

Part A – Context

Contents

- 1 Introduction
- 2 Legislation
- 3 The electoral framework
- 4 Roles and responsibilities
- 5 The role of other organisations
- 6 Resources
Contact details for ordering Electoral Commission forms and leaflets

1 Introduction

1.1 The purpose of this guidance is to assist Returning Officers and electoral administrators with particular points of practice and procedure in the running of the combined Scottish Parliamentary and local government elections on 3 May 2007.

1.2 This guidance is issued in accordance with the Electoral Commission's power under Section 10(3) of the Political Parties, Elections and Referendums Act 2000 (PPERA) to provide advice to Returning Officers, and is offered as such. The Commission has no role in providing guidance for local government elections in Scotland, but we have worked closely with the Scottish Executive who have that statutory role in order to ensure that a single manual covering both the Scottish Parliamentary and local government elections could be produced. The advice relating to local government elections is thus a matter for the Scottish Executive and has been included in this document at their request.

1.3 This guidance is not meant as a comprehensive guide to the relevant election law, but it has been prepared by the Electoral Commission in consultation with practitioners.

1.4 No expression of views on the part of the Commission can alter the application of any legislation to any particular case, or substitute any authoritative judicial interpretation of it. The Commission's role is to offer general assistance only, and it must be for the Electoral Registration Officer, Returning Officer and their own legal advisers to reach conclusions based on the details of any particular case. This guidance should not be relied upon as legally definitive, and the Electoral Commission cannot accept

responsibility for any act or omission arising from any errors or omissions in this guidance.

1.5 This guidance principally needs to be read alongside:

- Local Government (Scotland) Act 1973
- Representation of the People Acts 1983, 1985 and 2000
- Scotland Act 1998
- Representation of the People (Scotland) Regulations 2001 (as amended by the Representation of the People (Scotland) (Amendment) Regulations 2002, 2006 and 2007)
- Electoral Administration Act 2006
- Local Electoral Administration and Registration Services (Scotland) Act 2006
- Representation of the People (Absent Voting at Local Government Elections) (Scotland) Regulations 2007
- Representation of the People (Postal Voting at Local Government Elections) (Scotland) Regulations 2007
- Representation of the People (Post-election Supply and Inspection of Documents) (Scotland) Regulations 2007
- The Scottish Local Government Elections Order 2007
- The Scottish Parliament (Elections etc.) Order 2007



All new legislative provisions introduced for the first time at these elections are covered in the relevant section in the manual.

1.6 The guidance covers:

- **legislative requirements** – a guide to what Returning Officers must do, with reference to the relevant legislative provisions, including new legislation
- **practical advice** – what Returning Officers are advised to do, in order to ensure consistency and good practice
- **information** – contextual and background information where no action is required

1.7 This guidance only covers electoral law and practice in Scotland. It does not cover any elections in England, Wales or Northern Ireland.

2 Legislation

2.1 The relevant legislation for the Scottish Parliamentary and local government elections is shown in the table below.

Full title	Abbreviation	Summary
Local Government (Scotland) Act 1973	The Local Government (Scotland) Act 1973	This Act includes details of qualifications and disqualifications for candidates at local government elections.
Representation of the People Act 1983 (as amended by the Representation of the People Acts 1985 and 2000)	RPA 1983	This Act contains provisions relevant to the franchise and its exercise, the election campaign and legal proceedings.
Scotland Act 1998	The Scotland Act 1998	This Act, which established the Scottish Parliament, makes provisions regarding how and when elections to the Parliament will take place, how vacancies are filled, and the franchise.
Political Parties, Elections and Referendums Act 2000	PPERA	This Act, which established the Electoral Commission, covers the registration of political parties, and campaign and election expenses.
Representation of the People (Scotland) Regulations 2001 (as amended by the Representation of the People (Scotland) (Amendment) Regulations 2002, 2006 and 2007)	RPR 2001	These Regulations make provisions in respect of a number of areas, including the electoral registration process.

