The Electoral Commission

Scottish Parliamentary election

Guidance for candidates and agents

Overview document

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Purpose of our guidance for candidates and agents

1.1   Our guidance aims to provide practical advice for candidates and parties who want to stand at the May 2016 Scottish Parliamentary election, as well as anyone who wishes to act as an agent.

1.2   It covers what you need to do to stand as a constituency candidate or in the regional election as an individual or party list candidate, and what parties need to do to submit party lists. It also covers the campaign and election periods, the declaration of the results and election spending. It includes relevant factual material as well as a guide to sources of further information. Standing for election can be complicated, but we hope that our guidance will make it as straightforward as possible.

> ⓘ This guidance has been developed based on the legislation as it currently stands and makes some assumptions about what further legislation will provide for, and so it may be subject to change. We will update and re-publish the guidance as appropriate once the legislation is clear.

How to use our guidance

1.3   Our guidance is made up of six parts, setting out the different stages which parties, candidates and agents need to go through when standing at the Scottish Parliamentary election in May 2016. Separate guidance for political parties on campaign spending, including those submitting regional lists of candidates, is also available.

1.4   Each part is accompanied by a number of forms and resources, which can be directly accessed via links in the individual parts. Alternatively, relevant guidance, forms and resources will be available on our dedicated webpage for candidates and agents at the Scottish Parliamentary election.

1.5   The following parts make up our candidate and agent guidance for a Scottish Parliamentary election:

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1.6   Before starting the process of standing for election, potential candidates need to be confident that they meet all of the requirements. You should therefore first read Part 1 of our guidance, which covers the qualifications and disqualifications.

1.7   Once satisfied that you can stand, you should read Part 2a of our guidance (if you are standing as a candidate in the constituency election) or Part 2b of our guidance (if you are standing in the regional election as either an individual regional candidate or a party list candidate, or if you are the Nominating Officer of a political party wishing to submit a list of candidates to stand on the party's behalf). Parts 2a and 2b deal with the nominations process and guide you through which forms you or your party need to submit and by when.

1.8   Agents and candidates at the Scottish Parliamentary election, whether individual candidates or party list candidates, must follow rules about how much they can spend, who they can accept donations from, and what they must report after the election. Failure to follow the rules could lead to you committing an offence and losing your seat, if elected. Part 3 of our guidance explains the rules for constituency candidates and individual regional candidates. We have also produced guidance for political parties on campaign spending, including those submitting regional lists of candidates for the election.

1.9   Part 4 covers the rules on publication and display of campaign literature and what you need to bear in mind when campaigning.

1.10 Candidates and agents also have a right to attend key electoral events, such as the poll, the count and the collation of the regional results. Others can also be appointed to attend these electoral events. Details on your rights and what to expect at these events are provided in Part 5.

1.11 Finally, there are a number of things candidates and agents will need to do once the results have been declared, including submitting their spending returns. This is covered in Part 6.

1.12 To keep the guidance as relevant to the reader as possible, we have split most guidance parts into an 'Essential information' section, which all candidates, agents and political parties should read as it contains information that is relevant to all, and a 'Supplementary information' section, that will be relevant only to some. You will be directed to the 'Supplementary information' section at relevant points throughout the 'Essential information' section.

The electoral system

1.13 Members of the Scottish Parliament are elected under the additional member electoral system. Under this system, voters are given two ballot papers: one for the constituency election and one for the regional election. On the constituency ballot paper, voters are asked to place an 'X' next to the candidate of their choice. On the regional ballot paper, voters are asked to place an 'X' next to the party or individual candidate of their choice.

1.14 There are 129 Members of the Scottish Parliament (MSPs) – 73 constituency MSPs and 56 regional MSPs, with 7 regional MSPs elected to represent each of the 8 electoral regions.

Who does what at a Scottish Parliamentary election and how to contact them?

Returning Officers

Constituency Returning Officers

1.15 At a Scottish Parliamentary election the Constituency Returning Officer is responsible for all aspects of the administration of the constituency election, including the

nomination of candidates at the constituency election, and elements of the regional election which fall within their constituency area, including the conduct of the poll and the count.

1.16 The Constituency Returning Officer is the Returning Officer responsible for local government elections in that area, and is normally a senior officer of the local authority and independent of the authority in respect of their electoral functions.

1.17 Where a constituency covers more than one local authority area, the Constituency Returning Officer is appointed by Scottish Ministers through an Order of the Scottish Parliament.

Regional Returning Officers

1.18 At a Scottish Parliamentary election the Regional Returning Officer is responsible for dealing with nominations for the regional election and for the allocation of regional seats.

1.19 The Regional Returning Officer for each electoral region is appointed by Scottish Ministers through an Order of the Scottish Parliament.

Contacting the Constituency Returning Officer and Regional Returning Officer

1.20 The names and contact details of both Constituency Returning Officers and Regional Returning Officers are available on our website.

1.21 Constituency and Regional Returning Officers will offer briefings ahead of the election and we strongly encourage you to attend, even if you have been an agent or stood for election before.

The Electoral Registration Officer

1.22 An Electoral Registration Officer is appointed to maintain the register of electors and absent voters' lists for each local council area. The same person may have been appointed as the Electoral Registration Officer for more than one local council area. Contact details for all Electoral Registration Officers can be found at www.aboutmyvote.co.uk.

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The Electoral Commission

1.23 We are an independent statutory body established in November 2000 by the Political Parties, Elections and Referendums Act 2000. We are currently headed by nine Commissioners, including a Chair. We report directly to the UK Parliament through a committee chaired by the Speaker of the House of Commons. For council elections in Scotland we undertake a number of roles relating to the administration of the elections for which we report directly to the Scottish Parliament.

1.24 We are responsible for registering political parties and non-party campaigners, the monitoring and publication of significant donations to registered political parties and the regulation of party and non-party campaigner spending at certain elections. We also have a role in promoting voter awareness. We are required to report on the administration of certain electoral events, including a Scottish Parliamentary election, to keep electoral matters under review and, if requested, must review and report on any electoral matter. We also accredit observers to be present at election proceedings.

1.25 We do not run elections but have responsibility for providing advice and assistance on electoral matters to all those involved in elections, including Constituency Returning Officers, Regional Returning Officers, Electoral Registration Officers, political parties and candidates.

1.26 We are here to help, so please get in touch if you have any questions. Our contact details are below.

Contacting us

1.27 If you have any questions, please contact us using one of the methods below:

Email: infoscotland@electoralcommission.org.uk
Tel: 0131 225 0200