



Media guide:

European Parliamentary elections in Scotland

March 2009

Translations and other formats

For information on obtaining this publication in another language or in a large-print or Braille version, please contact the Electoral Commission:

Tel: 020 7271 0500

Email: publications@electoralcommission.org.uk

Contents

1	Media contacts and resources	1
2	The Electoral Commission	3
3	Elections 2009 overview	4
4	Election calendar	5
5	Who can register to vote?	7
6	How to register to vote	10
7	Standing for election	12
8	Election spending	14
9	Campaigning	17
10	How to vote	19
11	Electoral offences and penalties	23
12	Counting votes	25
Appendices		
	Appendix A – The European Parliament	27
	Appendix B – Who’s who at European Parliamentary elections	28
	Appendix C – The Electoral Commission’s public awareness campaign 31	
	Appendix D – List of Regional Returning Officers in the UK	32
	Appendix E – Local authority contacts - Scotland	33
	Appendix F – Voter turnout statistics	36

1 Media contacts and resources

Electoral Commission press offices

Scotland press office (Pagoda PR)

Ian Coldwell and Lynne Veitch
Weekdays: 0131 556 0770
Out of hours: 07703 258 834
elections@pagodapr.com

London

Weekdays 9am – 6pm: 020 7271 0704
Out of hours: 07789 920414
press@electoralcommission.org.uk

Websites

www.electoralcommission.org.uk

Our corporate website features a dedicated elections area: www.electoralcommission.org.uk/elections and a media centre: www.electoralcommission.org.uk/news-and-media which is regularly updated with press releases.

www.aboutmyvote.co.uk

This website provides information on how to register and vote. It includes a postcode search facility which allows people to find out where elections are taking place.

Public information helpline: 0800 3 280 280.

www.dopolitics.co.uk

The Do Politics Centre is an online resource for democracy practitioners. It provides information and resources to equip people to run interactive workshops and events.

Images

Please contact our press team at Pagoda if you would like any images from our public information campaign, of people registering to vote or of polling places.

Other media guides

This guide is for journalists covering the European Parliamentary elections in Scotland.

There are separate guides available for journalists covering the European Parliamentary elections in Northern Ireland and Wales. For English regional and UK wide journalists, there is a guide covering European Parliamentary and English local government elections. These are all available on our website at: www.electoralcommission.org.uk/news-and-media/media-resources

2 The Electoral Commission

The Electoral Commission is an independent body set up by the UK Parliament. Our aim is integrity and public confidence in the democratic process. We:

- register political parties
- make sure people understand and follow the rules on party and election finance
- publish details of where parties and candidates get money from and how they spend it
- set the standards for running elections and report on how well this is done
- make sure people understand it is important to register to vote, and know how to vote

For the elections on 4 June 2009, we have published guidance for parties, candidates, agents, third parties and polling place staff. These are all available on our website.

The Commission is running a public awareness campaign ahead of the 4 June elections. For more details, please see Appendix C.

The Commission is statutorily required to publish a report on the administration of the European Parliamentary elections. The Commission will also publish European Parliamentary election campaign spending returns. All will be published later this year.

Responsibility for administering the election lies with the Regional Returning Officer and the Local Returning Officers. For more detail of their responsibilities, please see Appendix B.

3 Elections 2009 overview

What elections are taking place?

On 4 June 2009 electors in the UK will vote for our representatives in the European Parliament. Seventy-two MEPs are to be elected to the 12 electoral regions in the UK.

More details on the European Parliament and the division of seats can be found in Appendix A.

The number of seats in the UK is divided as follows:

Electoral region	MEP numbers per region
Scotland	6
Wales	4
Northern Ireland	3
East Midlands	5
Eastern	7
London	8
North East	3
North West	8
South East	10
South West (including Gibraltar)	6
West Midlands	6
Yorkshire & the Humber	6
Total	72

There will also be local elections in some parts of England on 4 June.

4 Election calendar

Below are the key dates for European Parliamentary elections in Great Britain on Thursday 4 June 2009.

Event	Date (all 2009)
Commencement of period during which election campaign spending by political parties is regulated	Thursday 5 February
Advisory deadline for applications to be made to the Electoral Commission for the registration of new political parties intending to field candidates in June	Thursday 2 April
Notice of election to be published	Not later than Tuesday 28 April
Commencement of period during which election campaign spending by individual candidates is regulated	Tuesday 28 April
Delivery of nomination papers	On any working day after notice of election is published; between 10am and 4pm
Deadline for delivery of nomination papers	4pm Thursday 7 May
Deadline for publication of statement of parties and individual candidates nominated and notice of poll	5pm Thursday 7 May*
Deadline for withdrawals of nominations	4pm Thursday 7 May
Deadline for appointment of election agents	4pm Thursday 7 May
Deadline to register to vote in these elections	Tuesday 19 May
Deadline for requests to change or cancel an existing postal vote or proxy appointment	5pm Tuesday 19 May
Deadline for new applications to vote by post	5pm Tuesday 19 May
Deadline for new applications to vote by proxy (except for medical emergencies)	5pm Wednesday 27 May
Deadline for notice of appointment of polling and counting agents	Thursday 28 May
Deadline for the appointment of sub-agents	Thursday 28 May
Deadline to apply for a proxy vote on the grounds of medical emergency	5pm Thursday 4 June
Deadline to issue replacement postal ballot papers in response to request to replace lost or spoilt postal ballot papers	5pm Thursday 4 June
Polling day	7am – 10pm Thursday 4 June
Verification and counting of ballot papers	From 10pm Thursday 4 June
Declaration of result	Not before 9pm Sunday 7 June

Event	Date (all 2009)
Last day for the receipt of return and declaration of elections expenses for candidates	Tuesday 28 July (if result announced on Monday 8 June)
Last day for receipt of campaign expenditure returns for parties spending £250,000 or less	Friday 4 September
Last day for receipt of campaign expenditure returns for parties spending over £250,000	Friday 4 December

* 5pm on Thursday 7 May (if no objections are made). Not later than 4pm on Friday 8 May (if objections are made).

