

The  
Electoral  
Commission

# Media handbook

Scottish Parliament election

Thursday 6 May 2021

# Media contacts and resources

## Media contacts

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## Our channels

[Like us on Facebook](#)  
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## Websites

### [www.gov.uk/register-to-vote](http://www.gov.uk/register-to-vote)

This website is where the public can register to vote online. It is quick and easy to use. Since its launch in June 2014, millions of applications to register to vote have been submitted. Wherever possible, please refer to this site in media coverage about the election to ensure members of the public know where to register.

### [www.electoralcommission.org.uk](http://www.electoralcommission.org.uk)

The Electoral Commission website has a [dedicated section for journalists](#) featuring our press releases and statements. It has information on political party donations in the run-up to the election and has a guidance section with information for candidates and those administering the election.

The website also provides [information for the public on how to register and vote](#), including forms they can print off to register and apply to vote by post or proxy. It has a [postcode search facility](#) allowing people to find contact details for their local electoral registration office as well as polling station and candidate details.

## Additional information on Covid-19 implications

The Electoral Commission has produced a supplementary media handbook focused on the specific provisions and measures that have been introduced in order to hold Covid-safe elections on 6 May 2021. The electoral community have taken steps to help everyone take part safely and confidently, and you can find further information about these as well as how the elections will run in our [Media handbook on elections in the context of Covid-19](#).

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# Logistics

## What elections are taking place on 6 May?

The Scottish Parliament election is taking place on 6 May 2021. There may also be some local government by-elections.

## Roles and responsibilities at the poll

### **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. 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

### **Constituency Returning Officer**

The Constituency Returning Officer (RO) is responsible for:

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

### **Regional Returning Officer**

Each of the eight Regional Returning Officers (RRO) 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; and
- declaration of the regional result.

### **Presiding Officers**

Presiding Officers are appointed by 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. We are accountable to the Scottish Parliament for our responsibilities at Scottish Parliament elections. 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 for Scotland (EMB)**

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 Scottish Parliament and local government elections through the promotion of best practice by providing information, advice or training. The EMB Convener – currently Malcolm Burr, Chief Executive of Comhairle nan Eilean Siar - has the power to issue directions to ROs and to EROs at Scottish Parliament and local government elections. The Convener's directions are issued following consultation with all ROs and EROs and with the Electoral Commission.

## Scottish Parliament election timetable

<b>Event</b>	<b>Date (deadline if not midnight)</b>
Start of regulated period for campaign spending by political parties and non-party campaigners	Wednesday 6 January 2021
Start of 'long campaign' regulated period for candidate spending	Wednesday 6 January 2021
Start of 'short campaign' regulated period for candidate spending	No earlier than Thursday 25 March 2021
<b>Deadline for delivery of nomination papers</b>	No later than 4pm on Wednesday 31 March
Publication of statement of persons nominated, including notice of poll	Not later than 4pm on Thursday 1 April
<b>Deadline to apply to vote by post</b> , postal proxy applications, and for changes to existing postal or proxy votes	5pm on Tuesday 6 April
<b>Deadline to apply to register to vote</b>	Monday 19 April
Deadline for new proxy vote applications	5pm on Tuesday 27 April
<b>Polling day</b>	<b>7am to 10pm on Thursday 6 May</b>
Deadline for emergency proxy applications	5pm on Thursday 6 May
Deadline to apply for a replacement for spoilt or lost postal votes	10pm on Thursday 6 May
Deadline for submission of candidates spending returns to the Returning Officer	Must be submitted within 35 days of the declaration of the result.
Deadline for parties that have spent £250,000 or under, and non-party campaigners who have spent over £10,000 to submit campaign spending returns to the Electoral Commission	Friday 6 August 2016
Deadline for political parties that spent over £250,000 to submit campaign spending returns to the Electoral Commission	Saturday 6 November 2016

# Candidates

## What are the different types of candidate at the Scottish Parliament election?

- **Constituency candidates** are candidates standing for election within one of the 73 constituencies in Scotland.
- **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 regions in Scotland.

A candidate can stand 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.

## 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:

- at least 18 years old; and
- a British citizen, an eligible Commonwealth citizen, a citizen of a member state of the European Union or a qualifying foreign citizen.

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.

## Are there any rules barring a candidate from standing?

The rules around standing for election and the disqualifications that apply are complex. Further information can be found in [Part 1 of the Commission's guidance for candidates](#).

## How does someone become a constituency candidate at the Scottish Parliament election?

Prospective constituency candidates at the May 2021 Scottish Parliament election, must submit the following to their Returning Officer by 4pm on Wednesday 31 March:

- completed nomination and consent to nominations forms
- a deposit of £500.

