

## Scottish Parliamentary election

# Guidance for candidates and agents

## Part 2a of 6 – Standing at the constituency election

December 2015

This document applies to the May 2016 constituency election to the Scottish Parliament only. It does not apply to the regional election to the Scottish Parliament. Our guidance and resources for the regional election to the Scottish Parliament and for other elections in the UK can be accessed from our website at: <http://www.electoralcommission.org.uk/guidance/resources-for-those-we-regulate/candidates-and-agents>.

# Contents

<b>Essential information .....</b>	<b>2</b>
Completing your nomination papers.....	3
The nomination form.....	4
Request to use an emblem on the ballot paper: party candidates only.....	9
Submitting your nomination papers .....	10
Withdrawing.....	14
What happens after the close of nominations? .....	15
Appointing your election agent and other agents .....	15
Who can be an election agent? .....	15
Appointing an election agent.....	16
Revoking an election agent’s appointment .....	17
Sub-agents .....	17
Appointing postal voting, polling and counting agents ....	18
Death of a candidate .....	19
<b>Supplementary information .....</b>	<b>20</b>
Commonly used name(s) .....	20
Death of a candidate .....	21

# Essential information

This section of the document contains our guidance on standing as a constituency candidate at the May 2016 Scottish Parliamentary election.

Supplementary information, which may only be relevant to some candidates, is provided at the back of this document. You can also view this supplementary guidance by clicking on the links within this document or by clicking on the chapter heading on the contents page.

We are here to help, so please contact us if you have any questions.

See our [Overview document](#) for contact details.

In this document, we use 'you' to refer to all candidates standing at the Scottish Parliamentary constituency election. Where our guidance only applies to a particular type of candidate (for example, a party candidate) this will be specifically stated.

We use 'must' when we refer to a specific requirement. We use 'should' for items we consider to be minimum good practice, but which are not legal or regulatory requirements.

We have included relevant deadlines throughout this document, but you can also find a separate [election timetable](#) setting out all the key dates on our website.

## Completing your nomination papers

1.1 To become nominated as a constituency candidate at the May 2016 Scottish Parliamentary election, you need to submit a completed set of nomination papers to the place fixed by the relevant Constituency Returning Officer (CRO), together with the deposit of £500, by 4pm on the twenty-third working day before the poll (i.e. by 4pm on 1 April 2016). This deadline is set out in law and cannot be changed for any reason.

1.2 Nomination papers can be delivered from the day after the publication of the notice of election. The times and place for delivery of nomination papers will be set out in the official notice of election published by the CRO.

1.3 There are two nomination papers that you must submit to make your nomination valid:

- the nomination form
- your consent to nomination

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

- A certificate authorising you to use the party name on the ballot paper (known as the [certificate of authorisation](#)). For more details on the certificate of authorisation, see paragraph **1.15**.
- A written request to use one of the party's emblems (if you would like one to appear on the ballot paper). For more information on the [emblem request form](#), see paragraph **1.20**.

1.5 You can obtain nomination papers from the CRO. Contact details can be found [our website](#). Alternatively, the Commission has produced a set of nomination papers that you could use.

The last day for publishing the notice of election is twenty-eight working days before the poll (23 March 2016).

1.6 If you, your agent, or someone you trust are unable to complete the nomination form, the CRO can help by preparing the form for your signature.

1.7 The CRO may also be able to offer informal checks of your completed nomination papers before you submit them.

1.8 Note that any information you provide on your nomination papers must be true to the best of your knowledge. It is an offence to provide a false statement on your nomination papers. Providing a false statement could invalidate your election, and is also punishable by a maximum fine of £10,000 (or unlimited if convicted on indictment) and/or imprisonment.

## The nomination form

1.9 The [nomination form](#) must be completed in English. The form must contain:

- **Your full name.** This means your surname and other names in full. Using initials only could lead to your nomination paper being rejected. Also, do not use prefixes such as Mr, Mrs, Dr or Cllr as part of your name. The same applies to suffixes. However, if you have a title, you can use this as your full name. For example, if your actual name is Joseph Smith but your hereditary title is Joseph Avon, you can use the name Joseph Avon as your full name.
- **Your full home address.** Your home address:
  - must be completed in full
  - must not contain abbreviations
  - must be your current home address
  - must not be a business address (unless you run a business from your home)

Your home address does not need to be in the constituency in which you wish to stand.

- **Your signature.**
- **Full name, address and signature of a witness.** Your signature on the form must be witnessed and the witness

must sign the form and give their full name and address. There are no restrictions on who can be a witness.