5 Who can register to vote?

Who can register to vote?

A person can register to vote in European Parliamentary elections if they are:

- aged 18 or over on polling day (a person can register once they are 16 but cannot vote until their 18th birthday)
- a British or qualifying Commonwealth citizen resident in the UK
- citizens of the Irish Republic who are resident in the UK
- citizens of other European Union (EU) member states who are resident in the UK

They also need to be on the electoral register by 19 May 2009 to vote on 4 June 2009.

Can EU citizens living in the UK register to vote in European Parliamentary elections?

EU citizens living in the UK, who are 16 and over and from one of the EU countries listed below, are entitled to register to vote. They can vote in all elections except UK Parliamentary general elections once they are 18.

Citizens of EU member states wishing to register as European Parliamentary electors in the UK must complete a separate application accompanied by a declaration which must state that they will only vote in the UK at any European Parliamentary election. It is an offence to vote in more than one member state.

- Austria
- Belgium
- Bulgaria
- Czech Republic
- Cyprus*
- Denmark
- Estonia
- Finland
- France
- Germany
- Greece
- Hungary
- Italy
- Latvia
- Lithuania
- Luxembourg
- Malta*
- The Netherlands
- Poland
- Portugal
- Romania
- Republic of Ireland*
- Slovakia
- Slovenia
- Spain
- Sweden
- UK*

*Citizens of the UK, the Republic of Ireland, Cyprus and Malta are eligible to register to vote in respect of all elections in the UK.

Can Commonwealth citizens living in the UK vote in European Parliamentary elections?

Qualifying Commonwealth citizens are entitled to vote when resident in the UK.

The Commonwealth countries are:

- Antigua and Barbuda
- Australia
- The Bahamas
- Bangladesh
- Barbados
- Belize
- Botswana
- Brunei Darussalam
- Cameroon
- Canada
- Cyprus
- Dominica
- Fiji Islands*
- The Gambia
- Ghana
- Grenada
- Guyana
- India
- Jamaica
- Kenya
- Kiribati
- Lesotho
- Malawi
- Malaysia
- Maldives
- Malta
- Mauritius
- Mozambique
- Namibia
- Nauru
- New Zealand
- Nigeria
- Pakistan
- Papua New Guinea
- Samoa
- Seychelles
- Sierra Leone
- Singapore
- Solomon Islands
- South Africa
- Sri Lanka
- St Kitts and Nevis
- St Lucia
- St Vincent and the Grenadines
- Swaziland
- Tonga
- Trinidad and Tobago
- Tuvalu
- Uganda
- United Kingdom
- United Republic of Tanzania
- Vanuatu
- Zambia
- Zimbabwe*

*Citizens of Fiji and Zimbabwe retain their voting rights despite the countries having either withdrawn or been suspended from the Commonwealth.

A qualifying Commonwealth citizen is someone who has leave to enter or remain in the UK, or does not require such leave.

Can nationalities, other than those already listed, register to vote in the UK?

People of other nationalities are not eligible to vote in the UK even if they are UK taxpayers and long-term residents.

Can UK citizens now living abroad register to vote in the UK?

Overseas electors can register and vote in European Parliamentary elections for 15 years after they were last on the electoral register in the UK. They register in the area of their last UK residence.

Can homeless people register to vote in the UK?

Yes. Homeless people can register to vote using a declaration of local connection – this means they register naming a place they visit frequently, such as a shelter.

Can patients in a mental health hospital register to vote in the UK?

Patients in mental health hospitals, including those detained on an involuntary basis, may register to vote unless they are also a detained offender.

Can personnel serving in the UK Armed Forces register to vote in the UK?

Yes. Personnel (and their spouses or civil partners) serving in the UK or overseas in the armed forces can choose to register either at their UK home address as ordinary electors or by making an armed services declaration. This declaration means they are only required to register once every three years.

Can prisoners register to vote in the UK?

Remand prisoners can vote if they are on the electoral register. Convicted persons detained because of their sentence cannot appear on the electoral register or vote.

6 How to register to vote

What is the electoral register?

The electoral register lists the name and address of everyone who is registered to vote, except those registered anonymously for reasons of safety. By law, the Electoral Registration Officer has to make the electoral register available for anyone to look at. The register is held at the local electoral registration office and some public buildings such as libraries.

How do you register to vote?

You can contact your local Electoral Registration Officer or go to www.aboutmyvote.co.uk and print off a registration form.

What if you are not on the electoral register?

You must be on the electoral register to vote in elections.

What is the deadline for registering to vote in the European Parliamentary elections?

The deadline for registering to vote for the June elections is 19 May 2009.

What is the annual canvass?

During the period of September, October and November, a register of electors form is sent to every household – this must be returned, by law, to the Electoral Registration Officer. It is also possible to register to vote at any time of the year by requesting a form from the local electoral registration office or downloading one at www.aboutmyvote.co.uk.

How many people are on the electoral register?

The most recent figures published by the General Register Office of Scotland in February 2009 gives registration figures as at December 2008: www.gro-scotland.gov.uk/statistics/publications-and-data/electoral-statistics/electoral-statistics-scotland-1st-december-2008.html

UK wide registration figures are available from the Office for National Statistics: www.statistics.gov.uk/StatBase/Product.asp?vlnk=319

What is the difference between the full and the edited register?

The register has two versions. The 'full' version of the register is available for supervised inspection and is held at the offices of the local Electoral Registration Officer. It is this register that is used for elections and its supply and use is limited by law. An 'edited' version which omits those people who have chosen to 'opt-out' can be purchased by anyone for any purpose from the local electoral registration office.

