

The
Electoral
Commission

Media Handbook

Scottish Parliament election

Thursday 5 May 2016

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Websites

www.electoralcommission.org.uk

The Commission's website has a dedicated section for journalists featuring the Electoral Commission's news and views – including our press releases and statements. Our website has information on political party donations in the run-up to the election and has a 'Guidance' area with information for candidates and those administering the election. There is also information on organisations that the Commission is working in partnership with to raise public awareness of voter registration.

www.gov.uk/register-to-vote

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

www.aboutmyvote.co.uk

This website provides information for the public on how to register and vote and forms they can print off to apply to vote by post or proxy. It includes a postcode search facility allowing people to find out where elections are taking place and resources showing people how to successfully complete ballot paper(s) at different elections.

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1. What elections are taking place on Thursday 5 May 2016?

On Thursday 5 May 2016 there will be an election to the Scottish Parliament.

Elections in other areas of the UK are also scheduled to take place on Thursday 5 May 2016. These elections are for:

- Northern Ireland Assembly
- National Assembly for Wales
- London Mayor and Greater London Assembly
- Local government in some areas of England
- Police and Crime Commissioners in England and Wales

Media handbooks for these elections can be found at

www.electoralcommission.org.uk/news-and-media/media-resources

2. Who's who at the Scottish Parliament election and what are their responsibilities?

2.1 Constituency Returning Officer

The Constituency Returning Officer (CRO) is responsible for:

- administering the nominations of candidates at the constituency contest
- the conduct of the poll for the constituency contest
- the counting of votes for both the constituency election and that part of the regional contest that is included within the constituency.

2.2 Regional Returning Officer

Each of the eight Regional Returning Officers (RROs) are responsible for:

- publication of the notice of election for the regional contest
- administration of the nomination process for the regional contest
- collation and calculation of the number of votes given for each individual candidate and political party standing in the regional ballot; and
- declaration of the regional result.

2.3 Electoral Registration Officers

Electoral Registration Officers (EROs) are responsible for the preparation and maintenance of the electoral registers and the list of absent voters within their area. They must ensure that the electoral registers are as complete and accurate as possible. Each local council is required to appoint an ERO. In Scotland some EROs

have been jointly appointed by a combination of local councils. There are 15 EROs in Scotland appointed by the 32 councils.

2.4 Presiding Officers

Returning Officers (ROs) appoint Presiding Officers to run polling stations. Duties include organising the layout of the polling station, supervising poll clerks, issuing ballot papers, assisting voters, accounting for all ballot papers and ensuring that ballot boxes are transported securely to the count venue.

2.5 The Electoral Commission

The Electoral Commission is an independent body set up in 2000.

At elections, we are responsible for:

- producing guidance for Returning Officers, setting performance standards and reporting on how well they have done
- producing guidance for candidates standing for election and their agents
- producing guidance for parties that are campaigning at the election
- producing guidance for non-party campaigners that are campaigning at the election
- registering political parties
- publishing details of where political parties and candidates get their money from and how they spend it
- promoting public awareness of the election and how to take part in it; and
- reporting on the conduct of the election

2.7 The Electoral Management Board for Scotland

The Electoral Management Board (EMB) was set up to provide coordination, leadership and support for the delivery of elections in Scotland. The EMB undertakes this by assisting ROs and EROs in relation to local government elections through the promotion of best practice by providing information, advice or training. The EMB Convener has the power to issue directions to ROs and to EROs in respect of local government elections. The Convener's directions are issued following consultation with all ROs and EROs and with the Electoral Commission.

For the Scottish Parliamentary election the EMB acts without statutory power but undertakes a similar role as at local government elections to deliver a well-planned and administered election undertaken in the interests of the voter. The EMB Convener may, following discussion with ROs and EROs, make recommendations and may provide additional guidance to assist ROs and EROs.

3. Scottish Parliament election timetable

Event	Date (deadline midnight if not otherwise stated)
Start of regulated period for campaign spending by political parties and non-party campaigners	Tuesday 5 January 2016
Start of 'long campaign' regulated period for candidate spending	Tuesday 5 January 2016
Last date for publication of notice of election	Wednesday 23 March
Start of 'short campaign' regulated period for candidate spending	No earlier than Thursday 24 March 2016
Deadline for candidates to deliver nomination papers	4pm on Friday 1 April
Deadline to register to vote	Monday 18 April
Deadline for applying for a postal vote	5pm on Tuesday 19 April
Deadline for applying for a proxy vote (except for medical emergencies)	5pm on Tuesday 26 April
Polling day	7am to 10pm on Thursday 5 May
Deadline for issuing replacement postal ballot papers	5pm on Thursday 5 May
Deadline for applying for an emergency proxy vote	5pm on Thursday 5 May
Deadline for submission of candidates spending returns to the Returning Officer	Must be submitted within 35 days of the declaration of the result. (e.g. If the declaration of the result is 5 May 2016 the deadline would be 9 June 2016)
Deadline for parties that have spent £250,000 or under to submit campaign spending returns to the Electoral Commission	Friday 5 August 2016
Deadline for non-party campaigners who have spent between £10,000 and £75,800 to submit campaign spending returns to the Electoral Commission	Friday 5 August 2016
Deadline for political parties that spent over £250,000 to submit campaign spending returns to the Electoral Commission	Saturday 5 November 2016

Section A – Candidates

4.1 What are the different types of candidate at the Scottish parliament election?

- **Constituency candidates** are candidates standing for election within one of the 73 Scottish Parliament constituencies.
- **Regional party list candidates** are candidates standing on a party list for one of the 56 regional seats in Scotland. A party can list up to 12 regional candidates in each of the 8 electoral regions.
- **Independent regional candidates** who are not standing on behalf of a party, can stand for election in one of the 8 electoral regions in Scotland.
- A person can be a candidate for both a constituency and a region, so long as the constituency is within the region. If they do this, they must stand for the same party in both contests, or be an independent in both contests. If they are elected at the constituency election, their name will be disregarded at the allocation of regional seats. A person cannot stand in more than one constituency or in more than one region.

