice must be published between the twenty-second and the sixth working day before

the poll. The Convener of the EMB may direct or recommend when the second interim notice should be published.

- 4.63 An update of the registration data resulting from each of the notices of alteration should be sent to your printers as soon as practicable to enable the production of poll cards for new electors.

### Cross-boundary constituencies

If, as CRO, you are responsible for a constituency that crosses council boundaries, you might need to work with more than one ERO to ensure you are able to provide the data to the printers. You should also liaise with them to obtain the information on new electors as soon as possible after the publication of the interim notices of alteration and the final election notice of alteration.

**A** Further information on [interim notices](#) is included our guidance for EROs.

**A** Further details on the management of contractors and suppliers can be found in [Part B – Planning and organisation](#).

## Poll card delivery

- 4.64 You are required by law to send out poll cards as soon as practicable after the publication of the notice of election.<sup>203</sup>
- 4.65 In order to ensure that voters receive the information they need and within time for them to cast their vote you as CRO should ensure that poll cards can be received by voters as soon as possible, so that they have the maximum amount of time to change their registration details or apply for an absent vote.
- 4.66 The Convener of the EMB may direct or recommend when poll cards are dispatched.



To be able to achieve the outcome set out in [performance standard 1](#), you will need to ensure that poll cards can be received by voters as soon as possible so that they have the maximum amount of time to act on the information. To demonstrate that the outcome can be delivered, you will need to set out information on the method for delivery of poll cards, including an estimation of when poll cards will be delivered.

- 4.67 Poll cards may be delivered by hand, by post, or by some other method determined by you as the most appropriate.

### **Delivery by hand**

- 4.68 If you decide to deliver poll cards by hand you should plan for how this will work in practice. You should appoint sufficient staff to ensure that poll cards can be received by voters as soon as possible to maximise the time they have to change their registration details or apply for an absent vote. You should clearly set out in your instructions the last day by which you would expect all poll cards to have been delivered.
- 4.69 You should ensure that staff are aware of data protection considerations, and should consider requiring staff to confirm in writing, at the point of recruitment, that they will abide by your data protection policy.
- 4.70 You should also have in place a mechanism for monitoring delivery, with a view to ensuring that poll cards have been delivered across the whole of the constituency and to agreed timeframes. This may include requiring delivery staff to fill in log sheets and having supervisors carry out spot-checks.

### **Delivery by post**

- 4.71 You may use Royal Mail or any other commercial delivery firm for the delivery of poll cards. If you are delivering poll cards by post, you should liaise with your postal services provider to agree timescales for delivery and obtain any proof of postage that the firm provides.
- 4.72 You should also have in place a mechanism for monitoring the delivery of poll cards, with a view to ensuring that they have been delivered across the whole of the constituency and to agreed timeframes. If possible, you should have arrangements in place to track deliveries in order to assist with responding to any enquiries from electors.
- 4.73 Your contingency planning should address how you would issue any poll cards in the event that Royal Mail or the commercial delivery firm you have contracted are unable to deliver the poll cards, for example, due to industrial action.
- 4.74 A poll card must be sent to the elector's qualifying address or, in the case of a proxy, to the elector's address and the proxy's address as shown in the list of proxies.<sup>204</sup>
- 4.75 An anonymous elector's poll card must be sent in a covering envelope to the elector's qualifying address or, where a different address has been specified on their registration application, the poll card must be sent to that other address.<sup>205</sup>
- 4.76 A prisoner's poll card can be sent to the address as shown on their application, which means it may be sent to their prison address rather than their registered address.

## Production of ballot papers

- 4.77 As CRO you are responsible for the production of the ballot papers for the constituency and for that part of the regional contest in your constituency.
- 4.78 The form of the ballot papers is prescribed in legislation and must be followed precisely.<sup>206</sup> Ballot papers for postal voters and for polling station use for each contest must be the same in form, except that the official mark may be different if desired.<sup>207</sup>
- 4.79 Although the final content of the ballot papers cannot be confirmed until nominations have closed, decisions about the following elements of the ballot paper will need to be made at an early stage:
- colour of the ballot papers
  - the 'official mark'
  - ballot paper numbers
  - unique identifying number

## Ballot paper colour

- 4.80 The constituency ballot papers and regional ballot papers must be different colours. Tendered ballot papers must be a different colour from the ordinary ballot papers.<sup>208</sup>
- 4.81 The colour of ballot papers is not prescribed but the Convener of the EMB may recommend the colours to be used.

## The 'official mark'

- 4.82 An appropriate security mark – the 'official mark' – is required by law to be added to the ballot papers.<sup>209</sup> As CRO you must determine the official mark or marks to be used for the ballot papers but the Convener of the EMB has previously recommended that the RRO should work with CROs in their region to ensure the official mark is consistent across all regional ballot papers.
- 4.83 The official mark should be distinctive and does not have to be a perforation added at the time of issue of the ballot paper, although stamping instruments may still be used to create a perforating official mark. It could be a printed emblem or mark or a special printing device such as a watermark. It should be capable of being seen on the front of the ballot paper so that it can be seen without having to turn the ballot paper over.
- 4.84 By law, the official mark:
- can be the same for all ballot papers at an election or different official marks can be used for different purposes at the same



- election, for example, one for postal votes and another for polling station ballot papers.
- The official mark must be kept secret and cannot be re-used for seven years at a Scottish Parliamentary election held in the same constituency.<sup>210</sup>

4.85 The Convener of the EMB may recommend that the official mark used on ballot papers to be issued in polling stations should be different to the official mark used on ballot papers to be issued in postal vote packs.

## Ballot paper numbers and the unique identifying number

4.86 Ballot paper numbers should run consecutively, but do not have to start at '1'.

4.87 The Convener of the EMB may direct or recommend that RROs implement a ballot paper numbering protocol so that each regional ballot paper is uniquely numbered. This could include the addition of prefixes to the ballot paper number or the allocation of sets of numbers to particular constituencies.

