

Local government elections in Scotland

You are in the [Media centre](#) section

Introduction

This guide provides answers to key questions on the upcoming council elections in Scotland, relating to candidates, spending and donations, and the voting process. You can use the contents box to easily jump to different sections of this webpage, and click the drop-down questions to see answers.

What elections are taking place?

- Elections to all 32 councils in Scotland

Election timetable

Event	Deadline
Publication of notice of election	Monday 14 March
Deadline for delivery of nomination papers	4pm on Wednesday 30 March
Publication of statement of persons nominated	As soon as practicable after 4pm on Wednesday 30 March
Deadline to apply to register to vote	Midnight on Monday 18 April
Deadline to apply to vote by post, by postal proxy, and for changes to existing postal or proxy votes	5pm on Tuesday 19 April

Deadline for new proxy vote applications	5pm on Tuesday 26 April
Polling day	7am to 10pm on Thursday 5 May
Deadline for emergency proxy applications	5pm on Thursday 5 May
Deadline to apply for a replacement for spoilt or lost postal votes	10pm on Thursday 5 May
Counting of votes	Friday 6 May Counts commence between 8am and 9.30am.
Delivery of return of election expenses	35 calendar days after the day the results have been declared

Becoming a candidate

Who can become a candidate?

Anyone who wants to stand as a candidate must be at least 18 years old, and a British or qualifying Commonwealth citizen, or a qualifying foreign national and must meet at least one of the following four qualifications.

- Be, and continue to be, registered to vote in the local authority area that they are standing in, from the day of their nomination onwards

- Occupy, as owner or tenant, any land or other premises in the local authority area that they are standing in, during the whole of the 12 months before the day of their nomination
- Their main or only place of work must have been in the local authority area that they are standing in for the 12 month period up to the date of their nomination
- Have lived in the local authority area that they are standing in during the whole of the 12 months before the day of their nomination

What are the disqualification rules?

The rules around standing for election and the disqualifications that apply are complex. Further information can be found in the Electoral Commission's [guidance for candidates and agents](#).

Can someone stand for election in more than one ward within the same local authority?

Anyone who wants to stand as a candidate can submit nomination papers for more than one ward, but they cannot stand for election in more than one ward within the same local authority after the deadline of withdrawals.

When does someone become a candidate?

The earliest that a person can officially become a candidate is 23 March, the last day for the publication of the notice of election. If a person has already declared themselves a candidate at the election, or the party has announced the candidate's intention to stand, then they will officially become a candidate on this date.

If they declare that they will be a candidate at the elections after 23 March, they become a candidate on that day, or the date they formally submit their nominations papers – whichever is earliest.

When will we know who all of the candidates are?

The relevant Returning Officer will publish the full list of candidates standing in their constituency. This will happen in most cases as soon as practicable after 4pm on Wednesday 30 March.

This information will usually be available on the respective local authority website.

Campaigning at the election

When can candidates start campaigning?

Candidates can start campaigning at any time. They do not have to wait until they are validly nominated to declare that they will run for election, ask people to support them or publish campaign material.

Election spending limits apply from the day after a person officially becomes a candidate.

What can candidates say about one another during the campaign?

It is illegal to make a false statement about the personal character of a candidate in order to influence the result of the election. Rules about libel and slander may also apply to election materials.

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

The Electoral Commission does not have a regulatory role in relation to the content of campaign material or what candidates say about each other. However, we do encourage all campaigners to undertake their vital role responsibly and to support campaign transparency.

What are the electoral rules regarding campaign materials?

By law, candidate election material, whether digital or printed, at Scottish council elections must include an 'imprint'. This means including certain details to show who is responsible for the material. This helps to ensure there is transparency about who is campaigning.

More information on the imprint requirements is available in our [imprint factsheet for campaigners](#).

Can candidates see the electoral register?

Once someone becomes a candidate, they 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 electoral area that they are contesting.

Candidates may only use the full electoral register to help them complete their nomination form, to campaign and to check that donations they receive come from a permissible source.

Candidates must not release any details that appear in the electoral register (this is different from information on the open register, which is available for general sale).