1.10 The following are optional:

- **A commonly used name.** If you commonly use a name that is different, or partly different, from your actual name and you wish this to appear on the ballot paper, you need to state this on the nomination form. More details are provided in paragraph **1.85**.
- **A description.** You can ask for one of the following descriptions to appear on the ballot paper.

**Independent candidates:** If you want the word 'Independent' to appear on the ballot paper underneath your name, you need to state this on the nomination form. No other descriptions are allowed for candidates who are not standing on behalf of a registered political party. Alternatively, you may choose not to have a description at all by leaving this part of the form blank.

For information on how to register a political party, see [the Commission's website](#)

**Party candidates:** You can ask for the party name to appear on the ballot paper underneath your name. If you are standing on behalf of two parties jointly, you can ask for the two party names to appear on the ballot paper. The following variants are allowed:

Registered party names can be found on our online register. <http://search.electoralcommission.org.uk>

- the exact party name (as registered with the Commission)
- the party name (as registered with the Commission) with the word 'Scottish' added to the beginning of the party name
- if the party name registered starts with the word 'The', the word 'Scottish' can be inserted after the word 'The' on the nomination form
- the exact party name of two different parties (as registered with the Commission)
- the exact party name of two different parties (as registered with the Commission), separated by the word 'and' between the names of both parties
- the party names of two different parties (as registered with the Commission) separated or not, as the case

may be, by the word ‘and’ and with the word ‘Scottish’ added to the beginning of either or both of those party names

Paragraph **1.16** sets out examples to illustrate how this works in practice.

If you want to use a party name you must submit alongside your other nomination papers a certificate that shows that you are authorised to use the party’s name (known as a [certificate of authorisation](#)). The certificate must be issued by the registered party’s Nominating Officer (or someone authorised to act on their behalf) and be received by the CRO by the nominations deadline, 4pm on the twenty-third working day before the poll (i.e. by 4pm on 1 April 2016). Further information on the certificate is provided in paragraph **1.15**.

If you are standing on behalf of two parties, you will need a certificate of authorisation from both parties’ Nominating Officers (or persons authorised to act on their behalf).

You should take particular care when completing the descriptions field on the nomination form. Except for the variants set out above, the party name(s) used on the nomination form must exactly match the party name(s) on the [Commission’s online register of political parties](#). If it does not, the whole nomination will be rejected.

Note that you do not have to use a description. You may choose not to have a description at all by leaving the description field of the form blank.

## Consent to nomination

1.11 You must also formally consent to your nomination in writing. The content of the consent to nomination form is fixed by law. On the [consent to nomination form](#) you will be asked to state that you meet all the qualifications for standing and are not disqualified from standing. You must also state your date of birth.

1.12 You must meet all of the qualifications to stand for election, as explained in [Part 1: Can you stand for election?](#)

1.13 You are not allowed to sign the consent form earlier than one month before the deadline for submitting your nomination papers (i.e. not before 1 March 2016). Your signature must be witnessed, and the witness must sign the form and give their full name and address. There are no restrictions on who can be a witness to the consent to nomination.

1.14 If you are abroad and the CRO is satisfied that because of your absence from the UK it is not practicable for you to give your consent in writing and deliver it by hand to the CRO, you will be allowed to provide the consent by fax or email, and will not require a witness to sign the form. See paragraph **1.24 onwards** for guidance on how to submit nomination papers.

## The certificate of authorisation: party candidates only

1.15 Political parties authorise candidates to stand for them by issuing a certificate of authorisation. This must state that the named candidate can stand on their behalf and allows them to use the party name as registered with the Commission, or one of the variants set out under paragraph **1.10**.

1.16 For example, a certificate may authorise:

Party name	Purple Party
Party name preceded by 'Scottish'	Scottish Purple Party

Party name	The Purple Party
Party name preceded by 'Scottish'	The Scottish Purple Party

Registered party names and descriptions can be found on the Commission's online register of political parties:  
<http://search.electoralcommission.org.uk>

1.17 If you are standing on behalf of two parties jointly, you will need authorisation from the Nominating Officer of each of the registered parties (or people authorised to act on their behalf). Using the following party names as an example,

Name of party 1	The Purple Party
Name of party 2	The Vote Party

the certificate may authorise:

Names of both parties, separated by 'and'	The Purple Party and The Vote Party <i>or</i> The Vote Party and The Purple Party
Names of both parties, not separated by 'and'	The Purple Party The Vote Party <i>or</i> The Vote Party The Purple Party
Names of both parties, separated by 'and' and preceded by 'Scottish'	The Scottish Purple Party and The Scottish Vote Party <i>or</i> The Scottish Vote Party and The Scottish Purple Party
Names of both parties, not separated by 'and', and preceded by 'Scottish'	The Scottish Purple Party The Scottish Vote Party <i>or</i> The Scottish Vote Party The Scottish Purple Party
Names of both parties, separated by 'and', and only one preceded by Scottish	The Vote Party and The Scottish Purple Party <i>or</i> The Scottish Vote Party and The Purple Party
Names of both parties, not separated by 'and', and only one preceded by Scottish	The Vote Party The Scottish Purple Party <i>or</i> The Scottish Vote Party The Purple Party

1.18 Particular care should be taken by the Nominating Officer (or someone authorised to act on their behalf) when completing the certificate of authorisation. If the party name (or any permitted variant) on the certificate does not match that

given on the nomination form, the whole nomination will be invalid.

1.19 The certificate of authorisation must be signed by the registered Nominating Officer of the political party or by someone authorised by the Nominating Officer to act on their behalf.

### Request to use an emblem on the ballot paper: party candidates only

1.20 If you have been authorised by a political party to use the party name on the ballot paper, you can also request that one of the party's official emblems is printed on the ballot paper next to your name.

1.21 You must make the request for an emblem in writing and deliver it to the CRO. The request must be received by the CRO before 4pm on the twenty-third working day before the poll (i.e. by 4pm on 1 April 2016). The CRO will supply you with a form you can use to make this request or, alternatively, you can use the [emblem request form](#) produced by the Commission.

1.22 The request should state both the name of the party and the description of the emblem to be used, as listed on the [Commission's online register of political parties](#). Registered emblems cannot be varied in any way.

1.23 Candidates standing on behalf of two or more registered parties jointly can use an emblem that has been registered by one of the relevant parties. The request must be made in writing and delivered to the CRO by the close of nominations, 4pm on the twenty-third working day before the poll (i.e. by 4pm on 1 April 2016). The request should state the name of the political party that has registered the emblem that you wish to use and the description of the emblem to be used, as listed on the [Commission's online register of political parties](#).

Emblems can be viewed or downloaded from our online register of political parties:  
<http://search.electoralcommission.org.uk/>

## Submitting your nomination papers

1.24 All nomination papers, including the nomination form, consent to nomination and, where relevant, the certificate of authorisation and emblem request form, must be delivered to the place specified on the notice of election by 4pm on the twenty-third working day before the poll (i.e. by 4pm on 1 April 2016). It is your responsibility to ensure that your nomination papers are delivered in the correct manner and by the required deadlines.

### Who can deliver the nomination papers?

1.25 There are no restrictions on who may deliver your nomination papers. However, we recommend that you, your agent or someone you trust does this, so you can be sure they are delivered to the CRO in time.

### How must nomination papers be submitted?

1.26 The nomination form and the consent to nomination must be submitted by hand and cannot be submitted by post, fax, email or other electronic means.

1.27 The certificate of authorisation and emblem request form may be submitted by post, but may not be submitted by fax, email or other electronic means.

1.28 The **original version** of each completed paper must be submitted. A certificate of authorisation which has been sent as an attachment to an email to be printed out, for example, would make it a 'copy document' and not the original document.

1.29 Only if you are abroad and if the CRO considers that it is not practicable for your consent to be delivered in writing and by hand, can you submit your consent to nomination by fax, email or other electronic means.

## When must nomination papers be submitted?

1.30 You should submit your nomination papers as early as possible to give the CRO an opportunity to conduct an informal check and to give you sufficient time to submit new nomination papers should your first set contain any errors.

1.31 The CRO will confirm the exact details of when and where nomination papers can be delivered on the official notice of election. The notice of election will be published not later than twenty-eight working days before the poll and not earlier than thirty-five working days before the poll (i.e. between 14 March 2016 and 23 March 2016). In most cases, the notice of election will be published by the CRO on their council's website.

1.32 Nomination papers can only be delivered from the day after the publication of the notice of election until 4pm on the twenty-third working day before the poll (i.e. by 4pm on 1 April 2016), usually only during normal office hours.

1.33 You should contact the CRO as soon as possible to find out what arrangements are in place for submitting nomination papers.

1.34 If, after you have submitted your nomination papers you change your mind and no longer want to stand for election, you can withdraw, provided you do so by 4pm on the twenty-third working day before the poll (i.e. by 4pm on 1 April 2016). For more details on withdrawing, see paragraph **1.51**.