Can anyone look at the electoral register?

A copy of the full register must be made available for inspection, under supervision, at the office of the Electoral Registration Officer and any other place deemed suitable for inspection in the registration area. Any person who inspects the register may only make handwritten notes to record any part of it and may not take copies.

Who is entitled to have a copy of the full electoral register?

An election agent of a registered political party is entitled to receive a copy of the full register for the electoral region in which they are standing, after a valid nomination paper has been submitted and after the last day for the publication of the notice of election.

An individual candidate at the European Parliamentary elections can request a copy of the full register for the electoral region in which they are standing once they have declared themselves to be a candidate or have submitted a nomination form and after the last day for the publication of the notice of election.

A registered political party can request a copy of the full register on written request at any time.

Those entitled to the full electoral register can also receive copies of the lists of those electors who will vote by post and by proxy.

7 Standing for election

Who decides which candidates a party puts forward?

In Great Britain political parties decide, internally, which candidates they want to nominate and in what order they want them to appear on their list. Voters choose the political party that they would most like to represent them. Individual candidates, who do not represent any political party, can also stand for election.

In Northern Ireland there are no party lists. The three MEPs are elected using the single transferable vote system (STV).

How do you apply to register a party?

Anyone can decide to start a political party, but it must be registered with the Electoral Commission if they wish to contest elections in the UK.

In order to register a political party a group must submit the following to the Commission:

- an application form giving details of the party name, registered address, at least two party officers, whether the party wishes to be registered on the Great Britain or Northern Ireland register or both, and whether the party will have any accounting units
- a copy of the party's constitution
- a draft financial scheme showing how the party will comply with the financial controls
- a fee of £150

How long does the registration process take?

Registration can take up to 20 working days but the Commission endeavours to process registrations as quickly as possible in the run up to elections.

When do you have to register by to contest the European Parliamentary elections in June?

The deadline in law for registering a political party with the Commission to contest the 2009 European Parliamentary elections in the UK is Tuesday 5 May 2009. The Commission has advised potential parties to submit their application by Thursday 2 April 2009 to allow adequate time for the application to be processed.

Do you have to stand under a political party name?

A person may stand as an individual candidate, i.e. not for any political party, by submitting a nomination paper to the Regional Returning Officer.

A person becomes a candidate at the European Parliamentary elections on the last day of the publication of the notice of election (28 April 2009) or the subsequent date on which they are declared to be a candidate or have submitted a nomination paper (whichever is earlier). Nominations close at 4pm on 7 May 2009.

Who can stand as a candidate?

To qualify as a candidate for election to the European Parliament, a person must be at least 18 years old and be a British, qualifying Commonwealth or European Union citizen.

Are there any reasons why someone could not be a candidate?

There are a range of disqualifications that can prevent a person from standing. These include:

- certain people who hold offices under the Crown, such as judges, civil servants and members of a police force
- being the subject of a bankruptcy restrictions order given by a court in England and Wales
- having had their estate sequestrated by a court in Scotland and where they have not been discharged
- they are adjudged bankrupt by a court in Northern Ireland
- they are bankrupt under the law of Gibraltar

Guidance for registered parties, candidates and agents is available at www.electoralcommission.org.uk/elections/upcoming-elections-and-referendums/europe/european-parliamentary-elections-in-june-2009

What consent must be given?

Candidates included on a party list and individual candidates must all submit a signed declaration of consent to being nominated dated within one month before the deadline for delivery of nominations. The last day for the delivery of nomination papers for June's elections is 4pm on 7 May 2009.

The form of consent must be in writing, their signature witnessed, must show the candidate's date of birth and include a statement that they are aware of the contents of Section 10 of the European Parliamentary Elections Act 2002, which sets out disqualifications from being a Member of the European Parliament.

It must also include a declaration that to the best of their knowledge and belief they are not disqualified from standing. Candidates are advised to ensure that they are not disqualified before signing the consent to nomination.

Is a deposit required?

Yes. Individual candidates must ensure their nomination papers are accompanied by a £5,000 deposit which will be returned if the candidate achieves one-fourtieth (1/40) of the votes cast in the region.

Political parties are also required to pay a £5000 deposit per European Parliamentary electoral region they are contesting.

Deposits will be returned if the individual candidate or registered political party achieves one-fourtieth (1/40) of the total number of valid votes cast in the electoral region.

8 Election spending

What law covers these rules?

The rules on election spending are set out in Part V of the Political Parties, Elections and Referendums Act 2000 (PPERA). The rules on spending by candidates not standing on a party list are set out in the European Parliamentary Elections Regulations 2004 (as amended).

What counts as election spending?

Election spending is defined as spending on certain items used for the purpose of the election during the regulated period.

All spending for party list candidates counts against the party spending limits – there are no separate candidates' expenses.

When is the regulated period?

The regulated period for political parties is from 5 February 2009 until the date of the election on 4 June 2009.

For individual candidates, the regulated period starts on 28 April 2009 or the date at which they become a candidate (whichever is later).

Does spending before the regulated period count?

Money that was spent before the start of the regulated period must be included only if the goods or services purchased are used during the regulated period.

What counts as election spending?

Election spending includes any expenditure incurred by a party in connection with the following items:

- party political broadcasts
- advertising
- unsolicited material to electors
- manifesto or other policy documents
- market research and canvassing
- media/publicity
- transport
- rallies or other events

Categories of spending for individual candidates who are not standing on a party list are:

- advertising
- unsolicited material to electors
- transport
- public meetings
- election agent's salary
- accommodation

What are the spending limits?

The amount that can be spent in each electoral region at European Parliamentary elections, by each party or individual candidate, is as follows:

£45,000 x the number of MEPs to be returned in that region
Scotland: £45,000 x 6 = £270,000

Who can incur this spending?