Spending and donation rules

What is the regulated period for the May elections?

The regulated period is the period in the run up to an election during which electoral spending rules apply to campaigning. The regulated period for these elections begins the day after someone officially becomes a candidate and ends on polling day, 5 May.

The earliest someone can officially become a candidate is on 23 March

What are the spending limits?

The spending limit for each council election candidate is £806, plus 7p per local government elector registered to vote on the last day for publication of the notice of election in the ward where the candidate is standing.

For example If there are 7,500 electors in a ward, the spending limit is: $£806 + (7,500 \times 0.07) = £1,331$.

Where two or more candidates are standing in the same ward and either have the same election agent, or, use the same campaign rooms, or, publish joint material then the limit is reduced.

Further information on joint spending limits is in our spending and donations [guidance](#) for candidates and agents.

What activities count towards the spending limit?

Candidate spending includes, among other things, the costs of:

- advertising of any kind, such as posters, newspaper adverts, websites or social media
- unsolicited material sent to voters, such as letters, leaflets or emails that are not sent in response to specific queries

Activities that do not count include, among other things:

- use of someone's personal car or other means of transport acquired principally for that person's personal use and provided free of charge
- costs that are reasonably attributable to the candidate's disability or to costs for translation to languages other than English

Who is responsible for candidate spending?

It is the responsibility of the candidate's agent (or the candidate, if they act as their own agent) to fully and accurately report spending. Both the candidate and the agent should ensure they understand the rules and that all spending is properly authorised, recorded and reported. Both the candidate and the agent must make a declaration that their reporting is accurate. Making this statement falsely is an offence.

What happens if a candidate exceeds their spending limit?

Exceeding the spending limit can be a criminal offence. Allegations relating to candidate spending offences at Scottish council elections should be made to Police Scotland.

Whilst the Electoral Commission has a statutory duty to monitor compliance with laws relating to candidate and agent expenses, it is not legally empowered to investigate and impose sanctions for these offences.

What counts as a donation?

The 2022 Scottish council elections are the first council elections in Scotland at which candidates are required to report any relevant donations.

A donation is money, goods, property or services given to a candidate, without charge or on non-commercial terms, and which has a value of over £50.

Anything with a value of £50 or less does not count as a donation.

Who can donate to candidates?

Candidates must only accept donations over £50 from permissible sources. This applies to cash donations and donations in kind.

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 are, amongst others, an individual on a UK electoral register (including overseas electors), most registered UK companies, and UK-registered trade unions. The full list of permissible donors can be viewed on our [website](#).

Can political parties fund their candidates?

Many political parties run a local 'fighting fund' for their candidate. If the fund is managed and controlled by the party and not the candidate, then donations to the fund are usually treated as having been made to the party and the agent does not need to treat them as donations to the candidate, unless the donations are specially made towards the candidate's election campaign.

However, candidates will need to report donations from the local party that are made for the purpose of meeting their campaign spending.

What are the rules on crowdfunding?

Candidates can use crowdfunding websites to raise donations for their campaign. The candidate must know who the money comes from so that they can carry out the permissibility checks, and ensure that there are measures in place to return donations that are from impermissible sources.

The Commission has published [guidance](#) on crowdfunding donations and the rules on permissibility.

How do candidates report their regulated spending and donations?

Details of the candidate's spending and donations must be reported to the local Returning Officer, together with declarations from the agent and candidate confirming the return is complete and correct no later than 35 days after the election result is declared.

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

What are the rules for non-party campaigners?

Non-party campaigners are individuals and organisations that campaign in the run up to elections but do not stand as political parties or candidates.

Under candidate campaigning rules, where a non-party campaigner campaigns for or against one or more candidates in a particular constituency, ward or other electoral area, certain rules apply to spending on this activity within the regulated period.

Local non-party campaigners can spend up to £50 plus 0.5p per local government elector during the regulated period on campaigning for or against a candidate in the ward. A local non-party campaigner cannot spend more than £50 plus 0.5p per elector without a candidate's authorisation.

