

The Electoral Commission

Media Handbook

Scottish council elections

Thursday 4 May 2017

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Websites

www.electoralcommission.org.uk

The Commission's website has a dedicated section for journalists featuring the Electoral Commission's news and views – including our press releases and statements. Our website has information on political party donations in the run-up to the election and has a 'Guidance' area with information for candidates and those administering the election.

www.yourvotematters.co.uk

This website provides information for the public on how to register and vote and forms they can print off to apply to vote by post or proxy. It includes a postcode search facility allowing people to find contact details for their local electoral registration office and to find out about elections coming up in their area.

www.gov.uk/register-to-vote

This website is where the public can register to vote online. It's quick and easy to use. Since its launch in June 2014, millions of applications to register to vote have been submitted. **We encourage its use in as many articles that you write about the election as possible so that your readers know where they can register.**

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1 What elections are taking place on Thursday 4 May?

On Thursday 4 May there will be elections to all 32 councils across Scotland. This handbook provides information about these elections.

The following polls will also take place on 4 May 2017:

- local government principal area elections (i.e. district, borough, county borough and unitary authority elections) in England and Wales
- local authority mayoral elections in England
- combined authority mayoral elections in England
- parish and community council elections in England and Wales

A media handbook on the elections in England and Wales is available [here](#)

2 Who's who at the 4 May elections and their responsibilities?

2.1 Electoral Management Board

The Electoral Management Board for Scotland (EMB) is responsible for co-ordinating the administration of Scottish council elections. The EMB is led by an Elections Convener, Mary Pitcaithly, who has the power direct Returning Officers (ROs) and to Electoral Registration Officers (EROs) in respect of council elections. The Convener's directions are issued following consultation with all ROs and EROs and with the Electoral Commission.

2.2 Returning Officer (RO)

Council elections are run by the RO, who is normally a senior officer of their council and independent of the authority in respect of their electoral functions. Each RO is personally responsible for the conduct of the election in their area, including the nomination process, counting the votes and declaring the result.

2.3 Electoral Registration Officers (ERO)

Electoral Registration Officers (EROs) are appointed to maintain the electoral registers and the list of absent voters within their area. They must ensure that the electoral registers are as complete and accurate as possible. In Scotland some EROs have been jointly appointed by a combination of local councils. There are 15 EROs in Scotland appointed by the 32 councils.

2.4 Presiding Officers

Presiding Officers are appointed by ROs to run polling stations. Duties include organising the layout of the polling station, supervising poll clerks, issuing ballot

papers, assisting voters, accounting for all ballot papers and ensuring that ballot boxes are transported securely to the count venue.

2.5 The Scottish Government

Responsibility for the legal framework for elections in Scotland is devolved and lies with the Scottish Government.

2.6 The Electoral Commission

The Electoral Commission is the independent body which oversees elections and regulates political finance in the UK. We work to promote public confidence in the democratic process and ensure its integrity. Our role in these elections is to:

- produce guidance for ROs, setting performance standards and reporting on how well they have done
- produce guidance for candidates standing for election and their agents.
- register political parties
- promote public awareness of voter registration and how to vote
- report to the Scottish Parliament on the conduct of the elections.
- publish details of where political parties and candidates get their money from and how they spend it

3 Timetable for Scottish council elections

Event	Date (deadline if not midnight)
Publication of notice of election	Monday 13 March
Regulated period for campaign spending by candidates begins	No earlier than Wednesday 22 March for candidates
Deadline for delivery of nomination papers	4pm on Wednesday 29 March
Deadline for withdrawals of nomination	4pm on Wednesday 29 March
Publication of notice of poll	As soon as practicable after 4pm on Wednesday 29 March
Deadline to apply to register to vote	Monday 17 April
Deadline to apply to vote by post	5pm on Tuesday 18 April
Deadline to apply to vote by proxy (except for emergency proxies)	5pm on Tuesday 25 April
Polling day	Thursday 4 May
Last time that electors can apply for a replacement for spoilt or lost postal votes	5pm on Thursday 4 May
Deadline for emergency proxy applications	5pm on Thursday 4 May
Election count	All counts will commence between 8am and 9.30am on Friday 5 May
Last day for submission of candidate spending returns	Result declared 4 May – 8 June Result declared 5 May - 9 June

SECTION A – Candidates and campaigning

4 Candidates at the election

4.1 Who can become a candidate?

Anyone that wants to become a candidate at the polls on 4 May 2017 must be:

- at least 18 years old on the day of the candidate's nomination, and
- either a British citizen, an eligible Commonwealth citizen, or a citizen of any member state of the European Union

They must also meet at least one of the following four qualifications:

- Be registered as a local government elector on the day of their nomination in the local authority area in which they wish to stand.
- Have occupied as owner or tenant any land or other premises in the local authority area during the whole of the 12 months before the day of their nomination.
- Have their main or only place of work in the local authority area that they are standing in during the 12 months prior to the day of their nomination.
- Have lived in the local authority area during the whole of the 12 months before the day of their nomination.

