

## Council elections in Scotland

# Guidance for candidates and agents

## Overview document

Published October 2016 (last updated November 2021)

This document applies to council elections in Scotland. Our guidance and resources for other elections can be accessed from our website at:

<https://www.electoralcommission.org.uk/i-am-a/candidate-or-agent>

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## Purpose of our guidance for candidates and agents

1.1 Our guidance aims to provide practical advice for anyone who wants to stand as a candidate or be an agent at a Council election in Scotland. It covers the main steps towards standing as a candidate, the campaign and election periods, the declaration of the results and election spending. It includes relevant factual material as well as a guide to sources of further information. Standing for election can be complicated, but we hope that our guidance will make it as straightforward as possible.

1.2 If you are thinking of standing for election, you may also be interested in finding out more about what being a councillor would involve. The [Improvement Service](#) and the [Convention of Scottish Local Authorities](#) (COSLA) both provide information on the role of a councillor that you can read.

Data protection legislation applies to the processing of all personal data.

Please contact the [Information Commissioner's Office](#) for further information about how the current data protection legislation affects you.

## How to use our guidance

1.3 Our guidance is made up of six parts, setting out the different stages which candidates and agents need to go through when standing at a council election.

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

1.5 The following parts make up our candidate and agent guidance for council elections in Scotland:

- [Part 1 – Can you stand for election?](#)
- [Part 2a – Standing as an independent candidate](#)
- [Part 2b – Standing as a party candidate](#)
- [Part 3 - Candidate spending](#)
- [Part 4 – The campaign](#)
- [Part 5 – Your right to attend key electoral events](#)
- [Part 6 – After the declaration of results](#)

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

1.7 Once satisfied that you can stand, you should read [Part 2a](#) of our guidance (if you are an independent candidate) or [Part 2b](#) (if you are standing as a party candidate), which deal with the nominations process and guide you through which forms you need to submit and by when.

1.8 Candidates and agents at council elections must follow rules about how much they can spend, who they can accept donations from and what they must report after the election. Failure to follow the rules could lead to you committing an offence and losing your seat, if elected. [Part 3](#) of our guidance explains the rules.

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

1.10 Candidates and agents also have a right to attend key electoral events. These are: the opening of postal votes; the poll; and the count. Others can also be appointed to attend these electoral events. Details on your rights and what to expect at these events are provided in [Part 5](#).

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

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

For information on the Scottish Government's [Access to Elected Office Fund Scotland](#), which provides financial assistance to disabled candidates standing for election, see [Part 3: Candidate spending](#) for more details.

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## Terminology used in the guidance

1.13 At council elections, the council area is subdivided into electoral areas for the purposes of administering the election. Throughout the parts we have used the term 'ward' to refer to the electoral area.

## The electoral system

1.14 The voting system used for council elections in Scotland is the Single Transferable Vote (STV). This means that voters will mark their ballot paper by ranking the candidates in order of preference using numbers. They will be asked to write the number 1 in the voting box next to their first choice candidate, a number 2 next to their second choice, a 3 next to their third choice and so on. Voters can make as many or as few choices as they wish. Detailed information on how the votes will be counted is provided in [Part 5](#).

## Who does what at a council election in Scotland and how to contact them?

### The Returning Officer

1.15 Council elections are run by the Returning Officer, who is normally a senior officer of the local authority and independent of the authority in respect of their electoral functions. You will be able to contact the Returning Officer for your area by contacting your local elections office. Addresses and telephone numbers of all elections offices can be found on our website [www.electoralcommission.org.uk/i-am-a/voter](http://www.electoralcommission.org.uk/i-am-a/voter).

1.16 The Returning Officer will offer briefings ahead of the election and we strongly encourage you or your agent to attend, even if you have been an agent or stood for election before.

## The Electoral Registration Officer

1.17 The Electoral Registration Officer is responsible for the register of electors and absent voters' lists for each local council area. The same person may have been appointed as the Electoral Registration Officer for more than one local council area. You can find the contact details for your Electoral Registration Officer at [www.electoralcommission.org.uk/i-am-a/voter](http://www.electoralcommission.org.uk/i-am-a/voter)

## The Electoral Management Board for Scotland

1.18 The Electoral Management Board for Scotland is responsible for co-ordinating the administration of Scottish council elections. The Board is headed by the Elections Convener who has the power to issue directions to Returning Officers and Electoral Registration Officers in respect of council elections.

## The Electoral Commission

1.19 We are an independent statutory body established in November 2000 by the Political Parties, Elections and Referendums Act 2000. We are currently headed by ten Commissioners, including a Chair. We report directly to the UK Parliament through a committee chaired by the Speaker of the House of Commons.

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

1.21 For Scottish Parliament and council elections in Scotland, we take on a number of roles in relation to the election, such as the registration of political parties and promotion of public awareness. We also report to the Scottish Parliament on the administration of Scottish Parliamentary and council elections.

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

1.23 We are here to help, so please get in touch if you have any questions.

## Contacting us

1.24 If you have any questions, please contact us at:

Email: [infoscotland@electoralcommission.org.uk](mailto:infoscotland@electoralcommission.org.uk)

Tel: 0131 225 0200