Full title	Abbreviation	Summary
Local Governance (Scotland) Act 2004	Local Governance (Scotland) Act 2004	This Act introduced the Single Transferable Vote (STV) electoral system for Scottish local government elections and amended the qualifications and disqualifications for candidates at local government elections.
Electoral Administration Act 2006	EAA	This Act makes provisions in relation to the registration of electors, standing for election, the administration and conduct of elections and the regulation of political parties.
Local Electoral Administration and Registration Services (Scotland) Act 2006	LEARS Act	This Act makes specific provisions in relation to the administration and conduct of local government elections, effectively replicating the equivalent provisions of the EAA for Scottish local government elections.
Representation of the People (Absent Voting at Local Government Elections) (Scotland) Regulations 2007	RP (AV) Regulations	These Regulations disapply Part IV of the Representation of the People (Scotland) Regulations 2001 in respect of Scottish local government elections, and the relevant provisions are updated and reproduced in these Regulations.
Representation of the People (Postal Voting at Local Government Elections) (Scotland) Regulations 2007	RP (PV) Regulations	These Regulations make provision in respect of postal voting at Scottish local government elections.

Full title	Abbreviation	Summary
Representation of the People (Post-election Supply and Inspection of Documents) (Scotland) Regulations 2007	RP (Post-election) Regulations	These Regulations make provision in respect of the supply of and access to documents after Scottish local government elections.
The Scottish Local Government Elections Order 2007	Local Government Rules	This Order sets out the rules governing the conduct of Scottish local government elections.
The Scottish Parliament (Elections etc.) Order 2007	Scottish Parliament Order	This Order sets out the rules for the conduct of Scottish Parliamentary elections, and also includes provisions on absent voting and the election campaign.

2.2 The guidance should be read in conjunction with the legislation referred to in the above table and any other legislation to which it refers; for example, the RPA 1983 makes reference to the Postal Services Act 2000 in relation to the definition of ‘universal service provider’.

2.3 All references to the relevant legislative provisions made throughout this manual will be contained in footnotes, using the abbreviation shown in the above table.

Recent changes to legislation

2.4 The EAA received Royal Assent on 12 July 2006 and made significant changes to electoral law. The LEARS Act, which received Royal Assent on 1 August 2006, made parallel changes to those aspects of electoral administration that have been devolved to the Scottish Parliament, namely in relation to

the conduct of local government elections in Scotland.

2.5 The Representation of the People (Scotland) (Amendment) Regulations 2006 and 2007 have also resulted in a number of changes.¹

2.6 The May 2007 elections will be conducted under new sets of election rules for both the Scottish Parliamentary and local government elections. The Scottish Parliament Order and the Local Government Rules apply many of the legislative changes introduced by the above legislation to these elections and also reflect the introduction of electronic counting, changes to

¹ In respect of the Scottish Parliamentary elections, many of these changes are applied by the Scottish Parliament Order rather than directly by the RPR 2001 (as amended). In respect of Scottish local government elections, some of these changes are applied by the Local Government Rules, the RP (AV) Regulations, the RP (PV) Regulations and the RP (Post-election) Regulations.

ballot paper design and, for local government elections, the introduction of the STV electoral system.

2.7 The key changes that will be in effect for the Scottish Parliamentary and local government elections on 3 May 2007 can be summarised as follows:

Electoral registration

- provision enabling people to register after an election has been called (up to 11 working days before an election)
- provision for asking about nationality on the rolling registration form
- provisions for the administration of objections to entries in the register of electors
- procedures to be followed in altering the register of electors

Absent voting

- changes to the deadline for applying for a postal vote
- provisions for emergency proxies on medical grounds
- requirement for a reason to be given if an elector wants their postal vote sent to an address other than their registered address
- spoiled and lost postal ballot papers can be replaced up to 5pm on the day of the poll, with lost now taken to include papers the elector has lost in addition to those that have not been received
- the cancellation of postal ballot papers
- the procedure for an elector to confirm receipt of their postal vote and/or if it is included in the provisionally rejected list
- the creation of a marked postal voters list