4.2 Are there any disqualifications from standing as a candidate?

Apart from meeting the qualifications for standing for election, the candidate must also not be disqualified from standing. There are certain people who are disqualified from being elected to a council in Scotland. A person cannot be a candidate if at the time of their nomination and on polling day:

- They were a councillor prior to the 2007 Scottish council elections and they received a severance payment under the Local Governance (Scotland) Act 2004.
- They have been sentenced to a term of imprisonment of three months or more (including a suspended sentence), without the option of a fine, during the five years before polling day.
- They hold a politically restricted post such as a statutory chief officer at a council.

- Their estate has been sequestrated by a court in Scotland and they have not been discharged or they are the subject of a bankruptcy restrictions order.
- They have been found or reported guilty of a corrupt or an illegal electoral practice within the past five or three years respectively

In all cases the rules around standing for election and the disqualifications that apply are complex. For more detailed guidance, see Part 1 of the Electoral Commission guidance for candidates and agents:

http://www.electoralcommission.org.uk/_data/assets/pdf_file/0020/214436/SLG-Part-1-Can-you-stand-for-election.pdf

4.3 How does someone become a candidate?

Although nominations can be delivered from the day after the publication of the notice of election, the earliest that a person can officially become a candidate is on the last day for the publication of notice of election, which is on the 22 March 2017.

A person will officially become a candidate on this day if on or before this date they have already declared themselves a candidate at the election (or another person has declared them to be a candidate).

If the declaration is after this date, they will become a candidate on the date such a declaration is made, or on the date that they submit their nomination papers, whichever is the earlier.

4.4 What does someone that wants to stand as a candidate have to do?

All prospective candidates must submit the following to the Returning Officer by 4pm on 4 April 2017:

- A completed nomination form
- Their consent to nomination
- If they are standing for a registered political party, a certificate from that political party authorising them to so stand.

Candidates are not required to pay a deposit.

4.5 Can candidates use a party description and emblem on the ballot paper?

To stand on behalf of a registered political party, the party must be registered on the Commissions' register of political parties and be listed as allowed to field candidates in Scotland.

Candidates standing on behalf of a registered political party can choose whether to use the registered party's name or one of up to 12 party descriptions registered with the Electoral Commission to appear on the ballot paper. They can also choose to have one of the registered party emblems to appear on the ballot paper. To do this, they must have the permission of the party to use the party name, description or emblem.

A candidate not standing on behalf of a political party may use the word 'Independent' on the ballot paper if they wish.

4.6 How can we find out who all of the candidates are?

Each Returning Officer will publish a notice which lists all of the candidates standing in their area as soon as soon as practicable following the close of nominations at 4pm on Wednesday 29 March.

5 Campaigning at the election

5.1 What can candidates say about one another during the campaign?

As at all elections, it is an offence to knowingly make a false statement of fact about the personal character or conduct of a candidate in order to affect their election. Rules about defamation also apply to election materials. False statements that are not about a candidate's personal character or conduct are not illegal under electoral law, but could be considered defamation.

The police may investigate allegations of the specific electoral offence of making a false statement. Defamation issues are a matter for the civil courts.

As with all elections, the Electoral Commission does not have any regulatory role in relation to the content of campaign material or what candidates say about each other.

5.2 Are there any electoral rules regarding campaign materials?

Yes, by law, candidates must use "imprints" on all of their printed campaign materials.

5.3 What is an "imprint"?

All printed material (i.e. posters, placards and leaflets) must include an imprint – i.e. the name and address of the printer and promoter (the person who authorised the material to be printed). The imprint must also include the any person on behalf of whom the material is being published (and who is not the promoter). This is so that electors can be clear about the source of the campaign material. It is an offence not to include an imprint on election material.

