

Council elections in Scotland

Guidance for candidates and agents

Part 2a of 6 – Standing as an independent candidate

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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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Essential information

This section of the document contains our guidance on standing as an independent candidate at council elections in Scotland.

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

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

Deadlines mentioned in this document are generic. We have published a [generic timetable](#) on our website. For any by-elections, you will be able to obtain a copy of the specific timetable for that election from the Returning Officer.

For scheduled elections, we will publish an election timetable, which you can download from our [website](#).

We are here to help, so please contact us if you have any questions. See our [Overview document](#) for contact details.

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.

Completing your nomination form

1.1 Legislation removing the requirement for candidates to have their home address published on the ballot paper and the notice of poll now applies at Scottish local government elections.

1.2 To become nominated as a candidate at a council election in Scotland, you need to submit a completed set of nomination papers to the place fixed by the Returning Officer by 4pm on the 23rd working day before the poll¹. This deadline is set out in law and cannot be changed for any reason.

1.3 You can deliver your nomination form until 4pm on any working day after the notice of election is published up until the deadline for nominations². The Electoral Management Board for Scotland may direct when the notice of election should be published by all Returning Officers. The notice of election will set out the times and place for delivery.

1.4 You must submit a nomination form, which includes your consent to nomination and a completed home address form, for your nomination to be valid³.

1.5 You can obtain nomination papers from the local elections office. Contact [addresses and telephone numbers](#) will be updated prior to scheduled elections. Alternatively, the Commission has produced a [nomination pack](#) that you could use.

1.6 If you, your agent or someone you trust are unable to complete the nomination form, the Returning Officer can help by preparing the form for your signature⁴.

1.7 The Returning Officer may also be able to offer informal checks of your completed nomination form before you submit it. You should find out from the Returning Officer whether they plan to offer informal checks.

The notice of election must be published not earlier than 35 days and not later than 28 days before the poll.

The RO can hold your nomination paper invalid if the particulars of your nomination are not as required by law.

The RO can also reject your nomination if they conclude that it is clearly a sham, for example, if an obviously fictitious name or address are provided.

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1.8 Note that any information you provide on your nomination form must be true to the best of your knowledge. It is an offence to provide a false statement on your nomination form. Providing a false statement could invalidate your election, and is also punishable by a maximum fine of £10,000 (or an unlimited fine if convicted on indictment) and/or imprisonment⁵.

The nomination form

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

- **Your full name⁶**. This means your surname and other names in full. Using initials only could lead to your nomination form being rejected. Also, do not use prefixes such as Mr, Mrs, Dr or Cllr as part of your name. The same applies to suffixes. However, if you have a title, you can use this as your full name. For example, if your actual name is Joseph Smith but your hereditary title is Joseph Avon, you can use the name Joseph Avon as your full name.
- **Your consent to nomination⁷**. On the [nomination form](#) you will be asked to state that you are qualified and not disqualified from standing.

You must meet at least one of the qualifications to stand for election, as explained in [Part 1: Can you stand for election?](#) On the nomination form you should state as many of the qualifications as apply.

Unless you are relying on the qualification of having lived in the area for the whole of the last 12 months or on being registered as an elector in the local council area, your home address does not need to be in the council area in which you wish to stand.

- **Subscription of the nomination paper⁸**. You are not allowed to sign (subscribe) the nomination form giving your consent to nomination earlier than one calendar month before the deadline for submitting your nomination

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For details on descriptions that candidates standing on behalf of a registered party can use, see [Part 2b: Standing as a party candidate](#).

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

form⁹. Your signature must be witnessed, and the witness must give their full name and sign the form. The witness must also give their full name and full address on the home address form¹⁰. There are no restrictions on who can be a witness¹¹.

1.10 The following is optional:

- **A commonly used name**¹² – if you use a name that is different, or partly different, from your actual name and you wish this to appear on the ballot paper, you need to state this on the nomination form. More details are provided in paragraph **1.67**.
- **A description**¹³ – if you want the word ‘Independent’ to appear on the ballot paper underneath your name, you need to state this on the nomination form. No other descriptions are allowed for candidates who are not standing on behalf of a registered political party. Alternatively, you may choose not to have a description at all by leaving this part of the form blank.