- the Returning Officer can arrange for collection of postal votes from polling stations on polling day
- Returning Officers at the Scottish Parliamentary election must send a completed statement as to postal ballot papers for each constituency/regional area to the Commission, as well as to the Secretary of State, within 15 days of the poll

Electoral integrity

- allowing independent observers at elections for the first time
- new electoral offences

Action before the poll

- reducing the minimum age of candidacy at all elections from 21 to 18²
- allowing candidates to use their commonly-used names on ballot papers
- altering the style of the ballot papers
- allowing Electoral Registration Officers and Returning Officers actively to encourage participation in elections
- enabling Returning Officers to provide explanatory election materials and guidance in alternative formats, such as Braille, languages other than English, pictorially and in audio
- changes to the form of the official poll cards, and introducing poll cards for postal voters

² This change had already been made in respect of local government elections in Scotland by Section 8 of the Local Governance (Scotland) Act 2004.

Polling stations

- removing the need for ballot paper counterfoils and introducing corresponding number lists
- removing the absolute need to use a perforating security mark and enabling other printed ballot paper security measures
- abolishing any rule of common law that may have formerly been used to prevent persons with a mental impairment from voting

Count

- amendments made to the election rules for both Scottish Parliamentary and local government elections which allow the votes to be counted using electronic means

2.8 All relevant changes are referred to in the appropriate part of this guidance on the basis that the rules and regulations will be made as laid. The Commission will notify Returning Officers if this is not the case, and this guidance may be withdrawn in whole or in part.

3 The electoral framework

Timing of elections

3.1 Elections to the Scottish Parliament are held at a fixed time, the first Thursday in May, four years after the previous election. The Presiding Officer of the Parliament can, however, propose a change of the date of the poll as long as it will be held not more than one month earlier or more than one month later than the first Thursday in May. Additionally, extraordinary general elections can be held where either no First Minister is appointed within the necessary time (i.e. within 28 days³) or not less than two-thirds of the membership of the Parliament vote in favour of dissolution. These details are set out in Sections 2 and 3 of the Scotland Act 1998.

3.2 Under the provisions of the Scottish Local Government (Elections) Act 2002, the polls at the local government elections are required to be combined with the polls at the Scottish Parliamentary election. In 2007, these combined elections will be held on Thursday 3 May.

Electoral systems for Scottish Parliamentary and local government elections

Scottish Parliamentary elections

3.3 The Additional Member System is used to elect Members of the Scottish Parliament. Each voter has two votes: a constituency vote for a candidate and a regional vote for a registered political party or a candidate standing as an individual (if there are any). There are 73 constituency seats in the Scottish Parliament, which are elected using the first-past-the-post

system, and there are 56 regional members who are elected using the party list system, with seven members elected from each of the eight regions. For the first time, voters will mark their two votes on a combined single ballot sheet, placing one 'X' in each column on the sheet.

3.4 The eight Scottish Parliamentary regions are as follows:

- Central Scotland
- Glasgow
- Highlands and Islands
- Lothian
- Mid Scotland and Fife
- North East Scotland
- South of Scotland
- West of Scotland

3.5 The Central Scotland region contains the constituencies of:

- Airdrie and Shotts
- Coatbridge and Chryston
- Cumbernauld and Kilsyth
- East Kilbride
- Falkirk East
- Falkirk West
- Hamilton North and Bellshill
- Hamilton South
- Kilmarnock and Loudoun
- Motherwell and Wishaw

³ Subject to the provisions in Section 46(3) of the Scotland Act 1998.