The Electoral Commission also recommends that candidates place an imprint on their electronic materials (i.e. websites, emails and social media platforms), but this is not a legal requirement.

5.4 Can candidates see the electoral register?

Yes. Candidates (once they officially become one) are entitled to receive, free of charge, a copy of the full electoral register and the lists of people voting by post or proxy (the absent voters' lists) for the area in which they are standing.

Candidates can only use the full electoral register for electoral purposes, for example, to help them campaign and to check that donations they receive come from a permissible source.

6 Candidate spending limits and rules on accepting donations

6.1 What is the regulated period for the May elections?

The regulated period for the 2017 Scottish council elections begins the day after a person officially becomes a candidate and ends on polling day, 4 May 2017.

The earliest date anyone can officially become a candidate is the last date for publication of the notice of election, which was Wednesday 22 March 2017 and a person became a candidate on this date if they or others had already announced their intention to stand.

6.2 What are the spending limits?

The spending limit is calculated using a base figure of **£740**, plus **6p** per local council elector registered to vote in the ward where the candidate is standing as at the last day for publication of the notice of election, 22 March 2017.

For example, if there are 7,500 electors in the ward then the spending limit would be:

$$£740 = (7,500 \times 0.06) = £1,190$$

6.3 What are the spending limits for joint candidates?

There is a reduced spending limit for joint candidates. Joint candidates are those standing in the same ward who:

- have the same agent, or
- publish joint material, or
- use the same campaign rooms

The spending limit is reduced by one quarter (25%) for two joint candidates and by one third (33%) for three or more joint candidates.

6.4 What activities count towards the spending limit?

Candidate spending includes the costs of:

- use of property. For example, use of a campaign office and the running costs such as telephone bills.
- use of other facilities. For example, room hire for a campaign launch or meeting, or photocopying facilities.
- goods or services such as unsolicited material to electors, newspaper adverts, web design and maintenance, use of databases, stationary and staff costs.

6.5 Are there any activities that don't count towards the spending limit?

Yes. Activities that do not count include:

- time spent on the campaign by volunteers.
- the use of certain public rooms.
- the publication of anything, other than an advert, in a newspaper or periodical, a broadcast by the BBC or a programme included in any service by a licensed independent radio or television operator.
- personal expenses including the reasonable travel and living expenses (such as hotel costs) of the candidate.
- election expenses reasonably attributable to disability.

6.6 Do candidates need to report donations?

No. However, candidates who are also members of a registered political party or who hold a relevant elected office will need to follow the reporting rules for 'regulated donees' which apply to donations and loans over £500.

6.7 Who do candidates report their regulated spending to and when?

Candidates must submit their campaign spending returns together with a declaration confirming the return is complete and correct to their Returning Officer within 35 days of the election result being declared.

If no spending is incurred, a nil return must be submitted by the candidate (or their agent).

6.8 What happens if a candidate exceeds their spending limit?

Allegations relating to the Representation of the People Act (RPA) 1983, including candidate spending, are generally made to the police to consider.

Whilst the Electoral Commission does have a statutory duty to monitor compliance with parts of the RPA relating to candidates and agents' expenses, it is not legally empowered to investigate and impose sanctions for offences under the RPA.

7 Electoral fraud

7.1 What is Electoral Fraud and who leads on tackling it?

The Representation of the People Act 1983 specifies a number of criminal offences relating to electoral fraud. Police Scotland would investigate any allegations that an offence may have taken place.

Every police force has designated a Single Point of Contact officer (known as a SPOC) to lead on election-related crime, who will give advice to local police officers. Anyone making an allegation should be prepared to give the police a statement and substantiate their concerns. People can also choose to contact Crimestoppers anonymously on 0800 555 111.

Anyone, including candidates, politicians and members of the public, who has evidence of electoral fraud taking place should report it to the police immediately, using the 101 non-emergency number unless there is a crime in progress

7.2 What are the different types of voting offences?

Offences include:

Personation

This is where an individual votes as someone else (whether that person is living or dead or is a fictitious person), either by post or at a polling station, in person or as a proxy. Aiding, abetting, counselling or procuring the offence of personation is also an offence.

Undue influence / Intimidation

A person is guilty of undue influence if they directly or indirectly make use of or threaten to make use of force, violence or restraint, or inflict or threaten to inflict injury, damage, loss or harm, in order to induce or compel any voter to vote or refrain from voting.