To stand on behalf of a registered political party, the party must be registered on the Commission's [register of political parties](#) and be listed as allowed to field candidates in Scotland. 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 and emblem 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 [Part 2a of the Commission's guidance for candidates and agents](#).

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

There are two types of regional candidates at Scottish Parliament elections:

- those who are nominated by a political party to stand on the party's list
- those who stand as individual candidates.

If standing on behalf of a registered political party then the Nominating Officer of that 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 party list nomination form, and a consent to nomination for each candidate on the party list, together with a deposit of £500, must be delivered to the Regional Returning Officer by 4pm on 31 March 2021.

Prospective individual candidates at the Scottish Parliament election need to submit the following to the Regional Returning Officer by 4pm on 31 March 2021:

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

For more detailed guidance on how to stand as a regional candidate see [Part 2b of our guidance for candidates and agents](#).

## When will we know who all of the candidates are?

The relevant Returning Officer will publish the full list of candidates standing. This will happen as soon as practicable after 4pm on Wednesday 31 March.

To find out how and where they will publish this list, you will need to contact them directly. [Contact details for Regional Returning Officers and Constituency Returning Officers](#)

# 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.

## Are candidates able to carry out door to door campaigning during the Covid-19 restrictions?

The Scottish Government has published [guidance for anyone taking part in campaign activity for the 6 May Scottish Parliament election](#).

It sets out the high-level approach to campaigning that should be applied consistently across Scotland. At the same time, it makes provision for different rules to apply between council areas for doorstep canvassing if different rates of infection apply.

## What can candidates say about one another during the campaign?

As at all elections, 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 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 a regulatory role in relation to the content of campaign material or what candidates say about each other, though we encourage all campaigners to undertake their vital role responsibly and to support campaign transparency.

## Are there any electoral rules regarding campaign materials?

By law, candidates, parties and non-party campaigners must use 'imprints' on all their printed and digital campaign material. An imprint includes the name and address of the printer and promoter (the person who authorised the material to be printed). It must be included on all printed material such as posters, placards and leaflets and on election material published on the internet that contains text, such as websites and social media posts. 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 2021 Scottish Parliament election is the first election in the UK to introduce a requirement for imprints on digital campaign material. An exemption to the rules applies if you are expressing your personal opinion in material published on your own behalf and on a non-commercial basis.

## 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 whole of the area that they are contesting.

Candidates may only use the full electoral 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 does not apply to details which appear on the open register which is available for general sales.

## 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.

# Spending limits and rules on accepting donations

## Regulated period

## What is the regulated period for the Scottish Parliament election?

The regulated period for constituency and individual regional candidates begins the day after someone officially becomes a candidate and ends on polling day, 6 May 2021. The earliest date someone can officially become a candidate is 25 March 2021 and can be no later than the close of nominations (4pm Wednesday 31 March). Spending towards regional party list candidacies fall under the rules for party spending.

## Spending

### How much can candidates spend on their election campaigns?

The spending limits for the Scottish Parliament election are below. The spending limit for constituency candidates and independent regional candidates is calculated by adding together a base amount and a variable top up, that takes into account the number of registered electors in the constituency or region the candidate is contesting.

Type of candidate	Long campaign limit	Short campaign limit
<b>Constituency candidate (burgh)</b>	£21,500 + 4.2p per elector	£8,700 + 6p per elector
<b>Constituency candidate (county)</b>	£21,500 + 6.3p per elector	£8,700 + 9p per elector
<b>Independent regional candidate</b>	The total of the maximum limit for each constituency in the region for the long campaign	The total of the maximum limit for each constituency in the region for the short campaign
<b>Regional party list candidate</b>	Regional list party candidates cannot incur expenses on their own behalf Spending promoting the party list or any of the candidates on the list counts towards party's regional spending limit	

### What activities count towards the spending limit?

Candidate spending includes 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
- transport costs, such as hire cars or public transport for the candidate or candidate's campaigners
- public meetings
- staff costs, such as an agent's salary, or staff seconded to a candidate
- accommodation, such as a campaign office
- administrative costs, such as telephone bills, stationery, photocopying and the use of databases

Spending on the following does not count towards the spending limit, but does need to be reported after the election:

- personal expenses, including disability expenses relating to a candidate
- disability expenses relating to someone other than the candidate
- reasonable security costs at public events
- reasonable costs for translation to languages other than English

Activities that do not count include:

- anything appearing in a newspaper or on a licensed broadcast channel with the exception of adverts
- facilities used because the candidate is entitled to do so as a candidate, such as a public room for a meeting
- volunteer time including time spent by staff that the candidate does not pay them for
- use of someone's main residence, provided free of charge
- use of someone's personal car or other means of transport acquired principally for that person's personal use and provided free of charge
- use of someone's computing or printing equipment acquired principally for that person's personal use and provided free of charge
- a candidate's deposit
- postage costs relating to the free election address

More information on what spending counts against the spending limit is available in [Part 3 of our guidance to Candidates and Agents](#)

## 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.

## Donations

### What counts as a donation?

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

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

### Who can make donations to candidates?

Candidates must ensure that any donation worth more than £50 is only accepted if it is from a permissible source. 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 in the UK are defined as:

- an individual on a UK electoral register, including overseas electors
- a GB registered political party
- a UK registered company which is incorporated in the UK and carries on business in the UK
- a UK registered trade union
- a UK registered building society
- a UK registered limited liability partnership that carries on business in the UK
- a UK registered friendly society
- a UK based unincorporated association that carries on business or other activity wholly or mainly in the UK and has its main office in the UK

# Campaigning by political parties

## Regulated period

### When do the rules on campaign spending apply to political parties at these elections?

The regulated period for the 2021 Scottish Parliament election, begins on 6 January 2021 and ends on polling day, 6 May 2021.

### 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 our [guidance for political parties campaigning at the 2021 Scottish Parliament election](#)

### What activities count as spending?

Activities included in 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 that aren't in response to specific queries
- the manifesto and other documents setting out a 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 the 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.

## 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 they are reimbursed.
- 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 deposits
- postage costs relating to the election address promoting the party or regional party candidates
- Costs relating to providing security at a public rally or public event. For example, hiring a security agency to provide security services at a party campaign rally
- any reasonable costs relating to translating to a language other than English.
- reasonable costs attributable to a disability an individual may have. For example, providing a party canvasser with a sight disability specialist equipment or dual screens to assist them in telephone canvassing

## Is there a limit on donations that a political party can accept in the run up to 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 our [overview of donations to political parties](#).

## Rules for non-party campaigners

### What organisations or individuals will be classed as 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](#).

### When is the regulated period?

The regulated period for the 2021 Scottish Parliament election began on 6 January 2021 and ends on polling day, 6 May 2021.

### What types of non-party campaigns are there?

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

- **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).
- **Local campaigns:** non-party campaigns for or against one or more candidates in a particular constituency

The Electoral Commission does not regulate local campaigning and complaints about breaches of the rules that apply to local campaigns should be made to Police Scotland.

For an overview of the rules and more detail on rules for non-party campaigners, see our [guidance for non-party campaigners campaigning at the Scottish Parliament election](#).

## What counts as regulated campaign spending?

Spending on these 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 they organise
- transport in connection with publicising the campaign

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

- 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.

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

### General campaigns:

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

<b>Not registered</b>	£10,000 in Scotland
<b>Registered non-party campaigner</b>	£75,800 in Scotland

### Local campaigns:

There is a limit of £500 for campaigns for or against a constituency candidate or against an independent regional candidate. Campaigns for or against a party list candidate will fall under the general campaign rules.

## 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 UK 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.

## 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 a donation.

## 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 in the UK 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.

## 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:

- Broadcasters are subject to [Section 6: Elections and Referendums](#) of the Ofcom Broadcasting Code,

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.

# Voters

## Registering to vote

### Who can vote in Scottish Parliament elections?

A person can register and vote in the Scottish Parliament election if they are resident in Scotland, will be aged 16 or over on Thursday 6 May, and are:

- a British or Irish citizen, or
- a Commonwealth citizen who has leave to remain in the UK, or does not require such leave, or
- a citizen of a European Union country, or
- a qualifying foreign citizen who has permission to enter or stay in the UK, or who does not need such permission

More information on eligibility can be found on our website at <https://www.electoralcommission.org.uk/i-am-a/voter>.

### What is the registration deadline?

The deadline to apply to register is midnight on Monday 19 April 2021.

### What is the deadline for applying to vote by post or by proxy?

The deadline to apply for a postal vote is 5pm, Tuesday 06 April 2021.

The deadline to apply for a proxy vote, except in an emergency, is 5pm, Tuesday 27 April 2021.

The deadline to apply for a proxy vote as a result of an emergency is 5pm, Thursday 6 May 2021.