Home address form¹⁴

1.11 On the home address form the candidate must state:

- their full name
- their home address in full
- their qualifying address, or, where they have declared on their nomination paper that they meet more than one qualification, their qualifying addresses
- which of the qualifications their qualifying address or addresses relate to
- the full name and the home address in full of the witness (this is the same person who witnessed the nomination paper)

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1.12 The candidate's home address:

- must be completed in full
- must not contain abbreviations
- must be their current home address
- must not be a business address (unless the candidate runs a business from their home)

1.13 If any detail of the home address is wrong or omitted, the nomination is not automatically invalid if the description of the place is such as to be commonly understood.

1.14 A candidate may choose for their home address to be made public on the notice of poll and the ballot paper.

1.15 In this case the home address form must contain, in addition to the full name and address, a statement signed by the candidate that they require the home address to be made public.

1.19 If such statement is not completed; the form must include:

- if their home address is in the UK, the name of the relevant area in which their home address is situated
- if their home address is outside the United Kingdom, the name of the country in which it is situated.

Meaning of qualifying address and relevant area¹⁵

1.20 Qualifying address means:

- where a candidate has selected option (a) on the nomination paper, the address in full where they are registered as a local government elector
- where they have selected option (b) on the nomination paper, a description and the address of that land or premises which they have occupied as owner or tenant
- where they have selected option (c) on the nomination paper, the address of their place of work

- where they have selected option (d) on the nomination paper, the address or addresses in full of where they have resided.

1.21 Relevant area means:

- **For home addresses in Scotland:**
 - the local government area in which the address is situated.
- **For home addresses in Northern Ireland:**
 - the local government district in which the address is situated.
- **For home addresses in England:**
 - if the address is within a district for which there is a district council, that district;
 - if the address is within a county in which there are no districts with councils, that county;
 - if the address is within a London borough, that London borough;
 - if the address is within the City of London (including the Inner and Middle Temples), the City of London; and
 - if the address is within the Isles of Scilly, the Isles of Scilly.
- **For home addresses in Wales:**
 - if the address is within a county, that county;
 - if the address is within a county borough, that county borough.

1.22 The Commission has produced a home address form as part of the [nomination pack](#) for local government elections in Scotland.

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Submitting your nomination form

1.23 Your nomination papers, including the home address form must be delivered to the place specified on the notice of election by 4pm on the 23rd working day before the poll¹⁶. It is your responsibility to ensure that your nomination papers are delivered in the correct manner and by the required deadline. We recommend that you, your agent, or someone you trust delivers them, so you can be sure they are delivered to the Returning Officer in time.

How must nomination papers be submitted?

1.24 The nomination form and the home address form must be delivered by hand and cannot be submitted by post, fax, e-mail or other electronic means¹⁷.

1.25 The **original version** of the forms must be submitted¹⁸. A nomination form which has been sent as an attachment to an email to be printed out, for example, would make it a 'copy document' and not the original document.

When must nomination papers be submitted?

1.26 You should submit your nomination papers as early as possible to give the Returning Officer an opportunity to conduct an informal check and to give you sufficient time to submit a new nomination form should your first contain any errors.

1.27 The Convener of the Electoral Management Board for Scotland may direct when the notice of election should be published by all Returning Officers. Nomination papers can be delivered until 4pm on any working day after the notice of election is published until 4pm on the 23rd working day before the poll¹⁹. In most cases, the notice of election will be published on the council's website.

1.28 Usually, nomination papers can only be delivered during normal office hours. The Returning Officer will confirm the

exact details of when and where nomination papers can be delivered on the notice of election.

1.29 You should contact the Returning Officer as soon as possible to find out what arrangements are in place for submitting the nomination papers. You will be able to contact the Returning Officer via your local elections office. Contact [addresses and telephone numbers](#) will be updated prior to scheduled elections.

1.30 After you have submitted your nomination papers you will be sent a notice by the Returning Officer to let you know whether or not your nomination is valid²⁰.

1.31 If, after you have submitted your nomination papers you change your mind and no longer want to stand for election, you can withdraw, provided you do so by 4pm on the 23rd working day before the poll²¹. For more details on withdrawing, see below.

Withdrawing

1.32 You may withdraw as a candidate by signing and submitting a withdrawal notice, which must be witnessed by one other person. There are no restrictions on who may submit the notice, but it must be delivered by hand²². Your witness must also sign the notice. A [notice of withdrawal](#) can be obtained from the Returning Officer or downloaded from our website.