A person may also be guilty of undue influence if they impede or prevent any voter from freely exercising their right to vote – even where the attempt is unsuccessful.

Undue influence doesn't exclusively relate to physical access to the polling station. For example, a leaflet that threatens to make use of force in order to induce a voter to vote in a particular way could also be undue influence.

Bribery

A person is guilty of bribery if they directly or indirectly give any money or procures any office to or for any voter, in order to induce any voter to vote or not vote.

Treating

A person is guilty of treating if before, during, or after an election they directly or indirectly give or provide any food, drink, entertainment or provision to corruptly influence any voter to vote or refrain from voting. Treating requires a corrupt intent - it does not apply to ordinary hospitality.

False statements

It is an offence to make or publish a false statement of fact about the personal character or conduct of a candidate in order to affect the return of a candidate at an election.

False statements that are not about a candidate's personal character or conduct are not illegal under electoral law, but could be considered as defamation.

It is an offence to knowingly provide a false statement on a nomination paper.

Multiple voting and proxy voting offences

There are various offences regarding multiple voting and proxy voting, including voting (whether in person, by post or by proxy) when subject to a legal incapacity to vote and voting more than once in the same election.

False information in connection with registration and absent voting

It is an offence to supply false registration information to an Electoral Registration Officer. It is also an offence to supply false information in connection with an application for a postal or proxy vote.

7.3 How confident can the electorate feel about postal voting?

Postal voters have to provide their signature and date of birth when applying for a postal vote, and also when casting their postal vote. Both records are checked. If the Returning Officer is not satisfied that they match, the ballot paper is rejected.

The system has been further strengthened by the introduction of Individual Electoral Registration in 2014. Anyone applying to register to vote, first has to provide their date of birth and National Insurance number, before going on to provide the additional information above if they want to cast their vote by post.

7.4 How does the Electoral Commission work with political parties to prevent postal vote fraud?

The Electoral Commission has recently agreed with political parties to strengthen its [Code of Conduct](#) on the handling of postal vote applications and postal ballot packs by political parties, candidates and canvassers. The Code says parties and candidates:

- should **never** assist in completing a ballot paper - instead, candidates should always refer the voter to the Returning Officer's staff who may be able to arrange a home visit or provide assistance at the polling station
- should **never** handle or take any completed ballot paper from voters. Instead, voters should be encouraged to post their postal ballot pack themselves - alternatively, the Returning Officer's staff can be contacted to arrange for it to be collected

Some Returning Officers may also identify the need to develop and seek agreement to specific local provisions which supplement the terms of the nationally agreed Code, in order to address identified local risks.

7.5 What happens if a political party breaches the code of conduct?

The Electoral Commission asks political parties to investigate any reported breaches and take action to ensure that any problems are not repeated. This includes potentially taking disciplinary action against party members.

7.6 Who is responsible for putting in place plans to deal with electoral fraud?

The primary responsibility for ensuring that robust plans to prevent and detect fraud are in place lies with the Returning Officer and the Electoral Registration Officer(s) for each council area. They must work closely with their local police force.

Guidance has been published to support police officers and SPOCs as they put in place plans to prevent and detect electoral fraud in Scotland. The guidance is available to view at: <http://www.electoralcommission.org.uk/find-information-by-subject/electoral-fraud/electoral-fraud-responsibilities>

The Electoral Commission has produced [detailed guidance](#) to help all Returning Officers put in place plans to prevent and detect electoral fraud. **But equally importantly, candidates and political parties must ensure that their supporters don't cross the line between robust and lively campaigns and electoral fraud.**

SECTION B – The voter

8 Registering to vote

8.1 Who can vote in 4 May elections?

A person can vote if they are registered in the local government area where the election is taking place; and are:

- Aged 16 or over on polling day
- A British citizen
- An Irish, EU or qualifying Commonwealth citizen

British citizens living overseas who are registered as overseas electors cannot vote in local government elections. Service voters stationed abroad are still eligible to vote in local government elections provided they are registered to vote.

8.2 What is the deadline to apply to register to vote in the elections on 4 May?

The deadline to apply to register is **Monday 17 April 2017**.

8.3 What is the deadline for applying to vote by post or by proxy?

The deadline for applying for a postal vote is **5pm, Tuesday 18 April 2017**.

The deadline for applying for a proxy vote, except in an emergency, is **5pm, Tuesday 25 April 2017**.