4.2 Who can become a candidate?

Anyone who wants to stand at the Scottish Parliament election must on the day of nomination and the day of the poll be:

- Aged 18 years or over; and
- a British citizen, an eligible Commonwealth citizen, or a citizen of any other member state of the European Union..

A candidate at the Scottish Parliament election is not required to be registered as an elector or live in the constituency or region in which they wish to stand.

4.3 Are there any rules barring a candidate from standing?

Some of the rules barring a candidate from standing to become a Member of the Scottish Parliament include:

- they are a civil servant or a member of a police force or the armed forces
- their estate has been sequestrated by a court in Scotland and they have not been discharged or they are the subject of a bankruptcy restrictions order made by a court in England, Wales or Northern Ireland (though bankruptcy in itself does not bar them from standing); or,

- they have been convicted of an imprisonable offence and are detained for more than a year, as defined under the Representation of the People Act 1981
- they have been found or reported guilty of a corrupt or an illegal electoral practice within the past five or three years respectively

For more detailed guidance on what disqualifies someone from standing to be a Member of the Scottish Parliament, see the Electoral Commission's guidance for candidates and agents, Part 1:

http://www.electoralcommission.org.uk/_data/assets/pdf_file/0003/192387/SP-Part-1-Can-you-stand-for-election.pdf

4.4 How does someone become a constituency candidate at the Scottish Parliament Election?

Prospective constituency candidates at the May 2016 Scottish Parliament election must submit the following to their Returning Officer (CRO) by 4pm on 1 April 2016:

- completed nomination form
- their consent to nomination, and
- a deposit of £500

Candidates standing on behalf of a party will also need to submit:

- a certificate of authorisation from the party that allows them to use the party name/description on the ballot paper
- a written request to use one of the party's registered emblems (optional)

Candidates not standing on behalf of a party may use the description 'Independent' or no description at all, and cannot use an emblem.

For more detailed guidance on how to stand as a constituency candidate see the Electoral Commission's guidance for candidates and agents

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

http://www.electoralcommission.org.uk/_data/assets/pdf_file/0004/192388/SP-Part-2a-Standing-at-the-constituency-election.pdf

4.5 How does someone become a regional candidate at the Scottish Parliament election?

Prospective independent regional candidates at the May 2016 Scottish Parliament election need to submit the following to their Regional Returning Officer by 4pm on 1 April 2016:

- completed nomination form
- their consent to nomination, and
- a deposit of £500

The Nominating Officer of a registered political party may submit a list of up to 12 candidates to stand at a regional election. The party must list the candidates in the order they are to be elected. The Nominating Officer, or a person authorised by them in writing, must submit the following to the Regional Returning Officer by 4pm on 1 April 2016:

- Completed party list nomination form
- A consent to nomination for each candidate on the party list
- A deposit of £500
- a certificate of authorisation from the party authorising use of the party name/description
- a written request to use one of the party's registered emblems (optional)

For more detailed guidance on how to stand as a regional candidate see the Electoral Commission's guidance for candidates and agents
Part 2b of 6 – Standing at the regional election:
http://www.electoralcommission.org.uk/_data/assets/pdf_file/0005/192389/SP-Part-2b-Standing-at-the-regional-election.pdf

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

The relevant Returning Officer will publish the full list of candidates standing. This will happen no later than 5pm on Friday 1 April.

5. Campaigning at the election

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

As at all elections, it is illegal to make a false statement about the personal character of a candidate in order to affect their election. Rules about defamation also apply to election materials.

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

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

5.2 Are there any electoral rules regarding campaign materials?

Yes, by law, candidates must use “imprints” on all their printed campaign material.

5.3 What is an “imprint”?

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

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

5.4 Can candidates see the electoral register?

Yes. Candidates (once they officially become one) are entitled to receive, free of charge, a copy of the full electoral register and the lists of people voting by post or proxy (the absent voters’ lists) for the constituency that they are contesting.

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

5.5 Do candidates get free delivery of leaflets?

Yes. Each constituency candidate is entitled to free postage for one ‘election communication’ to electors in the relevant constituency. Each individual regional candidate, as well as the Nominating Officer of a registered political party which has submitted a list of candidates, is entitled to free postage for an electoral communication to electors in the relevant region. Candidates contact [Royal Mail](#) directly to make the arrangements for their leaflets.

6. Campaign spending limits and rules on accepting donations

The rules on spending apply to candidate spending on activities to promote their candidacy (or criticise other candidates) in the run-up to the election.

6.1 What activities count towards the spending limit at the Scottish Parliament election?

Candidate spending includes any expenses incurred on particular activities that take place during the regulated period. These activities include:

- advertising of any kind - for example, posters, newspaper adverts, websites or YouTube videos
- unsolicited materials sent to voters - for example, letters or leaflets
- transport costs
- public meetings
- staff costs - for example, an agent's salary
- accommodation - for example, the campaign office
- administrative costs - for example, telephone bills, stationary and photocopying.

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

Yes. Activities that do not count include:

- anything (except adverts) appearing in a newspaper or on a licensed broadcast channel
- facilities you use because you are entitled to do so as a candidate, such as a public room for a meeting
- volunteer time including time spent by your staff that you do not pay them for
- someone's main residence
- someone's personal car or other means of transport
- general computer equipment bought for personal use
- a candidate's deposit.

Personal expenses do **not** count towards the spending limit, but candidates **must** report them after the election.

6.3 What is the regulated period for candidate spending?

The regulated period for constituency and independent regional candidates contesting the Scottish Parliamentary election in 2016 is divided into two periods: the 'long campaign' and the 'short campaign'. Each period has its own spending limit.