4.88 The unique identifying number must be printed on the back of the ballot paper<sup>211</sup>.

## Candidate and party details

4.89 Candidates must appear on the constituency ballot paper in the order that they are listed in the statement of persons nominated and their names and relevant details must be printed in accordance with the directions for printing.<sup>212</sup>

4.90 The registered parties and individual regional candidates must appear on the regional ballot paper in the order that they are listed as in the statement of persons and parties nominated and their names and relevant details must be printed in accordance with the directions for printing.<sup>213</sup> The RRO will be able to confirm the details of the parties and candidates which are to appear on the regional ballot paper after the close of nominations.

4.91 In all cases, you should use the maximum possible sizes of font. To ensure consistency, the same font size should be used for each candidate or party for each equivalent line.

4.92 You may be provided with a high-resolution copy of the emblem for use in the printing of ballot papers, or the candidate or party may request that you download the emblem from the Commission's website. You should ensure that whatever copy is used is in the same form as the registered emblem.



- 4.93 The maximum size of an emblem on the ballot paper is two centimetres square. When adding a party emblem to a ballot paper, the shape of the emblem should not be altered. You should ensure that the emblem is in the same form as the registered emblem – for example, do not stretch emblems into square shapes if they are not registered as square images on our website, as this would have the effect of altering their appearance.

## Form of the reverse of the ballot paper

- 4.94 The form of the reverse of the ballot paper is prescribed and you must ensure that the required information is included on the ballot paper reverse in the specified format<sup>214</sup>. There is no provision to put any hatching or other marks on the back of the ballot papers.

## Printing of ballot papers

- 4.95 The ballot papers must be printed in accordance with the directions for printing in the appendix to the relevant election rules. You should ensure that you check with your print supplier at an early stage to establish the maximum size of ballot papers that they can print and, if necessary, have contingency arrangements in place in the event that larger ballot papers are required.
- 4.96 If you send data to a contractor to produce ballot papers for the election you are using a processor. As a data controller, data protection legislation imposes a legal obligation when using a processor to formalise the working relationship in a contract which sets out:
- the subject matter, nature and purpose of the processing;
  - the obligations and rights of the data controller;
  - duration of the processing; and
  - the types of personal data and categories of data subjects
- 4.97 In addition, the contract must set out specific obligations on the processor, including that they:
- comply with your instructions
  - are subject to a duty of confidentiality
  - keep personal data secure and notify you of any breach
  - maintain written records of the processing activities they carry out for you
  - only use a sub-processor with your consent
  - submit to audits and inspections and provide you with whatever information you need to ensure compliance with data protection requirements
  - delete or return all personal data to you as requested at the end of the contract

- 4.98 You should commence the printing of ballot papers as soon as possible after the nomination process has been completed, the deadline for withdrawals has passed, and final proofs have been signed off.
- 4.99 You should have robust proof-checking processes in place, as well as arrangements to check the ballot papers whilst being printed, which will highlight if any of the signed-off proofs have been inadvertently altered. This could include, for example, ensuring that proofs are checked twice by at least two people.



To be able to achieve the outcome set out in [performance standard 1](#), you will need to ensure you have robust processes in place for ensuring that there are no errors on the ballot papers. To demonstrate that the outcome can be delivered, you will need to have in place a process for proof-checking ballot papers, as well as arrangements to check the ballot papers whilst being printed, which will highlight if any of the signed-off proofs have been inadvertently altered.

4.100 When proof-checking ballot papers, you should check that:

- every candidate/party is included on the ballot paper with their particulars shown as required by law
- every detail on the ballot paper is spelt correctly
- every emblem that has been validly requested has been included beside the correct candidate/party and matches the party's entry in the Commission's register
- all candidate/party descriptions have been printed against the correct candidate/party
- the voting instructions at the top of the ballot paper match the legislative requirements
- the ballot papers have been cut to the correct size
- the official mark has been included

4.101 Once you have received the printed ballot papers, you should carry out a final check before any ballot papers are issued either at a postal vote issuing session or supplied to a polling station. This should be done by checking at least the first and last ballot paper in every book and by checking that the ballot paper numbers in each book or packet run sequentially.

**A** General guidance on the management of contractors and suppliers and on monitoring their work can be found in [Part B – Planning and organisation](#). We have also produced a [contract development checklist](#) to support you in your work with contractors/suppliers. We have also produced a [proof checking factsheet](#) which you can use to help you quality assure the whole process.

4.102 Careful consideration needs to be given to the number of ballot papers that will need to be printed to allow you to allocate a sufficient number of ballot papers to polling stations and issue postal ballot packs. You

should as a minimum base your print-run on 100% turnout of eligible electors. There are significant risks attached to printing ballot papers based on lower turnout levels. For example, if you start running out of ballot papers on polling day it will be more difficult at that stage to print additional ballot papers and send these to the affected polling stations in a timely manner.

4.103 If you decide for any reason not to print ballot papers based on 100% turnout of eligible electorate, you should carefully assess the risks. The Convener of the EMB may provide guidance or direction on this matter.

4.104 As part of your risk assessment you should consider:

- the particular context of this election
- any particular local circumstances
- projected turnout – taking into account the potential for late engagement and interest in the elections. As a minimum you should assume that the turnout will be not less than the turnout at the last equivalent poll
- any local or national issues which may affect turnout
- whether having a stock of additional ballot papers ready for rapid delivery to polling stations is preferable, in terms of your ability to respond to additional demand, and more cost effective than printing ballot papers on polling day

4.105 You should also take steps to ensure that additional ballot papers can be printed at short notice if required and decide how polling station staff would be briefed should this situation occur.