The deadline for applying for a proxy vote as a result of an emergency is **5pm, Thursday 4 May 2017**.

8.4 How can someone register to vote?

People can apply to register online at www.gov.uk/register-to-vote.

People can also apply by completing a paper registration form if they prefer. They can contact their local electoral registration office for forms or download them [here](#).

8.5 Can someone register at two different addresses?

Yes. A person can register to vote at more than one address, as long as they are resident at each address. However, they can only vote once in the same election.

8.6 How do members of the armed services register and vote?

Service personnel and their spouses or civil partners, serving in the UK or overseas, can register to vote either as a service voter or as an ordinary voter. Service voters fill out an armed services declaration so they can be registered when away from their home address on duty. Service voter registration lasts for five years.

In Scotland, a child aged 14 or over whose parent or guardian is a member of HM Forces is also eligible to register as a service voter. They must be living in Scotland or would be living in Scotland if their parent or guardian were not based overseas. They must renew their service voter registration every year.

8.7 Can prisoners vote?

Remand prisoners (those who have not been convicted and sentenced) can vote. Convicted prisoners detained because of their sentence cannot.

9 The voting process

9.1 When will polling stations be open?

All polling stations open at 7am and close at 10pm.

9.2 What happens if someone is in a queue at a polling station at 10pm?

Any voter who arrives at their polling station before 10pm and is in a queue waiting to vote at 10pm **will be able to vote**.

9.3 What voting system is used at the Scottish council elections?

Council elections in Scotland use the Single Transferable Vote (STV) This means that voters will mark their ballot paper by numbering the candidates in order of their choice.

9.4 How do voters complete their ballot paper?

Voters will be asked to put a number 1 in the voting box next to their first choice, a 2 in the voting box next to their second choice, a 3 in the voting box next to their third choice and so on.

Voters can make as many or as few choices as they wish.

9.5 Are there different ways for someone to vote in these elections?

People can choose to vote in one of three ways: in person, by post or by proxy.

9.6 How do you vote in person?

Registered voters can visit their **polling station** between 7am and 10pm on Thursday 4 May to cast their votes.

- Before polling day, voters will be sent a 'poll card' which includes details of where their polling station is.
- Voters can only vote at the polling station on this card.
- Polling station staff will be on hand to explain the ballot paper and how to vote.
- Voters do not need to take their poll card with them to the polling station but doing so will speed up the process.

9.7 How do you vote by post?

If voters do not wish to, or are unable to go to a polling station, they may apply for a postal vote. Voters may apply for a postal vote for a specific election, a specific period of time, or for all elections.

To vote by post, registered electors need to apply for a postal vote before 5pm, Tuesday 18 April 2017.

- The Convener of the Electoral Management Board for Scotland (EMB) has directed that postal ballot packs must be dispatched to postal voters between 13 and 14 April 2017. There will be a final batch of postal ballot packs issued to postal voters on 25 April 2017. This will include those electors who registered close to the registration deadline (i.e. close to 17 April 2017).
- Postal voters should complete their ballot paper and must also remember to complete the accompanying postal voting statement – with their signature and date of birth or their vote will not be counted. Voters should return the statement and ballot paper in the envelope provided straight away, so that they arrive before 10pm on Thursday 4 May.
- Postal ballot packs that arrive after 10pm on Thursday 4 May will not be counted. The only exception is if a person is in a queue at a polling station at 10pm for the purpose of returning a completed postal ballot pack.
- If voters don't leave enough time to post their postal ballot pack, they may return it by hand to their polling station, or to any other polling station in the council area between 7am to 10pm on polling day. They can also return it by hand to the Returning Officer at the elections office before 10pm on polling day.

9.8 How do you vote by proxy?

Voters can register for a '**proxy vote**'. This means they ask someone they trust to vote on their behalf for the candidates they wish to vote for. To appoint a proxy, the voter needs to complete and sign a form and return it to their local electoral registration office by 5pm, Tuesday 25 April 2017

9.9 Is it mandatory to use pencils in polling stations? Can a pen be used?

Voters can use either a pen or a pencil to mark their ballot paper. There is nothing in law which states whether a pen or a pencil should be used to mark a ballot paper. Pencils are typically what is provided inside a polling station for practical reasons: for example, with ink pens there is a chance the ink may dry or spill. Also, ink may cause some transfer of the mark the voter has made on the ballot paper when they fold it, thus potentially leading to a rejection as it may look like they have voted for more candidates than they are entitled to. Should a voter wish to, they are able to use a pen to mark their ballot paper.