For parties, spending can only be incurred by the party's registered treasurer (or campaigns officer if they have one), any deputies registered with the Commission or anyone authorised by any of them in writing. For individual candidates, expenditure can only be incurred by the candidate, the agent or anyone authorised in writing by the agent.

Who should the party/individual candidate report their spending to?

Following an election, political parties are required to submit a report to the Electoral Commission detailing all the campaign expenditure incurred by them. Reports must be submitted within three months of the election, if the party incurred expenditure of £250,000 or less, or within six months of the election, and including a statement from an independent auditor, if more than £250,000 was spent.

Individual candidates submit a return to the Regional Returning Officer within 50 days of the result of the election.

What has to be reported?

The report must itemise each individual item of expenditure, and give a breakdown of total expenditure incurred by reporting category and, for parties, a breakdown of spending in each part of the UK. Candidates must also include the total of all donations under £50 and individual details of all donations over £50.

What if nothing was spent?

If nothing has been spent a nil return must still be submitted.

Who are permissible donors?

- an individual registered on a UK electoral register
- a Great Britain registered political party
- a UK registered company which carries on business in the UK
- a UK registered trade union
- a UK registered building society
- a UK registered limited liability partnership which carries on business in the UK
- a UK registered friendly/building society

- a UK based unincorporated association which has a main office in and carries on business or other activities in the UK
- certain types of trusts

During a regulated period, all donations over £50 to candidates and over £200 to parties must be from a permissible source.

How are donations reported?

Parties continue to report donations in the normal way – through quarterly reports to the Commission.

At European Parliamentary elections, individual candidates must report their donations in their campaign expenditure return.

What is a third party?

A third party is any individual or organisation that is not standing or fielding candidates at an election, but who campaign for or against a political party, parties, policy, single issue or candidates at that election.

Can anyone be a third party?

Third parties are required to register with the Commission if they wish to spend over £5,000 in either Scotland, Wales or Northern Ireland or £10,000 in England in relation to the European Parliamentary elections.

The Commission provides guidance for third parties explaining the rules relating to them at election time:

www.electoralcommission.org.uk/_data/assets/pdf_file/0019/71254/Third-Party-2009-Guidance.pdf

What are the spending limits for a third party who has registered with the Commission?

Scotland:	£18,000
England:	£159,750
Wales:	£11,259
Northern Ireland:	£6,750

9 Campaigning

Are there rules on campaign literature?

Campaign publicity material is subject to a number of restrictions under electoral law, as well as the general civil and criminal law relating to published material. All such material (i.e. posters, placards and leaflets) must include an imprint – the name and address of the printer and promoter of the material. This applies to all printed material distributed for the purpose of promoting or procuring the election of a candidate and/or party.

Can candidates make comparisons/defamatory remarks about each other?

It is an offence, under the European Parliamentary Elections Regulations 2004 (as amended), to make false statements about the personal character of another candidate. The usual rules about defamation apply to election publications as they do to any other types of published material.

If someone displays a campaign poster in the window of their house, or a placard in their garden, does this count as a donation?

No. It is up to the individual to decide whether or not they wish to display the material. If they do not normally take money to display posters, then they cannot accept payment.

It is specifically an offence to pay someone to display a poster unless they ordinarily take such payments as part of their normal business activities.

If posters are put in a shop window is that a donation?

Poster display is only a donation where the person normally charges for displaying posters in their windows, but does so for the candidate without charge. It would only be counted as a donation for individual candidates if the value of displaying the poster is more than £50, and, for parties, if the value of displaying the poster is more than £200.

If a candidate or party wished to pay to advertise in a shop, that would count against their campaign expenditure and should be reported as such.

Does the time provided by volunteers have to be reported as a donation?

No. Volunteering does not count as a donation. However, if volunteers incur expenses which are not reimbursed, those values count as a non-cash donation.

What are the rules on media coverage?

Under electoral and broadcasting legislation, television and radio broadcasters have to follow a code of conduct in their coverage of candidates to ensure that they achieve an appropriate balance. The law requires broadcasters to have regard to any views expressed by the Commission on these codes of conduct.

The codes, which are drawn up by the broadcast authorities, do not require them to give exactly the same amount of coverage to all candidates but take into account the relative electoral strength of the candidates and their parties. In addition, reports should usually contain a list of all parties or candidates standing.

Political advertising on television, other than party election broadcasts, is not allowed.

What are hustings?

A hustings is an event organised to provide a platform for candidates standing for election to address electors. Such events may focus on a particular issue, or may be more general forums for questions and discussion.

There is no legal requirement for individuals or organisations arranging public meetings or election question time events to invite all the candidates participating in that election. The Commission would, however, consider it good practice to invite all candidates contesting a seat in an electoral area to attend where this is possible.

Where a hustings organiser invites candidates on a selective basis the Commission considers that the provision of a public platform for those candidates that attend would constitute a non-cash donation (benefit in kind) to the candidate or the party on whose behalf they are standing.

10 How to vote

Where can you vote?

People can choose to vote at a polling place or by post. In addition, if certain legal requirements are met, an application for a proxy vote can be granted.

When are polling places open?

The hours of poll for the European Parliamentary elections on 4 June are 7am to 10pm.

What will the ballot paper look like?

In Scotland the ballot paper will be pale yellow. Parties will be listed first on the ballot paper followed by individual candidates. Both parties and individual candidates will be ordered alphabetically. Parties will also include a list of their candidates below their party name.