## The deposit

1.35 For your nomination to be valid, the sum of £500 must be with the CRO by the deadline for nominations, i.e. by 4pm on the twenty-third working day before the poll (i.e. by 4pm on 1 April 2016). The deposit can be made using:

- cash (pounds (£) only)
- a UK banker's draft

1.36 The CRO may also accept a deposit made by a debit or credit card or an electronic transfer. However, they may refuse to do so. If you are considering paying the deposit in one of these ways, you should discuss with the CRO at the earliest opportunity whether the payment method is acceptable.

1.37 If the CRO allows the deposit to be paid by credit or debit card, there may be a fee charged by the bank or credit card company for the transaction, in which case you will be required to pay any additional fees as well as the £500 deposit.

1.38 Unless the person making the deposit is your agent and you have notified the CRO of their appointment, the person making the deposit must at the time they make it give their name and address to the CRO.

1.39 The deposit will be returned if you poll more than 5% of the valid votes cast in the constituency. Those candidates who have polled less than, or equal to, 5% of the total number of the valid votes cast will lose their deposit.

## Inspecting other candidates' nomination papers

1.40 Only certain people are entitled to attend the delivery of nomination papers and to inspect and make any objections to the validity of a constituency nomination form. After your nomination papers and deposit have been delivered and you stand validly nominated, the following can inspect and make objections to a constituency nomination form:

- you
- your election agent
- if you are standing for a political party, the person who issued the certificate of authorisation
- if you are acting as your own election agent, someone nominated by you to attend on your behalf.

1.41 Nomination papers cannot be inspected by anybody else at any time.

1.42 Electoral Commission representatives and one other person chosen by each candidate may also be present at the delivery of nomination papers, but may not inspect them nor make any objections.

1.43 No other person, except the CRO and their staff, may attend the delivery of nomination papers.

## Objections to nominations

1.44 Objections to the validity of any nomination form can be made on the twenty-third working day before the poll (i.e. on 1 April 2016).

1.45 The time within which an objection can be made depends on when the nomination papers are delivered.

### Timetable for objections

#### **Nominations delivered up to and including 4pm on 31 March 2016**

1.46 Objections to any nomination form delivered up to and including 4pm on 31 March 2016 must be **made in the morning of 1 April 2016 until 12 noon**.

#### **Nominations delivered after 4pm on 31 March 2016**

1.47 Objections to any nomination form delivered after 4pm on 31 March 2016 must be made **by 5pm on 1 April 2016**. Any objection must be made at, or immediately after, the time of the delivery of the nomination.

#### **Objection on the ground that a candidate is imprisoned for a year or more**

1.48 In the rare case that the CRO considers that a candidate may be disqualified because they are imprisoned and serving a sentence of a year or more, they will publish a notice inviting objections on this ground. Any such objection may be made between **10am and 4pm on 4 April 2016**.

In one exceptional circumstance, where the objection is on the ground that a candidate is disqualified because they are serving a prison sentence of a year or more, objections can be made on the twenty-second working day before the poll (i.e. on 4 April 2016).

## Decisions on objections

1.49 The CRO will consider any objections made, but is entitled to hold a nomination invalid only on the following grounds:

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

1.50 The CRO's decision that a nomination is valid is final and cannot be challenged during the election. The decision can only be challenged after an election through an election petition (see [Part 6 – After the declaration of result](#) for further information on election petitions).

## Withdrawing

1.51 You may withdraw as a candidate by signing and submitting a withdrawal notice, which must be witnessed by one other person. Your witness must also sign the notice. There are no restrictions on who may submit the notice, but it must be delivered by hand or by post. However, we recommend that you, your agent or someone you trust hand delivers it, so you can be sure the notice is delivered to the CRO in time. A [notice of withdrawal](#) can be obtained from the CRO or downloaded from our website.

1.52 The withdrawal notice must be submitted to the CRO at the place for the delivery of nomination papers and by the deadline for withdrawals, 4pm on the twenty-third working day before the poll (i.e. by 4pm on 1 April 2016). After the withdrawal deadline it is not possible to withdraw from the election, and your name will appear on the ballot paper. If the election is uncontested, you will be declared elected.