The long campaign began on 5 January 2016 and ends on the day an individual officially becomes a candidate.

The short campaign begins on the day after an individual officially become a candidate and ends on polling day, 5 May 2016.

The earliest date an individual can officially become a candidate is on the day that the Scottish Parliament is dissolved (24 March 2016). An individual will become a candidate on this date if they, or others, have already announced the individual's intention to stand.

If an individual's intention to stand has not been announced by the day of the dissolution of Parliament, they will officially become a candidate on either the date they (or another person) declare their intention to stand or the date when they are nominated (whichever is earlier).

6.3 What are the spending limit for candidates?

Long Campaign	
Type of Seat	Limit
Constituency (burgh ¹)	£21,500 + 4.2p per elector
Constituency (county)	£21,500 plus 6.3p per elector
Independent regional candidate	The total of all the maximum constituency limits in the region for the long campaign
Regional party list candidate	Cannot incur expenses on their own behalf. Spending incurred by the party counts towards the party's regional spending limit (see Section B)
Independent dual candidate	£21,500 plus 4.2p per elector for a burgh constituency, or £21,500 plus 6.3p per elector for a county constituency. And , they may also spend the total maximum limit for each constituency in the region for the long campaign towards their regional campaign.
Party dual candidate	£21,500 plus 4.2p per elector for a burgh constituency, or £21,500 plus 6.3p per elector for a county constituency. Regional list party candidates cannot incur expenses on their own behalf in the regional campaign and spending incurred by the party counts towards the party's regional spending limit.

¹ There are two types of constituency - burgh and county. Burgh constituencies are mostly urban while county constituencies are mostly rural with the latter usually covering a much larger geographical area

Short Campaign	
Type of Seat	Limit
Constituency (burgh*)	£8,700 plus 6p per elector
Constituency (county*)	£8,700 plus 9p per elector
Independent regional candidate	The total of all the maximum constituency limits in the region for the long campaign
Regional party list candidate	Cannot incur expenses on their own behalf. Spending incurred by the party counts towards the party's regional spending limit (see Section B)
Independent dual candidate	£8,700 plus 6p per elector for a burgh constituency, or £8,700 plus 9p per elector for a county constituency. And, they may also spend the total maximum limit for each constituency in the region for the long campaign towards their regional campaign.
Party dual candidate	£8,700 plus 6p per elector for a burgh constituency, or £8,700 plus 9p per elector for a county constituency. Regional list party candidates cannot incur expenses on their own behalf in the regional campaign and spending incurred by the party counts towards the party's regional spending limit.

6.4 Is there a limit on donations a candidate can accept in the election?

No. However, candidates can only accept donations of money, items or services worth more than £50 towards their campaign spending from a permissible source (see 6.5 below).

All donations worth more than £50 must be included in the candidate's spending return.

6.5 Who can make donations to candidates?

Candidates must ensure they only accept donations worth more than £50 from a permissible source. Donations that are not from a permissible source must be returned to the donor within 30 days. After that, the donation may be forfeited.

Permissible donors in the UK are defined as:

- an individual on a UK electoral register
- a GB registered political party
- a UK registered company which is incorporated within the EU and carries on business in the UK
- a UK registered trade union
- a UK registered building society
- a UK registered limited liability partnership

- a UK registered friendly society
- a UK based unincorporated association

For an overview of the rules and more detail on what counts as a donation and accepting donations, see Electoral Commission guidance for candidates and agents, Part 3 Section B:

http://www.electoralcommission.org.uk/_data/assets/pdf_file/0006/192390/SP-Part-3-Spending-and-donations.pdf

Section B – Political parties

7. Campaign spending limits, donations and what must be reported

7.1 What is the spending limit for parties?

A party's spending limit is £12,000 for **each constituency** the party contests **plus** £80,000 for **each region** the party contests.

There are 73 constituencies in Scotland and 8 regions so this means that political parties have a maximum spending limit of **£1,516,000** if they contest every constituency and region in Scotland.

The spending limit is a national limit, which means parties do not have to attribute their spending between constituencies and regions.

For more information on party spending limits see the Electoral Commission Guidance, Scottish Parliament Election May 2016: Political parties:

http://www.electoralcommission.org.uk/_data/assets/pdf_file/0008/192851/Scottish-Parliamentary-Election-May-2016-Political-parties.pdf

7.2 When is the regulated period for political parties?

The regulated period for the 2016 Scottish Parliament election began on 5 January 2016 and ends on polling day, 5 May 2016.

7.3 What activities count as spending?

Activities included in party campaign spending are:

- advertising of any kind. For example, street banners, websites or YouTube videos
- unsolicited material sent to voters. For example, letters or leaflets you send that aren't in response to specific queries
- the manifesto and other documents setting out your party's policies
- market research or other methods of finding out how people intend to vote
- press conferences or other dealings with the media
- rallies and events, including the cost of people's attendance, and any goods, services or facilities provided
- transport in connection with publicising your campaign

If a party is entitled to a party election broadcast then the production costs must be included as campaign spending. The value of the airtime does not need to be included.

If a party is standing candidates on a regional list, party campaign spending will also include spending on activities to promote the party list candidates.

It includes:

- items or services bought before the regulated period begins, but used during it
- items or services given to the party free of charge or at a non-commercial discount of more than 10%

Party constituency candidates standing for election in a constituency are responsible for their own campaign spending. Spending on promoting their candidacy in the constituency will count towards their own candidate spending limit. If a party candidate is standing in both a constituency and a region, it is only the spending on promoting the candidate in the region that will count towards the party spending limit.