Further information is on page 35 in our [guidance](#) for candidates and agents.

Registering to vote

What is the registration deadline and how do people register to vote?

The deadline to apply to register to vote is midnight on Monday 18 April. Voters can register online at www.gov.uk/register-to-vote.

People can still apply by completing a paper registration form if they prefer. They can contact their local electoral registration office for forms or download them on [the UK Government's website](#)  .

Who can vote in the elections?

A person can vote in the 5 May elections if they are on the local government register in an area where elections are taking place, and if they are:

- a UK or Irish citizen, or
- a qualifying Commonwealth citizen living in the UK, or

- a qualifying foreign national who is living in Scotland and has permission to enter or stay in the UK, or who does not need such permission, including EU citizens.

British citizens living overseas who are registered as overseas voters cannot vote in Scottish council elections. Service voters stationed abroad are still eligible to vote in Scottish council elections.

More information on eligibility is on our [website](#).

Can someone register at two different addresses?

In some cases, voters may be eligible to register at two different addresses. For example, if they are a student living away from home. It is for the local Electoral Registration Officer to determine whether someone is eligible to register.

If an individual is registered to vote in two different local authority areas in Scotland, then they may only vote in one local authority election on 5 May 2022.

Can prisoners vote?

Some prisoners may vote at these elections. These include:

- Remand prisoners (those who have not been convicted and sentenced) can vote.
- Prisoners serving a combined sentence of 12 months or less anywhere in the UK, who would normally be resident in Scotland.

The voting process

What voting system is used in these elections?

The voting system used to elect councillors is Single Transferable Vote (STV). Each council ward in Scotland will be represented by between 1 and 5 councillors.

How do voters complete their ballot paper?

Voters should mark their ballot paper by numbering the candidates in order of their choice. This means that they should:

- Put a number 1 in the voting box next to their first choice
- Put a number 2 in the voting box next to their second choice
- Put a number 3 in the voting box next to their third choice

And so on.

Voters can make as many or as few choices as they wish. They do not need to number every candidate.

Voting in-person

What should voters know ahead of polling day?

Polling stations will be open between 7am and 10pm on Thursday 5 May. Voters should arrive in plenty of time to avoid missing out on having their say. Any voter who is in a queue of the polling station waiting to vote at 10pm will be able to vote.

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

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

The law relating to obtaining information in polling stations and disclosing such information is complex, but we advise against taking selfies or other photos in the polling station, given the risks that this may be in breach of the law.

How is voting made accessible to disabled voters?

It is a legal requirement to provide a tactile voting device at every polling station. This allows someone who is blind or partially sighted to mark the ballot paper themselves, once the details on the ballot paper have been read out either by their companion or the Presiding Officer. In addition, a large print version of the ballot paper must be displayed inside the polling station for the assistance of voters who are partially sighted. Enlarged hand-held copies, marked as 'sample', must also be available to anyone who requires them.

The Commission has a legal duty to report on the accessibility of the poll and will include our findings in or statutory report on the administration of the poll.

The Commission provides [guidance](#) to polling station staff, to help them make sure that polling stations are accessible to everyone. This information is available for staff who are running these elections.

Absent voting

How to vote by proxy

Voters can register for a 'proxy vote'. This means they ask someone they trust to vote on their behalf. They need to complete and sign a proxy application form and return it to their local electoral registration office by 5pm, Tuesday 26 April.

How to vote by post

If voters do not wish, or are unable, to go to a polling station, they may apply for a postal vote. Voters may apply for a postal vote for a specific election, a specific period of time, or for all elections. They need to complete and sign a postal vote application form and return it to their local electoral registration office by 5pm on Tuesday 19 April.

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

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

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

What safeguards are in place to ensure postal voting is secure?

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

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 national insurance number, before going on to provide the additional information above if they want to cast their vote by post.

Can political parties handle postal votes?

The Electoral Commission has developed a Code of Conduct for campaigners, which applies to all political parties, candidates and their supporters. The Code includes the following guidance for parties, candidates and campaigners.