1.53 If you withdraw as a candidate, your deposit will be returned.

## What happens after the close of nominations?

1.54 The CRO will publish a statement of persons nominated, including notice of poll for the constituency by no later than 5pm on the twenty-third working day before the poll (not later than 5pm on 1 April 2016). The statement will include:

- the full or commonly used names, as the case may be, of all candidates validly nominated
- the names of candidates who no longer stand nominated, if any (i.e. invalid and withdrawn candidates), with the reason why they are no longer standing
- each candidate's description (if any)

If elected at an uncontested election, candidates must still make a declaration as to their election spending.

See [Part 3: Spending and donations](#) for more details.

## Appointing your election agent and other agents

1.55 The election agent is the person responsible for the proper management of your election campaign and, in particular, for its financial management. You must have an election agent. If you do not appoint an agent, you will become your own agent by default.

1.56 Once appointed, payments for election expenses can only be made by or through the election agent.

1.57 You can also appoint other agents to observe the following electoral processes, which both you and your election agent are also entitled to observe:

- the opening of postal votes
- the poll
- the verification and count

For more information about candidate spending see: [Part 3: Spending and donations](#)

## Who can be an election agent?

1.58 There are no particular qualifications needed to be an election agent and you can be your own agent if you wish.

1.59 However, the following people are not allowed to be election agents:

- the CRO, the Regional Returning Officer (RRO), or a member of their staff (including any clerks appointed specifically for the election)
- a depute or clerk of the CRO, RRO, or a member of their staff
- a business partner or clerk of any of the above

1.60 If you are standing on behalf of a party, they may also have specific rules about who you can appoint as an election agent.

## Appointing an election agent

1.61 Because of the responsibilities attached to the role of an election agent you should consider carefully who you are going to appoint and make sure that they understand their obligations. You can be your own agent if you wish.

1.62 You, or someone on your behalf, must declare in writing the name, address and office address of your election agent to the CRO by 4pm on the twenty-third working day before the poll (i.e. by 4pm on 1 April 2016). The declaration should be signed by you (or the person making the declaration on your behalf) and by the agent to show their acceptance of the appointment.

It is helpful to also provide a contact telephone number and email address for your election agent so that the CRO can easily contact them.

1.63 The CRO may provide a declaration form, or you could use the [election agent declaration form produced by the Commission](#). If you do not appoint someone as your agent by the deadline, you will automatically become your own agent.

1.64 Your agent must have an office address to which any legal notices can be delivered and therefore must be a physical address – PO boxes or similar mailboxes cannot be used.

1.65 There are no restrictions on where the office can be located. The agent's office address will often be their home address, but it could be the local party office or an office set up for the election.

1.66 If you act as your own election agent, the office address is deemed to be the address you provided on your nomination form.

## Revoking an election agent's appointment

1.67 You can revoke the appointment of your election agent at any time, including after polling day, and a new appointment can be made in the same manner as outlined above. If you revoke your election agent's appointment and do not appoint anyone else, you will be deemed to be your own election agent.

1.68 If you are acting as your own agent you can revoke your own appointment and appoint someone else as your agent.

1.69 Once an agent has accepted their appointment, they cannot resign and must fulfil the duties required of them unless you revoke their appointment.

## Sub-agents

1.70 Your election agent may appoint sub-agents to act on their behalf in any part of the constituency in which you are standing, as long as those parts do not overlap. The agent can determine the parts into which they wish to sub-divide the constituency.

1.71 A sub-agent may do anything that the election agent is entitled to do within the area to which they are appointed.

1.72 The election agent should ensure that any sub-agent is aware of the election and spending rules, as any act, illegal practice or other offence committed by a sub-agent will be treated as if it had been done by the election agent. For further information on election spending, see [Part 3: Spending and donations](#).

1.73 Each sub-agent must have an office to which any legal notices can be delivered and therefore it must be a physical address – PO boxes or similar mailboxes cannot be used.

1.74 The election agent must notify the CRO in writing of the name and address of each sub-agent and the area in which

they may act not later than the second working day before the day of the poll (i.e. by 3 May 2016). The CRO will provide a form you can use. Alternatively, you can use the form included for this purpose in the Commission's [nomination pack](#).

1.75 The election agent can revoke the appointment of a sub-agent at any time and appoint someone else as a sub-agent by providing the details of the new sub-agent to the CRO.

## Appointing postal voting, polling and counting agents

1.76 You may also appoint agents to attend the opening of postal votes, the poll and count.

1.77 Anyone, apart from those listed in paragraph **1.59**, can be appointed as a postal vote, polling or counting agent. You and your election agent (as well as any sub-agent attending instead of the election agent) can also automatically act as one of those agents without the need of an official appointment.