7.4 What doesn't count as spending?

Activities not included in campaign spending are:

- permanent, fixed term or temporary staff costs where the staff member has a direct employment contract with the party
- volunteer time
- office running costs, except costs that are higher than usual because of campaigning, such as telephone bills
- people's travel, food and accommodation costs while they campaign, unless you reimburse them
- expenses met out of public funds. For example, security costs for VIP visits
- material sent only to your members
- party conferences
- local newsletters about elected representatives or prospective candidates
- anything a candidate properly declares on their spending return
- regional party list candidates' deposits

7.5 Is there a limit on donations that a political party can accept in the run up the Scottish Parliament election?

No. However, parties can only accept donations worth more than £500 towards their campaign from a permissible source.

For more information on donations, including guidance on what is a permissible source, see the Electoral Commission
http://www.electoralcommission.org.uk/_data/assets/pdf_file/0014/102263/to-donations-rp.pdf

Section C – Non-party campaigners

8. Rules for non-party campaigners

8.1 What are non-party campaigners at the Scottish Parliament election?

Non-party campaigners are individuals or organisations that campaign in the run-up to elections, but are not standing as political parties or candidates. You can view our register of non-party campaigners [here](#).

8.2 When is the regulated period?

The regulated period for the Scottish Parliament election began on 5 January 2016, and ends on polling day, 5 May 2016.

8.3 What types of non-party campaigns are there?

There are two types of non-party campaigns. These are:

- **Local campaigns:** non-party campaigns for or against one or more candidates in a particular constituency, ward or other electoral area, (for example, a constituency candidate at the Scottish Parliament election)
- **General campaigns:** non-party campaigns for or against a political party, or particular categories of candidate, including campaigns on policies or issues closely associated with a particular party or category of candidates (for example, candidates in a certain age group).

The Electoral Commission regulates general campaigns only.

The rules for local campaigns are set out in the Scottish Parliament (Elections etc.) Order 2015. Complaints about breaches of the rules that apply to local campaigns should be made to the police.

For an overview of the rules and more detail on rules for non-party campaigners, see Electoral Commission guidance for non-party campaigners at the Scottish Parliament election, May 2016:

http://www.electoralcommission.org.uk/_data/assets/pdf_file/0006/193038/Scottish-parliamentary-election-May-2016-non-party-campaigners.pdf

8.4 What counts as regulated campaign spending?

Spending on the following activities will be regulated, if they are intended to influence voters to vote for or against political parties or categories of candidates, including political parties or categories of candidates who support or do not support particular policies or issues:

- press conferences or other media events that you organise
- transport in connection with publicising your campaign

Spending on the following activities is only regulated if the activities are also aimed at, seen or heard by, or involve the public:

- the production or publication of election material
- canvassing and market research (including the use of phone banks)
- public rallies and public events

Spending on any of these activities will be regulated if the activity can reasonably be regarded as intended to influence voters to vote for or against a political party, or categories of candidates, including campaigns on policies or issues closely associated with a particular party or category of candidates.

8.5 What are the spending limits for non-party campaigners at the Scottish Parliament election?

The spending limit for non-party campaigners will depend on whether they register with the Electoral Commission as a registered non-party campaigner.

Not registered	£10,000 in Scotland
Registered non-party campaigner	£75,800 in Scotland

8.6 Who can register with the Electoral Commission as a non-party campaigner?

Only the following types of individuals or organisations can register and become a registered non-party campaigner:

- an individual registered on a UK electoral register, or resident in the UK
- a UK-registered political party (including 'minor parties')
- a UK-registered company which is incorporated in the EU and 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, industrial, provident or building society
- a UK-based unincorporated association that carries on the majority of its business or other activities in the UK a body incorporated by Royal Charter
- a UK charitable incorporated organisation
- a Scottish partnership which carries on business in the UK

8.7 What is considered a donation to a non-party campaigner?

Registered non-party campaigners must ensure that the rules on donations are followed. A donation is money, goods, property or services with a value over £500 and is given:

- towards their regulated campaign spending
- without charge or on non-commercial terms

Anything with a value of £500 or less is not classed as a donation.

8.8 Who can non-party campaigners accept donations from?

Non-party campaigners can only accept donations from a permissible source. A permissible source is:

- an individual registered on a UK electoral register, including overseas electors and those leaving bequests
- a UK-registered company which is incorporated within the European Union and carries on business within the UK
- a UK-registered trade union
- a UK-registered building society
- a UK-registered limited liability partnership (LLP) that carries on business in the UK
- a UK-registered friendly society
- a UK unincorporated association that is based and carries on business or other activities in the UK

Section D – The election campaign

9. Party election broadcasts

9.1 How many election broadcasts are political parties entitled to in the run up to the Scottish Parliament election?

The decision on how many broadcasts to allocate to political parties is for the broadcasters to decide. The political parties pay for and produce the content of the party election broadcasts (PEBs), which must observe the law – for example on copyright, defamation, contempt, obscenity and incitement to racial hatred or violence. They must comply with the Ofcom Broadcasting Code or the BBC Editorial Guidelines that relate to harm and offence and fairness and privacy.

More information about how PEBs are allocated will be available from the Broadcasters' Liaison Group, the group of broadcasters that discusses the allocation of PEBs, visit www.broadcastersliaisongroup.org.uk.

The BBC's draft criteria for PEBs can be found at:

http://downloads.bbc.co.uk/bbctrust/assets/files/pdf/our_work/election_guidelines/2014/peb_draft_criteria.pdf

Ofcom's rules on PEBs can be found at:

<http://stakeholders.ofcom.org.uk/broadcasting/guidance/programme-guidance/ppbrules/>

9.2 Are there rules on impartiality for the media during the Scottish Parliament election?

News reports, features and editorials in print or online media are not subject to electoral law, and the law does not require them to be impartial. Political impartiality in broadcast media is covered by the editorial guidelines relevant to that broadcaster:

- The BBC's draft editorial guidelines on broadcasting during the Scottish Parliament election (and other May 2016 polls) can be found at: http://downloads.bbc.co.uk/bbctrust/assets/files/pdf/our_work/election_guidelines/2016/draft_election_guidelines.pdf
- Commercial broadcasters are subject to the Ofcom Broadcasting Code, which can be found at <http://stakeholders.ofcom.org.uk/broadcasting/broadcast-codes/broadcast-code/elections/>

TV, radio and online debates between party leaders are also a matter for the relevant broadcasters and newspapers. The Electoral Commission has no regulatory role in relation to debates between party leaders.