### How can someone register to vote?

Voters can register to vote online at [www.gov.uk/register-to-vote](http://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 at [www.gov.uk/register-to-vote](http://www.gov.uk/register-to-vote)

## Changes to the franchise in Scotland

Following the Scottish Elections (Franchise and Representation) Act 2020 the franchise for Scottish Parliament and local government elections was expanded to include:

- qualifying foreign nationals (those who have permission to enter or remain in the UK, or who do not need such permission)
- refugees (but not those with a pending asylum application in Scotland)
- prisoners who are serving a sentence of 12 months or less in a UK prison and would usually be resident in Scotland

## Can someone register at two different addresses?

In some cases voters may be eligible to register at two different addresses, for example, if they own two homes or 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. However, it is an offence to vote twice in the same election.

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

Service personnel and their spouses or civil partners, serving in the UK or overseas, can register either at their home address or their service address in the usual way, or as a 'service voter'. Service voters fill out an armed services declaration so they can be registered when away from their home address on duty.

In Scotland, a child aged 14 or over whose parent or guardian is a member of HM Forces is also eligible to register as a service voter. They must be living in Scotland or would be living in Scotland if their parent or guardian were not based overseas.

## Can prisoners vote?

Remand prisoners (those who have not been convicted and sentenced) can vote. Convicted prisoners serving a combined sentence of 12 months or less are eligible to vote.

# Public awareness

## What is the Electoral Commission doing to encourage people to register to vote?

The Commission will run two voter registration campaigns in Scotland from 9 March until the registration deadline of 19 April.



The 'Got 5?' campaign targets the whole electorate, encouraging them to take 5 minutes out of their day to register to vote online, particularly if they've recently moved home.



The 'Welcome to your vote' campaign, targets the newly enfranchised in Scotland (16-17 year olds and qualifying foreign citizens) encouraging them to register and take part in democracy.

Advertising for both campaigns will take place on video-on-demand, radio, online search and social channels, supported by additional PR activity.



A household information booklet for the Scottish Parliament election will also be sent to all households in Scotland during the week commencing 22 March. The booklet contains key election and voting information and will be available in a range of accessible formats and languages including British Sign Language (BSL).

## What resources are available for young people?

To support young people to engage in the election the Commission has created political literacy resources for 14-18 year olds and educators. The resources are designed to help young people understand what they can vote for, what to expect in elections, and how to cast their vote, so they feel confident to take part in upcoming elections and know that their vote matters. They include videos, quizzes, handbooks and PowerPoint presentations all available on our website: [www.electoralcommission.org.uk/learning](http://www.electoralcommission.org.uk/learning).

The Commission has also worked with the Scottish Refugee Council to develop [voting resources for refugee communities](#), which include a facilitator guide for people who work with New Scots, and a voting FAQ, which is available in Arabic, Farsi and Kurdish.

## Partnership work

The Commission is working with a range of partner organisations across Scotland to reach traditionally under-registered or disengaged voters as well as the newly enfranchised.

We have a number of resources available for partners who would like to share our voter information and registration messages on the [democratic engagement section](#) of our website including:

- polling station safety assets (posters, social graphics)
- 'Welcome to your vote' assets (posters, social graphics and copy, web banners, FAQ document for qualifying foreign citizens in Arabic, Urdu, Polish, Chinese and Bengali)
- 'Got 5?' assets (posters, social graphics, web banners)
- press release, FAQ and shielding letter templates for local authorities
- [political literacy resources](#) for educators and young people.
- [voter registration newsletter](#)

## The voting process

### When will polling stations be open?

All polling stations open at 7am and close at 10pm.

### What happens if someone is still queuing to vote at 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**.

## How do voters complete their ballot papers for the Scottish Parliament election?

### **The constituency ballot paper**

A voter will use this ballot paper to vote for a candidate to represent their constituency. In order to vote they need to mark a cross (X) in the box opposite the name of one candidate. The candidate with the most votes becomes the Member of the Scottish parliament for that constituency.

### **The regional ballot paper**

A voter will use this ballot paper to vote for a party or individual candidate to represent their region. In order to vote, they mark a cross (X) in the box opposite the name of one party or individual candidate. In each region, parties and individual candidates win seats based on:

- the number of votes they receive in this regional ballot, and
- the number of constituency seats that parties or individual candidates win in the region.

## Which voting system is used?

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.

## 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.

## 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.

## Voting in person

Registered voters can visit their local polling station between 7am and 10pm on Thursday 6 May to cast their votes. Voters should arrive in plenty of time to avoid missing out on having their say.

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

Voters do not need to take their poll card with them to the polling station but doing so will speed up the process.

## Is voting in person safe?

Polling stations will be safe places to vote in May. Voters who choose to vote in person can help to keep themselves and others safe by:

- wearing a face covering
- bringing their own pen or pencil
- sanitising their hands when entering and leaving the polling station

- keeping a safe distance

Voters should not attend the polling station if they have symptoms of COVID-19, or if they have been asked to self-isolate.