Example of ballot paper for European Parliamentary elections in Scotland

Election for the European Parliament REGION Vote once (x) in one blank box		
1	Bloggs Party 1. Arthur John Briggs 2. Edith Pickering 3. David Hamish Scott 4. Brahim Malik 5. Derek Holloway-Jones 6. Russel Montgomery Johnstone 7. Anita Patel	
2	Purple Party 1. James Edward Wellingborough 2. Kathleen Mary Ferrier 3. Mary Jean Chandler 4. Frank Probert 5. Paul Alfred Mackenzie 6. Kathleen Siobhan Murphy 7. Maximus Paul Alexander	
3	Vote For Me Party 1. Eileen Iris Alsop 2. Indira Anitia Gupta 3. Robery Henry Anderton 4. Victor Daniel Amos 5. Harry Townsend 6. Eric Harvey Williamson 7. Monica Christine Merekson	
4	Manmeet Singh Independent	

Can parties use a 'description' instead of their party name?

The registered party name must appear first on the ballot paper. However, if they choose to do so, parties may also include a description on the ballot paper after their party name as long as it is registered with the Electoral Commission.

How do you complete the ballot paper?

In Great Britain you mark one cross against the party or individual candidate you wish to vote for. Northern Ireland uses single transferable vote (STV) meaning voters mark 1, 2 and 3 against candidates in order of preference.

How do you vote at a polling place?

- The most common way to vote is to do so in person at the local polling place.
- Each voter is allocated to a specific polling place serving the area in which they live.
- A poll card is sent to each elector, giving the address for the polling place, although most voters do not need to present their poll card in order to vote.
- Anonymous voters are required to present their poll card in order to vote.
- The elections office of the local council can also give details about where the polling places are.

Can the media enter the polling place?

Representatives of the media may not enter a polling place except as voters. No filming or interviewing is allowed in the polling place. If the media wish to film or conduct interviews outside the polling place, they must ensure that voters are not hindered or harassed on their way to vote and that the entrance to the polling place is not obstructed.

How do you vote by post?

- Electors can choose to vote by post if they cannot or do not wish to attend the polling place.
- Applications can be made for a single election, for a specific period, or indefinitely, and must contain the date of birth and signature of the elector.
- Applications to vote by post are made to the local electoral registration office.
- Postal voting application forms are available from www.aboutmyvote.co.uk or from electoral registration offices.
- A postal vote can be sent to the home address or any other address specified, if a reason is provided for the redirection.
- Postal votes can be sent overseas but consideration should be given as to whether there would be time to receive and return the ballot paper by polling day. People may want to consider whether proxy voting would be more appropriate.
- Postal votes are usually despatched from two weeks before polling day.
- By requesting a postal vote, electors cannot vote in person at a polling place.
- The elector needs to complete the postal voting statement with their date of birth and signature.
- Postal votes can be posted back to the council offices or returned by hand to the council offices or polling place.
- Postal votes have to be received by the Returning Office or polling place by 10pm on polling day.

The deadline for applying for a postal vote for the European Parliamentary elections on 4 June is **5pm on 19 May 2009**.

Why do postal voters need to give their signature and date of birth?

The Electoral Administration Act 2006 introduced new measures to improve the security of postal and proxy votes. These provisions came into force in Scotland in 2008. All postal voters are now required to give their date of birth and signature when applying to vote by post and again when they vote. Returning Officers are required by law to check at least 20 per cent of the returned postal voting statements against the signature and date of birth supplied at the time of application.

Special provisions are in place for those voters who are unable to supply a signature due to disability or the inability to read or write.

Can you get a replacement for lost or spoilt postal voting packs?

Electors can apply for a replacement ballot pack if they have not received or have lost or spoilt their ballot paper, postal voting statement or return envelopes.

Electors can apply for a replacement between Friday 29 May right up until 5pm on polling day 4 June.

Postal voters may check with the Returning Officer as to whether their postal vote has been received. Proof of identity such as a passport or photocard driving license may be required with applications for replacement ballot packs.

Anyone issued with a postal ballot paper cannot vote at a polling place.

How do you vote by proxy?

- This means appointing someone to vote on one's behalf at their polling place or by postal vote.
- Applications to vote by proxy are made to the local electoral registration office.
- Proxy voting applications forms are available from www.aboutmyvote.co.uk or from the electoral registration office.
- Proxy voters must tell their proxy which political party or individual candidate they wish to vote for.
- Electors can only vote by proxy on an indefinite basis for the following reasons: blindness or other disability, because a journey by sea or air is needed to get from their registered address to their polling place, because they are registered as a service, overseas or anonymous elector, or because of their occupation, employment or attendance on a course.
- Other electors wishing to vote by proxy have to provide a reason to do so and, if granted, the request only applies for a single election.
- If proxy voters change their mind and wish to vote in person they can still do so, providing that their proxy has not already voted on their behalf or applied to vote as proxy by post.

- If the proxy cannot get to the polling place they can apply to vote by post. However, this means neither the proxy nor the elector can vote in person.

The deadline for applying for a proxy vote for the European Parliamentary elections on 4 June is **5pm on 27 May 2009**.

Where can people find out more?

There is a public helpline available until the election on 0800 3 280 280 and further information can be obtained from www.aboutmyvote.co.uk.

11 Electoral offences and penalties

What types of electoral offences exist?

There are a number of offences under electoral legislation that can arise during an election period.

If someone suspects fraudulent activity, who should they report it to?

If a person believes that an offence has been committed, and is prepared to substantiate this allegation through a written statement, they should bring their complaint to the attention of the police. The Returning Officer will be able to provide appropriate contact details for the police. Reporting allegations to the police should not be considered unless the complaint is substantiated by evidence and the complainant is prepared to make a written statement. The Returning Officer has no discretion to investigate allegations of offences under electoral law.

- **Expenditure-related offences**

There are various offences relating to breaches of the expenses limits, reporting and donation controls. Offences of this sort can be a matter for the police but also fall within the remit of the Electoral Commission.

- **Bribery**

A person is guilty of bribery if they directly or indirectly give any money or procure any office to or for any voter, or make such a gift in order to induce any voter to vote, or refrain from voting, or return any person or party at an election.