4.106 Guidance on the allocation of ballot papers to polling stations can be found in Chapter 5.

## Ballot paper security

4.107 Once the official mark is printed on ballot papers, they are effectively 'live'. Regardless of whether you have outsourced your printing or are printing in-house, in order to ensure that voters can have confidence in the process, you should ensure the security of ballot papers during production and storage. Your security arrangements should prevent unauthorised access to or use of the ballot papers during all stages of the production process and storage between printing and the poll.



To be able to achieve the outcome set out in [performance standard 1](#), you will need to maintain the secure storage of ballot papers at all times. To demonstrate that the outcome can be delivered, you will need to have in place arrangements for securely storing ballot papers that prevent unauthorised access to or use of the ballot papers during all stages of the production process and storage between printing and the poll.

## 5 Polling station voting

- 5.1 We have produced a [polling station handbook](#) which covers in detail the voting procedures and what to expect on polling day.
- 5.2 The guidance contained in the polling station handbook has not been reproduced here. Instead, this part of our guidance focuses on the preparations you will need to make in advance of polling day.

### Setting up polling stations

**A** Guidance on the identification of suitable polling stations can be found in [Part B – Planning and organisation](#).

- 5.3 You should take all necessary steps to ensure that polling stations are laid out with the voter in mind. In particular, the needs of voters with a range of disabilities should be taken into account. The positioning of all of the required furniture and equipment, as well as where all of the notices should be displayed, should also be considered, along with the placement of signage within the polling station and external signage.
- 5.4 You should develop plans for the layout of each of your polling stations which can be used to assist those setting up the polling stations. You should consider voter throughput and flow, including how the voter will move through the voting process from entering to exiting the polling station.
- 5.5 Whoever is in charge of setting up polling stations should be instructed on how to do so and what the layout should be capable of achieving.
- 5.6 If polling station staff are not expected to set up polling stations, they should be instructed to check that the polling station has been set up properly, and should have reference to any layout plans you have produced and the polling station set-up checklist in the Commission's polling station handbook when doing so. The polling station handbook also covers the positioning of equipment and display of notices, and provides examples of layouts for both a room where there is one polling station and a room where there is more than one polling station.



To be able to achieve the outcome set out in [performance standard 1](#), you will need to ensure access needs are taken into account when planning for and setting up polling stations and that polling station staff are trained to set-up polling stations in such a way that takes account of voter needs. To demonstrate that the outcome can be delivered, you will need to have made an assessment regarding access needs, identifying any problems and actions taken to remedy these, and provide guidance/training to polling station staff.

**A** Further guidance on training polling station staff can be found in [Part B – Planning and organisation](#).

- 5.7 Polling station inspector visits can be used to check polling station set-up and to ensure that all notices remain properly displayed throughout polling day.

**A** Further details on the role of polling station inspectors can be found in [Part B – Planning and organisation](#).

## Polling station equipment and materials

- 5.8 CROs must provide polling stations with certain materials<sup>215</sup>:

- Separate ballot box(es) and seals must be provided for the constituency ballot papers and the regional ballot papers
- ballot papers (including tendered ballot papers)
- materials to enable voters to mark their ballot papers (in practice, pencils – you may wish to provide string to attach pencil to the polling booths)
- relevant part of the register
- absent voters lists – postal voters', proxy voters' and postal proxies lists
- form to record the details of electors who have been issued ballot papers after the correction of a clerical error (which may be appended to the polling station register)
- corresponding number list
- large-print version of the ballot papers
- enlarged hand-held sample copy of the ballot papers
- voting devices for use by blind or partially sighted voters
- ballot paper accounts
- declaration by companions of voters with disabilities
- list of tendered votes
- list of votes marked by the Presiding Officer
- statement of number of votes marked by the Presiding Officer
- list of voters with disabilities assisted by companions
- at least one list showing the names of the candidates who appear on the list of each party at the regional contest followed by the names of the individual regional candidates as given on the statement of persons and parties nominated and in the order in which they appear on the statement
- Guidance for voters notice (to be displayed inside and outside every polling station)

- Information for voters notice (to be displayed inside the polling booth)
- the statement of persons nominated for the constituency contest and the statement of persons and parties nominated for return as regional members (to be printed in conspicuous characters and displayed inside and/or outside the polling station)
- polling screens
- packets, with seals, in which to place the items to be returned to you, such as postal ballot papers returned to the polling station, and for packaging the election documentation at close of poll

5.9 In addition, you should provide:

- a copy of the requirements as to secrecy
- envelopes, with seals, in which to place any ballot papers that have been issued but which the elector has not placed in the ballot box
- form or list to record electors marked as postal voters but who claim not to have applied for one
- notepaper for use by polling station staff
- stationery items as required, e.g. paper clips, drawing pins, adhesive tack, adhesive tape
- plastic sacks for returning stationery and equipment to the verification venue
- envelopes for making up assorted statutory packets

5.10 You should check that all polling station equipment is fit for purpose and that you have a sufficient quantity, particularly in the event of a high turnout.

5.11 You are required to provide separate ballot box(es) for the constituency ballot papers and for the regional ballot papers. Each ballot box should be clearly marked with the election to which it relates and the words 'place the [specify colour of the ballot papers in question] ballot paper here'. It may be helpful to colour code the labels on the ballot boxes.

5.12 You will need to consider providing additional ballot boxes to Presiding Officers as one box for each of the constituency and regional contests may not be sufficient should there be a high turnout. All ballot boxes provided for use in polling stations must be sealed by polling station staff at the start of the poll<sup>216</sup>.

5.13 You should have prepared your polling station equipment and materials in good time before polling day, for either delivery to polling stations or collection by Presiding Officers.

5.14 As part of your evaluation of the suitability of your polling stations you will already have considered accessibility issues both inside and outside of each of your polling stations. You should ensure that any additional equipment you have identified as required to make the polling station accessible is delivered and set up in good time for the opening of the poll.