- Do not assist in completing a ballot paper - instead, campaigners should always refer the voter to the Returning Officer's team who may be able to arrange a home visit or provide assistance at the polling station.

- Do not handle or take any completed ballot papers from voters. Instead, voters should be encouraged to post their postal ballot pack themselves - alternatively, the Returning Officer's team may be able to arrange for it to be collected.

The count and declaration of results

Who is responsible for the count process?

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

When will counts start?

The Convener of the EMB has directed all Returning Officers to commence the count between 8am and 9.30am on Friday 6 May. You should check locally for specific start times for each count.

How are the votes counted?

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

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

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

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

How are the seats allocated using Single Transferable Vote?

There will be between one and five councillor seats available for election in each ward.

To gain one of the seats a candidate must receive a minimum number of votes known as the quota.

The quota is calculated by using the formula below:

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

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

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

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

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

The Electoral Commission has produced an [animation](#)  to explain the STV count process

Can the result be challenged after it has been announced?

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

A petition can be presented by:

- a person claiming to have been a candidate at the election, or
- four people who voted as electors at the election or had a right to vote at the election, except for electors registered anonymously

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

Electoral fraud

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

The primary responsibility lies with the local Returning Officer and the Electoral Registration Officer for each area. They work closely with their local contact from Police Scotland.

Guidance on preventing and detecting electoral fraud in Scotland has been published to support police officers and SPOCs as they put in place plans to prevent and detect electoral fraud in Scotland.

What are the criminal offences that relate to electoral fraud?

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.

The Representation of the People Act 1983 specifies a number of criminal offences relating to electoral fraud. The relevant police force for the area in which the election is taking place would investigate any allegations that an offence may have taken place.

Police Scotland has designated a single point of contact officer (known as a SPOC) to lead on election-related crime in each local authority area in Scotland. People can also choose to contact Crimestoppers anonymously on 0800 555 111.

- **Personation** – It is an offence to vote as someone else (whether that person is living, dead or fictitious), 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 attempt to influence someone's vote by:
 - using or threatening force, violence or restraint
 - inflicting or threatening injury, damage, loss or harm
 - impeding or preventing someone from freely exercising their right to vote – even where the attempt is unsuccessful
- **Bribery** – A person is guilty of bribery if they directly or indirectly offer any reward (financial or otherwise) in order to induce any voter to vote or refrain from voting.
- **Treating** – A person is guilty of treating if either before, during, or after an election they offer food, drink or entertainment to corruptly influence any voter. Treating requires a corrupt intent - it does not apply to ordinary hospitality.
- **False statements** – It is an offence to make or publish a false statement of fact about the personal character or conduct of a candidate in order to affect the return of a candidate at an election. False statements that are not about a candidate's personal character or conduct are not illegal under electoral law, but could be considered as libel or slander. It is an offence to knowingly provide a false statement on a nomination paper.
- **Multiple voting and proxy voting offences** – There are various offences regarding multiple voting and proxy voting, including voting (whether in person, by post or by proxy) when you are not allowed to and voting more than once in the same election.
- **False information in connection with registration and absent voting** – It is an offence to supply false registration information to an Electoral Registration Officer. It is also an offence to

Roles and responsibilities

Returning Officer (RO)

The Returning Officer (RO) is personally responsible for the conduct of the local government election, including the nomination process, counting the votes and declaring the result.

Electoral Registration Officers (EROs)

Electoral Registration Officers (or EROs) are responsible for the preparation and maintenance of the electoral registers and list of absent voters within their area. They must ensure that the electoral registers are as accurate and complete as possible.

Presiding Officers

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

The Electoral Commission

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

- produce guidance for ROs and EROs, set performance standards and report on how electoral administrators perform against these standards
- produce guidance for candidates standing for election and their agents
- produce guidance for parties that are campaigning at the election
- produce guidance for non-party campaigners that are campaigning at the election
- register political parties and non-party campaigners
- raise public awareness of the elections and how to take part in them
- report on the conduct of the elections
- publish details of where political parties get their money from and how they spend it

The Electoral Management Board

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

Page history

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