- **Treating**

A person is guilty of treating if either before, during or after an election they corruptly, directly or indirectly give or provide (or pay wholly or in part the expense of giving or providing) any food, drink, entertainment or provision in order to influence any voter to vote or refrain from voting.

- **Undue influence**

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 or intend so to compel, induce or prevail. A person may also be guilty of undue influence if they impede or prevent the voter from freely exercising their right to vote.

- **Secrecy**

Everyone involved in the electoral process should be aware that they are required to maintain the secrecy of the ballot.

- **Personation**

It is an offence to commit, aid, abet, counsel or procure the offence of personation. This is where any individual votes as someone else

(whether that person is living or dead or is a fictitious person), either by post or in person at a polling place as an elector, or as a proxy.

- **Multiple voting and absent voting offences**

There are various offences regarding multiple voting and absent voting including: applying for a postal or proxy vote as some other person (whether that person is living or dead or is a fictitious person); voting more than once in the same election; making a false statement in or in connection with an application to vote by post or by proxy; and inducing or procuring another to commit one of the above offences.

What are the penalties for electoral fraud offences?

These can be found in Appendix A of the joint *Guidance on preventing and detecting electoral malpractice in Scotland* which the Commission has produced with the Association of Chief Police Officers in Scotland (ACPOS).

What is the Commission doing to prevent fraud at elections?

The introduction of signatures and dates of births for postal voting has seen a reduction in the volume and scale of malpractice allegations. New offences in the Electoral Administration Act 2006 provided stronger deterrents against electoral fraud.

The Commission works closely with Returning Officers, Electoral Registration Officers, political parties, police and prosecutors in devising strategies and tools to promote electoral integrity and tackle malpractice. This includes guidance (see above link) and a pocket guide to electoral offences for police officers.

The Commission welcomes the Government's commitment to individual elector registration. This will require every individual elector to complete and sign their own electoral registration form and would further improve the integrity of the system.

How can people help keep their postal vote safe?

- If you are expecting a postal vote and do not receive it, contact the elections office at your council.
- If you did not apply for a postal vote but you receive one, contact the elections office at your council.
- Make sure you sign the postal voting statement yourself and seal it up before posting.

12 Counting votes

When are the votes counted?

The verification of all ballot papers (comparing the number of votes recorded by polling station staff as being cast with the number of ballot papers in the ballot box) may begin as soon as polls close at 10pm on Thursday 4 June.

Votes can be counted before polling closes in the remainder of the European Union but no results can be disclosed until 9pm on Sunday 7 June. Candidates, election agents and counting agents will be notified in advance of the time and locations of local counts by the Local Returning Officer.

At the time of going to print early indications were that all local counts in Scotland would take place on Sunday 7 June, apart from the Western Isles. Confirmation of these arrangements should be sought from the local Returning Officers (see Appendix E for contact details).

The results of the elections in Scotland will be declared by the Regional Returning Officer for Scotland, Mr Tom Aitchison, who is based in Edinburgh. At the time of going to print it is likely that the results for the electoral region of Scotland will be declared on Monday 8 June but confirmation should be sought from the Regional Returning Officer (see Appendix E for contact details).

Are postal votes opened early?

Postal votes are placed into one or more postal ballot boxes as they are returned to the Local Returning Officer. At least one must remain sealed until the close of poll, but a number may be opened at official openings prior to polling day. At the openings only pre-processing takes place; the ballot papers must remain face down and are not counted.

Where are the votes counted?

Ballots in Great Britain are counted in local count centre as designated by the Local Returning Officers. Local results will be relayed to the Regional Returning Officer for Scotland, who will declare the results for Scotland.

Will electronic counting be used?

No. The votes will be counted by hand.

How are seats allocated?

For the European Parliamentary elections in Great Britain, the D'hondt system of proportional representation is used to allocate seats:

1. All votes received in the electoral region are added up and the first seat is given to the party with the highest number of votes.
2. The votes for that party would then be divided by the number of seats it has already won in that particular electoral region plus one (i.e. the party has won one seat, so its original votes would be divided by two).
3. The party who then has the highest number of votes gets the next seat.

4. This process is continued until all the seats have been allocated.

Can the media attend the count?

Members of the press must apply to the Local Returning Officer if they wish to attend the count and abide by any direction he/she gives. The Local Returning Officer is not obliged to permit the press into the count and their decision is final.

Any individual entering the count must abide by Section 66 of the Representation of the People Act and Article 29 of the European Parliamentary Elections Regulations 2004 (as amended) – ensuring the secrecy of the ballot:

www.opsi.gov.uk/acts/acts1983/pdf/ukpga_19830002_en.pdf

Anyone found guilty of breaching these Sections may face a fine of up to £5,000 or may be imprisoned for up to six months.

Appendix A – European Parliament in the UK

What does the European Parliament do?

The European Parliament is the directly elected body of the European Union. Along with the Council of Ministers, the European Parliament makes European legislation and budgetary decisions.

For more information about the work of the European Parliament please contact the Scotland Office of the European Parliament Office.

Tel: 0131 557 7866

Email: epedinburgh@europarl.europa.eu

How often are MEPs elected?

MEPs are elected every five years.

How many seats does the UK have in the European Parliament?

After the 2009 European elections, the UK will have 72 seats in the European Parliament. A break down is available on page 4.

Why did the number of seats change recently?

Following the accession of Romania and Bulgaria to the European Union in January 2007, the Treaty of Nice stipulated that the UK's allocation of seats in the European Parliament would be reduced by six from 78 to 72 at the 2009 elections.

How are the seats allocated across the UK's European Parliamentary electoral regions?

Following the Treaty of Nice, the then Secretary of State for Justice and Lord Chancellor, Lord Falconer, directed the Electoral Commission to recommend how the UK's reduced number of seats should be allocated across the UK's 12 electoral regions.