- 5.15 Where a polling station has an induction loop installed, it should be used wherever possible to support the accessibility of the electoral process to voters with hearing loss. Polling station staff would need to be trained on how to use these at the briefing session.
- 5.16 You must provide a copy of the relevant [secrecy requirements](#) to all polling station staff.<sup>217</sup>

## Allocation of ballot papers

- 5.17 You must provide each polling station with such number of ballot papers as, in your opinion, may be necessary<sup>218</sup>. If you are not allocating ballot papers for 100% of electors entitled to vote in person at the polling stations careful consideration needs to be given to the number that will be required in each case.
- 5.18 As part of your consideration, you should consider expected turnout levels. You should assume that the turnout will be not less than the turnout at the last equivalent poll, and you should take into account the potential for late engagement and interest in the election, and any local or national issues which may affect turnout.
- 5.19 If you decide for any reason not to allocate ballot papers to polling stations based on 100% turnout of eligible electorate, you should have plans in place to ensure that additional ballot papers can be provided to any polling station that may require them in a timely manner and give clear advice to Presiding Officers about how to complete the ballot paper accounts to take account of the additional allocation.
- 5.20 When allocating ballot papers to polling stations, ensure that the numbers on the ballot papers allocated to each polling station run consecutively in order to avoid any problems with completing the corresponding number list or ballot paper accounts. Further guidance on the printing of ballot papers is provided in **Production of notices, poll cards and ballot papers** above.
- 5.21 Tendered ballot papers must also be supplied to Presiding Officers. Tendered ballot papers should be supplied to polling stations in a sealed envelope with instructions stating that the envelope should be opened and the ballot papers within it issued only in prescribed circumstances, and a brief description of those circumstances should also be provided. This can help to avoid tendered ballot papers being issued in error.<sup>219</sup>
- 5.22 You should take all necessary steps to ensure that all polling station staff understand that there are limited circumstances in which tendered ballot papers can be issued, and are made aware of what these circumstances are and what processes they will be required to follow for issuing them. The circumstances under which tendered ballot papers can be issued and the processes for doing so are covered in the Commission's [polling station handbook](#).





Further guidance on training polling station staff can be found in [Part B – Planning and organisation](#).

## Polling station registers and absent voting lists

- 5.23 You must provide each Presiding Officer with the appropriate part of the register for their polling station and appropriate absent voting lists.  
<sup>220</sup> Polling station staff should have been trained on the various franchise markers that will appear on the register. Polling station staff should be aware of the importance of the security of voters' personal details on the electoral register and absent voting lists.
- 5.24 Polling station registers can be printed once the final election notice of alteration has been published, five working days before polling day. You should ensure that all printed polling station registers are checked to ensure that they are complete, reflect any recent additions or deletions to the register, and that the appropriate franchise marchers are in place. You should also instruct your Presiding Officers to check that they have been provided with the correct register for their polling station and that it includes the expected number of electors allocated to their polling station.
- 5.25 Procedures should be put in place to deal with any necessary amendments to polling station registers and proxy lists after that time resulting from alterations as a result of correcting clerical errors or court decisions on registration appeals and the granting of emergency proxy applications.
- 5.26 Whether such determinations are made before polling day or on polling day itself, you should have in place a method for communicating the relevant information to Presiding Officers, which may be done orally or in writing.
- 5.27 You should liaise and agree with the ERO(s) in your constituency a method for communicating to Presiding Officers changes to the register as a result of a clerical error, court decisions or the granting of an emergency proxy.
- 5.28 Where a clerical error has been rectified and the relevant elector arrives at the polling station and applies for ballot papers, the Presiding Officer must issue ballot papers in the usual manner<sup>221</sup>. The Presiding Officer must also make a written record of the elector to whom ballot papers have been issued following an alteration to the register due to a clerical error. This record should include the elector's name and elector number. To assist Presiding Officers, you should attach an additional



sheet to the polling station registers to allow them to record any such amendments.<sup>222</sup>

- 5.29 Similar processes should also be developed to communicate additions to the proxy voters' list as a result of emergency proxy applications.
- 5.30 Where a person makes a complaint to polling station staff that suggests that they should be on the electoral register, the Presiding Officer must communicate that representation to the ERO as soon as is practicable. You should liaise and agree with the ERO(s) in your constituency a method for communicating in these circumstances.

## Corresponding number lists

- 5.31 You must prepare and provide a corresponding number list for each polling station. The corresponding number list is a prescribed document that can be found in the appendix to the election rules.<sup>223</sup> There are no provision for a form 'to like effect' to be used.
- 5.32 There are two types of corresponding number list: one list, which is the list to be used at postal vote issuing sessions, contains the ballot paper numbers of every ballot paper produced, as well as the elector numbers of postal voters; and another list, which is the one to be used in polling stations, and contains the ballot paper numbers and a column to add the elector numbers of voters to whom those ballot papers are issued.

## Packets for postal ballot papers delivered to polling stations

- 5.33 Postal voters can return their postal votes by hand to any polling station in the constituency.
- 5.34 Polling station staff should be appropriately briefed to identify which postal votes can be returned to their polling station.

**A** Further details on the training of polling station staff can be found in [Part B – Planning and organisation](#).

- 5.35 You should provide polling stations with packets for received postal votes. The number and style of packets should, as a minimum, be based on returns at the last equivalent polls, taking into account the potential for late engagement and interest in the election, and any local or national issues which may affect turnout.
- 5.36 Records of all such packets should be kept so that each one can be accounted for. The packets should be clearly labelled as containing

postal votes. The labels should include the name of the polling station and polling station identifier. You should ensure that the packets are capable of being securely sealed. Polling agents are entitled to attach their seal to sealed packets before they are removed from the polling station and must therefore be permitted to do so<sup>224</sup>.