## Voting by post

If voters are unable or do not want to go to a polling station, they can apply for a postal vote. Voters can apply for a postal vote for a specific election, a specific period of time, or for all elections. To vote by post, registered electors need to apply for a postal vote before 5pm, Tuesday 06 April 2021.

- Postal ballot papers will be sent directly to voters.
- Voters should complete their ballot papers and send them back straight away, so they arrive before 10pm on Thursday 6 May.
- Votes arriving after 10pm on Thursday 6 May will not be counted. The only exception is if a person is in a queue at a polling station at 10pm for the purpose of returning a completed postal ballot.
- If voters don't leave enough time to post their vote, they may take it by hand to a polling station in their voting area from 7am to 10pm on polling day.
- Voters must also remember to complete the postal voting statement – with their signature and date of birth or their vote will not be counted.

## Voting by proxy

Voters can register for a 'proxy vote'. This means they ask someone they trust to vote on their behalf for the candidate they wish to vote for. They need to complete and sign a form and return it to their local electoral registration office by 5pm, Tuesday 27 April 2021.

## What happens if someone is required to quarantine or self isolate just before polling day?

If a person is following public health or medical advice which has required them to quarantine or self isolate after the deadline for a normal postal or proxy vote application then they can apply for an emergency proxy on the grounds of Covid-19 up until 5pm on polling day. They should contact their local Electoral Registration Office to do this.

## What provisions are made to make voting 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 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 the local government elections.

## Can voters take selfies or other photos in the polling station?

The law relating to obtaining information in polling stations and disclosing such information is complex. Given the risk that someone taking a photo inside a polling station may be in breach of the law, whether intentionally or not, we advise against taking any photos inside polling stations.

## 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, compared to 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.

# The count

## Who is responsible for the count?

Each Returning Officer decides when the count takes place, taking into account local circumstances.

## When will the count start?

The Convener of the Electoral Management Board for Scotland has directed Returning Officers to begin the count on the morning of Friday 7 May

## Who can attend the count?

The following people are entitled by law to attend the count:

- the relevant Returning Officer/ Regional Returning Officer and their staff
- candidates and one guest
- election agents
- counting agents
- Electoral Commission representatives
- accredited observers, and
- any other person permitted to attend by the Returning Officer

Each Returning Officer will need to make decisions on how best to control the number of people at the verification and count based on the size of the count venue, and the impact of physical distancing measures in place.

Members of the media and photographers who want to attend or film at a count must contact the relevant Returning Officer to request permission in advance to attend the count and declaration of the results.

## What happens with doubtful ballot papers?

Once the verification phase of the count is complete, ballot papers will be sorted by candidate and any doubtful ballot papers – those where the voters intention may be uncertain - will be identified. The Returning Officer will adjudicate any doubtful ballot papers in the presence of candidates and agents and the Commission has provided [guidance](#) to help them do this.

The RO will announce how many ballot papers were rejected when they announce the results of the election.

Any ballot papers which are considered 'good' in this process are returned and allocated to the relevant candidate or party.

## How does the opening of postal votes fit into the process?

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.

## Can the result be challenged after it has been announced?

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.

For more information about challenging the result of an election, [see part 6 of the Electoral Commission's guidance for candidates and agents](#).

# Electoral Fraud

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

Each division of Police Scotland has a designated single point of contact (known as a SPOC) to lead on election-related crime, who will give advice to local police officers. 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.

## What are the criminal offences that relate to electoral fraud?

- **Personation** – where an individual votes 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 defamation. 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 supply false information for a postal or proxy vote.

## 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.

## Responsibilities for combatting electoral fraud

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

The Electoral Commission has developed a [Code of Conduct for campaigners](#), which applies to all political parties, candidates and their supporters. It covers the handling of postal vote applications and postal ballot packs, behaviour outside polling places and the reporting of allegations of electoral fraud. In particular, the Code says that parties, candidates and campaigners:

- should never assist in completing a ballot paper - instead, campaigners 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 papers from voters. Instead, voters should be encouraged to post their postal ballot pack themselves - alternatively, the Returning Officer's staff may be able to arrange for it to be collected.

The law does not prohibit postal votes from being handled by candidates, parties and campaigners.

### What happens if a political party breaches the Code of Conduct?

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

### 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 Scotland contact.

The Electoral Commission has worked with Police Scotland and the Electoral Management Board to produce [Guidance on preventing and detecting electoral fraud in Scotland](#)