10. Electoral fraud

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

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

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

Anyone, including candidates, politicians and members of the public, who has evidence of electoral fraud taking place should report it to the police immediately, using the 101 non-emergency number unless there is a crime in progress. People can also choose to contact Crimestoppers anonymously on 0800 555 111

10.2 What are the different types of voting offences?

Offences include:

Personation

This is where an individual votes as someone else (whether that person is living or dead or is a fictitious person), either by post or at a polling station, in person or as a proxy.

Undue influence / Intimidation

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

Bribery

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

Multiple voting and proxy voting offences

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

False registration information

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

10.3 How confident can the electorate feel about postal voting?

Postal voting on demand is more secure following a tightening of the law in 2006 and was used by 17.6% of the electorate in Scotland and 16.4% of the electorate across the UK at the 2015 UK Parliament election.

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

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

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

The Electoral Commission has agreed with political parties a [code of conduct](#) on the handling of postal vote applications and postal ballot packs by political parties, candidates and canvassers. The code says parties and candidates:

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

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

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

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

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

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

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

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

Section F – The voter

12. Registering to vote

12.1 Who can vote at Scottish Parliament election?

To vote in the Scottish Parliament election a person must be registered to vote in Scotland aged 16 years or over on polling day. They must also be:

- a British or Irish citizen, or
- a Commonwealth citizen who has leave to remain in the UK or does not require leave to remain, or
- a citizen of another European Union member state

12.2 How can someone register to vote?

People should apply to register to vote online: www.gov.uk/register-to-vote.

People can still fill in paper registration forms if they prefer. They can contact their local electoral registration office for forms or download them [here](#)

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

Service personnel and their families that are based in the UK and unlikely to change address or be posted overseas this year can register to vote online as ordinary electors.

Service personnel and their families can also register as 'Service Voters'. This allows them to be registered for five years at a fixed address even if they move around.

Service personnel can register online as a 'Service Voter' at <https://www.gov.uk/register-to-vote-armed-forces>.

Service personnel and their families that are based abroad can also apply to vote by post or by proxy. They must consider whether there's enough time for a postal vote to be sent to them and for them to return it to Returning Officer before the close of poll.

12.4 What support is offered to people with a learning disability to help them to register to vote?

The Electoral Commission has produced an [easy read](#) version of the registration form.

People with a disability can receive assistance from someone else to complete an application – whether that be a paper form or online – but the person who wants to register to vote has to make the declaration.

12.5 What is the deadline to register to vote?

The deadline to register to vote for the Scottish Parliament election is midnight on **Monday 18 April**.

12.6 Can someone register at two different addresses?

Yes. A person can register at more than one address, as long as they are resident at each address. For example, students can register if they wish at both their home and their term time address. However, they can only vote once in the Scottish Parliament election.

12.7 What is the deadline for applying for postal and proxy votes at the Scottish Parliament election?

The deadline for applying for:

- a postal vote is 5pm on Tuesday 19 April
- a proxy vote, except in the case of emergency, is 5pm on Tuesday 26 April
- an emergency proxy vote is 5pm on Thursday 5 May

12.8 Can prisoners vote?

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

12.9 What impact has the move to the new registration system had on the electoral registers?

Individual Electoral Registration (IER) was introduced in Wales, England and Scotland in 2014 and the vast majority of electors were automatically transferred to the new registration system. The move to IER was due to end with the publication of the electoral registers on 1 December 2016.

In October 2015, a UK Government Order to bring forward the end to the move to IER to 1 December 2015 was passed in the House of Lords. The Commission had recommended that the end to the move remain 1 December 2016 as was originally legislated for.

The Commission has recently published its report on the electoral registers as they stood on 1 December 2015. You can view the report [here](#).

Between 1 December 2015 and 22 February 2016 1.3 million applications to register to vote had been made in Great Britain, following the significant registration activity that continues to take place in advance of the elections in May 2016.

12.10 What is being done to encourage anyone who may have come off the 1 December 2015 registers to re-register?

Previous Electoral Commission analysis of the transition to IER has identified that students and home movers in particular have been less likely to be moved to the new registration system. The Electoral Commission will be running a campaign to target these groups ahead of the May 2016 elections in addition to its main public awareness campaign which will launch on 14 March.

The Electoral Commission is also running a national public awareness campaign supported by [a range of partners](#), ahead of the 18 April registration deadline. This includes TV, radio and digital advertising and a voter information guide.

More information about the Electoral Commission's public awareness campaign can be found in Section 15.

The Electoral Commission's aim is to make sure everyone who is eligible and wants to vote is able to do so. The registration deadline is **Monday 18 April 2016**. Anyone who is not registered should visit www.gov.uk/register-to-vote to apply as soon as possible. It's quick and easy.

It would be helpful for any relevant stories you run to highlight this deadline and a link to the online registration website.

13. The voting system

13.1 What voting system is used at Scottish Parliament elections?

The electoral system in use at the Scottish Parliament election is called the Additional Member System (AMS). AMS is a type of proportional representation.

There are 73 constituency Members of the Scottish Parliament (MSPs) who are elected using the first-past-the-post system, and there are 56 regional MSPs who are elected using the party list system. There are eight Scottish Parliament regions in Scotland and each region returns seven regional MSPs.