- 5.37 You should emphasise to Presiding Officers the importance of maintaining the security of postal votes returned to polling stations by instructing them to immediately place any returned postal votes in the packets provided and to ensure that the packets are stored securely throughout the day.
- 5.38 You should arrange for postal votes to be collected from polling stations throughout the day as this will help to reduce the number that will have to be dealt with after the close of poll. Polling station inspectors can perform this duty. You should ensure that processes are in place to maintain a clear audit trail and to ensure the security of collected postal vote packets while in transit.

## Polling station log

- 5.39 As CRO you should prepare a polling station log for polling station staff to use to record any problems or anomalies. Where a voter is unable to vote for any administrative reason, their name and address should be recorded in the log.
- 5.40 Polling station staff should be advised to use this log to record anything that may help to explain any apparent issues with the ballot paper accounts at the verification – for example, if a voter has been seen leaving the polling station with a ballot paper. You should consider instructing Presiding Officers to keep the log and ballot paper accounts together when delivering the ballot papers to the count.
- 5.41 You should also instruct polling station staff to record, in the polling station log, any instances where they are required to ask the prescribed questions as a result of suspected personation. This should be done once the person in question has left the polling station. They should record as much information as possible, for example, any distinguishing characteristics, which may help any future investigation. Appendix 7 of the polling station handbook sets out the procedure for dealing with personation, which involves asking the prescribed questions.
- 5.42 If you are concerned that personation may have taken place at a polling station you should contact your SPOC and you can also contact [your local Commission team](#) for additional support.

## Polling station notices

- 5.43 You are required to produce the 'Guidance for voters' notice and the 'Information for voters' notice. The contents and display of these notices are prescribed in legislation.<sup>225</sup>
- 5.44 The 'Guidance for voters' notice must be displayed inside and outside of the polling station<sup>226</sup>. The 'Information for voters' notice must be exhibited in every polling booth<sup>227</sup>.

## Selfies' Selfies' in polling stations

- 5.45 The law relating to obtaining information in polling stations and disclosing such information is complex. Given the risk that someone taking a photo inside a polling station may be in breach of the law, whether intentionally or not, our advice is that you should not allow photos to be taken inside polling stations.
- 5.46 You should ensure that all polling station staff are aware of this guidance. You might also want to consider displaying a notice inside polling stations to make clear that photography of any kind (including photos taken on mobile phones) is not permitted. You may also want to consider whether you will allow the use of mobile phones at polling stations and whether to have signs explicitly prohibiting the use of mobile phones inside polling stations.

## Provision of information on the number of ballot papers issued

- 5.47 An election agent or polling agent might ask polling station staff for information on the number of ballot papers issued. It is for you to decide whether to release this information. A request for the number of ballot papers that have been issued can only be made by those who are entitled to be inside the polling station. If you decide to provide this information, you must be careful not to release any information that may risk breaching the secrecy of the ballot.

## Close of poll

- 5.48 Voters who at 10pm are in their polling station, or in a queue outside their polling station, for the purpose of voting, may apply for a ballot paper.<sup>228</sup>
- 5.49 Good planning and flexible staffing should minimise the risk of there being queues at polling stations. As part of your planning you should consider where queues may arise and ensure that you have arrangements in place to be able to respond in the event of queues developing. You should ensure that polling station staff are monitoring turnout throughout the day and providing progress reports to polling station inspectors, and that you are kept informed if there is any

information that indicates a risk of there being a queue at close of poll at any polling station. However, you still need to be prepared to deal with any queues should they arise. You should also consider involving your police SPOC in planning arrangements to deal with possible queues at the close of poll, so they can assist you with queue management if necessary.

**A** Further guidance on staffing arrangements at polling stations and relevant training of staff so they can carry out each other's roles in as far as the law permits can be found [in Part B – Planning and organisation](#).

5.50 The Commission's polling station handbook will set out in detail the processes to be followed at the close of poll, including how to deal with voters held in a queue at 10pm.

<sup>1</sup> Rule 8, Sch 2, Scottish Parliament (Elections etc) Order 2015 ("SP Order 2015")

<sup>2</sup> Rule 8(1)(b), Sch 2 of the SP Order 2015

<sup>3</sup> Rule 8(2)(b), Sch 2 of the SP Order 2015

<sup>4</sup> Rule 1 Timetable, Schedule 2, of the SP Order 2015

<sup>5</sup> Rule 10(1), Schedule 2, of the SP Order 2015

<sup>6</sup> Rule 4, Schedule 2, of the SP Order 2015

<sup>7</sup> Rule 9(1), Schedule 2, of the SP Order 2015

<sup>8</sup> Rule 7, Schedule 2, of the SP Order 2015

<sup>9</sup> Rule 27(5), Sch 2, of the SP Order 2015

<sup>10</sup> Rule 5, Sch 2, of the SP Order 2015

<sup>11</sup> Rule 9(2), Sch 2, of the SP Order 2015

<sup>12</sup> Rule 6(2) Sch 2 of the SP Order 2015

<sup>13</sup> Rule 6, Sch 2 of the SP Order 2015

<sup>14</sup> Rule 9(2), Sch 2, of the SP Order 2015

<sup>15</sup> Rule 6 and Form H1 Sch 2 of the SP Order 2015

<sup>16</sup> Rule 27(5), Sch 2, of the SP Order 2015

<sup>17</sup> Rule 3, 11 and 12, Sch 2 of the SP Order 2015

<sup>18</sup> Rule 1 Timetable Sch 2 of the SP Order 2015

<sup>19</sup> Rule 4(1), 5(1), 6(1) Sch 2, of the SP Order 2015 and Legal Advice by Jason Coppel [http://www.electoralcommission.org.uk/\\_data/assets/pdf\\_file/0005/166379/Delivery-of-Nomination-Papers-Counsel-Advice-FINAL.pdf](http://www.electoralcommission.org.uk/_data/assets/pdf_file/0005/166379/Delivery-of-Nomination-Papers-Counsel-Advice-FINAL.pdf)