3.6 The Glasgow region contains the constituencies of:

- Glasgow Anniesland
- Glasgow Baillieston
- Glasgow Cathcart
- Glasgow Govan
- Glasgow Kelvin
- Glasgow Maryhill
- Glasgow Pollok
- Glasgow Rutherglen
- Glasgow Shettleston
- Glasgow Springburn

3.7 The Highlands and Islands region contains the constituencies of:

- Argyll and Bute
- Caithness, Sutherland and Easter Ross
- Inverness East, Nairn and Lochaber
- Moray
- Orkney
- Ross, Skye and Inverness West
- Shetland
- Western Isles (Eilean Siar)

3.8 The Lothian region contains the constituencies of:

- Edinburgh Central
- Edinburgh East and Musselburgh
- Edinburgh North and Leith
- Edinburgh Pentlands
- Edinburgh South
- Edinburgh West

- Linlithgow
- Livingston
- Midlothian

3.9 The Mid Scotland and Fife region contains the constituencies of:

- Central Fife
- Dunfermline East
- Dunfermline West
- Kirkcaldy
- North East Fife
- North Tayside
- Ochil
- Perth
- Stirling

3.10 The North East Scotland region contains the constituencies of:

- Aberdeen Central
- Aberdeen North
- Aberdeen South
- Angus
- Banff and Buchan
- Dundee East
- Dundee West
- Gordon
- West Aberdeenshire and Kincardine

3.11 The South of Scotland region contains the constituencies of:

- Ayr
- Carrick, Cumnock and Doon Valley
- Clydesdale

- Cunninghame South
- Dumfries
- East Lothian
- Galloway and Upper Nithside
- Roxburgh and Berwickshire
- Tweeddale, Ettrick and Lauderdale

3.12 The West of Scotland region contains the constituencies of:

- Clydebank and Milngavie
- Cunninghame North
- Dumbarton
- Eastwood
- Greenock and Inverclyde
- Paisley North
- Paisley South
- Strathkelvin and Bearsden
- West Renfrewshire

Local government elections

3.13 The local government elections will be conducted for the first time using the STV electoral system to elect 1,222 councillors across Scotland.

3.14 Under this system, electors rank the candidates in order of preference, i.e. by placing a '1' in the box to the right of the name of the candidate of their first choice, a '2' in the box to the right of the name of the candidate of their second choice, a '3' in the box to the right of the name of the candidate of their third choice, a '4' in the box to the right of the name of the candidate of their fourth choice, etc. They may vote for as many or as few candidates as they wish. They may, if they wish, only place a

'1' at the candidate of their first choice and leave the remainder blank, or they may place their order of preference (1, 2, 3, 4, 5 and so on) against the name of each candidate on the ballot paper.

3.15 Unlike the former first-past-the-post system where one councillor was elected for each ward, voters will now elect either three or four councillors in multi-member wards.

Election timetable



A detailed timetable for the elections on 3 May 2007 is given in Part C – Action before the poll, Section 1, Timetable.

4 Roles and responsibilities

The Electoral Registration Officer

4.1 The Electoral Registration Officer is the official with the responsibility for the preparation and maintenance of the register of electors and lists of absent voters within their area.

4.2 The appointment of the Electoral Registration Officer is prescribed in Section 8 of the RPA 1983. The Electoral Registration Officer is an officer appointed on behalf of each council. Councils may also approve the appointment of a Depute for the Electoral Registration Officer, who can carry out any of the duties and powers of the Electoral Registration Officer.⁴ In addition, the appointing council is required to provide officers to assist the Electoral Registration Officer in carrying out their functions.⁵

4.3 If an Electoral Registration Officer is found guilty of any act or omission in breach of their official duty, they shall be liable on summary conviction to a fine not exceeding £5,000.⁶

The Returning Officer

Appointment

4.4 In terms of Article 15 of the Scottish Parliament Order, the Constituency Returning Officer, in the case of a constituency wholly situated in one local government area, is the person who is the Returning Officer at elections of councillors for that council area. In the case of a constituency situated in more than one local authority area, the Secretary of State will designate by Order one of the Local

Government Returning Officers as the Constituency Returning Officer.

4.5 The Regional Returning Officer for each Scottish Parliamentary region is appointed by an order created under Section 12(6) of the Scotland Act 1998.

4.6 The Local Government Returning Officer is appointed under Section 41 of the RPA 1983 and is responsible for all aspects of the local government elections other than those undertaken by the Constituency Returning Officer under the requisite legislation relating to any combined functions.

4.7 All Returning Officers have the power to appoint Deputes to carry out any of their functions, but overall responsibility for delivering the election remains with the relevant Returning Officer.