1.78 You can appoint any number of polling agents to attend each polling station, but only one polling agent for each candidate can be present in a polling station at any time. A polling agent can be appointed to attend multiple polling stations.

1.79 The CRO will tell you the maximum number of postal voting and counting agents you can appoint. All candidates will be allowed to appoint exactly the same number.

1.80 The request to appoint these agents must be made in writing to the CRO. It must contain the names and addresses of the people being appointed. The CRO will provide forms you can use for this, or you can find [postal voting](#), [polling](#) and [counting agent](#) appointment forms on the Commission's website.

1.81 The deadline for appointing these agents will depend on the process they are to attend. Polling and counting agents must be appointed by not later than the fifth working day before the poll (i.e. by 27 April 2016). However, appointment forms for postal voting agents only need to be submitted to the CRO by

the time fixed for the opening of postal votes they want to attend. The CRO will give you at least 48 hours' notice before the scheduled start of each postal vote opening session.

1.82 If an agent dies or becomes incapable of acting, you may appoint another agent in their place by submitting the relevant appointment form to the CRO. Any new appointment in these circumstances must be made without delay.

1.83 More information on what agents can and cannot do and what they can expect to see at postal vote opening sessions, polling stations and the count, can be found in [Part 5: Your right to attend key electoral events](#).

## Death of a candidate

1.84 If a candidate dies during the election period, see paragraph **1.97** for further information on how this will affect the election.

# Supplementary information

## Commonly used name(s)

1.85 If you commonly use a name that is different or partly different to your actual name, you can ask for your commonly used name(s) to be used instead of your actual name. The commonly used name(s) would then appear on:

- the statement of persons nominated and the notice of poll, and
- the ballot papers

1.86 You can request to use a commonly used forename, surname or both. For example, you may be known by your abbreviated name 'Andy', rather than your full first name 'Andrew'. In that case, you can write 'Andy' into the commonly used forename box on the nomination paper if you would rather that name appear on the ballot paper.

1.87 In another example, if your actual name is 'Andrew John Smith', but you are commonly known as 'John Smith', you can request that the name 'John Smith' appear on the ballot paper.

1.88 You may also use initials as part of your commonly used name if you are commonly known by them.

1.89 The CRO must carry forward the commonly used name provided on the nomination form to the statement of persons nominated unless the CRO thinks the commonly used name is likely to mislead or confuse electors, or is obscene or offensive. If the name(s) is not permissible, the CRO will write to you stating the reason for rejection. In those cases, your actual name will be used instead.

1.90 If either the commonly used forename or surname box on the nomination paper is left blank, then your actual forename or surname, depending on which commonly used name box has been left blank, will be used.

1.91 It is an offence to give a false statement on your nomination paper. Therefore if you choose to provide a commonly used name, you must ensure that it is a forename or surname which you commonly use.

## Death of a candidate

1.92 The impact of the death of a candidate before the declaration of the result depends on whether or not the deceased candidate was standing on behalf of a registered political party.

### Death of an independent candidate

1.93 If more than two persons are standing nominated and a candidate not standing on behalf of a political party dies, the election continues as normal. If the deceased candidate receives the most votes, they are not elected and the election is re-run. All of the existing candidates remain nominated for the new election and retention or return of the deposit is determined by the re-run election result. No new nominations are allowed for the re-run election, although candidates may withdraw.

1.94 If the independent candidate who died did not receive the most votes at the original poll, the candidate who did is declared elected and the election is not affected. If the candidate who died came joint first with the same number of votes as any other candidate, the other candidate is declared elected.

1.95 If only two persons are standing nominated and an independent candidate dies and proof is given to the CRO before the election result is declared that the candidate has died, the election is treated as an uncontested election and the other candidate is declared elected.

It is the time at which the CRO receives proof of the candidate's death that is the relevant factor, not the actual time of death.

1.96 In all circumstances, the deposit of the deceased candidate will be returned.

## Death of a party candidate

1.97 If the CRO receives proof and is satisfied before the declaration of result that a candidate standing on behalf of a political party has died, the election is stopped immediately. If the poll is under way or the count is being undertaken, that process stops. There will be a new election.

1.98 No new nominations are required: all the existing candidates remain nominated for the new election and retention or return of the deposit is determined by the election result at the new election. No new nominations are allowed for the new election, except that a new candidate can be nominated to stand on behalf of the same party (or parties) of the candidate who died. Any existing candidates may withdraw by the deadline for withdrawals for the new election. The nomination papers for the candidate standing for the party (or parties) whose candidate died must be submitted by the close of nominations based on the new timetable.