9.10 Can voters take selfies or other photos in the polling station?

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 against taking any photos inside polling stations.

9.11 Is it ok for someone to take a picture of their postal ballot and post it on social media showing how they have voted?

Postal ballot papers are treated differently in electoral law, compared to polling station ballot papers. A postal voter may take a picture of their own postal ballot paper and publicise it (including via social media).

However, while the postal voter themselves may publicise the information, if someone else persuades or induces them to make this information available, they would be committing an offence. If there are any suggestions or allegations that this could be happening, the person making the complaint should be advised to report the matter to the police.

10 Raising awareness of voter registration and how to vote

10.1 What are Electoral Registration Officers (EROs) doing to encourage people to register to vote?

EROs are legally responsible for maintaining the electoral register for their local authority area and are at the forefront of efforts to get as many people as possible onto the registers.

EROs will have detailed plans in place to raise awareness of voter registration in their areas. These plans will also set out how they will encourage groups who are less likely to be registered to vote to do so before the registration deadline.

EROs will use a range of advertising methods to reach their local residents, including sending letters to households encouraging people to register to vote and many have developed partnerships with local schools and colleges to encourage young people to register to vote.

10.2 What is the Electoral Commission doing to encourage people to register to vote?

The Commission's campaign ahead of the elections will raise awareness of the polls and aim to ensure voters understand how to register to vote and complete their ballot paper.

As well as an advertising campaign that will run across TV, radio and digital channels, supported by PR activity to boost the message nationally through the media, the Commission provides template resources for local authorities to use as part of their public engagement work.

The online advertising began its initial phase on 20 February before launching in full on 6 March. TV, video-on-demand and radio advertising will join from 20 March, and all voter registration advertising will cease on the respective registration deadlines.

The Electoral Commission is sending a voter information guide to every household in Scotland. The booklet contains information on how to register, who is eligible to vote, how to vote and what people will be voting for. The booklet will be distributed from 3 April and is available to download at:

http://www.electoralcommission.org.uk/_data/assets/pdf_file/0020/223472/Booklet.pdf

A combination of updated adverts from previous campaigns (including our award winning 'What?' ad), and entirely new creative for our digital and print advertising will be used during this campaign. This will focus on a new theme: 'The local elections are happening on your doorstep'.

10.3 How can other organisations help encourage people to register to vote?

Like at all recent elections, the Electoral Commission will be working with a range of partner organisations – from the corporate, public and voluntary sectors – to try and reach traditionally under-registered voters and encourages them to register to vote.

The Electoral Commission has produced a range of free resources and toolkits which provide practical suggestions for organisations that want to run their own registration drives or other activity ahead of this year's polls. These are all available on the website [here](#).

SECTION C – Count events

11 The count and declaration of results

11.1 Who is responsible for the count?

The Returning Officer has overall responsibility for the counting of the votes for their respective election. This includes ensuring that ballot boxes are transported from polling stations to the count venue in a secure and timely manner; and that those recruited to count ballot papers have been well trained in how to carry out their duties.

The Scottish council elections on 4 May 2017 will be counted electronically using specially designed software.

11.2 When will counts start?

The Convener of the EMB has directed all Returning Officers to commence the count between 8am and 9.30am on Friday 5 May.

11.3 Who is entitled to attend the count?

The following people are entitled by law to attend the count:

- the Returning Officer and their staff
- Staff performing duties under a contract for services entered into in connection with the conduct of, or, the administration of the election
- candidates and one guest
- election agents
- counting agents
- Electoral Commission representatives
- accredited observers
- any other person permitted to attend by the Returning Officer

Members of the media and photographers who want to attend a count must contact the relevant Returning Officer to request permission to attend the count and declaration of the results. Contact details for ROs along with which areas they are responsible for is available on the Electoral Commissions website at:

http://www.electoralcommission.org.uk/_data/assets/excel_doc/0019/214444/SLG-Contact-details-of-Returning-Officers-and-Electoral-Registration-Officers.xls.