4.8 For further information on the roles and responsibilities of Returning Officers, see Part B – Preparing for the Scottish Parliamentary and local government elections, Section 1, Planning and risk management.

Discharge of duties

4.9 The duties of a Returning Officer are separate from their duties as a local government officer. The Returning Officer is personally liable for the conduct of the election.

Breach of official duty

4.10 If the Returning Officer (or Depute) is, without reasonable cause, guilty of any act or omission in breach of their official duty, they are liable on summary conviction to a fine not exceeding £5,000.⁷ A Returning Officer is, in

⁴ Section 52(2), RPA 1983.

⁵ Section 52(4), RPA 1983.

⁶ Article 29, Scottish Parliament Order; Section 63(1), RPA 1983.

⁷ Article 29(1), Scottish Parliament Order; Section 63(1), RPA 1983.

respect of any breach of their official duty, liable only to the fine imposed by that provision. No action for damages lies against the Returning Officer or their staff in respect of a breach of official duty.⁸

4.11 Returning Officers now have the power to correct procedural errors made by an Electoral Registration Officer, a Presiding Officer, a person providing goods or services to the Returning Officer and any Depute or authorised assistant of any of the above.⁹ Where a Returning Officer remedies an act or omission by using this power, they will not be guilty of an offence of breach of official duty, except where any conviction for such a breach is made before the act or omission has been remedied in full.¹⁰ For further information on the correction of procedural errors, see Part B – Preparing for the Scottish Parliamentary and local government elections, Section 1, Planning and risk management.

Appointment of polling station staff

4.12 The Returning Officer is required to appoint and pay a Presiding Officer to attend each polling station and such Poll Clerks as may be necessary.¹¹ Presiding Officers are liable to be convicted of an offence if they are found, without reasonable cause, to have committed a breach of official duty.¹²

4.13 At least one Poll Clerk will require to be appointed to each polling station but additional Poll Clerks may also be appointed to facilitate the effective conduct of the election. There will be provision made in the Scottish Parliamentary Fees and Charges Order for an Information Officer to be appointed to act as a greeter at the entrance to the polling place and to be available to answer public enquiries with regard to the electoral systems and how to fill in the ballot papers validly. Essentially, it is envisaged that the duties of an Information Officer will include the following:

- meeting and greeting voters as they enter the polling place
- providing assistance as required to voters in respect of the electoral systems and the voting process
- assisting in managing the flow of voters to the polling station, especially at peak times
- directing voters to the correct polling station (where there is more than one polling station in the polling place)
- giving any other support or assistance to the Presiding Officer as may be required



For further information on the Returning Officer's staff, see Part B – Preparing for the Scottish Parliamentary and local government elections, Section 6, Staffing.

⁸ Article 29(2), Scottish Parliament Order; Section 63(2), RPA 1983.

⁹ Article 93, Scottish Parliament Order; Section 4, LEARS Act.

¹⁰ Article 93(4), Scottish Parliament Order; Section 4(4) and (5), LEARS Act.

¹¹ Rule 36(1), Schedule 2, Scottish Parliament Order; Rule 22(1), Local Government Rules.

¹² Article 29, Scottish Parliament Order; Section 63, RPA 1983.

5 The role of other organisations

The Electoral Commission

Background

5.1 The Electoral Commission is an independent body, established by the UK Parliament in November 2000. The Commission reports directly to the UK Parliament through a committee chaired by the Speaker of the House of Commons, known as the Speaker's Committee.

5.2 The Electoral Commission has no legislative responsibility in respect of local government elections in Scotland. The functions listed below are thus only relevant in respect of the Scottish Parliamentary element of the combined elections. The Commission is, however, assisting the Scottish Executive in fulfilling certain responsibilities in relation to the local government elections at their request.