The Commission used the Sainte-Laguë method to apportion the 72 seats. Consultation responses received from statistical experts confirmed that this was the method which best enabled the Commission to meet the criteria set out in the European Parliament (Representation) Act 2003.

Prior to making its recommendations the Commission held a consultation through which a number of significant submissions were received from stakeholders. In making a recommendation, the Commission was required to ensure that:

- each electoral region is allocated at least three MEPs
- the ratio of electors to MEPs is as nearly as possible the same in each electoral region

The Commission's recommendation was implemented in its entirety through the European Parliament (Number of MEPs and Distribution between Electoral Regions) (United Kingdom and Gibraltar) Order 2008. This came into force on 18 July 2008.

Appendix B – Who’s who at European Parliamentary elections

Agent

An election agent is the person responsible in law for the proper management of the election campaign. Certain people cannot act as an election agent, e.g. employees of the Returning Officer.

Election agent

If a registered political party is only standing in one electoral region, an election agent must be appointed.

Election agent – individual candidate

Each individual candidate not standing on a party list must appoint an election agent. Candidates who do not appoint an agent take responsibility themselves and are automatically deemed to be their own election agent.

National election agent

Any registered political party standing in more than one electoral region must have a national election agent. This will either be the registered Nominating Officer or a person appointed by the Nominating Officer.

Electoral observers

Anyone can apply to the Electoral Commission to be an observer at an election. Representatives of the Commission may also attend. Observers can ask questions of candidates, agents, electoral staff and electors. Observers can be identified by silver or pink identity badges.

To find out more about being an elections observer, please visit the Commission website at:

www.electoralcommission.org.uk/elections/electoral_observers

Electoral Registration Officer

The Electoral Registration Officer is responsible for the preparation and maintenance of the electoral register and lists of absent voters within their area. Every local authority is required to appoint an officer of the council or an adjoining council, or an officer appointed by a combination of local authorities to be Electoral Registration Officer. There are 15 Electoral Registration Officers in Scotland.

Interim Electoral Management Board

In the Commission's report called *Electoral Administration in Scotland* (August 2008), the Commission called for an Electoral Management Board (EMB) to be set up for Scotland under the leadership of an Elections Convener with a statutory power to direct other electoral officers.

Tom Aitchison, Regional Returning Officer Scotland for European Parliamentary elections has convened an Interim Electoral Management Board for Scotland. The primary focus of the Interim Board is to co-ordinate planning for the 2009 European Parliamentary elections across Scotland and to begin planning for the administration of future elections, including both Scottish Parliamentary elections and local government elections in Scotland.

Local Returning Officer

The Local Returning Officer has responsibility for the organisation and conduct of the election in the local counting area, including the issuing of poll cards and postal vote packs, conduct of the poll on 4 June and the counting of votes in their area. The Local Returning Officer is required to act in accordance with any instructions given by the Regional Returning Officer. There are 32 Local Returning Officers in Scotland for the European Parliamentary elections.

The local counting area is the district, borough or unitary local authority area in England, the local authority area in Scotland and the UK Parliamentary constituency area in Wales.

Poll clerks

Poll clerks are employed to assist the Presiding Officer with their duties in the polling place.

Presiding Officer

Presiding Officers are appointed and paid by the Returning Officer to run polling places. They must act impartially at all times and ensure the proper procedure for voting is observed.

Duties include organising the layout of the polling place, supervising poll clerks, issuing ballot papers, assisting voters and ensuring that the ballot boxes are transported securely to the venue for the count.

Regional Returning Officer

Each of the UK's 12 European electoral regions has a Regional Returning Officer, who is appointed by the Secretary of State for Justice. The Regional Returning Officer is responsible for all aspects of the nomination process, calculating the results and allocating seats, as well as announcing the results.

The Regional Returning Officer may, at their discretion, issue directions to Local Returning Officers. Should any direction be issued, it is the duty of the Local Returning Officer to discharge their functions in accordance with the directions. A full list of Regional Returning Officers can be found in Appendix D.

Teller

'Tellers' or 'checkers' are volunteers who stand outside polling places and record the electoral numbers of those who have voted. They identify likely supporters who have not voted and urge them to vote before the close of poll. While they have an important role in elections, they have no official legal status, voters do not have to give them any details and they are not permitted to operate inside polling places.

Appendix C – Public awareness campaign

The Electoral Commission runs public awareness campaigns to encourage voter registration and to provide electors with the information they need to take part in elections. All of our public awareness work is underpinned by research. This ensures that what we do is based on sound evidence and takes account of what the public think, and know, about registration and voting.

For the 2009 European Parliamentary elections the Commission will be running a campaign to raise awareness of the elections, the need to register to vote and how to vote on 4 June.

Register to Vote week is 4–10 May in Great Britain.

An image from our advertising campaign in Great Britain is shown below:



Appendix D – Regional Returning Officers for 2009 European Parliamentary elections

Region	Regional Returning Officer
Scotland	Tom Aitchison
Wales	Bryn Parry-Jones
Northern Ireland	Douglas Bain
East Midlands	Charles Poole
Eastern	David Monks
London	Barry Quirk
North East	Dave Smith
North West	Sir Howard Bernstein
South East	Mark Heath
South West	Paul Morris
West Midlands	Stephen Hughes
Yorkshire & the Humber	Paul Rogerson

Appendix E – Local Authority media contacts for the European Parliamentary elections – Scotland

Responsibility for administering the election lies with the Regional Returning Officer and Local Returning Officers. Any queries about the local administration of elections (including the timing and location of local counts) should be directed to the relevant local authority press contact.