Each voter has two votes in the Scottish Parliamentary election: a constituency vote for a candidate and a regional vote for a political party or candidate standing as an individual.

13.2 How do constituency candidates at the Scottish Parliament election get elected?

Constituency candidates are elected using the first-past-the-post system. The Returning Officer declares elected the candidate for whom the most votes have been given.

13.3 How do regional candidates at the Scottish Parliament election get elected?

Regional members are elected using a party list system. Each Constituency Returning Officer notifies the Regional Returning Officer of the number of votes cast for each registered political party and individual candidate in the regional contest, as well as details of the number of constituency seats gained by each registered political party within the electoral region.

The Regional Returning Officer will then add up the total regional votes from all of the constituencies in their region. They will also add up the total number of constituency seats won within the region by each registered party.

The number of votes cast in the regional ballot for each registered party or individual candidate is divided by the number of constituency seats gained, plus one. This allows parties or individual candidates that have not won any constituencies or who have not stood in a constituency contest to be included in the rest of the calculation. After that calculation is done, the party with the highest resulting figure gains the first regional seat. To allocate the second to seventh additional seats the calculation is redone, but each time any additional seats gained are added into the calculation.

This method of calculation is known as the modified d'Hondt system. An example of how this works is shown in the table below.

The modified d'Hondt system

	Party 1	Party 2	Party 3	Party 4
Regional votes	61,974	63,362	61,189	37,206
Constituency seats	2	4	1	0
1st win: Party 4	$\div 3 = 20,658$	$\div 5 = 12,672$	$\div 2 = 30,595$	$\div 1 = 37,206$
2nd win: Party 3	20,658	12,672	30,595	$\div 2 = 18,603$
3rd win: Party 1	20,658	12,672	$\div 3 = 20,396$	18,603
4th win: Party 3	$\div 4 = 15,494$	12,672	20,396	18,603
5th win: Party 4	15,494	12,672	$\div 4 = 15,297$	18,603
6th win: Party 1	15,494	12,672	15,297	$\div 3 = 12,402$
7th win: Party 3	$\div 5 = 12,395$	12,672	15,297	12,402
Additional seats	2	0	3	2
Total seats in region (constituency and regional)	4	4	4	2

13.4 Have the constituency or regional boundaries changed?

No. The boundaries are the same as at the 2011 Scottish Parliament election.

A full list of constituencies and their relevant regions can be found at appendix A

14. The voting process

14.1 What different ways are there for someone to vote?

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

14.2 How does someone vote in person?

Registered voters can visit their local polling station between 7am and 10pm on 5 May to cast their votes:

Before polling day, voters will be sent a 'poll card' which includes details of where their polling station is. Voters can only vote at their allocated polling station as stated on this card. Voters do not need to take their poll card with them to the polling station but doing so may help speed up the process.

Polling station staff will be on hand to explain the ballot papers and how to vote.

14.3 What happens if someone is in a queue to enter a polling station at 10pm?

Any voter who arrives at the polling station before 10pm and is still waiting to vote at 10pm will be able to vote.

14.4 How does someone vote by post?

If voters do not wish – or are unable – to go to a polling station, they may apply for a postal vote.

To vote by post, voters will need to apply for a postal vote before the postal application deadline of 5pm on Tuesday 19 April.

- Postal ballot papers will be sent directly to voters before polling day.
- Voters should complete their ballot paper and their postal voting statement with their signature and date of birth, and return these to the Returning Officer by 10pm on 5 May.
- Votes arriving after 10pm on 5 May will not be counted.
- If voters don't leave enough time to post their vote, they can take it by hand to any polling station in their electoral area from 7am to 10pm on polling day.

14.5 How does someone vote by proxy?

Voters can also apply to vote by proxy. This is where they appoint someone they trust to vote on their behalf, such as a spouse or other family member.

To vote by proxy, voters need to complete and sign a proxy application form and return it to their local electoral registration office before 5pm on Tuesday 26 April.

In certain circumstances – such as a medical emergency - it is possible to apply for an emergency proxy vote up to 5pm on polling day.

14.3 What do the ballot papers look like?

There will be two separate ballot papers for the Scottish Parliament election. The lilac coloured ballot paper is for the constituency vote and the peach coloured ballot paper is for the regional vote.

On the constituency (lilac) ballot paper voters should mark a cross (X) next to the candidate they want to vote for.

On the regional (peach) ballot paper voters should mark a cross (X) next to the party or individual candidate they want to vote for.

15. Raising awareness of voter registration

15.1 What are Electoral Registration Officers (EROs) doing to encourage people to register to vote at the Scottish Parliament election?

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

EROs are using a range of advertising methods to reach their local residents. They have been sending letters to households encouraging people to register to vote and many have also developed partnerships with local schools and colleges to encourage young people to register.

The Electoral Commission provide EROs with resources such as posters, template press releases and suggested social media posts that they can use to raise public awareness. These can be customised to their local area.

15.2 How can organisations help encourage people to register to vote at the Scottish Parliament election?

The Electoral Commission is working with a range of partner organisations to try and reach traditionally under-registered voters to encourage them to register to vote. This activity will continue up to, and beyond, the Scottish Parliament election and includes activity targeted at young people, students, those from certain BME communities and recent home movers, all of whom we know are less likely to be registered. A list of partners can be found at: <http://www.electoralcommission.org.uk/find-information-by-subject/electoral-registration/partnership-working/partner-organisations/scotland-partners>

Working with partners, the Electoral Commission has launched a partnership pack which offers practical suggestions for organisations that want to run their own registration drives or other activity in Scotland. The partnership pack and other resources for partners can be found at: <http://www.electoralcommission.org.uk/find-information-by-subject/electoral-registration/partnership-working/resources-for-partners/scotland>

15.3 What is the Electoral Commission doing to encourage people to register to vote for the Scottish Parliament election?