Statutory functions

5.3 The Electoral Commission has a number of statutory functions and powers in relation to elections, which are set out in PPERA. They include:

- promoting public awareness of electoral matters¹³
- publishing reports on the administration of elections and referendums¹⁴
- conducting reviews of the law and practice relating to elections and referendums¹⁵
- giving advice and assistance to those involved in the electoral process, including political parties and electoral administrators¹⁶

13 Section 13, PPERA.

14 Section 5, PPERA.

15 Section 6, PPERA.

16 Section 10, PPERA.

- being consulted by the UK government on proposals to amend electoral law¹⁷
- being consulted on the allocation of party political broadcasts¹⁸
- attending at certain election proceedings¹⁹
- preparing and publishing a Code of practice on the attendance at elections of representatives of the Commission, accredited observers and nominated members of accredited organisations, and managing a scheme for the accreditation of electoral observers²⁰
- setting and publishing performance standards for electoral services and collecting information on the costs of electoral services from Electoral Registration Officers, Returning Officers and referendum Counting Officers²¹
- maintaining, monitoring and making available for reasons of transparency registers of political parties, and the registration of political party descriptions where they wish to field candidates standing under the party name or a description other than 'Independent' on the ballot paper²²
- maintaining, reviewing and publishing for reasons of transparency a register of donations made to registered political parties and others regulated by the legislation²³

17 Section 7, PPERA.

18 Section 11, PPERA.

19 Section 6A, PPERA.

20 Sections 6C, 6D and 6F, PPERA (as inserted by Section 29, EAA); for further information on observers, see Part B – Preparing for the Scottish Parliamentary and local government elections, Section 7, Electoral integrity.

21 Sections 9A–9C, PPERA (as inserted by Section 67, EAA).

22 Sections 23, 28, 28A and 28B, PPERA.

23 Section 69, PPERA.

- reviewing and publishing the annual statements of accounts of political parties²⁴
- reviewing and publishing the returns of campaign expenditure incurred by political parties in respect of their election campaign²⁵
- reviewing returns of donations to, and the expenditure by and on behalf of, candidates and their agents²⁶
- receiving from Returning Officers copies of candidates' returns of election expenses²⁷



Staff in the Commission's Scotland Office can provide advice and assistance to electoral administrators in relation to both the Scottish Parliamentary and local government elections. Contact details can be found in Part B – Preparing for the Scottish Parliamentary and local government elections, Section 9, Resources.

Provision of advice

5.4 Section 10 of PPERA allows the Commission to provide advice and assistance to Electoral Registration Officers, Returning Officers and registered political parties. The Commission cannot, however, give a definitive legal view on any subject, as this is ultimately a matter for a court to decide in any particular case.

5.5 The Commission has no role in providing guidance relating to local government elections in Scotland but has worked with the Scottish Executive who have that statutory role. The advice contained in the various parts of this guidance relating to local government elections has been included at their request.

Registration of political parties

5.6 PPERA requires political parties to register with the Electoral Commission in order to field candidates at an election.²⁸ Parties can also register up to 12 descriptions with the Commission.²⁹ Candidates may contest an election as an independent candidate and need not be a member of a registered political party, although in such circumstances the candidate may only use the description 'Independent' (or use no description) on the ballot paper.

Statutory reporting

5.7 The Electoral Commission has a statutory duty to report on the administration of the Scottish Parliamentary election. In undertaking this function, representatives of the Commission may contact or visit Returning Officers, Electoral Registration Officers and electoral administrators to seek information and statistics for use in its statutory report. Requests for information may include such matters as results, turnout, staff numbers, procedures against and assessments of fraud, costs and other matters. Although the Commission has no statutory duty to report on the local government

²⁴ Section 46, PPERA.

²⁵ Sections 84 and 145, PPERA.

²⁶ Section 145, PPERA.

²⁷ Article 54, Scottish Parliament Order.

²⁸ Section 22, PPERA.

²⁹ Section 28A, PPERA (as inserted by Section 49, EAA).

elections it will do so at the request of the Scottish Executive and will include its findings and conclusions in its statutory report.

The Scotland Office

5.8 The Secretary of State for Scotland is responsible for the conduct of the Scottish Parliamentary election and for the franchise at both the Scottish Parliamentary and the local government elections. The Secretary of State for Scotland is also responsible for the funding of the Scottish Parliamentary election and for accounting for those funds.