1.33 The withdrawal notice must be submitted by the last time for withdrawals, by 4pm on the 23rd working day before the poll²³. After the withdrawal deadline it is not possible to withdraw from the election, and your name will appear on the ballot paper. If the election is uncontested, you will be declared elected.

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What happens after the close of nominations?

1.34 The Returning Officer will publish a notice of poll as soon as practicable after 4pm on the 23rd working day before the poll. The notice will include²⁴:

- the full or commonly used names, as the case may be, of all candidates validly nominated
- the name of the relevant area (or the country if the home address is situated outside the UK) in which each candidate's home address is situated, or if they have requested to have their home address made public, the home address of those candidates
- each candidate's description (if any)

Being validly nominated in more than one ward

1.35 If you are validly nominated in more than one ward within the same council area, you must withdraw from all wards but one before the deadline for withdrawals by 4pm on the 23rd working day before the poll. If you do not withdraw from all but one ward, you will be deemed to have withdrawn from all of the wards²⁵.

Inspecting other candidates' nomination forms

1.36 After 4pm on the day after the deadline for nominations until the day before the poll, nomination forms that have been delivered are open to inspection during normal office hours, and anyone can take a copy of them²⁶.

Inspecting the home address form²⁷

1.37 Only certain people are entitled to inspect home address forms. These people are:

- any candidate standing in the same local government area

- the election agent of any candidate standing in the same electoral area
- if the candidate is acting as their own agent, any person nominated by them)

1.38 Inspections by those listed above can take place during normal office hours on any working day from 4pm on the day after the deadline for nominations until the day before the poll, No person is permitted to take an extract from them or make a copy of them.

Will the election be contested or uncontested?

1.39 After the close of nominations, the Returning Officer will establish whether or not there is a need to hold a poll in the ward. If there are more candidates than there are seats in the ward after the deadline for withdrawals, there will be a poll²⁸.

1.40 If, however, after the deadline for withdrawals the number of validly nominated candidates in a ward is less than or equal to the number of seats to be filled, those candidates are declared to be elected²⁹.

1.41 In this case, the Returning Officer will declare those candidates to be elected to the council by 11am on the day the election would have been held and will give public notice of the names of those declared elected³⁰.

Appointing your election agent and other agents

1.42 The election agent is the person responsible for the proper management of your election campaign and, in particular, for its financial management. You must have an election agent. If you do not appoint an agent, you will become your own agent by default³¹.

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

See [Part 3: Spending](#) for further details.

Further information on taking up office is included in [Part 6: After the declaration of result](#).

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

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1.43 Once appointed, payments for election expenses can only be made by or through the election agent³².

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

- the opening of postal votes³³
- the poll³⁴
- the count³⁵

Who can be an election agent?

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

1.46 However, the following people are not allowed to be election agents³⁶:

- the Returning Officer or a member of their staff
- a partner or clerk of the Returning Officer or a member of their staff
- anyone not entitled to vote at the election as a result of the report of an election court or a conviction for a corrupt or illegal practice under the Representation of the People Act 1983

Appointing an election agent

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

1.48 You, or someone on your behalf, must declare in writing the name, address and office address of your election agent to the Returning Officer by 4pm on the 23rd working day before the poll³⁷. You should also sign the declaration. The declaration must also be signed by the agent or be accompanied by a written declaration by the agent to show their acceptance of the appointment³⁸. The original signed version must be submitted in person or by post, but may not be

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

submitted by fax, e-mail or other electronic means. If you are appointing yourself as the agent, you do not need to sign or provide a separate declaration showing the acceptance of your own appointment.

1.49 The Returning Officer may provide a declaration form, or you could use the [form produced by the Commission](#). If you do not appoint someone else as your agent by the deadline, you will automatically become your own agent³⁹.

1.50 Your agent must have an office address to which any legal notices can be delivered and therefore must be a physical address – PO boxes or similar mailboxes cannot be used⁴⁰.

1.51 Your agent's office address must be⁴¹:

- within the same local government area where the election is being held, or
- within the UK Parliamentary constituency included in the local government area, or
- within one of the constituencies or adjoining constituencies that are either partially or wholly included in the local government area

1.52 The agent's office address will often be their home address, but it could be an office set up for the election.

1.53 If you act as your own election agent, unless you provide an office address, your home address as provided on the home address form will be published on the notice of election agents⁴².