The Commission launched its main May 2016 public awareness campaign on 14 March. The campaign includes advertising across TV, radio and video on demand as well as a voter information guide sent to every household in Scotland. Our digital and social media advertising started in February.

The campaign will reach all potential voters, with a focus on groups that the Commission's research has identified as being less likely to be registered to vote,

such as students, young people, those who have recently moved home and people who rent their home. It will also include specific activity targeting 16 and 17 year olds.

From 14 March, our television and radio ads will begin to air across Scotland. Our TV and radio ads are updated versions of the successful ads that we ran for the 2015 UK Parliamentary general election public awareness campaign. The new ads include updated election references at the end.

Watch our [Scotland TV ad](#).

15.4 What is the Commission doing specifically to reach young people?

The Commission is conducting a range of activity specifically targeted at young people.

#ReadyToVote

The Commission has launched a campaign specifically targeted at 15-17 year olds to encourage them to register to vote.

The campaign (which runs during March) aims to ensure all 16 and 17 year olds are registered and #ReadyToVote for the Scottish Parliament election by encouraging schools to run registration sessions for pupils where they will have the opportunity to register online during the session. We produced a [toolkit](#) to provide schools, youth organisations and colleges with everything they need to get involved.

By 16 March 2016, over 270 high schools signed up to hold registration drives in March, which represents nearly 75% of all high schools in Scotland. You can see which schools are taking part [on our website](#).

#RegAFriend

#RegAFriend is the GB-wide social media campaign we are working on in partnership with the National Union of Students in each of the UK's nations to inspire young people to register to vote ahead of the May 2016 polls. We are asking young people to encourage their friends to register by sharing photos of their 'voter cross' and using #RegAFriend. We produced [toolkits for partners](#) so organisations have everything they need to participate.

Hollyoaks

On Monday 21 March the Commission will be launching our new TV ad produced in partnership with Channel 4. The ad, which stars cast members from the hit TV show Hollyoaks, is aimed at engaging under-registered groups – in particular young people and private renters – to register to vote. The ad will air during Hollyoaks breaks and other programmes on Channel 4 and E4 that have a similar audience. This partnership follows on from our successful Googlebox partnership for the 2015 UK Parliamentary general election public awareness campaign.

15.5 What is the household voter information guide?

The Electoral Commission is sending a voter information guide to every household in Scotland. The booklet contains information on how to register, who is eligible to vote, how to vote and what people will be voting for. The booklet will be distributed from 4 April. The voter information guide is available to view at:

http://www.aboutmyvote.co.uk/_data/assets/pdf_file/0003/197193/May_Election-2016_leaflet-6pp_SCOTTISH_Final_WEB.PDF

Section F – The count

16. How the count works and the declaration of the results at the Scottish Parliament election

16.1 Are postal ballots counted in advance of the main count?

No. They are mixed with the ballots cast in polling stations and counted after the polls close at 10pm on polling day.

Election staff open returned postal ballot packs up to and on polling day, to check the accompanying personal identifiers (the date of birth and signature of the voter). At these opening sessions, the ballot papers must remain face down and election staff will not count these votes before the close of poll.

Candidates and the agents they appoint are entitled to attend postal vote opening sessions. However, they must not attempt to see how individual ballot papers have been marked. In addition, anyone attending a postal vote opening must not attempt to look at identifying marks or numbers on ballot papers, disclose how any particular ballot paper has been marked or pass on any such information gained from the session. Anyone found guilty of breaching these requirements can face a fine of up to £5,000, or may be imprisoned for up to a year.

16.2 When does the counting of votes take place?

The count may begin as soon as practicable after the polls close at 10pm. Each Returning Officer decides when the count takes place, taking into account local circumstances.

16.3 What happens at the count?

These are the stages of the count process for the Scottish Parliament election:

1) Receipt of ballot boxes

- Postal ballot boxes and ballot boxes from the polling stations arrive at the count venue.

2) Verification

- Only after verification has taken place can counting assistants begin counting the votes.
- Staff count the postal ballot papers and verify that the number of ballot papers in postal ballot boxes matches the numbers recorded by the Returning Officer.

- Staff also count the ballot papers from each polling station. They verify that the number of ballot papers matches the number of papers issued, as recorded on the Presiding Officer's ballot paper accounts.
- The Returning Officer produces a statement showing how many ballot papers have been received against how many ballot papers were expected.

3) Counting of the votes

- Staff begin counting constituency ballot papers.
- Staff count the number of votes cast for each candidate.
- Returning Officer will share the provisional result with candidates and their agents. At this point, a candidate or their agent can ask for a recount of the votes. The Returning Officer can refuse the request if they think it's unreasonable.

4) Declaration of the constituency result

- The Returning Officer will declare the number of votes cast for each constituency candidate and will then announce the name of the candidate with the most votes as the elected Member of the Scottish Parliament for the constituency.

5. The regional result

- After the constituency results have been declared the regional ballot papers will be counted (although in some areas the regional ballots will be counted in parallel with the constituency ballots – please contact the relevant Returning Officer for confirmation of how the count will proceed in a particular count centre) .
- The Regional Returning Officer will collate all the results from across their electoral region and then calculate the allocation of regional seats.

16.4 Will electronic counting be used?

No. The votes will be counted by hand.

16.5 Can the media attend the count?

Members of the media must apply to the Returning Officer if they wish to attend the count. They should abide by any instructions the Returning Officer gives.

16.6 How many votes did each party achieve at the last election to the Scottish Parliament?

You can find information on past Scottish Parliament elections results on the Electoral Commission website (<http://www.electoralcommission.org.uk/find-information-by-subject/elections-and-referendums/past-elections-and-referendums/scottish-parliamentary-elections>). You will also find Commission reports on how the election was run.