5.9 The Scotland Office works closely with the Department for Constitutional Affairs (DCA), which is responsible for policy, including legislation, for UK Parliamentary and European Parliamentary elections. Policy, including legislation, in respect of elections to the Scottish Parliament is the responsibility of the Scotland Office.

5.10 The Scotland Office is responsible for funding the Scottish Parliamentary election and for monitoring the accounts submitted by Returning Officers. Under an order made by the Secretary of State, Returning Officers may recover their charges in respect of services properly rendered or expenses properly incurred in connection with the election, provided that the charges are reasonable.

The Scottish Executive

5.11 Responsibility for local government policy within Scotland lies with the Scottish Executive. While councils themselves are responsible for organising and conducting local government elections, Scottish Ministers are responsible for policy on local government elections and legislation relating to their conduct. The costs of

running local government elections are met by councils from within their budgets, although on this occasion the Executive will meet certain additional costs relating to the introduction of electronic counting.

Sheriff Clerk

5.12 The Sheriff Clerk has responsibility for retaining the election documents forwarded to them for a period of one year, after which, unless otherwise directed by order of the Court of Session, they shall cause them to be destroyed.

5.13 The Sheriff Clerk has responsibility for administering the supply and inspection regime relating to the election documents they hold.



For further information on the supply and inspection of election documents after the election, see Part G – After the declaration of results, Section 2, Storage, disposal and inspection of election documents.

Royal Mail

5.14 Royal Mail performs a number of functions at the Scottish Parliamentary and local government elections and may be engaged throughout the electoral process, from delivering poll cards to handling postal ballot packs. Further information may be obtained at www.royalmail.com.

The police

5.15 The police are responsible for investigating alleged breaches of election law and other criminal offences that may be committed in connection with an election

(e.g. breach of the peace, incitement). In determining the severity of any allegations and the direction of an investigation, the police may seek direction from the Procurator Fiscal and the cooperation of the Returning Officer or the Electoral Registration Officer.

5.16 The police have a general duty to maintain public order, and police constables may be posted to polling stations during hours of polling to assist the Presiding Officer in this regard. It is, however, more common for police to provide mobile policing support on polling day.

5.17 The Association of Chief Police Officers in Scotland (ACPO(S)) assists Chief Constables by providing nationwide policy support. The Electoral Commission and ACPO(S) have drafted guidance on the 2007 Scottish Parliamentary and local government elections for Chief Constables. A copy of this guidance will be available for download from the Electoral Commission's website.

5.18 ACPO(S) has also encouraged Chief Constables to identify Single Points of Contact (SPOCs) in each area to liaise with councils on matters relating to the elections. This may include police officers requesting to attend any briefing sessions for candidates and agents organised by the Returning Officer.

Crown Office and Procurator Fiscal Service

5.19 The role of the Crown Office and Procurator Fiscal Service covers the prosecution of crime in Scotland, including any offences relating to elections. It is for the police to carry out an initial investigation of allegations, and a report is then submitted to the Procurator Fiscal for the geographical area concerned, who decides whether it is in the public interest to prosecute or pursue an alternative sanction.

Sheriff Court

5.20 The Sheriff Court is responsible for hearing petitions relating to the conduct of local government elections, and for hearing appeals related to the registration of electors.

Court of Session

5.21 The Court of Session is responsible for hearing petitions relating to the conduct of Scottish Parliamentary elections.



For a comprehensive list of key contacts, see Part B – Preparing for the Scottish Parliamentary and local government elections, Section 9, Resources.

6 Resources

Contact details for ordering Electoral Commission forms and leaflets



Throughout this guidance we refer to forms and leaflets produced by the Commission and available from our distributor:

Tel: 0845 8500 501

Fax: 020 8867 3225

Email: ecpublications@ecgroup.co.uk

For a complete, up-to-date listing of all the forms and leaflets available for order, please refer to the public awareness materials at www.electoralcommission.org.uk/elections/electoralforms.cfm.