1.54 This is the case even where you have chosen not to make your home address public on the notice of poll and ballot papers.

Revoking an election agent's appointment

1.55 You can revoke the appointment of your election agent at any time, including after polling day, and a new appointment

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can be made in the same manner as outlined above. If you revoke your election agent's appointment and do not appoint anyone else, you will be deemed to be your own election agent⁴³.

1.56 If you are acting as your own agent you can revoke your own appointment and appoint someone else as your agent⁴⁴.

1.57 Once an agent has accepted their appointment, they cannot resign and must fulfil the duties required of them unless you revoke their appointment⁴⁵.

Appointing postal voting, polling and counting agents

1.58 You may also appoint other people as agents to attend postal vote openings, polling stations and the count⁴⁶.

1.59 Anyone, apart from those listed in paragraph **1.46**, can be appointed as a postal vote, polling or counting agent. The same person may be appointed as a polling, postal voting or counting agent for more than one candidate. Both you and your election agent can also automatically act as one of these agents without the need of an official appointment⁴⁷.

1.60 You can appoint any number of polling agents to attend each polling station, but only one polling agent for each candidate can be present in a polling station at any time. A polling agent can be appointed to attend multiple polling stations⁴⁸.

1.61 The Returning Officer will tell you the maximum number of postal voting and counting agents you can appoint. All candidates will be allowed to appoint exactly the same number⁴⁹.

1.62 The request to appoint these agents must be made in writing to the Returning Officer. It must contain the names and addresses of the people being appointed⁵⁰. The Returning Officer will provide forms you can use for this, or you can find [postal voting](#), [polling](#) and [counting](#) agent appointment forms on the Commission's website.

1.63 The deadline for appointing these agents will depend on the process they are to attend. Polling and counting agents must be appointed by not later than the fifth working day before the poll⁵¹. However, appointment forms for postal voting agents only need to be submitted to the Returning Officer by the time fixed for the opening of postal votes they want to attend⁵². The Returning Officer will give you at least 48 hours' notice before the scheduled start of each postal vote opening session⁵³.

1.64 If an agent dies or becomes incapable of acting, you may appoint another agent in their place by submitting the relevant appointment form to the Returning Officer⁵⁴. Any new appointment in these circumstances must be made without delay.

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

Death of a candidate

1.66 If a candidate dies during the election period, see paragraph **1.75** for further information on how this will affect the election.

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Supplementary information

Commonly used name(s)

1.67 If you commonly use a name that is different or partly different from your actual name, you can ask for your commonly used name(s) to be used instead of your actual name⁵⁵. For example, you may be known by your abbreviated name 'Andy', rather than your full first name 'Andrew'. In that case, you can write 'Andy' into the commonly used forename box on the nomination paper if you would rather that name appear on the ballot paper.

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

1.69 You can request to use a commonly used forename, surname or both.

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

1.71 Any commonly used name(s) would then appear on:

- the notice of poll
- the ballot papers

1.72 The Returning Officer will disallow commonly used names that are likely to mislead or confuse electors, or are obscene or offensive. If the name(s) are not permissible, the Returning Officer will write to you stating the reason for rejection. In those cases, your actual name will be used instead⁵⁶.

1.73 If either the commonly used forename or surname box on the nomination paper is left blank, then your actual forename

or surname, depending on which commonly used name box has been left blank, will be used.

1.74 It is an offence to give a false statement on your nomination form⁵⁷. Therefore if you choose to provide a commonly used name you must ensure that it is a forename or surname which you commonly use.

Death of a candidate

1.75 The procedure to be followed if the Returning Officer is notified of a candidate's death will depend on whether or not the deceased candidate was standing on behalf of a political party.

1.76 If an independent candidate dies, i.e. a candidate using the description 'Independent' or no description at all, then the poll will continue⁵⁸.

1.77 If a party candidate dies, then the poll will be cancelled⁵⁹. A new notice of election will be published on the first working day after the end of the period of seven days starting on the day proof of death is given to the Returning Officer. Candidates already validly nominated do not have to be nominated a second time⁶⁰.

1.78 Should a fellow candidate die during the campaign, the Returning Officer will provide you with further guidance.

1.79 If an already elected candidate dies after the declaration of the result, a by-election would be needed to fill the vacancy.