<sup>20</sup> Rule 3(1) and (2), Sch 2 of the SP Order 2015

<sup>21</sup> Rule 11, Sch 2, of the SP Order 2015

<sup>22</sup> Rule 12(2), Sch 2, of the SP Order 2015

<sup>23</sup> Rule 6(1), Sch 2, of the SP Order 2015

<sup>24</sup> Rule 6(2) Sch 2 of the SP Order 2015

<sup>25</sup> Rule 9(3), Sch 2, of the SP Order 2015 (see also legal advice by Jason Coppel [http://www.electoralcommission.org.uk/\\_data/assets/pdf\\_file/0005/166379/Delivery-of-Nomination-Papers-Counsel-Advice-FINAL.pdf](http://www.electoralcommission.org.uk/_data/assets/pdf_file/0005/166379/Delivery-of-Nomination-Papers-Counsel-Advice-FINAL.pdf))

<sup>26</sup> For Constituency Rule 7(1), Sch 2, of the SP Order 2015 (and may only allow for hand delivery- see comment above regarding 'received' vs 'delivered' For Regional list Rule 6(2), Sch 2, of the SP Order 2015

<sup>27</sup> Rule 18(7), 19(8) and (9) Sch 2 of the SP Order 2015

<sup>28</sup> Rule 13, Sch 2 of the SP Order 2015

<sup>29</sup> Rule 13 (1), Sch 2, of the SP Order 2015

<sup>30</sup> Rule 13 (1), Sch 2, of the SP Order 2015

<sup>31</sup> Rule 13(4), Sch 2, of the SP Order 2015

<sup>32</sup> RPA section 168 and section 225 of the Criminal Procedure (Scotland) Act 1995

<sup>33</sup> Rule 4(3) sch 2 of the SP Order 2015

<sup>34</sup> Rule 4(1) Sch 2 and Form E of the SP Order 2015

<sup>35</sup> Rule 4(4) Form E, Rule 5(4) Form F and Form G S of the SP Order 2015

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36 Rule 18(5) and 19(5) Sch 2 of the SP Order 2015  
37 Rule 38(13) Sch 2 of the SP Order 2015  
38 Rule 18(6) and 19(6) Sch 2 of the SP Order 2015  
39 Rule 4(3), 5(3) and 6(5), Sch 2, of the SP Order 2015  
40 Rule 4(2) and 5(2) Sch 2 of the SP Order 2015  
41 Rule 6(1) and Form G Sch 2 of the SP Order 2015  
42 Rule 6(1) and Form G Sch 2 of the SP Order 2015  
43 Rule 7(1) and Form H2 Sch 2 of the SP Order 2015  
44 Rule 6(2) and 16(2)(a) Sch 2 of the SP Order 2015  
45 Rule 16(2) Sch 2 of the SP Order 2015  
46 Rule 16(2) Sch 2 of the SP Order 2015  
47 Rule 4(5) Sch 2 of the SP Order 2015  
48 Rule 7 Sch 2 of the SP Order 2015  
49 Rule 7(1) and Form H2 Sch 2 of the SP Order 2015  
50 Rule 4(8) and 7 Sch 2 of the SP Order 2015  
51 Rule 4(8) and Form H2 Sch 2 of the SP Order 2015  
52 Rule 7(1)(a) and (b) Sch 2 Of the SP Order 2015  
53 Rule 4(7) and Form H2 Sch 2 Of the SP Order 2015  
54 Rule 7 and Form H2 Sch 2 Of the SP Order 2015  
55 Rule 5(3)(c) and Form F Sch 2 Of the SP Order 2015  
56 Rule 6(2) Sch 2 of the SP Order 2015  
57 Rule 6(2),(3) and (4) Sch 2 and Form H1 Of the SP Order 2015  
58 Rule 6(2) Sch 2 Form H1 Of the SP Order 2015  
59 Rule 6(2),(3) and (4) and Form H1 Of the SP Order 2015  
60 Rule 6 and Form H1 Sch 2 Of the SP Order 2015  
61 Rule 6(7) Sch 2 of the SP Order 2015  
62 Rule 6(7) Sch 2 Of the SP Order 2015  
63 Rule 7 Sch 1 Greater London Authority Elections Rules 2007  
64 Rule 9(4) Sch 2 Of the SP Order 2015  
65 Rule 9(1)(a) Sch 2 Of the SP Order 2015  
66 Rule 9(3) Sch 2 Of the SP Order 2015  
67 Rule 16(4) Sch 2 Of the SP Order 2015  
68 Rule 10 Sch 2 Of the SP Order 2015  
69 Rule 10(4) Sch 2 Of the SP Order 2015  
70 Rule 10(4) Sch 2 Of the SP Order 2015  
71 Rule 10(1) Sch 2 Of the SP Order 2015  
72 Rule 10(1) Sch 2 Of the SP Order 2015  
73 Rule 10(1) Sch 2 Of the SP Order 2015  
74 Rule 10(2) Sch 2 Of the SP Order 2015  
75 Rule 10(3) Sch 2 Of the SP Order 2015  
76 Rule 10(5) and (6) Sch 2 Of the SP Order 2015  
77 Rule 14, 15, 16 Sch 2 Of the SP Order 2015  
78 Rule 14(2) Sch 2 Of the SP Order 2015  
79 Rule 14(2) Sch 2 Of the SP Order 2015  
80 Rule 14(2) Sch 2 Of the SP Order 2015  
81 Rule 14(3) and (4) Sch 2 Of the SP Order 2015  
82 Rule 15(2) Sch 2 Of the SP Order 2015  
83 Rule 14(2) Sch 2 Of the SP Order 2015  
84 Rule 14(2) Sch 2 Of the SP Order 2015  
85 Rule 16(2) and (3) Sch 2 Of the SP Order 2015  
86 Rule 14(6), 15(5) and 16 Sch 2 Of the SP Order 2015  
87 Rule 14(5) and 15(4) Sch 2 Of the SP Order 2015  
88 Rule 16(6) Sch 2 Of the SP Order 2015  
89 Rule 20 Sch 2 Of the SP Order 2015  
90 Rule 20(5) Sch 2 Of the SP Order 2015  
91 Rule 1 Timetable Sch 2 Of the SP Order 2015  
92 Rule 21 and 22 Sch 2 Of the SP Order 2015  
93 Rule 21 and 22 Sch 2 Of the SP Order 2015  
94 Rule 21 and 22 Sch 2 Of the SP Order 2015