16.7 How does someone challenge the result of an election?

Someone can challenge the result of an election by issuing an election petition.

An election petition can be presented by:

- someone who voted or had the right to vote at the election
- someone alleging themselves to have been a candidate at the election
- someone claiming to have had the right to be elected at the election

Petitioners must present the petition within 21 days of the declaration of the result. Where the petition relates to election expenses or corrupt or illegal practices involving the payment of money after the election, further time may be allowed.

Petitioners must sign the petition and return it to the Court of Session.

ENDS

Appendix A

Scottish Parliament constituencies, regions and Returning Officers.

Council	Constituency	Region	Returning Officer
Aberdeen City	Aberdeen Central Aberdeen Donside Aberdeen South and North Kincardine	North East Scotland	Angela Scott (Regional Returning Officer for North East Scotland region)
Aberdeenshire	Aberdeenshire East Aberdeenshire West Banffshire and Buchan Coast	North East Scotland	Jim Savege
Angus	Angus North and Mearns Angus South	North East Scotland	Richard Stiff
Argyll and Bute	Argyll and Bute	Highlands and Islands	Sally Loudon
Clackmannanshire	Clackmannanshire and Dunblane	Mid Scotland and Fife	Elaine McPherson
Comhairle nan Eilean Siar	Na h-Eileanan an Iar	Highlands and Islands	Malcolm Burr
Dumfries & Galloway	Dumfriesshire Galloway and West Dumfries	South of Scotland	Gavin Stevenson (Regional Returning Officer for South of Scotland region)
Dundee City	Dundee City East Dundee City West	North East Scotland	David Martin
East Ayrshire	Carrick, Cumnock and Doon Valley Kilmarnock and Irvine Valley	South of Scotland	Fiona Lees
East Dunbartonshire	Strathkelvin and Bearsden East	West of Scotland	Gerry Cornes
East Lothian	East Lothian	South of Scotland	Angela Leitch
East Renfrewshire	Eastwood	West of Scotland	Lorraine McMillan

Council	Constituency	Region	Returning Officer
Falkirk	Falkirk East Falkirk West	Central Scotland	Mary Pitcaithly
Fife	Cowdenbeath Dunfermline Kirkcaldy Mid Fife and Glenrothes North East Fife	Mid Scotland and Fife	Steven Grimmond (Regional Returning Officer for Mid- Scotland and Fife region)
Glasgow City	Glasgow Anniesland Glasgow Cathcart Glasgow Kelvin Glasgow Glasgow Maryhill and Springburn Glasgow Pollok Glasgow Provan Glasgow Shettleston Glasgow Southside	Glasgow	Annemarie O'Donnell (Regional Returning Officer for Glasgow region)
Highland	Caithness, Sutherland and Ross Inverness and Nairn Skye, Lochaber and Badenoch	Highlands and Islands	Steve Barron (Regional Returning Officer for Highlands and Islands region)
Inverclyde	Greenock and Inverclyde	West of Scotland	John Mundell
Midlothian	Midlothian North and Musselburgh	Lothian	Kenneth Lawrie
Moray	Moray	Highlands and Islands	Mark Palmer
North Ayrshire	Cunninghame North Cunninghame South	West of Scotland	Elma Murray

Council	Constituency	Region	Returning Officer
North Lanarkshire	Airdrie and Shotts Motherwell and Wishaw Cumbernauld and Kilsyth Coatbridge and Chryston Uddingston and Bellshill	Central Scotland	Paul Jukes (Regional Returning Officer for Central Scotland region)
Orkney Islands	Orkney	Highlands and Islands	Alistair Buchan
Perth and Kinross	Perthshire North Perthshire South and Kinross-shire	Mid Scotland and Fife	Bernadette Malone
Renfrewshire	Paisley Renfrewshire North & West Renfrewshire South	West of Scotland	Sandra Black (Regional Returning Officer for West of Scotland region)
Scottish Borders	Ettrick, Roxburgh and Berwickshire Midlothian South, Tweeddale and Lauderdale	South of Scotland	Tracey Logan
Shetland Islands	Shetland	Highlands and Islands	Jan-Robert Riise
South Ayrshire	Ayr	South of Scotland	Eileen Howat
South Lanarkshire	Clydesdale East Kilbride Hamilton, Larkhall and Stonehouse Rutherglen	Central Scotland	Lindsay Freeland
Stirling	Stirling	Mid Scotland and Fife	Stewart Carruth

Council	Constituency	Region	Returning Officer
The City of Edinburgh	Edinburgh Central Edinburgh Eastern Edinburgh Northern and Leith Edinburgh Pentlands Edinburgh Southern Edinburgh Western	Lothian	Andrew Kerr (Regional Returning Officer for Lothian region)
West Dunbartonshire	Dumbarton Clydebank and Milngavie	West of Scotland	Joyce White
West Lothian	Almond Valley Linlithgow	Lothian	Graham Hope

Appendix B – Sample ballot papers

Constituency ballot paper

Election of Members of the Scottish Parliament for the [XXXXXXXXXXXXXXXXXX] Constituency	
Vote for only one candidate by putting a cross in the box next to your choice	<input checked="" type="checkbox"/>
Candidate A A Party	<input type="checkbox"/>
Candidate B B Party	<input type="checkbox"/>
Candidate C Independent	<input type="checkbox"/>
Candidate D D Party	<input type="checkbox"/>
Candidate E Independent	<input type="checkbox"/>

Regional ballot paper

Election of Members of the Scottish Parliament for the [XXXXXXXXXXXXXXXXXX] Region	
Vote only once by putting a cross in the box next to your choice	<input checked="" type="checkbox"/>
A Party	<input type="checkbox"/>
B Party	<input type="checkbox"/>
C Party	<input type="checkbox"/>
Candidate D Independent	<input type="checkbox"/>
Candidate E Independent	<input type="checkbox"/>