Local Authority	Media contact	Telephone	E-mail
Aberdeen City Council	Graham Lawther	01224 523188	glawther@aberdeencity.gov.uk
Aberdeenshire Council	Gordon Lyon	01224 664514	gordon.lyon@aberdeenshire.gov.uk
Angus Council	Linda Menzies	01307 476118	menziesl@angus.gov.uk
Argyll & Bute Council	Lynda Syed	01546 604136	lynda.syed@argyll-bute.gov.uk
City of Edinburgh Council	Stewart Argo	0131 5294430 07831 440872	stewart.argo@edinburgh.gov.uk
Clackmannanshire Council	Ruth Fry Karen Payton	01259 452023 01259 452027	rfry@clacks.gov.uk kpayton@clacks.gov.uk
Comhairle Nan Eilean Siar	Nigel Scott	01851 709389 07884 236103	nscott@cne-siar.gov.uk
Dumfries & Galloway Council	Stuart Hamilton	01387 260329	stuart.hamilton2@dumgal.gov.uk
Dundee City Council	Mike Boyle	01382 434196	mike.boyle@dundeecity.gov.uk
East Ayrshire Council	Lynne Buchanan	01563 576520 07827 84176	lynne.buchanan@east-ayrshire.gov.uk
East Dunbartonshire Council	Claire Robertson	0141 578 8032	claire.robertson@eastdunbarton.gov.uk
East Lothian Council	Jill Mackay Rob Sinclair	01620 827743 01620 827741	jmackay@eastlothian.gov.uk rsinclair@eastlothian.gov.uk
East Renfrewshire Council	George Barbour	0141 5773853 07768 616381	george.barbour@eastrenfrewshire.gov.uk
Falkirk Council	Press Office	01324 506055	pressoffice@falkirk.gov.uk
Fife Council	Lesley Ratomska	08451 555555 ext 442605	lesley.ratomska@fife.gov.uk
Glasgow City Council	Colin Edgar	0141 287 0901 07765 220745	colin.edgar@glasgow.gov.uk

Local Authority	Media contact	Telephone	E-mail
Highland Council	Gordon Fyfe	01463 702020	gordon.fyfe@highland.gov.uk
Inverclyde Council	Matt Bingham	01475 712920 07825 584629	Matt.Bingham@inverclyde.gov.uk
Midlothian Council	Clare Cooper	0131 2713534	Clare.cooper@midlothian.gov.uk
Moray Council	Raymond Shewan	01343 563046	raymond.shewan@moray.gov.uk
North Ayrshire Council	Anne Clarke	01294 324141	aclarke@north-ayrshire.gov.uk
North Lanarkshire Council	Corporate Communications	01698 302582	corporatecommunications@northlan.gov.uk
Orkney Islands Council	Lynette Webb	01856 886348	lynette.webb@orkney.gov.uk
Perth & Kinross Council	Jane Jarvie	01738 475045	ejarvie@pkc.gov.uk
Renfrewshire Council	Joanne MacDonald	0141 8403127	joanne.macdonald@renfrewshire.gov.uk
Scottish Borders Council	Kathleen Travers	01835 825008	ktravers@scotborders.gov.uk
Shetland Islands Council	Anne Cogle	01595 744554	returning.officer@shetland.gov.uk
South Ayrshire Council	Cheryl Downie	01292 612173 07977115607	cheryl.downie@south-ayrshire.gov.uk
South Lanarkshire Council	Cathie Russell Stephen Terry	01698 454988 01698 454791	cathie.russell@southlanarkshire.gov.uk stephen.terry@southlanarkshire.gov.uk
Stirling Council	Corrine Douglas	01786 443362 07717 544964	douglasc@stirling.gov.uk
West Dunbartonshire Council	Moira Rodger Lynn McAdam	01389 737225 01389 737297	moira.rodger@west-dunbarton.gov.uk lynn.mcadam@west-dunbarton.gov.uk
West Lothian Council	Ewen McNamee	01506 777125	ewen.mcnamee@westlothian.gov.uk

Appendix F – Voter turnout statistics

The table below shows voter turnout statistics for European Parliamentary elections in 1999 and 2004.

NB. In 2004, the European Parliamentary elections were held on the same day as local council elections across the UK and Greater London Authority elections.

Region	1999 percentage turnout**	2004 percentage turnout**
UK wide	24.02	38.52
Scotland	24.7	30.8
Wales	28.3	42.1
Northern Ireland	57.3	51.8
East Midlands*	22.7	44.7
Eastern	24.6	36.9
London	23.1	37.9
North East*	19.6	42.5
North West*	19.6	42.3
South East	24.8	36.9
South West	27.7	38.0
West Midlands	21.1	36.8
Yorkshire & the Humber*	19.7 43.7	

*These regions conducted all-postal ballot votes in June 2004 as part of an electoral pilot.

**Total number of ballots returned / cast as percentage of registered electorate.

How to contact us

Head Office

The Electoral Commission

Trevelyan House
Great Peter Street
London SW1P 2HW
Tel 020 7271 0500
Fax 020 7271 0505
Textphone: 18001 020 7271 0500
info@electoralcommission.org.uk
www.electoralcommission.org.uk

Scotland Office

The Electoral Commission

Scotland Office
28 Thistle Street
Edinburgh EH2 1EN
Tel 0131 225 0200
Fax 0131 225 0205
Textphone: 18001 029 2034 6800
infoscotland@electoralcommission.org.uk

Head Office

The Electoral Commission
Trevelyan House
Great Peter Street
London SW1P 2HW

Tel 020 7271 0500
Fax 020 7271 0505
info@electoralcommission.org.uk

Scotland Office

The Electoral Commission
Scotland Office
28 Thistle Street
Edinburgh EH2 1EN

Tel 0131 225 0200
Fax 0131 225 0205
infoscotland@electoralcommission.org.uk

www.electoralcommission.org.uk

We are an independent body set up by the UK Parliament. Our aim is integrity and public confidence in the democratic process. We regulate party and election finance and set standards for well-run elections.

Democracy matters