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- ¹ Rule 1(1) Schedule 1 Scottish Local Government Elections Order 2011 (Local Government Rules 2011)
 - ² Rule 1(1) Local Government Rules 2011
 - ³ Rules 4 and 5 Local Government Rules 2011
 - ⁴ Rule 6(2)(b) Local Government Rules 2011
 - ⁵ Section 65B Representation of the People Act (RPA) 1983
 - ⁶ Rule 4(2) Local Government Rules 2011
 - ⁷ Rule 5 Local Government Rules 2011
 - ⁸ Rule 6 Local Government Rules 2011
 - ⁹ Rule 5 Local Government Rules 2011
 - ¹⁰ Rule 4(10) Local Government Rules 2011
 - ¹¹ Rule 6(1) Local Government Rules 2011
 - ¹² Rule 4(3) Local Government Rules 2011
 - ¹³ Rule 4(4)(b) Local Government Rules 2011
 - ¹⁴ Rule 4(2) Local Government Rules 2011
 - ¹⁵ Rule 4(12) Local Government Rules 2011
 - ¹⁶ Rules 1(1) and 4(1) Local Government Rules 2011
 - ¹⁷ Rule 4(1) Local Government Rules 2011
 - ¹⁸ Rule 4(5) Local Government Rules 2011
 - ¹⁹ Rule 1(1) Local Government Rules 2011
 - ²⁰ Rule 7(6) Local Government Rules 2011
 - ²¹ Rules 8 and 1(1) Local Government Rules 2011
 - ²² Rule 8 Local Government Rules 2011
 - ²³ Rule 1(1) Local Government Rules 2011
 - ²⁴ Rules 1(1) and 20 Local Government Rules 2011
 - ²⁵ Rules 9 and 1(1) Local Government Rules 2011
 - ²⁶ Rule 11 Local Government Rules 2011
 - ²⁷ Rule 11A Local Government Rules 2011
 - ²⁸ Rule 12(1) Local Government Rules 2011
 - ²⁹ Rule 12(2) Local Government Rules 2011
 - ³⁰ Rule 12(3) Local Government Rules 2011
 - ³¹ Sections 67 and 70(1) RPA 1983
 - ³² Section 73 RPA 1983
 - ³³ Regulations 68 and 69(1) Representation of the People (Scotland) Regulations 2001 (RPR (Scotland) 2001)
 - ³⁴ Rule 26(1)(a) Local Government Rules 2011
 - ³⁵ Rule 26(1)(b) Local Government Rules 2011
 - ³⁶ Section 99 RPA 1983
 - ³⁷ Section 67(1) and 69 RPA 1983
 - ³⁸ Section 67(5) RPA 1983
 - ³⁹ Section 70(1) RPA 1983
 - ⁴⁰ Section 69(1) RPA 1983
 - ⁴¹ Section 69(2) RPA 1983
 - ⁴² Section 70(5)(a) RPA 1983
 - ⁴³ Sections 67(3) and 70(2) and (3) RPA 1983
 - ⁴⁴ Section 70(3A) RPA 1983

⁴⁵ Section 67(3) RPA 1983

⁴⁶ Regulation 69(1) RPR (Scotland) 2001 and Rule 26(1) Local Government Rules 2011

⁴⁷ Rule 26(8) and (9) Local Government Rules 2011, Regulations 68 and 69(1) and (7) RPR (Scotland) 2001

⁴⁸ Rule 28(1) and (3) Local Government Rules 2011

⁴⁹ Regulation 69(1) RPR (Scotland) 2001 and Rule 26(2) Local Government Rules 2011

⁵⁰ Regulation 69(2) RPR (Scotland) 2001 and Rule 26(3) Local Government Rules 2011

⁵¹ Rule 26(3) Local Government Rules 2011

⁵² Regulation 69(2) RPR (Scotland) 2001

⁵³ Reg. 80 RPR (Scotland) 2001

⁵⁴ Section 67(4) RPA 1983, Regulation 69(4) RPR (Scotland) 2001, Rule 26(4) Local Government Rules 2011

⁵⁵ Rule 4(3) Local Government Rules 2011

⁵⁶ Rule 14(7) and (8) Local Government Rules 2011

⁵⁷ Section 65B RPA 1983

⁵⁸ Rule 62 Local Government Rules 2011

⁵⁹ Rule 65(2) Local Government Rules 2011

⁶⁰ Rule 65(4) and (5) Local Government Rules 2011