11.4 How are the votes counted?

All votes will be counted electronically. The process can be summarised as follows:

- All ballot papers will be scanned and the number verified against records of ballot papers issued at polling stations or against records of returned postal ballot papers
- The e-counting system counts all the voting preferences on each paper
- The system calculates the results and allocates the seats

11.5 What happens if the e-counting system is unable to read the vote on a ballot paper?

Where the system is unable to read the vote on a ballot paper it will be marked for manual adjudication. Count staff, appointed for the purposes of adjudicating doubtful ballot papers, will try to ascertain the voter's intention. Where they are unable to do this, the ballot paper will be deferred, so that the Returning Officer, or their Depute, can adjudicate it. Only the Returning Officer or their Depute will be able to reject a ballot paper.

11.6 How are the seats allocated using Single Transferable Vote?

There will be either three or four councillor seats available for election in each ward. To gain one of the seats a candidate must receive a minimum number of votes known as the quota. The quota is calculated by using the formula below:

$$\left[\frac{\text{Total number of valid ballot papers}}{\text{Number of councillors to be elected} + 1} \right] + 1$$

The number of valid first preferences given to each candidate will be counted. Any candidate who reaches or exceeds the quota is deemed elected. Any surplus votes they have received are then redistributed according to the voter's next preference. This is called a transfer of surplus.

If there are still seats to be filled after all the surpluses have been transferred, the candidate(s) with the fewest votes will be excluded. Their votes will then be transferred to the voters' next choice candidate who has not been deemed elected or excluded.

The process of transferring surpluses and excluding candidates will continue until all of the seats have been filled.

There may come a point where the number of remaining candidates is equal to the number of vacancies that are unfilled. Where this is the case, the remaining candidates are deemed elected.

The calculations are carried out by the e-counting software. The software will generate reports which will provide a detailed analysis of the calculations at each stage of the count.

All ballot papers will pass through the e-counting system in batches, but different batches of ballot papers will be at different stages of the count at different times.

11.7 How does the opening of postal votes fit into this process?

It's likely that several postal vote opening sessions will take place before polling day, as well as on polling day itself.

The Returning Officer must give candidates at least 48 hours' notice of when and where the sessions will take place. At each opening session, the Returning Officer will decide whether or not the date of birth and signatures provided by electors on their postal voting statements match the signature and date of birth previously provided and held on record. If the Returning Officer is not satisfied that they match, the postal voting statement is rejected, meaning that the ballot paper will not go forward to the count.

Candidates and their election agents can observe the process. Candidates can also appoint a postal voting agent to observe the process on their behalf. At opening sessions, ballot papers are kept face down. Anyone attending an opening session must not attempt to look at identifying marks or numbers on ballot papers, disclose how any particular ballot paper has been marked or pass on any such information gained from the session.

Once postal voting statements have been checked by the Returning Officer, all valid ballot papers are placed into ballot boxes and stored securely before being delivered to the count venue for counting after the close of poll.

11.8 How are the results declared?

When all of the stages of the count have been completed for each ward, the Returning Officer will give candidates and agents the provisional notice of the result. This allows them an opportunity to ask for a recount. If there are no recounts, or once they have been completed, the Returning Officer will publicly declare the successful candidates to be elected.

The Returning Officer will also publish a notice with the name of each candidate elected, the number of first and subsequent preferences cast for each candidate at each stage of the count and the number of rejected ballot papers. More detailed information will be published by the Returning Officer in the week following the election.

11.9 Can I film at count events?

Anyone wishing to attend and film at count events must seek advance permission from the relevant Returning Officer. It is an offence to ascertain, or attempt to ascertain, the number or other unique identifying mark on the back of any ballot paper; or to communicate any information obtained at the count as to the candidate for whom any vote is given on any particular ballot paper. In light of this, extreme care should be taken around the capturing or publication of any close up images of ballot papers.

11.10 Where can we find out the results?

The Convener of the Electoral Management Board (EMB) has directed all Returning Officers to provide the EMB with results data as soon as practicable after the declaration of results. This data will be published on the EMB's website at: www.electionsscotland.info

11.11 Can the result be challenged after it has been announced?

Someone can challenge the result of an election by lodging an election petition. This is a legal action and will be adjudicated by a judge in court.

A petition at a local government election must normally be presented within 21 calendar days after the day on which the election was held. Further time may be allowed in certain circumstances.

For more information challenging the result of an election, see Part 6 of our Guidance for candidates and agents:
http://www.electoralcommission.org.uk/_data/assets/pdf_file/0017/214442/SLG-Part-6-After-the-declaration-of-results.pdf