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<sup>95</sup> Rule 21 and 22 Sch 2 Of the SP Order 2015  
<sup>96</sup> Rule 14(3), 15(3) and 16(5) Sch 2 Of the SP Order 2015  
<sup>97</sup> Rule 18(1)(b) and 19(1)(c) Sch 2 Of the SP Order 2015  
<sup>98</sup> Rule 17 Sch 2 Of the SP Order 2015  
<sup>99</sup> Rule 1 Timetable and 17 Sch 2 Of the SP Order 2015  
<sup>100</sup> Rule 18, 19, 27 and 28 Sch 2 Of the SP Order 2015  
<sup>101</sup> Rule 17(4) Sch 2 Of the SP Order 2015  
<sup>102</sup> Rule 1 Timetable and rule 17 Sch 2 Of the SP Order 2015  
<sup>103</sup> Rule 17(4) and 16(3) Sch 2 Of the SP Order 2015  
<sup>104</sup> Rule 18 and 19 Sch 2 Of the SP Order 2015  
<sup>105</sup> Rule 66 Sch 2 Of the SP Order 2015  
<sup>106</sup> Rule 66(4) Sch 2 Of the SP Order 2015  
<sup>107</sup> Rule 66(1),(2) and (4) Sch 2 Of the SP Order 2015  
<sup>108</sup> Rule 66(5)(a) Sch 2 Of the SP Order 2015  
<sup>109</sup> Rule 66(1),(2) and (5) Sch 2 Of the SP Order 2015  
<sup>110</sup> Rule 66(5)(a) Sch 2 Of the SP Order 2015  
<sup>111</sup> Rule 66(1),(2) and (5) Sch 2 Of the SP Order 2015  
<sup>112</sup> Rule 18 and 24 Sch 2 Of the SP Order 2015  
<sup>113</sup> Rule 62(2) Sch 2 Of the SP Order 2015  
<sup>114</sup> Rule 19 and 25 Sch 2 Of the SP Order 2015  
<sup>115</sup> Rule 71, 72 and 73 Sch 2 Of the SP Order 2015  
<sup>116</sup> Rule 72(2)(c) Sch 2 Of the SP Order 2015  
<sup>117</sup> Rule 72(5) Sch 2 Of the SP Order 2015  
<sup>118</sup> Rule 72 Sch 2 Of the SP Order 2015  
<sup>119</sup> Rule 73 Sch 2 Of the SP Order 2015  
<sup>120</sup> Rule 71(4) Sch 2 Of the SP Order 2015  
<sup>121</sup> Rule 71(4) Sch 2 Of the SP Order 2015  
<sup>122</sup> Rule 66 Sch 2 Of the SP Order 2015  
<sup>123</sup> Rule 74(2) Sch 2 Of the SP Order 2015  
<sup>124</sup> Rule 74 Sch 2 Of the SP Order 2015  
<sup>125</sup> Rule 74(5) Sch 2 Of the SP Order 2015  
<sup>126</sup> Rule 74(7) Sch 2 Of the SP Order 2015  
<sup>127</sup> Rule 74(9) Sch 2 Of the SP Order 2015  
<sup>128</sup> Rule 74(3) Sch 2 Of the SP Order 2015  
<sup>129</sup> Rule 72(5), 74(5) Sch 2 Of the SP Order 2015  
<sup>130</sup> Rule 72(10), 74(10) Sch 2 Of the SP Order 2015  
<sup>131</sup> Rule 74(9) Sch 2 Of the SP Order 2015  
<sup>132</sup> Rule 75 Sch 2 Of the SP Order 2015  
<sup>133</sup> Rule 75(4) Sch 2 Of the SP Order 2015  
<sup>134</sup> Rule 75(1) Sch 2 Of the SP Order 2015  
<sup>135</sup> Rule 75(1)(a) Sch 2 Of the SP Order 2015  
<sup>136</sup> Rule 75(1)(b) Sch 2 Of the SP Order 2015  
<sup>137</sup> Rule 75(1)(c) Sch 2 Of the SP Order 2015  
<sup>138</sup> Section 32 Of the SP Order 2015  
<sup>139</sup> Section 32(1) Of the SP Order 2015  
<sup>140</sup> Section 32 Of the SP Order 2015  
<sup>141</sup> Section 32(1) Of the SP Order 2015  
<sup>142</sup> Section 35 Of the SP Order 2015  
<sup>143</sup> Section 35 Of the SP Order 2015  
<sup>144</sup> Section 32(6) and 35 of the SP Order 2015  
<sup>145</sup> Section 35 Of the SP Order 2015  
<sup>146</sup> Section 34 of the SP Order 2015  
<sup>147</sup> Section 34 Of the SP Order 2015  
<sup>148</sup> Section 35(7) Of the SP Order 2015  
<sup>149</sup> Section 32(8) of the SP Order 2015  
<sup>150</sup> Section 32(8) of the SP Order 2015  
<sup>151</sup> Section 32(6) and (8) of the SP Order 2015  
<sup>152</sup> Section 33 Of the SP Order 2015  
<sup>153</sup> Section 34 of the SP Order 2015

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154 Section 33(5) of the SP Order 2015  
155 Section 33(5) of the SP Order 2015  
156 Section 33(5) of the SP Order 2015  
157 Rule 39 Of the SP Order 2015  
158 Section 31 and rule 40 Sch 2 of the SP Order 2015  
159 Rule 16 and 17 Sch 4 Of the SP Order 2015  
160 Rule 41 Sch 2 Of the SP Order 2015  
161 Rule 41(2) Sch 2 of the SP Order 2015  
162 Rule 33 Sch 2 Of the SP Order 2015  
163 Section 86 of the SP Order 2015  
164 Section 8(7) of the SP Order 2015  
165 Rule 1 Timetable and rule 3 Sch 2 Of the SP Order 2015  
166 Rule 3 Sch 2 of the SP Order 2015  
167 Rule 3(3) Sch 2 of the SP Order 2015  
168 Rule 33 (and referring to rule 18 and 19) Sch 2 Of the SP Order 2015  
169 Rule 3 Sch 2 of the SP Order 2015  
170 Rule 3(3) Sch 2 of the SP Order 2015  
171 Rule 38(13) Sch 2 of the SP Order 2015  
172 Rule 18 and 1 Timetable Sch 2 of the SP Order 2015  
173 Rule 18 and 1 Timetable Sch 2 of the SP Order 2015  
174 Rule 18(1) and (2) Sch 2 Of the SP Order 2015  
175 Rule 18 Sch 2 of the SP Order 2015  
176 Rule 18 (3) Sch 2 Of the SP Order 2015  
177 Rule 18(4) Sch 2 of the SP Order 2015  
178 Rule 18(4) Sch 2 Of the SP Order 2015  
179 Rule 18(5) Sch 2 Of the SP Order 2015  
180 Rule 33 Sch 2 Of the SP Order 2015  
181 Rule 18(8) and 19(10) Sch 2 Of the SP Order 2015  
182 Rule 19 and 1 Timetable Sch 2 Of the SP Order 2015  
183 Rule 19 and Rule 1 timetable Sch 2 Of the SP Order 2015  
184 Rule 19(1), (2) and (3) Sch 2 Of the SP Order 2015  
185 Rule 19 Sch 2 Of the SP Order 2015  
186 Rule 19(2) Sch 2 Of the SP Order 2015  
187 Rule 19(4) Sch 2 Of the SP Order 2015  
188 Rule 19(5) Sch 2 Of the SP Order 2015  
189 Rule 33 Sch 2 Of the SP Order 2015  
190 Rule 33 Sch 2 Of the SP Order 2015  
191 Rule 33 and 1 Timetable Sch 2 Of the SP Order 2015  
192 Rule 33 and 1 Timetable Sch 2 Of the SP Order 2015  
193 Rule 33 and 1 Timetable Sch 2 Of the SP Order 2015  
194 Rule 33 and 1 Timetable Sch 2 Of the SP Order 2015  
195 Rule 33(2) Sch 2 Of the SP Order 2015  
196 Rule 33(2) Sch 2 Of the SP Order 2015  
197 Rule 33 and Rule 1 Timetable Sch 2 Of the SP Order 2015  
198 Rule 33(2) Sch 2 Of the SP Order 2015  
199 Rule 37 Sch 2 Of the SP Order 2015  
200 Rule 37 Sch 2 Of the SP Order 2015  
201 Rule 33(3) Sch 2 Of the SP Order 2015  
202 Section 13AB and 13B Representation of the People Act 1983  
203 Rule 37(1) Sch 2 Of the SP Order 2015  
204 Rule 37(2) Sch 2 Of the SP Order 2015  
205 Section 9B(8) Representation of the People Act 1983 as applied by Section (2)  
interpretation in Of the SP Order 2015  
206 Rule 27 and Form I and Rule 28 and Form J Sch 2 Of the SP Order 2015  
207 Rule 34 Sch 2 Of the SP Order 2015  
208 Rule 28(6) Sch 2 Of the SP Order 2015  
209 Rule 30 Sch 2 Of the SP Order 2015  
210 Rule 30(2) Sch 2 Of the SP Order 2015  
211 Rule 27(3)(c) and 28(3)(d) Sch 2 Of the SP Order 2015

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- <sup>212</sup> Rule 27(3)(a) Sch 2 Of the SP Order 2015  
<sup>213</sup> Rule 28(3)(a)and(b) Sch 2 Of the SP Order 2015  
<sup>214</sup> Rule 27 and 28 Sch 2 and Forms I and J Appendix Of the SP Order 2015  
<sup>215</sup> Rule 35, 38, 47, 48, 49, 50 and 51 Sch 2 Of the SP Order 2015  
<sup>216</sup> Rue 43 Sch 2 Of the SP Order 2015  
<sup>217</sup> Rule 40 Sch 2 Of the SP Order 2015  
<sup>218</sup> Rule 38(1) Sch 2 Of the SP Order 2015  
<sup>219</sup> Rule 49 Sch 2 Of the SP Order 2015  
<sup>220</sup> Rule 38 Sch 2 Of the SP Order 2015  
<sup>221</sup> Rule 51 Sch 2 Of the SP Order 2015  
<sup>222</sup> Rule 51 Sch 2 Of the SP Order 2015  
<sup>223</sup> Rule 29 and Form Y Sch 2 Of the SP Order 2015  
<sup>224</sup> Rule 53 Sch 2 Of the SP Order 2015  
<sup>225</sup> Rule 38 and Forms N1, N2 and O, Sch 2 Of the SP Order 2015  
<sup>226</sup> Form N1 and N2 Of the SP Order 2015  
<sup>227</sup> Form O Of the SP Order 2015  
<sup>228</sup> Rule 46(6) Sch 2 Of the SP Order 2015